

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, November 15, 2022

City Council Chambers at City Hall, 300 Laporte Ave, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

## NOTICE:

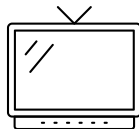
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

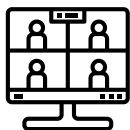
## How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, [fcgov.com/fctv](https://fcgov.com/fctv)

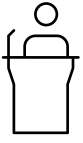
*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.*

*A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.*



## There are four options for members of the public who would like to participate in Council meetings:

### Comment in real time:



In person attendees can address the Council in the Chambers. Speakers are required to sign up to speak on sign up sheets on the tables just outside the Chambers.



*During the public comment portion of the meeting and discussion items:*  
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

Full instructions for online participation are available at [fcgov.com/councilcomments](https://fcgov.com/councilcomments).

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using the call in number and meeting ID below:

Call in number: 346-248-7799

Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press \*9 to indicate a desire to speak.

### Submit written comments:



Email comments about any item on the agenda to [cityleaders@fcgov.com](mailto:cityleaders@fcgov.com)



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

**Documents to Share:** *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting. Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.*

**NOTE:** *All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.*



# City Council Regular Meeting Agenda

**November 15, 2022 at 6:00 PM**

Jeni Arndt, Mayor  
Emily Francis, District 6, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Tricia Canonico, District 3  
Shirley Peel, District 4  
Kelly Ohlson, District 5

City Council Chambers  
300 Laporte Avenue, Fort Collins  
& via Zoom at  
<https://zoom.us/j/98241416497>

Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Xfinity

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Anissa Hollingshead  
City Clerk

## **PROCLAMATIONS & PRESENTATIONS 5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

[PP 1.](#) Proclamation Declaring November 2022 as Transgender Acceptance Month.

## **REGULAR MEETING 6:00 PM**

### **B) CALL MEETING TO ORDER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

### **E) CITY MANAGER'S AGENDA REVIEW**

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

### **F) COMMUNITY REPORTS- None.**

### **G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS** (Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process\*\* and not to Council.*

- *Those who wish to speak are required to sign up at the table in the lobby, or online if participating remotely.*

- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers are asked by the presiding officer to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting). Those participating online will be called to speak following those attending the meeting in person.*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state his or her name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[\*\*For questions about the development review process or the status of any particular development, consult the Development Review Center page on the city's website at <https://www.fcgov.com/developmentreview/>, or contact the Development Review Center at 970.221.6760.]*

## **H) PUBLIC COMMENT FOLLOW-UP**

## **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

### **CONSENT CALENDAR**

*The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:*

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

#### **1. Consideration and Approval of the Minutes of the October 4, 2022 Regular Council Meeting.**

The purpose of this item is to approve the minutes of the October 4, 2022 regular Council meeting.

#### **2. Second Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2023.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, sets the Downtown Development Authority ("DDA") Budget.



The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$7,800,493
DDA Operations & Maintenance	\$2,030,378
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The Ordinance sets the 2023 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2023.

**3. Second Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

**4. Second Reading of Ordinance No. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates \$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

**5. Second Reading of Ordinance No. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

**6. Second Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, makes annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

**7. Second Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. A resolution authorizing the execution of the intergovernmental grant agreement was adopted on November 1, 2022 with First Reading of this Ordinance.

**8. Second Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, updates the City Code's existing references to Land Use Code to the new name Land Development Code.

**9. Second Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, extends the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization is set to expire on December 1, 2022. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

**10. Second Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

**11. Second Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Annual Appropriation and Budget Ordinance. The Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate

Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

## **12. Items Relating to 2023 Utility Rates, Fees, and Charges.**

A. Second Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. Second Reading of Ordinance No. 128, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. Second Reading of Ordinance No. 129, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. Second Reading of Ordinance No. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. Second Reading of Ordinance No. 131, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

F. Second Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. Second Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. Second Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts Ordinances related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

**Items (A-D)** – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

**Items (E-H)** – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs).

## **13. Second Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Income-Qualified Assistance Program (IQAP) providing income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021,

Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022 and provided staff direction for presentation to Council.

**14. First Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.**

The purpose of this item is to bring forward an off-cycle supplemental appropriation of Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.

The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service's territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.

Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e. January 2023). Utilities staff will need vendor support to complete this major software version upgrade.

As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise's share of this expense would be 31.6% and the Electric Utility Enterprise's share would be 68.4%.

The total supplemental appropriation being proposed for your consideration is for \$629,588.

**15. First Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.**

The purpose of this item is to recommend the 2023 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

**16. First Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

The purpose of this item is to consider an ordinance extending the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.

**17. Resolution 2022-110 Approving the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and Appointing District Directors.**

The purpose of this item is to approve the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and appoint District Directors.

**18. Resolution 2022-111 Approving the 2023 Annual Plan and Budget of the Fort Collins Tourism Improvement District.**

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2023 Annual Plan and 2023 Annual Budget, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

**19. Resolution 2022-112 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County and the City of Loveland to Partner in the Purchase of Fee and Conservation Easement Interests on a 1,547-acre Property in the Blue Mountain Conservation Priority Area.**

The purpose of this item is to seek authorization to enter into an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Heaven's Door Conservation Project. The project will conserve 1,547 acres in fee adjacent to the Big Thompson Canyon.

**20. Public Hearing and Resolution 2022-113 To Decline the City of Fort Collins's Participation in the Colorado Paid Family and Medical Leave Insurance Program.**

The purpose of this item is to obtain authorization for the City to decline participation in the Colorado Family and Medical Leave Insurance ("FAMLI") program, which is a state-run insurance program that will provide paid family and medical leave to eligible employees of participating employers.

**21. Resolution 2022-114 Making the Determination that the City Park Train Project Funded Through the Community Capital Improvement Program is not Financially Feasible.**

The purpose of this item is to declare the City Park Train project financially unfeasible and remove it from the Community Capital Improvement Program (CCIP) project list.

## 22. Items Relating to Appointments to Various Boards and Commissions.

- A. Resolution 2022-115 Making Appointments to the Art in Public Places.
- B. Resolution 2022-116 Making Appointments to the Economic Advisory Board.
- C. Resolution 2022-117 Making Appointments to the Energy Board.
- D. Resolution 2022-118 Making Appointments to the Human Services and Housing Funding Board.
- E. Resolution 2022-119 Making Appointments to the Natural Resources Advisory Board.
- F. Resolution 2022-120 Making Appointments to the Planning and Zoning Commission.
- G. Resolution 2022-121 Making Appointments to the Water Commission.

The purpose of this item is to fill vacancies on various boards and commissions.

### **END OF CONSENT CALENDAR**

#### **J) ADOPTION OF CONSENT CALENDAR**

#### **K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

#### **L) STAFF REPORTS** - None.

#### **M) COUNCILMEMBER REPORTS**

#### **N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

#### **O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

*The method of debate for discussion items is as follows:*

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

*Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.*

## 23. **First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.**

The purpose of this item is to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.



**24. First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.**

The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.

**25. Resolution 2022-122 Creating an Ad Hoc Council Committee on Boards and Commissions to Consider and Make Recommendations Regarding Improved Efficiency and Consistency of Board and Commission Processes and to Reduce Barriers to Participation.**

The purpose of this item is to bring forth a Resolution to establish an Ad Hoc committee to discuss and make recommendations to improve the efficiency and consistency of board and commission processes and to reduce barrier to participation on boards and commissions.

**P) OTHER BUSINESS**

**OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

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

**OB 2. Consideration of a motion to cancel the January 3, 2023 Council meeting, as permitted under Section 2-28 of the City Code:**

"I hereby move to cancel the January 3, 2023 Council meeting as permitted under section 2-28 of the City Code."

**Q) ADJOURNMENT**

**Consideration of a motion to adjourn to 6:00 P.M. on November 22, 2022 for the purpose of annual performance evaluations of Council's direct report employees:**

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 22, 2022, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

*Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.*

*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (VTDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.*

*A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (VTDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.*



## PROCLAMATION

**WHEREAS**, the City of Fort Collins is committed to making our community a more inclusive, diverse, accepting, and welcoming place for all; and

**WHEREAS**, we invite all residents of Fort Collins to join together in these efforts, because an inclusive and diverse community is a safer, stronger, and more vibrant community; and

**WHEREAS**, this month is an opportunity to inspire, inform, and educate our community about the contributions of and challenges faced by the transgender and nonbinary community as well as the community's extraordinary and ongoing resilience; and

**WHEREAS**, this month also recognizes those in the transgender community who have lost their lives through acts of anti-transgender violence, including Fred / Fredericka Martinez Jr. (Cortez, 2002), Angie Zapata (Greeley, 2008), Jayne Thompson (Orchard Mesa, 2020), and others misgendered in death; and

**WHEREAS**, this month, and in all months, we strive to create greater visibility and awareness of the transgender community—in memoriam, in honor, and in celebration—and we strive to create an environment, now and in the future, that fosters acceptance and discourages and condemns violence.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of November as

## TRANSGENDER ACCEPTANCE MONTH

in the City of Fort Collins to foster inclusion and acceptance of our transgender and nonbinary community and to honor the lives lost to anti-transgender violence.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk



November 15, 2022

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Anissa Hollingshead, City Clerk

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### SUBJECT

**Consideration and Approval of the Minutes of the October 4, 2022 Regular Council Meeting.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the October 4, 2022 regular Council meeting.

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### ATTACHMENTS

1. Draft Minutes, October 4, 2022

October 4, 2022

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

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS & PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations for formal presentation prior to the Council meeting.

**REGULAR MEETING**

**6:00 PM**

**B) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

**C) PLEDGE OF ALLEGIANCE**

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

**D) ROLL CALL**

**PRESENT**

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Shirley Peel  
Councilmember Julie Pignataro

**ABSENT**

Councilmember Tricia Canonico

**STAFF PRESENT**

Interim Deputy City Manager Tyler Marr  
City Attorney Carrie Daggett  
City Clerk Anissa Hollingshead

**E) CITY MANAGER'S AGENDA REVIEW**

Interim Deputy City Manager Tyler Marr provided an overview of the agenda, including:

- There were no changes to the published agenda.
- All items on the consent agenda were recommended for approval.

- Noting the adoption of findings of fact following the Council's decision on an appeal at the prior meeting was placed on the discussion agenda in order for a Councilmember to recuse themselves from participating in the vote.

## F) COMMUNITY REPORTS

None.

## G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

*(Including requests for removal of items from Consent Calendar for individual discussion.)*

Joe Rowan, Fort Collins resident, came forward to speak regarding the minimum wage discussions occurring at the city level. He spoke in opposition to the Council making compensation decisions on behalf of business owners.

Jorie Kramer, Fort Collins resident, spoke in support of funding FC Public Media's budget request, and explained the services provided through this entity for area non-profits.

Bryan McIntyre, Fort Collins resident, spoke as a volunteer in support of providing funding for Fort Collins Public Media.

Barry Carroll, Fort Collins resident, spoke online to encourage the Council to partner with Poudre School District to construct an aquatics facility in the southeast area of the city to include additional swim lanes.

David Rout, president of Homeward Alliance, spoke in support of providing funding for addressing homelessness.

Sue Waldorf, Fort Collins resident who moved back to the city in late summer, shared concerns regarding communication across the City and with residents around construction is lacking. She shared the importance of doing construction in timing that aligns with adopted City ordinances as well as ensuring there is notification to residents prior to any time driveways are going to be blocked.

Nick Armstrong, Fort Collins resident, spoke in support of funding Neighborhood Livability and Social Health offers 24.5 (Rental Licensing Program) and 24.6 (ARPA Neighborhood-Led Resilience Programs + Projects).

Kimberly Miller, Fort Collins resident, thanked the Council for its hard work on the budget and echoed the letter sent by the Fort Collins Sustainability Group regarding three offers relating to climate work. Suggested funding 1.10 relating to manufactured home efficiency, 27.11 for mobility innovation, and 27.9 relating to electric vehicles.

Rich Stave, Fort Collins resident, spoke on items 8 and 10 on the consent calendar. Alternative 4 on item 8 regarding was the one presented to the public, however alternative 1 is the one now being recommended. On item 10, relating to solar sizing, he spoke against the approach being presented, although he does like it provides better transparency. This can turn into a giveaway to those with larger lots because of increased ability to install more solar panels. This proposal puts more burden on lower income residents to enable a select group to receive the majority of incentives.

Tom Weatherly, Fort Collins resident, shared a handout and visual display about landfills for wind turbines in expressing concerns about wind and solar energy waste and encouraged nuclear energy as the cleanest energy source available.

Ann Hutchison, president and CEO of the Fort Collins Area Chamber and Fort Collins resident, and spoke on behalf of the Chamber's 1100 members, over 80% of whom are small businesses with 20

or fewer employees. She encouraged the Council to end its conversation around a \$19 an hour minimum wage as unsustainable for businesses.

Don Delaney, Fort Collins resident, spoke in support of increasing accessibility for competitive swimming in the community.

Jessie Warren, Fort Collins resident, spoke as an employee of Homeward Alliance in support of the inclusion of funding for addressing homelessness in the budget to be adopted.

Lauren Storeby spoke as a Fort Collins resident and the co-owner of Snack Attack in Midtown, an entrepreneur, a Chamber board member, and a small business development coach in opposition to the adoption of a \$19 an hour local minimum wage. She also requested a new survey be sent out to businesses for feedback on \$19 an hour, since it is a large difference from the \$15 an hour rate noted in the original survey.

Kevin Cross, Fort Collins resident not on the sign in sheet, spoke on behalf of the Fort Collins Sustainability Group in support of several budget offers, including three currently unfunded offers, 1.10 contractual project manager and manufactured home efficiency; 27.9 contractual planner and electric vehicle planning; and 27.11 mobility innovations zone plan.

Melissa Zuniga, Fort Collins resident and owner of several small businesses and board member of the Latino Chamber of Commerce, spoke against the proposed \$19 local minimum wage.

## H) PUBLIC COMMENT FOLLOW-UP

Councilmember Julie Pignataro

- Thanks to everyone who came out tonight and noted the Council's third budget discussion will be next week.
- Requested an update on the Southeast Recreation Center. Interim Deputy City Manager Tyler Marr noted there will be a work session on aquatics on November 8 and will provide updated information on this topic.
- Thanked everyone who spoke regarding minimum wage as it was requested that community members shared their stories.
- Requested someone address Mr. Stave's comments regarding Solar Sizing. John Phelan, Energy Services Manager, came forward and provided information on the solar sizing and solar credit rates, noting only the solar sizing is coming forward tonight while solar credit rates will be coming forward at a future meeting.

Mayor Arndt thanked everyone for coming out and participating in public comment.

## I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

## J) CONSENT CALENDAR

### 1. Consideration and Approval of the Minutes of the September 20, 2022 Regular Meeting.

*The purpose of this item is to approve the minutes of the September 20, 2022 Regular meeting.*

**Approved.**

**2. Second Reading of Ordinance No. 097, 2022, Appropriating Unanticipated Revenue From Philanthropic Donations Received in 2022 Through City Give for Various City Programs and Services as Designated by the Donors.**

*This Ordinance, unanimously adopted on First Reading on September 20, 2022, appropriates \$90,234 in philanthropic revenue received through City Give. These miscellaneous gifts to various City service areas support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.*

*In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.*

***Adopted on Second Reading.***

**3. Second Reading of Ordinance No. 098, 2022, Appropriating Prior Year Reserves in the General Fund to Provide Financial Support to the United Neighbors/Vecinos Unidos for Nueva Vida Mobile Home Park.**

*This Ordinance, unanimously adopted on First Reading on September 20, 2022, provides financial support to United Neighbors/Vecinos Unidos (UN/VU), a non-profit 501(c)(3) corporation that recently acquired ownership of the Parklane Mobile Home Park. On August 1, 2022, residents of the Parklane Mobile Home Park (Parklane MHP), with the help of a newly formed nonprofit (United Neighbors/Vecinos Unidos, UN/VU), outbid a commercial owner's offer and purchased their park. With this purchase, residents of Parklane have become one of only six mobile home parks in Colorado purchased by residents. UN/VU is seeking City funding toward several urgent and necessary infrastructure repairs to the park. This item was discussed at the September 1, 2022, Council Finance Committee.*

***Adopted on Second Reading.***

**4. Second Reading of Ordinance No. 099, 2022, Annexing the Property Known as the Peakview Annexation No. 1 to the City of Fort Collins, Colorado.**

*This Ordinance, unanimously adopted on First Reading on September 20, 2022, annexes a 5.78-acre portion of private property that will be used for the construction of Greenfields Drive, a future arterial street within the East Mulberry Corridor. The property to be annexed is a portion of the property subject to the Peakview Planned Land Division ("PLD") development application which is currently being processed by Larimer County and is expected to be approved prior to completion of this annexation. The remaining property subject to the PLD is expected to petition for annexation as a condition of the County's approval. The Initiating Resolution for this annexation was adopted on August 16, 2022. A related item to zone the annexed property is presented as the next item on this agenda.*

*This Annexation request is in conformance with State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.*

***Adopted on Second Reading.***

**5. Second Reading of Ordinance No. 100, 2022, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peakview Annexation No. 1 to the City of Fort Collins and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

*This Ordinance, unanimously adopted on First Reading on September 20, 2022, zones the property included in the Peakview Annexation No. 1 Annexation into the General Commercial (C-G), Neighborhood Commercial (N-C) and Medium Density Mixed Use Neighborhood (MMN) zone districts and placement into the LC1 and LC2 Lighting Context Areas.*

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures most recently adopted in Resolution 2022-068.

***Adopted on Second Reading.***

**6. Second Reading of Ordinance No. 101, 2022, Authorizing the Release of a Restrictive Covenant on Property at 331 North Howes Street Owned by Villages, Ltd.**

*This Ordinance, unanimously adopted on First Reading on September 20, 2022, authorizes the release of the Agreement of Restrictive Covenants Affecting Real Property for the property located at 331 North Howes Street. This property is owned by Villages, Ltd, a 501(c)(3) non-profit corporation managed by Housing Catalyst. In exchange for repaying the original \$3,000 in Community Development Block Grant (CDBG) loan funds, the City will allow early release of a restrictive covenant which would otherwise expire in 2023.*

***Adopted on Second Reading.***

**7. Items Pertaining to the Annual Adjustment Ordinance.**

*A. First Reading of Ordinance No. 102, 2022, Making Supplemental Appropriations from Various City Funds.*

*B. First Reading of Ordinance No. 103, 2022, Appropriating Prior Year Reserves in Various City Funds.*

*The purpose of these Annual Adjustment Ordinances is to appropriate dedicated and additional revenues or prior year reserves that need to be appropriated before the end of the year to cover related expenses that were not anticipated, and therefore, not included in the 2022 annual budget appropriation. The additional revenue is primarily from fees, charges for service, rents, contributions, donations, and grants that have been paid to City departments to offset specific expenses.*

***Adopted on First Reading.***

**8. First Reading of Ordinance No. 104, 2022, Authorizing the Conveyance of a Permanent, Nonexclusive Stormwater Drainage Easement on Redtail Grove Natural Area to WWW Properties, LLC.**

*The purpose of this item is to authorize conveyance of a permanent, nonexclusive drainage easement to WWW Properties, LLC (owners of Fort Collins Nissan and Fort Collins Kia) on Redtail Grove Natural Area. The proposed easement area aligns with an existing historic drainage path for stormwater. WWW Properties, LLC will construct underground water quality and detention facilities on their property to capture stormwater, decrease peak flow rates into Fossil Creek, and decrease the amount of water overtopping the Fossil Creek Trail, as well as the time the trail is overtopped, during significant storm events.*

***Adopted on First Reading.***

**9. First Reading of Ordinance No. 105, 2022, Authorizing the Conditional Conveyance of Certain City-Owned Property Rights to Chris Vandemoer and Geo. A. Henderson Co.**



The purpose of this item is to seek Council authorization for the conditional conveyance of certain City-owned real property rights to Chris Vandemoer and Geo. A. Henderson, Co. (collectively "Vandemoer"). The proposed conveyance is part of a proposed settlement agreement between the City, Vandemoer, and The Nature Conservancy ("TNC") to obtain necessary property rights on the primary private access road for all three phases of the City's Halligan Water Supply Project ("Halligan Project"), in which the City intends to replace or modify a dam and enlarge Halligan Reservoir. Vandemoer owns certain real property adjacent to the reservoir that includes a private road that serves as the primary access point to the reservoir and the dam. The property is also encumbered by two conservation easements held by TNC. Since late 2018, City representatives have negotiated with Vandemoer to obtain property rights necessary for the Halligan Project. The parties are currently in eminent domain litigation for Phase 1 of the Project and have had productive conversations regarding a global settlement for all three phases of the Halligan Project.

The conveyance of the City-owned property would only occur if: (1) the parties enter into a settlement agreement; and (2) the City completes construction of the Halligan Project. This Ordinance does not seek approval of the settlement agreement itself. The decision whether to enter into the settlement agreement would be made by the City Manager following a recommendation by City staff, in consultation with outside legal counsel and the City Attorney's Office. This Ordinance is limited only to authorizing the conditional conveyance of City-owned property. The structure of the settlement agreement is explained more fully below.

**Adopted on First Reading.**

**10. First Reading of Ordinance No. 106, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Net Metered Renewable Energy Generation System Sizing and Adopting Administrative Rules for Net Metered System Sizing.**

This Ordinance amends sizing requirements in City Code that limit the generating size (i.e. production capacity) of renewable energy systems, removing reference to 120% of a customer's annual electric consumption and adopts administrative program rules to guide the Utilities' Executive Director to define allowable generation system sizing consistent with the City's 2030 energy and climate goals.

**Adopted on First Reading.**

**11. Resolution 2022-101 Granting A Revocable Permit to Current Holders of Temporary Outdoor Expansion Permits Issued Pursuant to Emergency Rule and Regulation No. 2020-17A and Emergency Ordinance No. 124, 2020, to Temporarily Continue to Occupy Public Rights-of-Way.**

The purpose of this item is to bring forth a resolution that addresses a timing gap between terminating emergency rules and regulations and consideration of code changes to allow expanded outdoor permitting on an on-going basis.

**Adopted.**

**END OF CONSENT CALENDAR**

**K) ADOPTION OF CONSENT CALENDAR**

**Councilmember Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-11 on the consent calendar.**

**The motion carried 6-0.**

**Absent: Councilmember Canonico.**

**L) CONSENT CALENDAR FOLLOW-UP**

None.

**M) STAFF REPORTS**

None.

**N) COUNCILMEMBER REPORTS**

Councilmember Shirley Peel

- Attended Convening of a National Nonpartisan Conversation on Voter Rights and came away feeling very positively about the system of voting in Colorado.
- Privileged to help paint at a Habitat for Humanity home at a recent event.
- Attended 40 Days for Life kickoff event focused on prayer for women with unplanned pregnancies.
- Attended CSU President's fall address and was very encouraged about the way they are looking into the future.
- Attended CARE Housing's 30<sup>th</sup> Anniversary celebration and got to hear from CARE Housing's founder, Sister Mary Alice Murphy who helped bring about that affordable housing location off of Shields 30 years ago.
- Attended Harvest Farm dinner where a young man spoke on how his life was changed in that program for men coming out of substance addiction.
- Recognized that October is Domestic Violence Awareness Month.

Councilmember Susan Gutowsky

- Attended Behavioral Health Policy Committee meeting and heard from one of the directors of behavioral health with an update on the facility that is now up with the outer skin complete. They are anticipating finishing in August next year with 64 beds in house to start taking clients in November. They are also planning on being a training center for future mental health providers.
- Last Monday attended the Water Symposium at Colorado State University, focused on the Colorado River.
- Attended the Hero Fest, a wonderfully organized even in Council Tree to celebrate first responders and share the steel structure that is normally housed at the Poudre Fire facility west of town and that will one day be part of the memorial at Spring Creek Park.
- Friends came in from Houston the past weekend and went downtown for lunch while the corgis were out and about. They also noted the dazzling flowers downtown bursting with color.

Mayor Jeni Arndt

- 45 people participated in a Northern Colorado Trade Mission last week with Salt Lake City, which was a nice opportunity to learn from them and get some new ideas.

**O) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

None.

**P) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

- 12. Resolution 2022-102 Adopting Findings of Fact Supporting the Historic Preservation Commission's Determination That 1802 North College Avenue was Eligible for Landmark Designation and Denying the Landowner's Appeal.**



*The purpose of this item is to make findings of fact regarding the appeal of the Historic Preservation Commission's Decision Finding the Property at 1802 North College Avenue a Historic Resource for the Purposes of Development Review under Land Use Code 3.4.7 and therefore eligible for Landmark Designation. The appeal was heard by Council on September 20, 2022.*

Mayor Pro Tem Francis noted she had watched the video of the meeting where the appeal was heard and is in agreement with the findings.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt the resolution.***

Councilmember Ohlson noted he also watched the meeting video of the appeal and agrees with the findings.

***The motion carried 5-0.***

***Recused: Councilmember Peel***

***Absent: Councilmember Canonico.***

### **13. Items Relating to the Designation of Indigenous Peoples' Day.**

*A. Native American Community Update.*

*B. Resolution 2022-103 Recognizing the Second Monday in October as "Indigenous Peoples' Day" in the City of Fort Collins, Colorado, Acknowledging and Supporting the Native and Indigenous Peoples Living in Fort Collins, and Affirming the City's Commitment to Recognize and Include the Voices and Interests of Native and Indigenous Peoples in the City's Commitment to Work Towards Equity.*

*Members of the Fort Collins Native American and Indigenous community collectively have created a resolution recognizing the second Monday in October as Indigenous Peoples' Day. Staff from the Equity and Inclusion Office also will share an update on the work that has been taking place with the Native American community this year.*

Senior Equity Specialist Rachael Johnson led the Native American Community Update, presenting as set forth in the slide deck in the agenda packet.

#### ***Public Comment:***

David Small came forward and read the first part of the resolution.

Dr. Valerie Small came forward and read the next whereas clause of the resolution.

Destinee Danks came forward and read the next whereas clause of the resolution.

Dr. Jaime Wilson (not on sign in sheet) came forward and read the next whereas clause of the resolution.

Ty Smith (not on sign in sheet) came forward and read the next whereas clause of the resolution.

Nizhoni Norwood came forward to read the next whereas clause of the resolution.

Michelle Garro (not on sign in sheet) came forward to read the next whereas clause of the resolution.

Mariah Iron came forward to read the next whereas clause of the resolution.

Dominique David Chavez came forward to read the next whereas clause of the resolution.

Mayor Jeni Arndt read the resolved clauses of the resolution to conclude the resolution.

A resident shared remarks in honor of her ancestors as an educator in the community and faculty member at CSU and the mother of three children attending PSD schools. We have a long way to go in the US regarding our acknowledgement of our shared history.

Jan Iron asked all in attendance in support to please stand. She then shared her history with 42 years in Fort Collins, from New Mexico, and now has grandchildren in the community. We are acknowledging our ancestors tonight and all their strength and perseverance. Nothing has happened in 42 years here and now finally things are happening and she wants to acknowledge that. She also spoke to the community's dream to have a cultural center and asked the Council to listen and hear the voices of community.

### **Council discussion**

Councilmember Pignataro

- Thank you to everyone who has come out tonight. Awesome work by everyone on this and appreciate the recommendations.

Mayor Pro Tem Francis

- Thank you to everyone for coming out and for all the time and effort that has been spent on this resolution, stating she is happy to support the commitments of the resolution on behalf of the City.

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt the resolution.**

**The motion carried 6-0.**

**Absent: Councilmember Canonico.**

## **14. Public Hearing #2 on the 2023-24 Recommended Budget for the City of Fort Collins.**

*This is the second public hearing on the City Manager's 2023-24 Recommended Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2023-24 budget. Both hearings were set by Council adoption of Resolution 2022-097 at its September 6, 2022, meeting. The City Manager's 2023-24 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online at [fcgov.com/budget](http://fcgov.com/budget).*

*Public input will also be taken during the budget adoption meetings on Tuesday, November 1 and Tuesday, November 15, 2022, at 6:00 p.m. in Council Chambers.*

Rich Stave, Fort Collins resident, came forward to comment on the item that expands transportation opportunities, noting bus services stopped at 7 pm, requiring that he bring his bike to attend this meeting in order to get home. He requested seeing cost versus benefits when budget proposals relating to climate are presented.

**Clerk's Note:** Mayor Arndt called for a 10-minute recess at 7:47 p.m. The meeting resumed at 8:02 p.m.

## **15. 1306 West Mountain Avenue Landmark Design Review Appeal.**

*The purpose of this quasi-judicial item is to consider an appeal of the Historic Preservation Commission's (HPC) Decision on July 20, 2022, regarding proposed alterations to the City landmark at 1306 West Mountain Avenue, also known as the Jackson-Bailey House & Garage.*

*This appeal is regarding the final design review decision of the applicants' project by the HPC. The HPC is tasked by Municipal Code Chapter 14, Article IV, with assessing whether a proposed exterior project on a City Landmark meets the Secretary of the Interior's Standards for Rehabilitation, and to issue, with or without conditions, or to deny, a Certificate of Appropriateness. In the application that was the subject of the July 20, 2022, decision being appealed, the applicant proposed an addition onto the rear elevation of the main historic building along with related rehabilitation including the modification of windows along the north end of the west elevation. The HPC approved the addition but denied the modification of windows and the Appellant is appealing the denial of the windows both on fair hearing and interpretation and application grounds.*

*A previous application to make alterations to the same property was approved by the HPC on February 16, 2022, with the written decision issued on and dated February 17, 2022, and included demolition of a non-historic accessory structure, construction of a new garage building, and modification of basement windows for egress compliance under the International Existing Building Code. The previous application included an addition to the house that was denied but a modified addition was approved as part of the July 20, 2022, HPC decision.*

*A Notice of Appeal was filed on August 2, 2022, under the following grounds:*

- 1. The HPC failed to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter, specifically City Code Sec. 14-53, the Secretary of the Interior's Standards for Rehabilitation (Standards 2 and 5), and the Secretary of the Interior's "Interpreting Standards" Bulletin #14 regarding Modifications to Windows on Secondary Elevations.*
- 2. The HPC was biased against the appellant by reason of conflict of interest or other close business, personal or social relationship that interfered with the HPC's independence of judgement.*

*The HPC's sole consideration was whether the project proposed at 1306 West Mountain Avenue met the City's adopted standards for reviewing projects on historic buildings, the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, specifically those for adaptive reuse, or Rehabilitation.*

Mayor Arndt noted she would be recusing herself from this item due to a disclosed conflict of interest and left the meeting chambers.

Mayor Pro Tem Francis introduced the item and the nature of the appeal.

City Attorney Carrie Daggett provided a brief overview of the appeal process.

#### STAFF EXPLANATION AND PRESENTATION

Paul Sizemore, Community Development and Neighborhood Services Director, presented on behalf of staff as set forth in the slide deck in the agenda materials to provide an explanation of the nature of the appeal.

#### CONFLICTS

Mayor Pro Tem Francis asked if any Councilmembers wished to disclose any potential conflict of interest issues. No conflicts were disclosed.

#### SITE VISIT OBSERVATIONS

Mayor Pro Tem Francis noted no organized site visit occurred for this appeal but asked if any Councilmembers visited the site in preparation for this appeal to state what they did and observed.

No Councilmembers visited the site.

#### PARTIES IN INTEREST PRESENT

Mayor Pro Tem Francis asked the appellant and property owner as well as any parties in interest to identify themselves.

Present in support of the appeal:

- Brian Berkhausen, property owner.
- Jeff Schneider, contractor helping with the proposed property modifications

Present and opposed to the appeal:

- Laura Bailey, spoke at the HPC hearing and is therefore a party in interest.

#### TIME ALLOCATIONS

Mayor Pro Tem Francis provided the time allocation, indicating each side of the appeal would be provided 20 minutes in total for each side of the appeal to make any initial presentations, and then 10 minutes for each side for rebuttals.

#### PROCEDURAL ISSUES

Mayor Pro Tem Francis asked if there were any general procedural issues or objections to be addressed before the Council began hearing arguments. No issues or objections were raised.

#### PRESENTATIONS IN SUPPORT OF THE APPEAL

Mayor Pro Tem Francis invited the appellant and other parties-in-interest in support of the appeal to make their presentation in support of the appeal.

Brian Berkhausen participated in the hearing via Zoom as the property owner and spoke to the appeal, explaining the work he and his wife have done to prepare to make modifications to their home in order to remain in the home as they age. The property is a designated landmark and requires approval by the Historic Preservation Commission to do the planned work.

Jeff Schneider also spoke to the appeal as the developer working with the property owners. He presented slides as provided as part of the public record for the item. He noted the work done by applicant has included working with the commission throughout the process to be responsive to concerns and input provided.

#### PRESENTATIONS IN OPPOSITION TO THE APPEAL

Laura Bailey came forward and identified herself as the daughter of Bob Bailey who worked to have this property designated as a landmark in 2014.

- She shared regarding her father's commitment to small scale living and the gift he provided the community in ensuring this property would be preserved as a designated landmark as a

representation of an arts and crafts bungalow. She indicated in return for providing this gift, her father gave up the opportunity to make additional improvements to the property he may have liked to have done and was provided assurances by the City through this process the property would be protected from unnecessary exterior alterations, which is the case in this instance when changes are being proposed to allow for changes in furniture placement.

- She also spoke about the extent of her father's relationship with current HPC member Meg Bailey was limited to their time working together on the designation, which was properly disclosed by the commissioner before participating in proceedings.
- She spoke regarding the windows included in the plans, and how they differ from original elements approved by the Commission in February.
- She spoke regarding the size of the addition proposed, initially developed to more than double the size of the property.
- The commissioner who did recuse himself from the hearing was an immediate close neighbor of the property, which was fair and appropriate given the circumstances.
- It was stated the immediate neighbor would be most impacted by the development and therefore since he is fine with it, there shouldn't be an issue. She argued the entire community, and particularly those who value the ability to look back and see where we came from, would be impacted by this change.
- To her understanding, the guidelines are not loose guidelines but rather standards that must be complied with and need to be followed in order to assure meeting federal and state standards and enable the receipt of funding from those levels of government for historic preservation work.
- The process of getting a home designated is not an easy process and impacts the ability of the homeowner to make some future changes and do so in order to protect the house. She suggested future changes, including making a designation something that is noted on the deed. In this instance, the current property owners were not aware of the designation of the property when they purchased the home.
- She provided a photo, also already in the record as part of the appellant's presentation, showing the view of the windows at question in the appeal.

## REBUTTAL IN SUPPORT OF THE APPEAL

Jeff Schneider again came forward to provide a rebuttal.

- Nothing in the standards and guidelines say you cannot do anything to a historic landmark.
- Ms. Dunn's personal bias came out when she commented "if your furniture can't fit into the house, you can't buy an Oldtown house."
- The comment the first design doubled the size of house and would fundamentally change the character of the house. While it would change the size of the house, it met all other land use codes and guidance for design parameters in the zone. The standards from the Secretary of the Interior do not preclude making alterations.
- Asked why the bedroom window is more historically relevant than the bathroom window also proposed for removal and approved by the HPC on February 16.
- Regarding window sizes, the proposal is to match the same size and detail of existing windows.
- Original plan was to replace all of the existing windows, but they have listened to the commission and staff to instead rehabilitate the existing windows and only replace the bathroom window.
- The adjoining neighbor is the only one who will be impacted on a day to day basis by the work to this property. From the street, this work will scarcely be evident.
- To go with the recommendation of the HPC, it would be necessary to do a casement window to comply with egress, not a double hung window.

Brian Berkhausen also followed up on the following points:

- New windows in the bedroom would match the existing windows in the house, and the replacement of one window was already approved in February. Denying this now seems incongruous.
- Making changes to allowing navigating with a walker to allow aging in place.

## REBUTTAL IN OPPOSITION TO THE APPEAL

Laura Bailey came forward to provide a rebuttal.

- Objection is to someone buying a home that is a designated landmark and expecting to be able to make alterations for their own convenience.
- Stated she cannot speak for Meg Dunn, as she does not know Meg Dunn, but does know that the HPC is concerned with only the exterior of the property.

## COUNCIL QUESTIONS

Councilmember Peel

- Asked if the standards are codified and what the connection is between the Secretary of Interior standards and City Code, including whether staff looks solely at those standards or if they are also looking at other code provisions. Director Sizemore spoke to the Secretary of Interior standards, noting they have been adopted by reference into the City Code. There are also other documents like the National Park Service bulletins and advisory documents that are not incorporated into our code but that do provide guidance in applying standards.
- Requested clarification on how to apply standards and whether an applicant has to meet all the standards and how firm they are as part of trying to understand how the first set of windows could be approved and the second set was not. Planner Bertolini responded with details about how the standards create a framework for decision making because they apply to such a broad array of historic resources across the country, including different landscapes, buildings and other facilities. When Standards are being used in local government, we are also looking at what local codes say. The difference between the two decisions was a judgement largely based on the degree of change to the building elevation. February's change was to a small window opening, whereas the change in July seemed more significant and involved the destruction of more historic material to make that change.
- In regards to the fairness of the hearing, asked the City Attorney what is to be considered as a conflict of interest, as the appellant also listed a couple of other things that were indicative of bias, which seems like a different thing than a conflict of interest. Requested clarification regarding what the Council can consider in evaluating this claim. City Attorney Daggett read the code language pertaining to the provisions defining the ability to be unbiased and fair in the participation in the decision, noting it is the same standard Council faces when evaluating a quasi-judicial matter. Council's evaluation in this instance is to determine whether Commission Dunn was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with her independence of judgement.

Councilmember Pignataro

- Asked whether there was a recording for the February HPC hearing. Staff confirmed there is not, however some amount of information was provided about what was approved at that meeting, including the drawings that were rejected were included in the July meeting packet.
- Assistant City Attorney Brad Yatabe responded to a question relating to consistency over the years and among different members of the Historic Preservation Commission, indicating his role in this appeal was in place of another attorney who had a conflict of interest in this matter and therefore staff may be better able to address these concerns.



Councilmember Peel asked how minute in the level of detail does staff go down to and how consistent is staff on a project regarding requirements to be historically accurate. Planner Bertolini indicated with the standards being written to cover such a broad array of things, it is dependent on the property and what makes it significant. This is something that ideally is covered in the ordinance or the landmark nomination that backs up the ordinance to help in indicating what features are most important to that property. For this property, because it was nominated under standard 3 for design and construction, we are going to look at those architectural features that make it a small-scale craftsman cottage as most significant.

Councilmember Pignataro followed up with a question after seeing the picture in the packet of the windows that were approved in February if it is accurate to say it was a matter of the attention of detail not being given to those windows given the larger scope of changes being proposed overall that were not approved. Planner Bertolini indicated in the staff analysis that modification was not recommended but was not specifically in violation of that standard. That was not a major topic of discussion in February, but it was addressed in the staff analysis.

Mayor Pro Tem Francis

- Requested clarification regarding whether these windows now proposed were also not recommended but found to not be in violation of the standard and asked for clarification in comparing the language in the staff report from the February hearing and the July hearing. Director Sizemore followed up by reading the language used in the findings at each hearing.
- Also requested clarity on the egress windows and how if there is one window and it is egress how that fits into the historical context. Planner Bertolini indicated that gets back to the issue of character defining features, and typically basement windows are not going to be a character defining feature so we typically approve those. The benefits of being able to activate basement space include avoiding adding more square footage that would impact character defining features. In the case of a single egress window, a desire to use a casement window that has a sash that visually looks similar. As part doing no harm, there would be a desire to utilize the existing opening rather than punching new holes in the wall.

Councilmember Gutowsky asked if there is a safety requirement for other egress windows in the house. Jim Bertolini indicated there is not a strict requirement for an existing building with existing that is the standard for bedrooms.

## COUNCIL DISCUSSION

Mayor Pro Tem Francis closed the hearing at 9:33 p.m.

Councilmember Pignataro indicated she did believe it was a fair hearing based on the parameters that should be applied. Councilmember Peel also agreed it was a fair hearing and there was not enough evidence to provide proof it was not. Mayor Pro Tem Francis also concurred.

Councilmember Gutowsky indicated it was a fair hearing because the commission followed the Secretary of Interior Standards, and the Commission's interpretation of the Standards. The intent of the hearing was to preserve the authenticity of the property.

***Councilmember Pignataro moved, seconded by Councilmember Peel, that the Council find that the Historic Preservation Commission conducted a fair hearing in their consideration of the proposed alterations to the Fort Collins landmark located at 1306 W. Mountain Avenue finding that Commissioner Meg Dunn was not biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with her independence of judgement because the appellant did not establish with competent evidence in the record that Commissioner Meg Dunn was biased against the appellant.***

***And further moved that, based on the evidence in the record and presented at this hearing, the appeal allegation that the HPC did not conduct a fair hearing is hereby found to be without merit and is denied.***

***The motion carried 5-0.***

***Absent: Councilmember Canonico.***

***Recused: Mayor Arndt.***

Councilmember Ohlson indicated the fact the historic designation was in place at the time of purchase by the current owner is important. The property was designated because of its style and construction, not because of who lived there, and the City made a commitment to honor the integrity of the structure when it was designated. Fenestration is a key piece of historic preservation and historical integrity. He stated his support for the Commission's decision, and the importance of the proportion and symmetry of windows in the Craftsman style. Aging in place, while important, is not an issue before the Council in this decision.

Councilmember Pignataro noted these standards need to be complied with but are open to interpretation and none of the windows at question are examples of craftsman style. The HPC was divided in their decision, showing the importance of interpretation. Any discussion of the interior and furniture placement is a non sequitur.

Councilmember Peel noted in reading through the transcripts of the meetings, it did seem like staff was very clear about their recommendation, but the Historic Preservation Commission was inconsistent. Listening to staff's reasoning, it does appear the Commission did come to the right conclusion.

Mayor Pro Tem Francis asked if the applicant would have to come back before the commission for another application for an egress window. Planner Bertolini noted it would be an administrative approval. Francis indicated her belief the process that the applicant had to follow wasn't positive for the city, but that the right decision was made by the Commission given the magnitude of demolition proposed.

Assistant City Attorney Brad Yatabe provided a note of clarification that the notice of appeal cites code section 14-53, but the correct citation should lead to 14-54 which refers to an HPC process and not a staff process. The appellant's intent appears to be clear in the notice of appeal otherwise.

***Councilmember Peel moved, seconded by Councilmember Ohlson, that the council find that the Historic Preservation Commission properly interpreted and applied City Code Section 14-54 when it denied the proposed window alterations to 1306 W. Mountain Avenue finding that the Historic Preservation Commission properly interpreted and applied Standards #2 and #5 of the Secretary of Interior Standards because the appellant did not establish with competent evidence in the record that the Historic Preservation Commission failed to properly interpret and apply standard #2 or standard #5.***

***And further moved that the appeal allegation that the HPC failed to properly interpret and apply City Code Section 14-54 is hereby found to be without merit and is denied and the appeal dismissed in its entirety.***

***The motion carried 4-1.***

***Ayes: Mayor Pro Tem Francis, Councilmembers Gutowsky and Ohlson.***

***Nay: Councilmember Pignataro.***

***Absent: Councilmember Canonico.***

***Recused: Mayor Arndt.***

## **Q) OTHER BUSINESS**



**A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

None.

**R) ADJOURNMENT**

There being no further business before the Council. the meeting was adjourned at 9:51 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



## STAFF

Matt Robenalt, DDA Executive Director  
 Kristy Klenk, DDA Financial Coordinator  
 John Duval, Legal

## SUBJECT

**Second Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2023.**

## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, sets the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$7,800,493
DDA Operations & Maintenance	\$2,030,378
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The Ordinance sets the 2023 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2023.

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

## BACKGROUND / DISCUSSION

The DDA was created in 1981 with the purpose, according to Colorado state statute, of planning and implementing projects and programs within the boundaries of the DDA. By state statute the purpose of the ad valorem tax levied on all real and personal property in the downtown development district, not to exceed five (5) mills, shall be for the budgeted operations of the authority. The DDA and the City adopted a Plan of Development that specifies the projects and programs the DDA would undertake. In order to carry out the purposes of the State statute and the Plan of Development, the City, on behalf of the DDA, has issued various tax increment bonds, which require debt servicing.

The DDA is requesting approval of the DDA Public/Private Investments and Programs budget for fiscal year 2023 in the amount of \$7,800,493 and DDA Operation and Maintenance budget for fiscal year 2023 in the amount of \$2,030,378. It is requesting appropriation of up to \$7,000,000 for the 2023 Line of Credit

draws. It is also requesting approval of the DDA debt payment commitments in the amount of \$7,431,011 for 2023 obligations.

The 2023 Public/Private Investments and Program budget is projected as follows:

Uses:

Alley Operations	\$ 121,669
Alley Capital Reserve Replacement	195,420
Alley Design and Construction (Tenney, W Oak)	120,090
Alley Design and Construction Phase 2 (3 alleys)	4,512,836
Alley Trash Enclosure Lease Payments	22,603
Business Marketing and Communications	92,533
Downtown River District Improvements (Willow St)	435,000
Façade Grant Program	377,470
Gateway Entrances	55,000
Nighttime Impact Study	35,000
Oak 140 Project	825,625
Old Town Square Operations	87,445
Old Town Square Capital Reserve Replacement	61,094
Projects and Programs 2022 Reserve	558,046
Tree Canopy Replacement	11,200
Urban Micro-Space Design Plan	113,314
Warehouse Operations	3,680
Other Public/Private Investments & Programs	<u>172,468</u>
<b>Total</b>	<b>\$ 7,800,493</b>

The 2023 Operations and Maintenance budget is projected as follows:

Uses:

Personnel Services	\$ 953,563
Contractual Professional Services	995,021
Purchased Supplies and Commodities	32,273
Other	<u>49,521</u>
<b>Total</b>	<b>\$2,030,378</b>

The 2023 Line of Credit draws, whose debt service payment will be made from the debt service fund, is projected to fund up to \$7,000,000:

Uses:

Old Firehouse Alley Parking Garage IGA Payment	\$ 300,000
Housing Catalyst/FC DDA LLC Loan (Oak140)	121,869
Multi-Year Reimbursement Payments	673,246
Project Management Fees	257,719
Business Marketing and Communications Program	350,200
Capital Asset General Maintenance Obligations	770,403
Capital Asset Replacement Reserve	306,505
Capital Asset Reserve & Replacement Annual Program	147,900
Future Public/Private Investments & Programs	<u>4,072,158</u>
<b>Total</b>	<b>\$7,000,000</b>

The DDA debt service fund is projected to have sufficient revenue to meet the required debt service payments for 2023.

Uses:

Debt Payment: 2023

\$7,431,611

### **CITY FINANCIAL IMPACTS**

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Adoption of this Ordinance will have no direct financial impacts on the City and its budget.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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At its September 8, 2022, meeting, the Downtown Development Authority Board of Directors adopted its proposed budget for 2023 totaling \$24,262,482 and determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA. The amount of \$24,262,482 meets the reporting criteria of the City of Fort Collins accounting standards but the DDA would like City Council to be aware that the total amount does not directly reflect the anticipated revenues from Tax Increment or the 5 mills for 2023. The Public/Private Investments and Programs budget of \$7,800,493 are previously appropriated unspent funds of which 58% is dedicated to the design and construction of three alleys in 2023. The repayment of the Line of Credit of \$7,000,000 is reported as part of the Debt Service Payment total and is then reported separately for anticipated uses.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 117, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE FISCAL YEAR 2023 BUDGET, AND BEING THE ANNUAL  
APPROPRIATION ORDINANCE FOR THE FORT COLLINS DOWNTOWN  
DEVELOPMENT AUTHORITY, AND FIXING THE  
MILL LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY  
FOR FISCAL YEAR 2023

WHEREAS, the Fort Collins Downtown Development Authority (the “DDA”) has been duly organized in accordance with the Colorado Revised Statutes (“C.R.S.”) Section 31-25-804; and

WHEREAS, on September 8, 1981, the City Council adopted Resolution 81-129 approving DDA’s original Plan of Development dated July 1981, which Plan has been amended several times since 1981 (the “DDA Plan of Development”); and

WHEREAS, on September 8, 2022, DDA Board of Directors (the “DDA Board”), acting under the provisions of C.R.S. Section 31-25-816, adopted a proposed and recommended DDA budget for the fiscal year beginning January 1, 2023, as reflected in DDA Board Resolutions 2022-04, 2022-05, 2022-06 and 2022-07 (the “Budget”), and determined the mill levy necessary to provide for payment during fiscal year 2023 of properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the DDA anticipates receiving in 2023 tax increment revenues of approximately \$6,789,733 and approximately \$770,659 in revenues from its five-mill property tax for the DDA’s operational and maintenance expenditures; and

WHEREAS, it is the desire of the Council to appropriate the sum of TWENTY-FOUR MILLION, TWO HUNDRED SIXTY-TWO THOUSAND, FOUR HUNDRED EIGHTY-TWO DOLLARS (\$24,262,482) from the DDA Operation and Maintenance Fund and the DDA Debt Service Fund for the fiscal year beginning January 1, 2023, and ending December 31, 2023, to be used as follows:

DDA Public/Private Investments & Programs (O&M Fund)	\$7,800,493
DDA Operations & Maintenance (O&M Fund)	2,030,378
2023 Revolving Line of Credit Draws	7,000,000
DDA Debt Service Fund	<u>7,431,611</u>
Total	\$24,262,482

; and

WHEREAS, the DDA Board, as reflected in DDA Board Resolution 2022-03, has recommended to the Council that pursuant to C.R.S. Section 31-25-817 the Council set a mill levy of five (5) mills upon each dollar of assessed valuation on all taxable property within the DDA District, such levy representing the amount of taxes necessary to provide for payment during the 2023 fiscal year for all properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years and, as such, prior voter approval of the proposed levy is not required under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, C.R.S. Section 39-5-128(1) requires certification of this mill levy to the Larimer County Board of County Commissioners no later than December 15, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the Budget as provided in C.R.S. Section 31-25-816(1).

Section 3. That there is hereby appropriated for fiscal year 2023 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Public/Private Investments and Programs the sum of SEVEN MILLION, EIGHT HUNDRED THOUSAND, FOUR HUNDRED NINETY-THREE DOLLARS (\$7,800,493), to be expended to fund the payment of the DDA-related obligations that have been entered into or will be entered into in furtherance of the DDA Plan of Development.

Section 4. That there is also hereby appropriated for fiscal year 2023 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Operation and Maintenance the sum of TWO MILLION, THIRTY THOUSAND, THREE HUNDRED SEVENTY-EIGHT DOLLARS (\$2,030,378), to be expended for the authorized purposes of the DDA.

Section 5. That there is hereby appropriated for fiscal year 2023 for expenditure from the Downtown Development Authority 2023 Line of Credit draws the sum of up to SEVEN MILLION DOLLARS (\$7,000,000), to be used to finance DDA projects or programs in accordance with the DDA Plan of Development including the multi-year reimbursement payments, and capital asset maintenance obligations.

Section 6. That there is hereby appropriated for the fiscal year 2023 for expenditure from the Downtown Development Authority Debt Service Fund the sum of SEVEN MILLION, FOUR HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED ELEVEN DOLLARS (\$7,431,611), for payment of debt service on a previously issued and outstanding bond, and for payment on the 2023 Line of Credit draws.

Section 7. That the DDA's mill levy rate for the taxation upon each dollar of the assessed valuation of all taxable property within the DDA District shall be five (5) mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2023, which levy represents the amount of taxes necessary to provide for payment during fiscal year 2023 of all properly authorized operational and maintenance expenditures to be incurred by

the DDA, as appropriated herein. The City Clerk shall certify said mill levy to the County Assessor and the Board of County Commissioners of Larimer County, Colorado, no later than December 15, 2022.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Jason Licon, Airport Director  
Judy Schmidt, Legal

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### SUBJECT

**Second Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport's mission is: Serving the region, we are a catalyst for innovation in all modes of transportation, a driving force for innovation in business and training, and a global gateway to a magnificent Colorado. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately \$295,970,000 annually and supports 1,072 area jobs.

All revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the IGA.



External funding is also received through grants that are applied for and received by the Airport for eligible projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

This Ordinance appropriates the City's 50% share (\$1,355,650) of the 2023 Airport operating budget (\$2,711,300) and 50% share (\$16,445,834) of the 2023 capital budget (\$32,891,667), for a total appropriation of \$17,801,484 by the City (please refer to Exhibit A to the Ordinance). The City of Loveland will be appropriating the other 50% of the total 2023 Airport budget (\$17,801,484). The Airport's operating budget is used to maintain and operate the facility in compliance with all regulatory standards for safety and security and to achieve goals set by the Northern Colorado Regional Airport Commission on behalf of the Cities. The Airport's capital budget will be used to complete improvement projects, including the design and construction of a new terminal building and associated support infrastructure, the repaving of an existing aircraft taxiway, and design start of a runway widening and repair project.

Financial resources for 2023 are expected from the sources listed below. These include external sources, such as federal and state grants and required grant matches, as well as airport revenues and reserves. These resources will provide the necessary funding for the 2023 operating and capital budgets:

FAA Grants	\$15,000,000
State Grants	\$498,000
State of Colorado ARPA	\$15,000,000
USDOT	\$750,000
Airport Revenues	\$1,805,534
Airport Reserves	<u>\$2,000,000</u>
<b>Total</b>	<b>\$35,053,534</b>

The \$2,000,000 Airport Reserves item is an appropriation as set forth through the IGA for use by the Northern Colorado Regional Airport Commission consistent with the approved 2023 Budget for high priority projects. This Airport Reserve appropriation does not require any additional funding from the Cities.

The Northern Colorado Regional Airport Commission approved the proposed 2023 Airport Budget and recommended it for approval by the Fort Collins and Loveland Councils on September 15, 2022. Loveland's City Council has considered the 2023 Airport budget and it was approved on Second Reading on October 18, 2022.

## **CITY FINANCIAL IMPACTS**

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The proposed budget does not include any financial contributions from the City's General Fund. This item appropriates the City's 50% share of the annual budget for fiscal year 2023 for the Northern Colorado Regional Airport, which totals \$17,801,484 and is 50% of the \$35,602,967 total combined 2023 Airport operating and capital budget. The City of Loveland manages the Airport's budget and finances under the IGA; however, each Council must approve the annual budget under the IGA and, since the City of Fort Collins owns 50% of the Airport, it is necessary to appropriate its 50% portion of the total Airport budget.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

**PUBLIC OUTREACH**

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Not applicable.

**ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 118, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING THE 2023 BUDGET AND APPROPRIATING THE FORT COLLINS  
SHARE OF THE 2023 FISCAL YEAR OPERATING AND CAPITAL IMPROVEMENT  
FUNDS FOR THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, under the IGA, the City's share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport; and

WHEREAS, the Airport Manager has submitted for City Council consideration a 2023 Airport budget totaling \$35,602,967 of which the City's 50% share is \$17,801,484 (\$1,355,650 for operations and \$16,445,834 for capital); and

WHEREAS, the City Council is in the process of considering the City's 2023-2024 budget and Ordinance No. 126, 2022, which appropriates \$190,300.88 in City funds for to the Airport operating fund in payment of the City's 50% share of rent due under the approved lease of a portion of the Airport property for operation of the Northern Colorado Regional Law Enforcement Training Center, which amount is included in the Land Lease revenues set forth in the 2023 Airport Budget; and

WHEREAS, pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the "Airport Fund"); and

WHEREAS, funding for the Airport's 2023 operating and capital improvement budgets has been identified as follows:

FAA Grants	\$15,000,000
State Grants	\$498,000
State of Colorado ARPA	\$15,000,000
USDOT	\$750,000
Airport Revenues	\$1,805,534
Airport Reserves	<u>\$2,000,000</u>
Total	\$35,053,534

; and

WHEREAS, the City's 50% share of the 2023 Airport operating costs, to be held in the Airport Fund, is \$1,355,650; and

WHEREAS, the City's 50% share of the 2023 Airport capital improvement costs, to be held in the Airport fund, is \$16,445,834; and

WHEREAS, the Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects; and

WHEREAS, City Finance staff has reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves in the 2023 Airport Budget meets the required limits set forth in the IGA; and

WHEREAS, in accordance with Article V, Section 8(b), of the City Charter, any expense or liability entered into by an agent of the City on behalf of the City, shall not be made unless an appropriation for the same has been made by the City Council; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of enhancing transportation and economic welfare of the City and its residents; and

WHEREAS, this appropriation will not require additional funding from the Cities and is consistent with the IGA.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves and adopts the 2023 Airport operating and capital budget totaling \$17,801,484 (\$1,355,650 for operations and \$16,445,834 for capital), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. That the City Council hereby appropriates in the Airport Fund \$1,355,650 to be expended to defray the City's 50% share of the 2023 operating costs of the Airport.

Section 4. That the City Council hereby appropriates in the Airport Fund \$16,445,834 to be expended to defray the City's 50% share of the 2023 capital costs of the Airport.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# Exhibit A

Item 3.

## 2023 Proposed Airport Budget



NORTHERN COLORADO  
REGIONAL AIRPORT COMMISSION

	2019 Actual	2020 Actual	2021 Actual	2022 Budget	2023 Proposed	Justification	Percent Change
<b>OPERATING REVENUES</b>							
Hangar Rental	131,782	224,059	247,095	242,000	255,000	Increase two year past CPI (2020 & 2021)	5.4%
FBO Rent	92,586	92,586	92,713	94,172	94,134	No change	0.0%
Gas and Oil Commissions	190,731	111,192	265,576	119,000	190,000	This is driven by fuel price and airport activity levels	59.7%
State & County Aircraft Fuel Tax	156,661	119,829	127,754	140,000	166,500	This is driven by fuel price and airport activity levels	18.9%
Land Lease	650,497	694,391	738,561	749,900	891,600	Adjusted for new leases, and CPI lease escalations	18.9%
Terminal Lease and Landing Fees	8,229	5,700	7,160	12,000	5,700	Tied to airline activity	-52.5%
Parking	11,240	4,805	330	75,000	0	Tied to airline activity	-100.0%
Miscellaneous	20,784	23,494	205,476	23,000	31,100	Tied to airline activity	35.2%
<b>TOTAL OPERATING REVENUES</b>	<b>1,262,510</b>	<b>1,276,056</b>	<b>1,684,665</b>	<b>1,455,072</b>	<b>1,634,034</b>	Total	12.3%
<b>OPERATING EXPENSES</b>							
FTE	6	6	6	7.5	9		
Personal Services	596,508	641,868	668,421	827,312	1,089,540	Increase attributed to insurance costs & add one FTE	31.7%
Supplies	72,675	68,129	74,945	100,000	115,400	Inflation adjustments	15.4%
Purchased Services	732,671	513,984	435,275	678,619	1,506,360	\$750,000 Air Service Grant & Inflation adjustments	122.0%
<b>TOTAL OPERATING EXPENSES</b>	<b>1,401,854</b>	<b>1,223,981</b>	<b>1,178,641</b>	<b>1,605,931</b>	<b>2,711,300</b>	Total	68.8%
<b>OPERATING GAIN (LOSS)</b>	<b>(139,344)</b>	<b>52,075</b>	<b>506,023</b>	<b>(195,233)</b>	<b>(1,077,266)</b>		
<b>NONOPERATING REVENUES (EXPENSES)</b>							
City Contributions	355,000	0	0	0	0		
Passenger Facility Charge	0	0	0	65,000	0	No change	N/A
Interest Income	118,764	95,157	(61,294)	75,000	51,000	Finance adjusted investments	-32.0%
Capital Expenditures	(989,250)	(1,481,000)	(3,623,375)	(14,313,373)	(30,891,667)	Increased for anticipated federally funded capital projects	115.8%
<b>TOTAL NONOPERATING REVENUES (EXPENSES)</b>	<b>(515,486)</b>	<b>(1,385,843)</b>	<b>(3,684,669)</b>	<b>(14,173,373)</b>	<b>(30,840,667)</b>		
<b>NET INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS</b>	<b>(654,830)</b>	<b>(1,333,768)</b>	<b>(3,178,646)</b>	<b>(14,368,606)</b>	<b>(31,917,933)</b>		
Capital Contributions	892,500	922,000	4,274,041	16,581,373	31,248,000	Terminal Building Construction, Runway Widening Design, potential grants for SCASDG and ARPA	88.5%
<b>CHANGE IN NET POSITION</b>	<b>237,670</b>	<b>(411,768)</b>	<b>1,095,395</b>	<b>2,212,767</b>	<b>(669,933)</b>		
<b>Reserve Appropriation</b>	<b>500,000</b>	<b>500,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>2,000,000</b>	NCRA use for special projects IGA stipulates this amount to be the lesser of 50% of unassigned balances of Airport Operating reserves and Capital Fund or less than 25% of the Airport's annual budget	100.0%

November 15, 2022

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Nina Bodenhamer, City Give Director  
Ted Hewitt, Legal

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### SUBJECT

**Second Reading of Ordinance No. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates \$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The philanthropic revenue is received from Adam Snow, FOCO Snow Charities for the designated purpose to benefit income-qualified youth sports programming and services. The Recreation Discount programs provides children in our community with the opportunity to participate in active and healthy recreational sports and activities that their families might otherwise struggle to afford.

Steak-Out Saloon has been a perennial community giver and for more than eight years, the Steak-Out Scramble has generated tremendous community support through a charity golf event. This year, the Steak Out Saloon Charity Golf Scramble tournament generated \$17,000 in charitable support for the City's Youth Recreational Sports Scholarships which brings Snow Charities total contribution to the City to more than \$80,000.

The Recreation Discount program offers eligible households recreation opportunities with on-line class registration, unlimited drop-in visits to facilities, and significant discounts on activity enrollments for 12 months from date of application approval and pass activation.



## **CITY FINANCIAL IMPACTS**

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This Ordinance will appropriate \$17,000 in philanthropic revenue received through City Give for Recreation in the Recreation Fund.

The donated funds have been received and accepted per the City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2022.

## **BOARD / COMMISSION RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 119, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH CITY GIVE TO  
BENEFIT INCOME-QUALIFIED YOUTH SPORTS PROGRAMMING AND  
SERVICES IN THE RECREATION DEPARTMENT

WHEREAS, City Give has received a generous gift of \$17,000 from Adam Snow of FoCo Snow Charities; and

WHEREAS, the designated purpose of the gift is to fund income-qualified youth sports programming and services; and

WHEREAS, the City's Recreation Discount Program provides children in the community the opportunity to participate in sports and activities that their families might not otherwise be able to afford; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of allowing children in income-qualified families to participate in City recreational programs and services; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Recreation Fund and will not cause the total amount appropriated in the Recreation Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new philanthropic revenue in the Recreation Fund the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000) to be expended in the Recreation Fund for income-qualified youth sports programming and services.

Introduced, considered favorably on first reading, and ordered published this 1st day of, November A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Mallory Gallegos, Interim Director, Transportation Operations  
Monica Martinez, PDT FP&A Manager  
Aaron Guin, Legal

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### SUBJECT

**Second Reading of Ordinance No. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The 2022 snow budget of \$1,900,000 already has been exceeded by \$1,100,000 bringing actual costs to a total of \$3,000,000. An additional expenditure of \$1,000,000 is estimated for the 2022 October - December snow season which is based on the period's historical average of five storms. Should these storms occur, total overspend for the year would equal \$2,100,000 and total actual spend would equal \$4,220,800. This situation is not unprecedented, as actual snow costs have exceeded budget allocations on a yearly basis for over ten years. In 2021, a year with no significant fall snowstorms, total snow budget costs equaled \$2,800,000. If there had been significant snowstorms, costs likely would have increased by approximately \$200,000 per snowstorm.

Two main factors in the increased costs for snow removal are extremely cold temperatures and large storms. The presence of extremely cold temperatures and/or ice requires the use of more de-icing material to keep roads safe. The need for more de-icing material accounts for almost a third of current expenditures. Other factors impacting the increased cost of snow removal include increases in personnel costs, material costs, and the increase in the number of lane miles.

Underspend in personnel and non-personnel from Planning, Development, and Transportation (PDT) will be used to offset costs as available. The snow removal budget also will be supplemented by available PDT prior year reserve balances. The remaining amount needed for the snow removal budget is requested from General Fund Reserves.

Additionally, supplemental funds need to be appropriated from Harmony Reserves to cover overspend in the snow budget for Harmony Road – Snow Removal. The 2022 Harmony Road snow budget of \$95,800 already has been exceeded by \$74,700. This amount, plus funding for an anticipated \$50,300 in future expenditures, is requested from Harmony Road Fund Reserves.

### **CITY FINANCIAL IMPACTS**

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This Ordinance will appropriate \$200,000 of Transportation Services Fund prior year reserves. The funds will be expended to cover costs already incurred, and any additional costs necessary for snow removal and associated costs. Any amount appropriated above actual costs will revert to the Transportation Services Fund Reserves Balance.

Additionally, this Ordinance will appropriate \$1,900,000 from General Fund prior year reserves. These funds will be expended to cover costs already incurred and any additional costs necessary for snow removal and associated costs. Any amount appropriated above actual costs will revert to the General Fund Reserves Balance.

An amount of \$125,000 from the Harmony Road Fund prior year reserves also will be appropriated by this Ordinance. Any amount appropriated above actual costs will revert to the Harmony Road Fund Reserves Balance.

<b>Prior Appropriated Funds</b>	
Prior Appropriated Funds	\$1,975,106
Total Prior Appropriation	<b>\$1,975,106</b>
<b>Funds to be Appropriated with this Action</b>	
Transportation Services Fund Reserves	\$200,000
General Fund Reserves	\$1,920,694
Harmony Road Fund Reserves	\$125,000
Total Funds to be Appropriated per this Action	<b>\$2,245,694</b>
<b>Total Budget (includes Harmony Road Snow Removal)</b>	<b>\$4,220,800</b>

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 120, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND AND  
TRANSPORTATION SERVICES FUND FOR SNOW REMOVAL

WHEREAS, the City established a snow removal budget of \$1,900,000 for 2022; and

WHEREAS, the 2022 snow removal budget already has been exceeded by \$1,100,000; and

WHEREAS, in anticipation of snowstorms in October through December of 2022, snow removal costs for 2022 are projected to exceed the 2021 budget by \$2,100,000, for a total of \$4,220,800; and

WHEREAS, the actual costs of snow removal by the City have exceeded annual budget allocations on a yearly basis for more than ten years; and

WHEREAS, two main factors in the increase of snow costs are extremely cold temperatures and large storms, and the presence of extremely cold temperatures requires the use of greater amounts of de-icer material to keep roads safe; and

WHEREAS, the City's need for more de-icer material accounts for nearly a third of the anticipated overspend; and

WHEREAS, large storms such as the one the City experienced in March 2021 drive up costs due to plowing residential roads, removal of downtown snow via truck, and increased costs for sidewalk snow removal; and

WHEREAS, the purpose of this Ordinance is to appropriate \$200,000 of Transportation Services Fund prior year reserves, \$1,920,694 from General Fund prior year reserves, and \$125,000 from Harmony Road Fund prior year reserves to cover costs already incurred and any additional costs necessary for snow removal and associated costs for the remainder of 2022; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing community-wide snow removal; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the General Fund, the Transportation Services Fund, and the Harmony Road Reserves in the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the General Fund

and the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of ONE MILLION NINE HUNDRED TWENTY THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$1,920,694) to be expended in the General Fund for snow removal.

Section 3. That there is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the Transportation Services Fund for snow removal.

Section 4. That there is hereby appropriated from prior year reserves in the Harmony Road Reserves in the Transportation Services Fund the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) to be expended in the Transportation Services Fund for snow removal.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



November 15, 2022



## AGENDA ITEM SUMMARY

City Council

### STAFF

David Lenz, Director, Financial Planning & Analysis  
John Duval, Legal

### SUBJECT

**Second Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.**

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, makes annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

### BACKGROUND / DISCUSSION

Since the fall of October 2016, staff has worked to coordinate the process for updating all development related impact fees that require Council approval. This resulted in the completion of two studies, the Capital Expansion Fee Study dated August 2016 (CEF Study) for the neighborhood park, community park, fire, police and general government capital expansion fees (CEFs) and the Transportation Capital Expansion Fee Study dated April 2017 (TCEF Study) for transportation capital expansion fee (TEF).

Development related impact fees that are approved by Council are CEFs and TEFs, as well as the five Utility plant investment fees (Utility PIFs).

Type of Fee	Fee Name
Capital Expansion	Neighborhood Park
Capital Expansion	Community Park
Capital Expansion	Fire
Capital Expansion	Police
Capital Expansion	General Government
Capital Expansion	Transportation
Utility	Water Supply Requirement
Utility	Electric Capacity
Utility	Sewer Plant Investment
Utility	Stormwater Plant Investment
Utility	Water Plant Investment

Previously, fee updates were presented to Council on an individual basis. However, it was determined that updates should occur on a regular two and four-year cadence and fees updates should occur together each year to provide a more holistic view of the impact of any fee increases.

Fee coordination includes a detailed fee study analysis for CEFs and the TEF every four years. This is achieved through contracting with an outside consultant with data provided by City staff. Findings by the consultant are also verified by City staff. For Utility PIFs, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. In the future, fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO).

Due to competing work objectives in both 2021 and 2022, the planned study updates to the Capital Expansion Fees and Transportation Capital Expansion fees were deferred, and agreement reached to update the fees to be effective January 1, 2023, would reflect inflation adjustments only. The revised cadence of updates and inflation adjustments is summarized below.

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Capital Expansion Fees		Update	Step II	Step III	Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Transportation Expansion Fee		Update	Step II		Inflation	Inflation	Inflation	Update	Inflation	Inflation	Inflation	Update
Electric Capacity Fee		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water Supply Requirement		Update		Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update
Water, Sewer, Stormwater PIFs			Update	Update	Inflation	Update	Inflation	Update	Inflation	Update	Inflation	Update

Currently, the work has been re-engaged on both the CEF and TEF updates. The fee study updates are now targeted for completion in 2023. This timeline allows for integration and scoping with other significant City workflows (revenue diversification, East Mulberry annexation evaluation), as well as allowing for more outreach and engagement. The 4-year update cycle originally envisioned will then commence as planned.

The proposed fee updates in the Ordinance to be effective January 1, 2023, only include inflation adjustments for the CEFs and the TEF. (*The adjustments for the Utility PIFs are being presented to Council in a separate agenda item at this meeting*).

As provided in City Code Section 7.5-18, the CPI-U index for Denver-Aurora-Lakewood is used for CEFs inflation (**8.6%**) and the Engineering News Record Construction Cost Index for TEF inflation (**7.1%**). Below is a summary of the inflation adjustments for all six of these fees including the total adjustment for each fee category:

**Fees Effective January 2023**

Land Use Type	Unit	N'hood Park	Comm. Park	Fire	Police	Gen. Gov't	TEF	Total	Total % Δ
Residential, up to 700 sq. ft.	Dwelling	\$2,108	\$2,977	\$516	\$289	\$703	\$2,703	\$9,296	8.2%
Residential, 701-1,200 sq. ft.	Dwelling	\$2,822	\$3,985	\$698	\$391	\$948	\$5,020	\$13,864	8.1%
Residential, 1,201-1,700 sq. ft.	Dwelling	\$3,082	\$4,351	\$759	\$425	\$1,035	\$6,518	\$16,170	8.0%
Residential, 1,701-2,200 sq. ft.	Dwelling	\$3,114	\$4,396	\$772	\$431	\$1,051	\$7,621	\$17,385	7.9%
Residential, over 2,200 sq. ft.	Dwelling	\$3,470	\$4,901	\$859	\$480	\$1,170	\$8,169	\$19,049	8.0%
Commercial	1,000 sq. ft.	0	0	\$650	\$364	\$1,777	\$9,946	\$12,737	7.4%
Office and Other Services	1,000 sq. ft.	0	0	\$650	\$364	\$1,777	\$7,327	\$10,118	7.5%
Industrial/Warehouse	1,000 sq. ft.	0	0	\$152	\$85	\$419	\$2,365	\$3,021	7.5%

For comparison purposes, the 2021 Fee updates (effective January 1, 2022) were 1.9% for the CEFs and 7.4% for the TEF.

## CITY FINANCIAL IMPACTS

Fee updates will result in increases to fee payers. Total impact to City finances will be dependent on level of development activity.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Reviewed Capital Expansion Fee update schedules with Council Finance Committee on April 7, 2022. Agreement to proceed with the revised schedule presented above and the update for fees effective January 1, 2023, would reflect inflation adjustments only.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 121, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT  
COLLINS TO INCREASE FOR INFLATION THE CAPITAL EXPANSION FEES AND THE  
TRANSPORTATION EXPANSION FEE

WHEREAS, the City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, among the City's home rule powers is the power to regulate, as a matter of purely local and municipal concern, the development of real property within the City and establish impact fees for such development; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees; and

WHEREAS, the City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City; and

WHEREAS, Article II of City Code Chapter 7.5 imposes as an impact fee on new development capital expansion fees for community parkland, police, fire protection and general government (collectively, "CEFs") and a transportation expansion fee (the "TEF"); and

WHEREAS, Article V of City Code Chapter 7.5 imposes as an impact fee on new development a capital expansion fee for neighborhood parkland (the "Neighborhood Parkland CEF"); and

WHEREAS, City Code Section 7.5-18 provides that the CEFs and the TEF are to be increased or decreased annually for inflation; and

WHEREAS, the CEFs are to be increased or decreased annually according to the Denver-Boulder Consumer Price Index for Urban Consumers, as published by the Bureau of Labor Statistics (the "CEF Inflation Factor"); and

WHEREAS, the TEF is to be increased or decreased annually according to the Engineering News Record Denver Regional Construction Cost Index (the "TEF Inflation Factor"); and

WHEREAS, the CEF Inflation Factor increased by 8.6% in 2022 and the TEF Inflation Factor increased by 7.1% in 2022; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents and necessary for the protection of the public's health, safety and welfare, that effective January 1, 2023, the CEFs and the Neighborhood CEF should be increased for inflation by 8.6% and the TEF should be increased for inflation by 7.1%, as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-28. - Community parkland capital expansion fee.**

- (a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

	2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$2,741.00	\$2,977.00
Resid., 701 to 1,200 sq. ft.	3,669.00	3,985.00
Resid., 1,201 to 1,700 sq. ft.	4,007.00	4,351.00
Resid., 1,701 to 2,200 sq. ft.	4,048.00	4,396.00
Resid., over 2,201 sq. ft.	4,513.00	4,901.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. That Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-29. - Police capital expansion fee.**

- (a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$266.00	\$289.00
Resid., 701 to 1,200 sq. ft.	360.00	391.00
Resid., 1,201 to 1,700 sq. ft.	391.00	425.00
Resid., 1,701 to 2,200 sq. ft.	397.00	431.00
Resid., over 2,200 sq. ft.	442.00	480.00
Commercial buildings (per 1,000 sq. ft.)	335.00	364.00
Industrial buildings (per 1,000 sq. ft.)	78.00	85.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. That Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-30. - Fire protection capital expansion fee.**

- (a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$475.00	\$516.00
Resid., 701 to 1,200 sq. ft.	643.00	698.00
Resid., 1,201 to 1,700 sq. ft.	699.00	759.00
Resid., 1,701 to 2,200 sq. ft.	711.00	772.00
Resid., over 2,200 sq. ft.	791.00	859.00
Commercial buildings (per 1,000 sq. ft.)	599.00	650.00
Industrial buildings (per 1,000 sq. ft.)	140.00	152.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. That Section 7.5-31(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-31. - General governmental capital expansion fee.**

- (a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	<b>2022</b>	<b>As of January 1, 2023</b>
Resid., up to 700 sq. ft.	\$647.00	\$703.00
Resid., 701 to 1,200 sq. ft.	873.00	948.00
Resid., 1,201 to 1,700 sq. ft.	953.00	1,035.00
Resid., 1,701 to 2,200 sq. ft.	968.00	1,051.00
Resid., over 2,200 sq. ft.	1,077.00	1,170.00
Commercial buildings (per 1,000 sq. ft.)	1,637.00	1,777.00
Industrial buildings (per 1,000 sq. ft.)	386.00	419.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 6. That Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-32. - Transportation expansion fee.**

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the “transportation improvements fund” established in § 8-87. The amount of such fee shall be determined as follows:



### TRANSPORTATION EXPANSION FEE SCHEDULE

	2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$2,523.00	\$2,703.00
Resid., 701 to 1,200 sq. ft.	4,686.00	5,020.00
Resid., 1,201 to 1,700 sq. ft.	6,085.00	6,518.00
Resid., 1,701 to 2,200 sq. ft.	7,115.00	7,621.00
Resid., over 2,200 sq. ft.	7,626.00	8,169.00
Commercial	9,285.00	9,946.00
Office and Other Services	6,840.00	7,327.00
Industrial/Warehouse	2,208.00	2,365.00

Section 7. That Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-71. - Neighborhood parkland capital expansion fee.**

- (b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

	2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$1,941.00	\$2,108.00
Resid., 701 to 1,200 sq. ft.	2,599.00	2,822.00
Resid., 1,201 to 1,700 sq. ft.	2,838.00	3,082.00
Resid., 1,701 to 2,200 sq. ft.	2,867.00	3,114.00
Resid., over 2,200 sq. ft.	3,196.00	3,470.00

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

November 15, 2022

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Sue Beck-Ferkiss, Social Policy and Housing Program Manager  
Ingrid Decker, Legal

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### SUBJECT

**Second Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. A resolution authorizing the execution of the intergovernmental grant agreement was adopted on November 1, 2022 with First Reading of this Ordinance.

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### STAFF RECOMMENDATION

Staff recommends adoption the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The City applied for and was awarded an Affordable Housing Development Incentives Grant from DOLA in the amount of \$2.2 million to mitigate water and wastewater costs for the Kechter Townhomes development currently under construction at 3620 Kechter Road. To formally accept this grant funding, Council needs to take two actions: 1) approve an Intergovernmental Grant Agreement between the State and the City, and 2) appropriate unanticipated grant revenue to enable disbursement of the grant proceeds.

#### **Affordable Housing Development Incentives Grant Background:**

Colorado House Bill 21-1271 created the Affordable Housing Development Incentives Grant program to provide grants to local governments to develop one or more affordable housing developments in their community that are livable, vibrant, and driven by community benefits.

These grants can be used for infrastructure and amenities that support affordable housing projects. This grant program is funded through the State's American Recovery Plan Act (ARPA) allocation and must be spent by June 2024.

Funding of approximately \$37,728,000 is available in phases. A first round for Catalyst projects was launched for projects that exceeded grant requirements, were ready to implement quickly and had

demonstration value. The goal of this Catalyst round is to complete exemplary and innovative examples of affordable housing projects or programs, to celebrate local governments who have made strong commitments in reducing barriers to affordable housing development, and to support time-sensitive projects ready for investment that will serve as examples for applicants in the main round of funding. The Kechter Townhomes development was one of 14 projects awarded funding in the Catalyst round.

#### **Fort Collins Grant Milestones:**

- Staff submitted the Kechter Townhome project for consideration under the Catalyst round of the Affordable Housing Development Incentives Grant Program for funding on October 21, 2021 through an initial Letter of Intent because the project:
  - exceeded grant guidelines,
  - was shovel-ready but still had a funding gap due to increased costs, and
  - had demonstration value for future affordable home ownership projects.
- On January 21, 2022, the City was formally invited to apply to the Catalyst round of funding.
- On February 15, 2022, City Council passed Resolution 2022-029 supporting a grant application for the Kechter Townhomes project and an application was submitted in March.
- In May 2022 the City was awarded the full \$2.2 million request to mitigate water and wastewater costs associated with the construction of affordable housing at Kechter Townhomes. Award Letter attached.
- The State's Intergovernmental Agreement, attached as an exhibit to the Resolution, requires City Council's approval and the Mayor's signature. Additionally, an appropriation is sought to allow for the use of these funds.

#### **Project History:**

The Kechter Townhomes project is the result of a 2017 Council priority seeking to develop a property held in the City's Affordable Housing Land Bank Program as permanently affordable for-sale homes. After two Request for Proposal (RFP) processes, a partnership team was assembled in 2019 for the purpose of developing 54 permanently affordable for-sale townhomes, now known as Kechter Townhomes. The partnership is led by TWG (developer) and includes Elevation Community Land Trust (ECLT) and Housing Catalyst (HC).

Following formation of this partnership, the City sold the 5 acre land bank parcel for \$25,000 in order to use the value of the land to subsidize the development via Ordinance No. 128, 2021. The value of the land has also been used as the required in-kind match for this State grant funding. A summary of subsidy for the project before this grant, including the City's contributions to date, is included below:

Investor	Per Unit	Typical Subsidy Amount	Total Subsidy
Elevations Community Land Trust (cash)	\$48,500	\$30,000	\$2,619,000
Division of Housing (cash)	\$27,500	\$15,000	\$1,485,000
City of Fort Collins (in kind - land value)	\$21,759	\$38,970 (\$50K for for-sale)	\$1,175,000
	\$97,759 total subsidy per unit		\$5.28M total subsidy

Despite the efforts of all partners to acquire needed subsidy for the project, escalating construction costs resulted in a significant gap in the project's financing. This State grant funding will pay utility costs and reduce the funding gap, ensuring that the project is able to complete construction without unnecessary delay. Construction on Kechter Townhomes began in April 2022 and is expected to take 18 months. When completed, the development will be sold to ECLT who will retain ownership of the land and sell the homes to generations of income-qualified buyers. This innovative partnership will result in the first permanently affordable for-sale homes in the City's affordable housing inventory.

#### Policy Alignment:

This grant implements the City's Housing Strategic Plan and vision that "everyone has healthy, stable housing they can afford" by funding the first permanently affordable for-sale homes in the City's affordable housing inventory. It specifically supports Strategy 19 – Bolster city land bank activity by allocating additional funding to the program. This project addresses housing stability, the escalating costs of building housing, leverages City funding with unanticipated revenue, and provides needed affordable homes that will be permanently affordable for generations of income-qualified households.

#### CITY FINANCIAL IMPACTS

The City has been awarded a state-funded grant from DOLA in the amount of \$2.2M to provide cash incentives for fees for construction of new affordable housing at Kechter Townhomes. The grant will be administered on a reimbursement basis; funds will be spent and reimbursed to the General Fund monthly or as expended. The City will receive an interim reimbursement payment in the amount of \$2,090,000 and a final payment of \$110,000 upon substantial completion of the project and all required reports, for a total award of \$2,200,000.

The City's in-kind contribution of the 5-acre land bank parcel satisfies the matching requirement for the grant. The City sold the property to the project for \$25,000. This contribution is valued at \$1,175,000.

There is no additional financial impact to the City of Fort Collins. These funds will directly benefit the Kechter Townhome development and will be cost neutral to the City.

#### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At the February 3, 2022, meeting, the Affordable Housing Board supported the application for this grant.

## **PUBLIC OUTREACH**

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This matter was discussed at the February 3, 2022, meeting of the Affordable Housing Board which was open to the public. The Resolution supporting the grant application was on the Consent Agenda for the February 15, 2022, Council meeting that was also open to the public. No additional outreach was conducted on this grant award.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 122, 2022  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 MAKING SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL FUND OF  
 GRANT PROCEEDS FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR  
 THE KECHTER TOWNHOMES PROJECT

WHEREAS, the City applied for and has received a grant of \$2.2 million from the Colorado Department of Local Affairs (DOLA) to be used for the benefit of the Kechter Townhomes project being constructed on a former City Affordable Housing Land Bank property (the “Project”); and

WHEREAS, the grant funds will be used to pay water and wastewater tap and permit fees for the Project to the Fort Collins-Loveland Water District; and

WHEREAS, City staff wishes to appropriate the grant funds for expenditure on the Project; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of furthering the development of affordable home-ownership housing in the Fort Collins community; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in that Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City’s expenditure of all funds received from such grant; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Department of Local Affairs for the Project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City’s expenditure of all funds received from such grant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:



Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) for the Project.

Section 3. That the appropriation herein of the Colorado Department of Local Affairs grant for the Social Sustainability Kechter Townhomes Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Noah Beals, Development Review Manager  
Brad Yatabe, Senior Assistant City Attorney

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### SUBJECT

**Second Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, updates the City Code's existing references to Land Use Code to the new name Land Development Code.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

At its October 18th meeting, Council adopted first reading of the Phase 1 update of the Land Use Code. Included in the update is a change to the name of the code. The new name is the Land Development Code.

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### CITY FINANCIAL IMPACTS

None.

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### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

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### PUBLIC OUTREACH

Not applicable.

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### ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 123, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
UPDATING CITY CODE REFERENCES TO ALIGN WITH THE  
ADOPTION OF THE LAND DEVELOPMENT CODE

WHEREAS, City Council is adopting the Land Development Code pursuant to Ordinance No. 114, 2022, to replace the existing 1997 Land Use Code; and

WHEREAS, upon adoption of the Land Development Code, it will not go into effect until January 1, 2023; and

WHEREAS, the purpose of this Ordinance is to update various references in the City Code to the 1997 Land Use Code to align with the Land Development Code; and

WHEREAS, the City Council finds that the changes in this Ordinance are in the best interests of the City of Fort Collins in furthering adoption and utilization of the new Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1-15 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 1-15. - General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.**

...

- (f) Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than three thousand dollars (\$3,000). Said amount shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

...

- (3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs,

expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Development Code Section 6.26.4 and was committed by an owner or tenant of the property.

...

Section 3. That Section 2-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-47. - Certain appeals to be taken to city council.**

An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Development Code, shall be decided by the City Council in the manner set forth in this Division.

Section 4. That Section 2-51 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-51. - Record on appeal.**

Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker together with such additional evidence as may be admitted by the Council for consideration as provided in this Article. The record provided to the City Council shall include the following:

...

- (2) A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City. If a verbatim transcript of the proceedings does not exist and cannot be produced, whether due to an equipment malfunction or clerical error, or for any other reason, the decision that is the subject of the appeal will be re-heard before the decision maker after notice as required by the relevant provisions of this Code or the Land Development Code, whichever is applicable, and the appeal shall be terminated.

...

Section 5. That Section 2-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-108. - Land Conservation and Stewardship Board.**

...

(b) The duties and functions of the Board shall be as follows:

...

- (4) Upon request of the City Manager or at the direction of the City Council, to advise City Council regarding any positive or negative impacts that particular plans or projects of the City or of other public or private entities may have on Natural Areas Program properties or properties that may be of interest to the Natural Areas Program. This provision shall not apply to development projects for which applications have been submitted to the City for approval under the Land Development Code; and

...

Section 6. That Section 2-174 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-174. - Historic Preservation Commission.**

...

(c) The Commission shall also have the following additional functions:

...

- (4) To coordinate with the various other City boards, commissions and City staff members whose actions may affect the preservation of historic resources in the community; and
- (5) To provide advice and written recommendations to the appropriate decision maker and/or administrative body regarding plans for properties containing or adjacent to sites, structures, objects or districts that: (a) have been determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places; (b) are officially designated as a local or state landmark or are listed on the National Register of Historic Places; or (c) are located within an officially designated historic district or area.

Section 7. That Section 2-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-176. - Planning and Zoning Commission.**

...

(b) The Commission shall have the following functions:

...

- (2) To exercise the authority vested in it by state planning and zoning laws subject to the provisions of this Section and the following additional provisions and limitations:

...

- c. The procedures for development review within the City shall be as established in the Land Development Code or, if applicable, the 2022 Transitional Land Use Regulations. Accordingly, Section 31-23-215, C.R.S., shall have no force or effect in the City; and

Section 8. That Section 2-177 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 2-177. - Land Use Review Commission.**

...

(b) The Commission shall have the following powers and duties:

- (1) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by the Land Development Code or, if applicable, the 2022 Transitional Land Use Regulations; and
- (2) To authorize upon appeal in specific cases, and in accordance with the provisions of Division 6.14 of the Land Development Code, variances from the terms of the Land Development Code or, if applicable, of the 2022 Transitional Land Use Regulations pursuant to Division 2.11.

Section 9. That Section 4-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 4-2. - Exceptions.**

The provisions of this Chapter are subject to such exceptions as may be provided in the Land Development Code or, if applicable, the 2022 Transitional Land Use Regulations.

Section 10. That Section 4-117 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 4-117. - Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.**

...

- (b) In those zone districts where the keeping of farm animals (as that term is defined in Article 7 of the Land Development Code) is not otherwise allowed, the keeping of chickens and/or ducks (poultry) shall be permitted subject to the following requirements and subject to all other applicable provisions of this Chapter.

...

Section 11. That Section 5-27 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-27. - Amendments and Deletions to the 2021 International Building Code.**

The *2021 International Building Code* adopted in §5-26 is hereby amended to read as follows:

**3604.2 Definitions applicable to this Chapter:**

**Affordable Housing:** Residential occupancies that meet the criteria established in the Land Development Code Article 7 as affordable housing.

...

**3604.5 New buildings.** All new *buildings* or *buildings* undergoing a primary or partial change of occupancy or use in which more than 50% of the total building area is changing shall provide *electrical vehicle* parking spaces based on the minimum number of parking spaces as defined by the standards in the Land Development Code (LDC). A parking schedule shall be shown on the submitted plans that lists the required parking spaces and the provided EV spaces in accordance with the TABLE 3604.5.

...

Section 12. That Section 5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-47. - Amendments and deletions to the 2021 International Property Maintenance Code.**

The *2021 International Property Maintenance Code* adopted in Section 5-46 is hereby amended to read as follows:

...

4. **Section 102.3 Application of other codes** is hereby amended to read as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, NFPA70 and all other applicable City codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's Land Development Code.

...

17. **Section 201.3 Terms defined in other codes** is hereby amended to read as follows:

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the City Code, the Land Development Code and any other code adopted by reference in the City Code, including the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, *International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

...

Section 13. That Section 5-236 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-236. - Definitions.**



For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Development Code, International Building Code, International Fire Code, Land Development Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words *dwelling unit*, *dwelling*, *premises*, *building*, *rooming house*, *rooming unit*, *housekeeping unit* or *story* are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

...

Section 14. That Section 5-238 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-238. - Applicability.**

In General. The provisions of this Article shall apply to all rental housing. All rental housing shall also conform to the applicable City Land Development Code and City Building Codes, including the IPMC, as adopted and amended in §§ 5-46 and 5-47.

Section 15. That Section 5-264 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-264. - Certificate required for occupancy of dwelling units contained in single-family or two-family dwellings in excess of limit; conditions; revocation or suspension.**

- (a) No dwelling unit contained in a single-family or two-family dwelling shall be occupied by more persons than the number of persons permitted under Section 5.14.1 of the Land Development Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.

...

Section 16. That Section 5-265 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 5-265. - Posting; inspection of books and records; disclosure.**

...

- (b) Whenever reasonable cause exists to believe that a violation of the Code or Land Development Code has occurred at any rental dwelling unit, the owner and property manager, if any, of said unit shall, immediately upon request, make available to the City all lease, rental payment and tenant information pertaining to the unit, together with the written disclosure statement required by Subsection (c) of this Section.
- (c) Any person selling or leasing a dwelling unit shall forthwith provide all purchasers, lessees or sublessees of such unit with a written disclosure statement, on a form provided by the City, specifying the maximum permissible occupancy of such unit under Section 5.14.1 of the Land Development Code. Such disclosure statement shall be signed and dated by all parties to the transaction immediately upon execution of any deed, contract for purchase and sale or lease pertaining to such unit. In the case of a lease, the following shall apply:

...

Section 17. That Section 7.5-17 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-17. - Definitions.**

When used in this Article, the following words and terms shall have the following meanings:

*Building permit* shall mean the permit required for new construction and additions under Division 6.13 of the Land Development Code, or, if applicable, Division 2.7 of the 2022 Transitional Land Use Regulations, and the permit required for the installation of a mobile home pursuant to Subsection 18-8(b) of this Code; provided, however, that the term *building permit*, as used herein, shall not be deemed to include permits required for the following:

...

*Dwelling* shall mean a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings, and which contains: (a) a minimum of eight hundred (800) square feet of floor area, or (b) in the case of a dwelling to be constructed on the rear portion of a lot in the LMN, MMN, OT, CCN, CCR, HC or E zone districts, a minimum of four hundred (400) square feet of floor area, so long as a dwelling already exists on the front portion of such lot. The term dwelling shall not include hotels, motels, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal building.

...

*Transportation improvements* shall mean those capital improvements needed to construct arterial or collector streets as shown in the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements as described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to feepayers. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Development Code.

Section 18. That Section 7.5-19 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-19. - Imposition, computation and collection of fees.**

...

(b) Notwithstanding any language to the contrary contained in this Article, development projects for which final approval of the associated Project Development Plan, as such terms are defined and described in the 2022 Transitional Land Use Regulations, had been received prior to June 6, 2017, shall be required to pay the capital expansion fees at the rates in effect prior to June 6, 2017.

Section 19. That Section 7.5-24.1 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-24.1. - Entitlement to refund upon abandonment.**

Fees collected pursuant to this Article may be refunded to the current owner of the real property for which the fee was paid in the event that the right to develop the property in accordance with the approved plan has been abandoned as provided in Section 6.3.10(B)(3) of the Land Development Code. Any such refund shall be processed in accordance with the procedures described in § 7.5-25. No such refund based upon abandonment shall be made until the following conditions have been met:

...

- (2) the property is adequately fenced in accordance with the standards contained in Article 4 of the Land Development Code in such manner as to adequately protect, in the judgment of the City Manager, public safety;

...

Section 20. That Section 7.5-25 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-25. - Procedure to obtain refund.**

- (a) All applications for refund under this Article shall be submitted to the Financial Officer. Each application shall be in a form established by the Financial Officer, and shall contain the following:

...

- (3) for refunds based upon abandonment, a copy of the approval of abandonment in accordance with Section 6.3.10(B)(3) of the Land Development Code; and

...

Section 21. That Section 7.5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-47. - Definitions.**

When used in this Article, the following words and terms shall have the following meanings:

...

*Dwelling unit* shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Development Code Section 5.3.6, located in any *single-unit* (attached or detached), *two-unit* (attached or detached), or *multi-unit dwelling* or *building* containing dwelling unit(s) and nonresidential use(s), as these terms are defined in the Land Development Code.

...

*Land development project* or *project* shall mean any proposed land development project for which a development application or development application for permitted use has been filed with the City under the Land Development Code or any subsequent amendment to a previously approved subdivision and which, if approved, could result in the construction of new dwelling units.

*Land Development Code* shall mean the City's Land Development Code referenced in Code Section 29-1.

...

Section 22. That Section 7.5-48 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-48. - Land dedication or in-lieu fees imposed.**

...

- (e) Notwithstanding any of the foregoing in this Section, each of the following shall be exempt from the land-dedication requirement and the in-lieu fee payment requirement in this Article:

...

- (6) Long-term care facilities or group homes as defined in the Land Development Code;

...

Section 23. That Section 7.5-81 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 7.5-81. - Definitions.**

When used in this Article, the following words and terms shall have the following meanings:

...

*Traffic-generating development, commencement of* shall mean the point of approval of a site specific development (as that term is defined in Article 57 of the Land Development Code), or the issuance of a building permit, whichever occurs first after the effective date of this Division.

...

Section 24. That Section 9-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 9-2. - Amendments and deletions to the 2021 International Fire Code.**

...

67. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Development Code.

68. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Development Code.

69. **Section 5806.2 Limitations** is hereby amended to read as follows:

**5806.2 Limitations.** Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Development Code.

70. **Section 6104.2 Maximum capacity within established limits** is hereby amended to read as follows:

**6104.2 Maximum capacity with established limits.** Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) in accordance with the City of Fort Collins Land Development Code.

...

Section 25. That Section 10-30 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 10-30. - Takings determinations.**

Any person who claims that his or her property has been taken by reason of the application of any provision of this Article may apply to the Utilities Executive Director for a Takings Determination using the procedural and substantive requirements and criteria set forth in Division 6.19 of the City's Land Development Code, provided that, for the purpose of this

Section, any reference therein to the Director of Community Development and Neighborhood Services shall be deemed to constitute a reference to the Utilities Executive Director and any reference to the Land Development Code therein shall be deemed to constitute a reference to this Article. Said Takings Determination Procedures shall be exhausted before the institution of any judicial proceeding against the City claiming a taking of affected property.

Section 26. That Section 12-18 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 12-18. - Collection and disposal of refuse and rubbish.**

...

- (b) All refuse containers and recyclable materials that are not required to be enclosed at all times per Land Development Code Division 5.11 shall be screened except on collection day, or within twelve (12) hours preceding the time of regularly scheduled collection from the premises, when they may be placed curbside as defined in §15-411 of this Code. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.

...

Section 27. That Section 14-6 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 14-6. - Offenses against historic resources and potentially eligible resources.**

- (a) Except as may be authorized pursuant to this Chapter or the provisions of the Land Development Code, no person shall damage, deface, destroy, or otherwise cause any alteration to be made to any site, structure or object that is:
  - (1) Fifty (50) years of age or older that is not a single-family detached dwelling;
  - (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-family detached dwelling;
  - (3) A historic resource; or
  - (4) Undergoing any of the processes provided for in this Chapter.
- (b) Except in response to a bona fide determination of imminent danger under § 14-8 of this Article, no person shall deviate from or fail to comply with any approved plan of protection for any historic resource that is required under this Chapter or the Land Development Code.

Section 28. That Section 14-21 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 14-21. - Purpose.**

The standards and procedures in this Article apply in whole or in part to determine the eligibility of resources for designation as landmarks or landmark districts for (1) landmark or landmark district designation pursuant to Article III, (2) the analysis of proposed development pursuant to Land Development Code Division 5.8, and (3) property owner information.

Section 29. That Section 14-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 14-23. - Process for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins landmarks or landmark districts.**

- (a) *Application.* An application for determining the eligibility of a resource or district for designation as a Fort Collins landmark or Fort Collins landmark district may be made by the owner(s) of the resource(s). A non-binding eligibility determination may be made by a development review applicant pursuant to Land Development Code Section 5.8.1(D)(2). Said application shall be filed with the Director. Staff may require a current intensive-level Colorado Cultural Resource Survey Form for each resource contained in an application. The applicant shall reimburse the City for the cost of having such a survey generated by a third-party expert selected by the City. Within fifteen (15) days of the filing of such application, and receipt of the intensive-level survey if required, staff shall determine whether the property or properties containing or comprising the site, structure, object or district is eligible for designation as a Fort Collins landmark or landmark district based on the information contained in the application and any additional information that may be provided by others. A determination of eligibility shall be valid for five (5) years unless (1) the Director determines that significantly changed circumstances require a reevaluation of the prior eligibility determination, or (2) the site, structure, object or district is undergoing designation proceedings pursuant to Article 3 of this Chapter in which case, new determinations of eligibility shall occur pursuant to such Article. Staff shall promptly publish the determination in a newspaper of general circulation in the City and cause a sign to be posted on or near the property containing the resource under review stating that the property is undergoing historic review. Said sign shall be readable from a point of public access and shall state that more information may be obtained from staff.

...

Section 30. That Section 14-32 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 14-32. - Interim control of permit issuance.**



CDNS shall not issue any permit for the alteration or demolition of any resource(s) on a property or properties under consideration for designation as a Fort Collins landmark or Fort Collins landmark district from the date of the receipt of an application, a Councilmember written request, or a Commission motion initiating designation, all pursuant to § 14-31, until staff rejection of an application as incomplete pursuant to § 14-31 if the rejected application is not resubmitted with all staff identified deficiencies corrected within fourteen (14) days of the rejection, staff denial of an application in its entirety pursuant to § 14-31, Commission termination of the designation process pursuant to § 14-32, or final disposition of the designation by the City Council, unless such alteration or demolition is authorized by written resolution of the Commission as not causing an adverse effect on the eligibility of the resource(s) for designation, or by written resolution of the City Council as necessary for public health, welfare or safety. Furthermore, CDNS shall not issue any permit during the period in which a staff denial pursuant to § 14-31, or a Commission authorization pursuant to this Section that no adverse effect will occur, may be appealed and until a final decision on the appeal is rendered should a notice of appeal be filed. This stay on the issuance of permits shall include any period for filing a notice of appeal to City Council from a Commission decision on an appeal of a staff determination or until City Council has made a final decision in such an appeal should a notice of appeal be filed. This Section shall not be construed as waiving any other applicable requirements for the issuance of a permit under the Fort Collins Municipal or Land Development Code. No delay on the issuance of permits pursuant to this Section shall exceed one-hundred eighty (180) days unless the Director determines that the City has followed the designation process set forth in this Article without unnecessary delay and more time is needed to complete the designation process.

Section 31. That Section 15-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-108. - All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign.**

- (a) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the City if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. For the purposes of this provision, if an occupant of a multi-unit dwelling, as defined in Division 7.2 of the Land Development Code, wishes to prohibit door-to-door solicitation by the posting of a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling.

...

Section 32. That Section 15-381 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-381. - Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

*Neighborhood zone district* shall mean one (1) of the following zone districts, as established in Article 24 of the Land Development Code: Rural Lands (RUL); Urban Estate UE); Residential Foothills (RF); Low Density Residential (RL); Low Density Mixed-Use Neighborhood (LMN); Medium Density Mixed-Use Neighborhood (MMN); Old Town (OT); and High Density Mixed-Use Neighborhood (HMN).

*Non-neighborhood zone district* shall mean any zone district, as established in Article 2 of the Land Development Code, that is not a neighborhood zone district.

...

*Outdoor vendor* or *vendor* shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location, except that outdoor vendor shall not include a person who:

...

- (6) Vends from a public sidewalk within the Downtown Zone District, as defined and established in the Land Development Code, pursuant to a concession agreement with the City;

...

Section 33. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-384. - Contents of application.**

- (a) The application shall contain the following information:

...

- (12) For an application to engage in stationary vending, documentation that the owner of the private property from which the stationary vending is proposed to be conducted has received under the Land Development Code all approvals required for such vending on that property.

...

Section 34. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-385. - Review and approval.**

...

- (b) The Financial Officer shall also obtain the determination of the Zoning Administrator as to whether the proposed use conforms to the requirements of the Land Development Code as applied to any specified location. If the Zoning Administrator determines the proposed use is not in compliance with the requirements of the Land Development Code, the application shall not be approved.

...

Section 35. That Section 15-387 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-387. - Restrictions and operation.**

...

- (b) The vehicles, structures, devices and other similar items described in the license for any outdoor vendor shall not be located by the vendor in any of the following manners or places:

...

- (5) Upon a public sidewalk within the Downtown Zone District, as defined and established in Article 2 of the Land Development Code (except as a concessionaire of the City);

...

- (p) The following additional requirements shall apply to particular types of outdoor vendor licensees, as specified:

...

- (6) Stationary vendors shall only vend on private parcels of land or lots within non-neighborhood zone districts, as defined and established in Article 2 of the Land Development Code, and they shall not vend from a private parcel or lot within any neighborhood zone district.

Section 36. That Section 15-472 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-472. - Requirements of application for license; payment of application fee; denial of license.**

...

- (b) All medical marijuana businesses shall obtain other required permits of licenses related to the operation of the medical marijuana business, including, without limitation, any development approvals or building permits required by this Code and the Land Development Code.
- (c) The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Development Code.

Section 37. That Section 15-475 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-475. - Location and selection criteria.**

- (a) No medical marijuana store shall be issued a license if, at the time of application for such license, the proposed location is:

...

- (4) Within the boundaries of any RUL, UE, RF, RL, LMN, MMN, OT or HMN residential zone district;
- (5) In a residential unit, ~~except as permitted under Section 3.8.3 of the Land Use Code.~~

...

Section 38. That Section 15-477 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-477. - Signage and advertising.**

All signage and advertising for a medical marijuana store shall comply with all applicable provisions of this Code and the Land Development Code.

...

- (2) The prohibition set forth in Subparagraph (1)e. above shall not apply to:

- a. Any sign located upon the building in which a licensed medical marijuana center is located which exists solely for the purpose of identifying the business and which otherwise complies with the Land Development Code and this Article; or

...

Section 39. That Section 15-615 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-615. - Location criteria.**

- (a) No applicant shall be issued a retail marijuana store license if, at the time of application for such license, such location is:

...

- (4) Within the boundaries of any RUL, UE, RF, RL, LMN, MMN, OT or HMN residential zone district;

- (5) In a residential unit;

...

Section 40. That Section 15-617 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-617. - Signage and advertising.**

- (a) All signage and advertising for a retail marijuana store shall comply with all applicable provisions of this Code, the Land Development Code and state law. In addition, no advertising for marijuana or marijuana products shall be permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public property or private property without consent of the property owner. This prohibition shall not apply to any advertisement contained within a newspaper, magazine or other periodical of general circulation within the City, or that is purely incidental to sponsorship of a charitable event by a retail marijuana establishment. Such signage and advertising must not be misleading, false or infringe upon any state or federal trademark.

...

Section 41. That Section 15-641 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-641. - Definitions.**

The following definitions shall apply to this Article:

...

*Dwelling unit* shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Development Code Section 5.3.6, located in a single-unit (attached or detached), two-unit (attached or detached), or multi-unit dwelling or building containing dwelling unit(s) and nonresidential use(s) as such terms are defined in the Land Development Code.

...

*Short term primary rental* shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. An accessory dwelling unit, as defined in the Land Development Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if it is located on a lot containing a primary residence. A dwelling unit of a two-unit dwelling, as defined in the Land Development Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Section 42. That Section 15-644 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-644. - Licensing requirements.**

- (a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

...

- (3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Development Code, and in particular, Land Development Code § 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term primary rentals as specified in the Land Development Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

...

- (b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.

...

- (3) The dwelling unit must comply with all applicable federal, state, and local laws, including, but not limited to, the Code of the City of Fort Collins and Land Development Code, and in particular, Land Development Code § 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term non-primary rentals as specified in the Land Development Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

Section 43. That Section 15-646 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-646. - Licensing of short term primary and non-primary rentals existing prior to Land Use Code restrictions.**

- (a) A dwelling unit used as a short term primary or non-primary rental that is located in a zone district in which the Land Development Code prohibits such use is eligible for a license pursuant to this Article provided that such dwelling unit was actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and a valid sales and use and lodging tax license was obtained prior to October 31, 2017, for such dwelling unit in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.
- (b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Development Code § 5.9.1(K)(1)(m).

...

- (e) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty (30) calendar days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in the Land Development Code Section 5.9.1(K)(1)(m); and (3) any license issued pursuant to § 15-646 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

...

Section 44. That Section 15-648 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-648. - License regulations.**

Upon issuance of a license pursuant to this Article, the following requirements must be met in order for the license to remain valid. Failure to comply with any of the following regulations may result in revocation, suspension, or non-renewal of the issued license pursuant to § 15-649:

...

- (3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Development Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Development Code § 5.9.1(K)(1)(m).

...

Section 45. That Section 15-649 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 15-649. - Suspension, revocation, nonrenewal of license.**

- (a) The Director may suspend, revoke, or not renew any license issued pursuant to this Article if the Director determines that any of the following have occurred:

...



- (3) Failure to comply with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of the City of Fort Collins and Land Development Code.

...

Section 46. That Section 18-3 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 18-3. - Construction permit required; application; fees; issuance; appeals.**

...

- (b) *Applications.* All applications for permits shall be made in writing to the Building Official and shall contain the following:

...

- (4) Complete plans and specifications of the proposed park (conforming with the requirements of this Chapter, the Land Development Code, utility design standards and street design standards as established by the City), including the following specific information:

...

Section 47. That Section 18-11 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 18-11. - Miscellaneous park requirements.**

...

- (c) *Park Areas for Nonresidential Uses.* No part of any park shall be used for nonresidential purposes, except as otherwise permitted in the Land Development Code of the City and such uses that are required for the direct servicing and well-being of mobile home park residents and for the management and maintenance of the mobile home park.

...

Section 48. That Section 18-12 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 18-12. - Mobile office units.**

...

(b) *Temporary Offices.* A mobile office unit may be used to house temporary offices, provided that the following conditions are met:

(1) The proposed office use and location conforms to the Land Development Code.

...

Section 49. That Section 19-75 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 19-75. - Inspection.**

(a) Whenever necessary to make an inspection to enforce any of the provisions of this Article or any other section of this Code or the Land Development Code or whenever the Enforcement Officer has reasonable grounds to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Enforcement Officer may enter such building or premises at all reasonable times to inspect it or to perform any duty imposed upon the Enforcement Officer by this Article. If such building or premises are occupied, the Enforcement Officer shall first present proper credentials and request entry. If such building or premises are unoccupied, the Enforcement Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if no person having control of the building or premises can be located, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

...

Section 50. That Section 20-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 20-23. - Maximum permissible noise levels.**

(a) A noise measured or registered in the manner provided in § 20-24 from any source at a level which is in excess of the dB(A) established for the time period and zoning districts listed in this Section is hereby declared to be a noise disturbance and is unlawful. When a noise source can be identified and its noise measured in more than one (1) zoning district, the limits of the most restrictive zoning district shall apply.

***Zoning Districts***

***Maximum Noise [dB(A)]***

**Areas zoned:**

...

Old Town (OT)

...

Section 51. That Section 20-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 20-42. - Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.**

...

- (g) Notwithstanding any other provision of this Section which may be construed to the contrary, the owner or occupant of any property that includes an area that has been established as a natural habitat or feature pursuant to Section 5.6.1(D) of the Land Development Code, or a buffer zone for natural habitat or feature pursuant to Section 5.6.1(E) of the Land Development Code, which area is managed and maintained in accordance with specific conditions established in a site-specific development plan or development agreement, shall not be required to mow said areas other than as required in such development plan or agreement.

...

Section 52. That Section 23-83 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 23-83. Investigation of application information; fee; permit modification and revocation.**

- (a) The application shall be made to the City Manager. The City Manager shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit. In investigating the application, the City Manager may consult with such City departments as they deem necessary to determine whether the application should be approved. The City Manager may issue the permit for such duration and upon such other terms and conditions as the City Manager determines are necessary to protect the public welfare if the following criteria are met:

...

- (4) In addition to satisfying the above three criteria, the following requirements apply to the following proposed encroachments:

...

b. As a condition of the issuance of any permit for the purpose of serving food and/or beverages as referenced in Subsection 23-82(b), the permittee shall:

...

4. In order for an application for an encroachment for wireless telecommunication equipment or facilities (as those terms are defined in Article 7 of the Land Development Code) to be approved, the applicant must show to the satisfaction of the City Manager that the applicable criteria contained in Section 4.3.5 regarding Wireless Telecommunication of the Land Development Code have been met.

...

Section 53. That Section 22-99 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 22-99. - Reallocation of assessments.**

(a) In the event that any parcel of land subject to assessment under this article undergoes subdivision, as defined in Article 7 of the Land Development Code, the owner(s) of all parcels constituting the original tract shall immediately propose in writing to the Financial Officer a reallocation of the assessment as to all such smaller parcels. Such proposal shall include the following information as to each parcel within the original tract:

...

Section 54. That Section 23-116 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 23-116. - Permits and licenses to enter on real property.**

(a) The City Manager is authorized to grant a permit or license for the use or occupation of any real property owned in the name of the City, provided such use or occupation:

...

(3) cannot be authorized entirely through other administrative processes provided for in the Charter, Code or Land Development Code.

...

Section 55. That Section 23-173 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 23-173. - Applicability.**

...

- (b) The following facilities are not subject to the requirements of this Article, though such facilities may be subject to separate regulation under the Fort Collins Land Development Code:

- (1) *Antennas or towers used by FCC-licensed amateur (ham) radio operators.*  
Such facilities shall be permitted subject to the Land Development Code.

...

Section 56. That Section 23-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 23-176. - Design standards.**

...

- (c) *Conditions.*

...

- (5) Landscape and fencing requirements.

...

- d. No tree may be removed in siting a CF, unless authorized by the City Forester. To obtain authorization the applicant shall show wireless services are not technically feasible without tree removal; the applicant's plan minimizes the total number of trees to be removed, avoids removal of any tree larger than four (4) inches at four and one-half (4 ½) feet high, and replaces any tree to be removed at a ratio of 2:1; and all new trees meet the replacement size standards in Section 5.10.1(D)(4) of the Land Development Code.

...

Section 57. That Section 24-1 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 24-1. - Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.**

Notwithstanding the provisions of § 17-42, the following signs shall be permitted on streets, sidewalks and other areas owned by the City:

- (1) Signs hanging above City sidewalks provided that such signs are solely connected to private property and provided that such signs are allowed under Division 5.16 of the City's Land Development Code.

...

Section 58. That Section 24-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 24-42. - Maintenance.**

...

- (c) It shall be the duty of any property owner whose property is adjacent to a pedestrian/bicycle path which was required by the City to be constructed pursuant to the provisions of the Land Development Code or, if applicable, the 2022 Transitional Land Use Regulations, to maintain the paved surface of said pedestrian/bicycle path so that the condition of the same does not endanger the public.

Section 59. That Section 24-95 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 24-95. - Obligation for construction.**

...

- (c) If the City has constructed such local portion of a public street adjacent to undeveloped property or property that may be redeveloped, the City may require, at or before the time of issuance of any building permit for new development or change of use, that the owner of any benefitted adjacent property repay to the City its cost in acquiring the necessary right-of-way and constructing such local portion of such street or other related improvements. For the purpose of this provision, benefit to the adjacent property may include, among other things, the construction of improvements that will allow the adjacent property to be developed in accordance with the requirements of Section 5.4.10 of the Land Development Code where, in the absence of the improvements, such development would not be allowed to proceed. The amount of reimbursement to be paid to the City under this Subsection shall be no less than the original cost of the right-of-way and improvements plus any mutually agreed-upon amount to reflect the effects of inflation, if any. These adjustments may be based on the construction cost index for Denver, Colorado, as published monthly by the Engineering News Record. (If said index shows deflation, the

adjustment shall be made accordingly, but not below the original cost as submitted by the Installing Developer and approved by the City Engineer.) The *original cost of the right-of-way and improvements* shall mean the cost of right-of-way acquisition, financing, engineering, construction and any other costs actually incurred by the City which are directly attributable to the improvements.

Section 60. That Section 24-111 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 24-111. - Definitions.**

...

*Transportation improvements* shall mean those capital improvements needed to construct arterial or collector streets in the City as shown on the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements when described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to *feepayers*, as this term is defined in § 7.5-17. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Development Code.

Section 61. That Section 26-41 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-41. - Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

*A change in use* would result from:

...

- (2) the property being included in any development review process under the Land Development Code;

...

*Fraternity and sorority houses* shall mean the same as defined in the Land Development Code.

...

Section 62. That Section 26-94 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-94. - Individual service lines for each building required.**

- (a) Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. Each building shall be served by a separate service line; however, the Utilities Executive Director may require that a building be served by more than one (1) service line. Separate service lines and meters for irrigation purposes shall be required for all properties, except for: (1) single-family residences; (2) duplex residences; and (3) properties where the annual use for irrigation under the water budget chart under the Land Development Code Section 5.10.1(E)(3)(b) is less than 30,000 gallons per year. For purposes of this Section, the term *building* means a structure standing alone, excluding fences and covered walkways. A separate accessory structure is a separate building. To qualify as one (1) building, all portions, additions or extensions must be connected by an attachment that is an enclosed part of the building and usable by the occupants.
- (b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an accessory dwelling unit. For purposes of this Section, the term accessory dwelling unit shall have the same meaning as in the Land Development Code.

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:



- (1) The properties to be served by the line must be single-unit attached dwellings on separate platted lots as defined in the Land Development Code.

...

Section 63. That Section 26-120 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-120. - Water plant investment fees.**

...

- (e) Notwithstanding the provisions of Subsections (a) and (c) of this Section the Utilities Executive Director may waive payment of the WPIF if the Utilities Executive Director determines that the requested connection will not adversely affect the capacity of the water utility to treat and deliver water for its users, and that if at least one of the following sets of requirements applies. Under either set of requirements, the Utilities Executive Director shall have the authority to discontinue the temporary water service if the capacity of the water utility to treat and deliver water to its users is adversely affected.

- (1) The applicant is a customer of the water utility and shall only use the water connection as a source of irrigation water for the establishment of new native vegetation. For the purposes of this requirement, native vegetation shall be as defined in the City's Land Development Code or, if native vegetation is no longer defined in the City's Land Development Code, the Utilities Executive Director shall determine whether the vegetation to be irrigated is native vegetation for the purposes of this Subsection (e) following consultation with relevant City departments. The approved period of such connection shall not exceed three (3) calendar years from the date of approval, provided that for the purposes of this provision, the first calendar year shall be from the date of installation through December 31. The applicant shall physically separate and abandon the water connection from the City's water distribution system at the end of the approved period of such connection and shall, before any such connection is made, escrow funds with the Utility to complete such disconnection and abandonment, with the amount of the funds to be determined by the Utilities Executive Director based on the estimated direct costs to complete such disconnection and abandonment plus fifteen (15) percent for indirect costs.

...

Section 64. That Section 26-149 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-149. - Water supply requirement (WSR); nonresidential service.**

...

- (b) The minimum WSR shall be calculated using the table in this subsection. The Utilities Executive Director shall determine the type of use to be used based on all relevant information and the common meaning of the listed uses. If various portions of a property are used for separate uses, the WSR for the various portions of the property shall be calculated separately and aggregated to determine the WSR for the entire property. The WSR for any use not addressed by the table shall be calculated pursuant to Subsection (c).

Use	WSR Calculation
...	...
Irrigation	Pursuant to water budget chart, Land Development Code Section 5.10.1(E)(3)(b).
...	...

...

Section 65. That Section 26-206 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-206. - Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

*Fraternity and sorority houses* shall mean the same as defined in the Land Development Code.

...

Section 66. That Section 26-256 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-256. - Individual service lines for each building required.**

...

- (b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and

specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an accessory dwelling unit. For purposes of this Section, the term accessory dwelling unit shall have the same meaning as in the Land Development Code;

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private sewer service line, provided that:

- (1) The properties to be served by the line must be single-unit attached dwellings on separate platted lots as defined in the Land Development Code.

...

Section 67. That Section 26-464 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-464. - Residential energy service, schedule R.**

...

- (b) *Applicability.* This schedule applies to residential customers for all domestic uses in single-family dwellings, individually metered apartments and home occupations as defined in Article 7 of the Land Development Code. This schedule may also be applied to existing master metered residential buildings served under this schedule prior to January 1, 1980. Master metering is not available for new or remodeled residential buildings with more than one (1) dwelling unit unless authorized by the Utilities Executive Director. This schedule does not apply to auxiliary or standby service.

...

Section 68. That Section 26-465 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-465. - All-electric residential service, schedule RE.**

...

(b) *Applicability.* This schedule applies to residential customers qualifying under subsection (a) who opt not to receive services under schedule R, for all domestic uses in single-family private dwellings, individually metered apartments and home occupations as defined in Article 7 of the Land Development Code.

...

Section 69. That Section 26-466 of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-466. - General service, schedule GS.**

...

(b) *Applicability.*

...

(2) This schedule does not apply to single-family, individually metered residential units unless:

...

b. The unit is not eligible for a Home Occupation License as specified in Article 4 of the Land Development Code.

...

Section 70. That the changes in this Ordinance shall not go into effect until the Land Development Code goes into effect.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on this 15th day of November, A.D. 2022.

---

Mayor

ATTEST:

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City Clerk

November 15, 2022

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Rebecca Everette, Planning Manager  
Will Lindsey, City Planner  
Brad Yatabe, Legal

---

### SUBJECT

**Second Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, extends the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization is set to expire on December 1, 2022. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

Ordinance No. 167, 2021, allowed T-Mobile to place a temporary cell-on-wheels (COW) at 1800 E. Harmony Road through June 7, 2022, to compensate for lost coverage when T-Mobile removed its equipment from the PRPA towers. In light of T-Mobile's delays in building its permanent facility, Council subsequently adopted Ordinance No. 055, 2022, allow the COW to remain until December 1, 2022.

A hearing for that permanent facility was held on January 24, 2022, with the Hearing Officer's determination being released on February 4th. A decision of approval with two conditions was made. Those conditions were that (1) a fall zone letter be provided by the applicant, and (2) the facility be redesigned from an unconcealed monopole to a concealed monopine. No appeal was filed against the decision within the required 14-day timeframe, and the decision was made final on February 18th. T-Mobile submitted Final Development Plan (FDP) documentation to the City on March 23rd, and the project was deemed complete and routed for staff review on April 1st. At the time of that routing it was estimated that final approval would be granted within 10 weeks at which point T-Mobile will be allowed to file for building permits and begin construction.

Due to the conditions or approval, the time needed for the redesign, and the time needed for final construction after final plan approval, T-Mobile is requesting that the current authorization for the COW be extended past December 1, 2022, as it is no longer feasible for the facility to be constructed by the December deadline as originally anticipated. Staff is supportive of the request due to T-Mobile's diligent and timely pursuit of final plan approval. To date, no public comments or complaints have been received regarding the temporary facility.

Staff recommends placing a final expiration date of June 1, 2023, for the temporary facility with no further options for extension. This should allow for ample time to complete the permanent site and exceeds the estimated completion date as outlined in T-Mobile's request.

## **PUBLIC OUTREACH**

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A mailed notice regarding the proposal and the Council date to review the Ordinance will be sent to all property owners of record with 800 feet of the site. That notice will mail on October 18, 2022, two weeks before the City Council Regular Session on November 1, 2022.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 124, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING AN EXTENSION OF THE TEMPORARY EXCEPTION TO THE LAND  
USE CODE TO ALLOW T-MOBILE TO PLACE A TEMPORARY WIRELESS  
TELECOMMUNICATION FACILITY AT 1800 EAST HARMONY ROAD TO  
REPLACE LOST WIRELESS SERVICE COVERAGE

WHEREAS, T-Mobile maintains a network of wireless telecommunication facilities and equipment within the City to provide wireless service; and

WHEREAS, on May 14, 2021, T-Mobile was required to remove certain wireless equipment from the Platte River Power Authority infrastructure which resulted in a loss of T-Mobile wireless service coverage in a portion of south Fort Collins and deprived T-Mobile users in that area of an important means of communication and access to information; and

WHEREAS, to allow for wireless service in the affected area until T-Mobile could construct a permanent wireless facility at 4518 Innovation Drive, City Council adopted Ordinance No. 167, 2021, on December 21, 2021, authorizing a temporary exception to the Land Use Code to allow T-Mobile to place a temporary wireless telecommunication facility, commonly known as a cell-on-wheels or COW, at 1800 East Harmony Road through the end of March 31, 2022, with monthly extensions granted by the Director of Community Development and Neighborhood Services through June 7, 2022; and

WHEREAS, due to unanticipated delays Council adopted Ordinance Number 055, 2022, to allow the COW to remain at 1800 East Harmony Road through the end of December 1, 2022; and

WHEREAS, despite T-Mobile diligently pursuing development approval for the permanent facility, further delays have caused T-Mobile to request that Council allow the COW to remain at 1800 East Harmony Road beyond December 1, 2022; and

WHEREAS, the City has received no complaints nor experienced any issues regarding T-Mobile's COW at 1800 East Harmony Road and City staff supports the extension request due to T-Mobile's diligent efforts to construct the permanent facility; and

WHEREAS, City staff recommends that the authorization for the COW be extended through the end of June 1, 2023, to allow sufficient time for construction of the permanent facility; and

WHEREAS, the Land Use Code does not allow the placement of temporary wireless facilities such as COWs and in order for T-Mobile to do so, City Council must grant an exception to the Land Use Code; and

WHEREAS, City Council finds that authorizing an extension of the COW at 1800 East Harmony Road through the end of June 1, 2023, in order to temporarily replace the lost service



coverage, and no more, subject to revocation at Council's will, is in the best interests of the citizens of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council extends the authorization for T-Mobile to temporarily maintain the COW with the same terms and requirements set forth in Ordinance No. 055, 2022, through the end of June 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Dave Betley, Engineering Manager  
John Gerwel, Civil Engineer I  
Brad Yatabe, Legal

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## SUBJECT

**Second Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.**

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## BACKGROUND / DISCUSSION

The Crestridge Street right-of-way was dedicated in Book 1655, Page 179, on July 25, 1975, and is currently known as Crestridge Drive. The portion of Crestridge Street right-of-way is no longer desirable or necessary to retain for street purposes because the extension of Venus Drive to connect with South College Avenue and dedication of public access easements will fulfill the function of Crestridge Drive. The Fort Collins Nissan-Kia development will create an extension of Venus Drive going north and then turning east to connect with South College Avenue and Bueno Drive at a signalized intersection. The vacated right-of-way will be returned to the parcel owners where the Nissan-Kia development is occurring. Adjoining properties are not entitled to vacated right-of-way lands because those parcels never ceded land for the Crestridge Street right-of-way. The Fort Collins Nissan-Kia development is anticipated to be approved in Fall 2022.

Crestridge Drive does not currently meet LCUASS standards from Table 7.3 for intersection separation with Smokey Street on the east side of College Avenue. Staff from Planning, Development, and Transportation have determined that vehicular connectivity and circulation will be adequate without the need for Crestridge Drive once Venus Drive is extended. Figure 1 shows an area map of the surrounding street network. After Council's conditional approval of the Ordinance and the City's approval of the Fort Collins Nissan-Kia plans, the Nissan-Kia developer will construct the Venus Drive extension and connect to the existing Venus Drive. Once the extension of Venus Drive has been approved by Engineering

Inspection, the Crestridge Street right-of-way vacation will take effect upon recording of the Ordinance with the Larimer County Clerk and Recorder. The area of the vacated right-of-way will be used as an access easement for the Nissan-Kia dealership and an access easement with additional parking for the neighboring Christian Core Academy School. These easements will be dedicated separately and will not be reserved as part of this vacation. Figure 2 shows the proposed street realignment of Venus Drive. The City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation.

For a vacation of right-of-way to be completed, the approved Ordinance must first be recorded with Larimer County. To ensure that access to the affected properties is continually provided, staff recommends that the following condition, as further detailed in the Ordinance, be satisfied prior to recording:

- The Venus drive extension be first constructed in accordance with the approved Fort Collins Nissan-Kia development plans and approved by Engineering Inspection.

**Figure 1. Area Map**

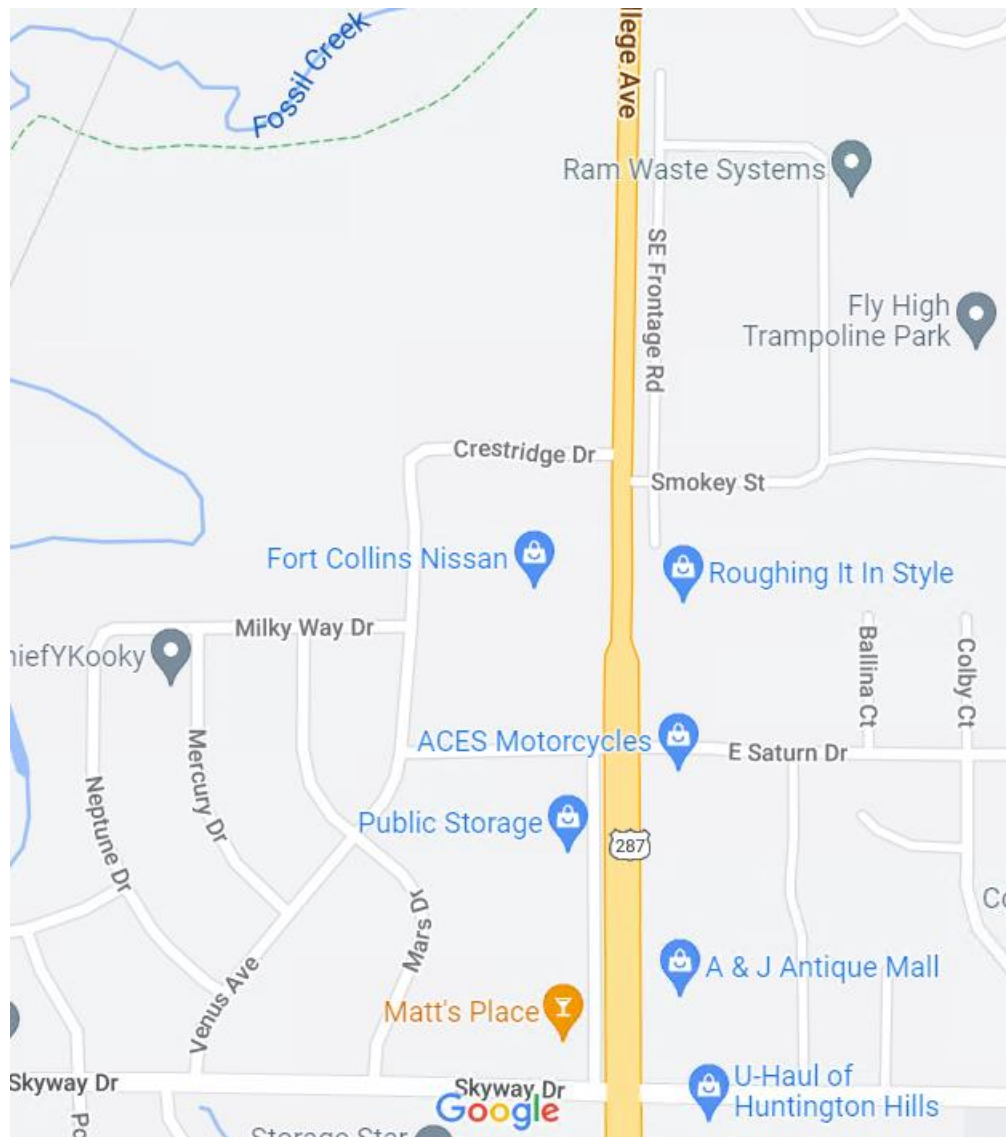
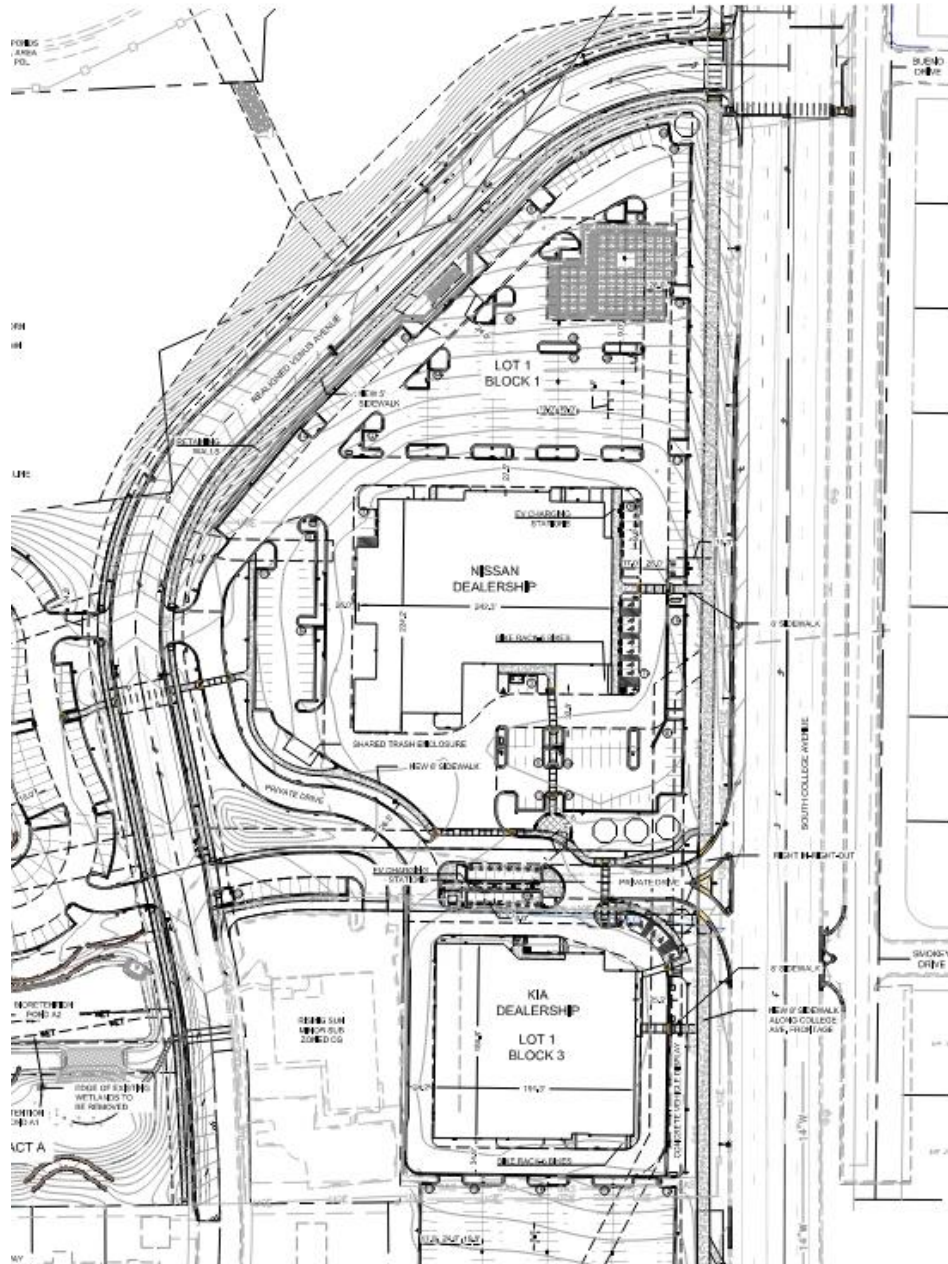


Figure 2. Proposed Realignment of Venus Drive



### CITY FINANCIAL IMPACTS

The City will no longer need to maintain the 27,656 square feet of vacated right-of-way, which will decrease the City's street maintenance costs.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

### PUBLIC OUTREACH

Potentially affected utility agencies, staff, and emergency service providers have been notified of the request for right-of-way vacation. Additionally, the adjacent property owners at 125 Crestridge Drive and Parcel 9611100031 have been notified of the proposed right-of-way vacation. A notification letter to the

adjacent property owners will also inform them that the first reading of this Ordinance is scheduled for the City Council consent agenda on November 1, 2022.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 125, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
CONDITIONALLY VACATING A PORTION OF CRESTRIDGE STREET RIGHT-OF-WAY

WHEREAS, the Crestridge Street right-of-way (“Right-of-Way”) was dedicated to Larimer County for road purposes as described in the deed of dedication recorded at Book 1655, Page 179, of the Larimer County, Colorado records; and

WHEREAS, the Right-of-Way was subsequently annexed into the City and is currently known as Crestridge Drive which connects South College Avenue to Venus Drive; and

WHEREAS, the developer of the Fort Collins Nissan-Kia development plan, WWW Properties, LLC, (“Developer”) has requested that the City vacate a portion of the Right-of-Way as depicted on Exhibit “A” attached hereto and incorporated herein (such portion hereinafter referred to as the “Vacation Area”); and

WHEREAS, vacation of the Vacation Area will eliminate the connection between Venus Drive and College Avenue; and

WHEREAS, the Fort Collins Nissan-Kia development plan proposes to extend Venus Drive to connect to College Avenue which, if accomplished, would make the Vacation Area no longer necessary as public right-of-way; and

WHEREAS, the City Engineer has routed the vacation request to potentially affected utility agencies, City staff, emergency service providers and affected property owners in the vicinity of the Vacation Area and no objection to the proposed vacation has been received; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended conditional approval of this vacation to the Planning, Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved with the conditions set forth in the Ordinance; and

WHEREAS, the right of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street Right-of-Way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the Vacation Area is no longer needed for right-of-way purposes and that it is in the public’s interest to vacate the Vacation Area provided the conditions in Section 3 are first met.

Section 3. That the Vacation Area is hereby vacated, abated and abolished, provided, that:

- (1) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder; and
- (2) This Ordinance shall be recorded only after the extension of Venus Drive to South College Avenue has been constructed pursuant to City approved plans, and the City has initially accepted such extension and the required warranty period has commenced.

Section 4. If this Ordinance is not recorded within three years of the date of second reading of this Ordinance, then this Ordinance shall become null and void. Should this Ordinance become null and void but the existing road improvements within the Vacation Area have been demolished, the Developer must restore at their own expense the road improvements within one-hundred and twenty days of this Ordinance becoming null and void, or such further time as the City Manager may grant in writing their reasonable discretion to restore the road improvements in considerations of the winter season or other construction limitations.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**PROPERTY DESCRIPTION**

A tract of land, being a part of that parcel of land described as Crestridge Street in that Deed of Dedication recorded July 25, 1975 as Book 1655 at Page 179 at Reception No. 122882 of the Records of Larimer County, located in the Northeast Quarter (NE1/4) of Section Eleven (11), Township Six North (T.6N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

**COMMENCING** at the Northeast corner of said Section 11 and assuming the North line of said NE1/4 as bearing South 88°31'52" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2621.55 feet with all other bearings contained herein relative thereto;

THENCE South 88°31'52" West along the North line of said NE1/4 a distance of 74.99 feet to the Westerly Right of Way of South College Avenue;

The following Four (4) courses and distances are along the Westerly Right of Way lines of said South College Avenue;

THENCE South 00°40'38" West a distance of 366.10 feet;

THENCE South 00°44'38" West a distance of 610.50 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 2.83 feet, said curve has a Radius of 22995.00 feet, a Delta of 00°00'25" and is subtended by a Chord bearing South 00°44'47" West a distance of 2.83 feet to the Northeast corner of said Deed and to the **POINT OF BEGINNING**;

The following Five (5) courses are along the Easterly, Southerly and Westerly lines of said Deed;

THENCE continuing along the arc of a curve concave to the Southeast a distance of 60.00 feet, said curve has a Radius of 22995.00 feet, a Delta of 00°08'58" and is subtended by a Chord bearing South 00°40'05" West a distance of 60.00 feet to a line non-tangent to this curve;

THENCE North 89°14'51" West along a line non-tangent to the aforesaid curve a distance of 364.21 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 72.53 feet, said curve has a Radius of 278.27 feet, a Delta of 14°55'59" and is subtended by a Chord bearing South 83°17'09" West a distance of 72.32 feet to a Point of Compound Curvature;

THENCE along the arc of a compound curve concave to the Southeast a distance of 23.26 feet, said curve has a Radius of 15.00 feet, a Delta of 88°50'00" and is subtended by a Chord bearing South 31°24'09" West a distance of 21.00 feet to a Point of Compound Curvature;

THENCE along the arc of a compound curve concave to the Southwest a distance of 14.14 feet, said curve has a Radius of 725.00 feet, a Delta of 01°07'03" and is subtended by a Chord bearing North 13°34'22" West a distance of 14.14 feet to a Point of Reverse Curvature;

THENCE along the arc of a reverse curve concave to the Northeast a distance of 19.99 feet, said curve has a Radius of 200.00 feet, a Delta of 05°43'34" and is subtended by a Chord bearing North 11°16'06" West a distance of 19.98 feet to a Point of Tangency;

THENCE North 08°24'19" West a distance of 33.90 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 6.83 feet, said curve has a Radius of 211.00 feet, a Delta of 01°51'12" and is subtended by a Chord bearing North 09°19'55" West a distance of 6.82 feet to a line non-tangent to this curve and to the North line of said Deed;

The following Three (3) courses and distances are along the Northerly lines of said Deed;

THENCE North 75°13'16" East along a line non-tangent to the aforesaid curve a distance of 6.35 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 91.66 feet, said curve has a Radius of 338.27 feet, a Delta of 15°31'31" and is subtended by a Chord bearing North 82°59'27" East a distance of 91.38 feet to a Point of Tangency;

THENCE South 89°14'48" East a distance of 364.13 feet to the **POINT OF BEGINNING**.

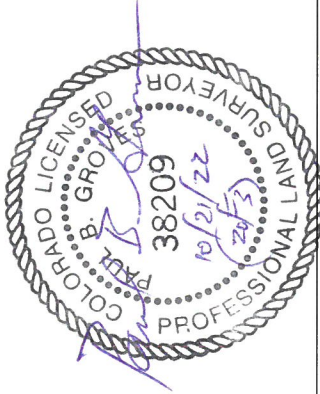
Said described parcel of land contains 27,478 Square Feet or 0.631 Acre, more or less (±).





SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



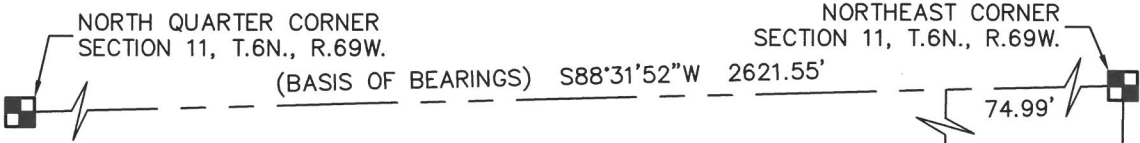
Paul B. Groves - on behalf of King Surveyors  
Colorado Licensed Professional  
Land Surveyor #38209

**KING SURVEYORS**  
650 East Garden Drive  
Windsor, Colorado 80550  
(970) 686-5011

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	2.83'	22995.00'	0°00'25"	2.83'	S00°44'47"W
C2	60.00'	22995.00'	0°08'58"	60.00'	S00°40'05"W
C3	72.53'	278.27'	14°55'59"	72.32'	S83°17'09"W
C4	23.26'	15.00'	88°50'00"	21.00'	S31°24'09"W
C5	14.14'	725.00'	1°07'03"	14.14'	N13°34'22"W
C6	19.99'	200.00'	5°43'34"	19.98'	N11°16'06"W
C7	6.83'	211.00'	1°51'12"	6.82'	N09°19'55"W
C8	91.66'	338.27'	15°31'31"	91.38'	N82°59'27"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N08°24'19"W	33.90'
L2	N75°13'16"E	6.35'

EXHIBIT A



CRESTRIDGE STREET

VACATE A PORTION OF A 60' RIGHT OF WAY  
BOOK 1655, PAGE 179, RECORDED: JULY 25, 1975  
AS SHOWN HATCHED

RIGHT OF WAY WIDTH VARIES  
BOOK 1655, PAGE 179,  
RECORDED: JULY 25, 1975

VENUS AVENUE

60' RIGHT OF WAY  
BOOK 1635, PAGE 18, 1975  
RECORDED:

LOT 1  
RISING SON  
MINOR SUBDIVISION

27,478 SQ.FT.  
0.631 ACRE

S89°14'48"E 364.13'

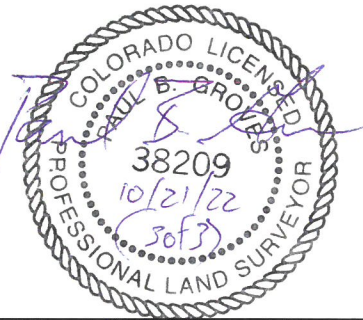
N89°14'51"W 364.21'

S00°44'38"W 610.50'

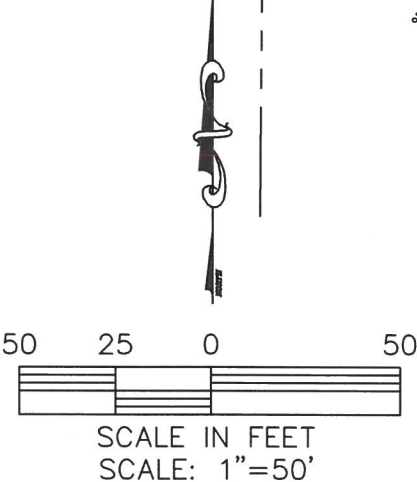
S00°40'38"W 366.10'

SOUTH COLLEGE AVENUE

RIGHT OF WAY WIDTH VARIES  
BOOK 1066, PAGE 204, RECORDED: MAY 6, 1958  
& BOOK 1058, PAGE 297, RECORDED: DECEMBER 18, 1957



Paul B. Groves – On Behalf Of King Surveyors  
Colorado Licensed Professional  
Land Surveyor #38209



Item 10.

PROJECT NO: 20210169  
DATE: 10/6/2022  
CLIENT: UNITED CIVIL DESIGN GRO  
DWG: 20210169EXH-VAC  
DRAWN: CSK CHECKED: PG

KING SURVEYORS  
650 E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | fax: (970) 686-5821  
email: contact@KingSurveyors.com



NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than three years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Kelly DiMartino, City Manager  
Travis Storin, Chief Finance Officer  
Lawrence Pollack, Budget Director  
John Duval, Legal

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### SUBJECT

**Second Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Annual Appropriation and Budget Ordinance. The Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

This creation of the 2023-2024 Recommended Budget was accomplished using a process called Budgeting for Outcomes (BFO), which is a form of priority-based budgeting. The process has included the following major steps:

Council adopted the 2022 Strategic Plan, which encompasses the adopted 2021-2023 Council Priorities.

City financial staff created revenue forecasts for fiscal years 2023 and 2024.

City staff developed budget requests (offers) for individual programs and services to help achieve specific strategic objectives within the adopted strategic plan. The primary objective selected within the budget

request determines which of the City's seven key Strategic Outcomes the request is then submitted for consideration

BFO Teams comprised of 7 staff members each (one team per Outcome) reviewed the offers and negotiated with the staff (aka Sellers) who submitted the budget requests. This unique aspect of BFO allows for a much deeper review and understanding of the programs and services being proposed. The teams each deliver a prioritized ranking of budget requests that would change the ongoing level of service.

Concurrently, public outreach began with a press release and ongoing communications through social media channels to invite the community to share their perspectives. The City's online public engagement tool, called OurCity, allows individuals to provide various types of input based on their level of interest and the amount of time they have available. Initial feedback received in May and June helped inform the decisions for the recommended budget, and the remaining inputs through September will be shared with Council as final decisions are being made for the adopted 2023-2024 Budget.

A work session item on the status of the 2023-2024 budget process was discussed on June 28. This session included high-level assumptions within the budget, as well as conversation about the themes that were emerging.

The prioritized lists of funding recommendations from the BFO Teams were then reviewed by the City Manager and the rest of the Budget Leadership Team (BLT). The BLT deliberated similar to the BFO Teams, but they looked across all seven Outcomes holistically. This included conversations with each BFO Team, as well as a snapshot summary of the public input received between early May and early July. These inputs, along with other data and information discussed by the BLT, resulted in the decisions of what is recommended for funding in 2023 and 2024.

The 2023-2024 Recommended Budget was delivered to Council on September 1 along with a cover memo outlining the approach that was taken. Attachment 1 of that memo included a comprehensive listing of all the recommended offers, both ongoing and enhancements, that supported the 31 adopted Council Priorities.

Council reviewed the Recommended Budget during three Council work sessions. In addition, residents provided input to Councilmembers through two public hearings and public engagement which continued through the end of September. From these discussions City Council has provided direction and guidance for the following changes that have been incorporated into First Reading of the 2023-2024 Budget.



## Changes to Offers originally included in the City Manager's Recommended Budget (Exhibit A).

Note - Offers listed below are in the same order as presented in the work session on October 11

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
C&R	Offer 43.28 - Customer Database and Registration Software Upgrade	274-Recreation Fund: Reserves	This Offer was Funded (previously Unfunded)			80	80
ECON	Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer	501-Light and Power Fund: Ongoing Revenue	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	129	129		
T&M	Offer 27.13 - 1.0 FTE Shift Your Ride Travel Options Professional & Program	292-Transportation Services Fund: Ongoing Revenue	This Offer was modified to add 1.0 FTE while keeping the offer total to \$200k per year and Funded (no financial impact since offer was previously Funded)	-	-		
C&R	Offer 54.8 - Parks Landscape Conversion and Irrigation Infrastructure Replacement	100-General Fund: Reserves	This Offer was scaled to start work in 2024 and Funded (previously Unfunded)			-	65
NLSH	Offer 24.8 - Immigration Legal Fund	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	250	250		
NLSH	Offer 31.17 - ARPA - Social Services Recovery Grants	100-General Fund: ARPA	This Offer was scaled down to \$180k per year and Funded (previously Unfunded)			180	180
NLSH	Offer 23.26 - Advancing Accessible Permitting	100-General Fund: ARPA	This Offer was Funded (previously Unfunded)			158	-
NLSH	Offer 24.12 - ARPA - 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Evaluation	100-General Fund: American Rescue Plan Act (ARPA) at \$172k 501-Light & Power Fund: Ongoing Revenue at \$78k	This offer was modified to also include offer 1.10 (which has been withdrawn) and Funded (previously unfunded)			250	250
T&M	Offer 27.14 - School Transportation Safety Assessments and Strategic Infrastructure for Youth	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			100	61
ENV	Offer 1.24 - Household Hazardous Waste Collection	100-General Fund: Reserves (\$102k) 504-Stormwater Fund: Reserves (\$82k)	This Offer was scaled down to one event in 2023 and Funded (previously Unfunded)			184	-
HPG	Offer 35.13 - Legislative Management System Evaluation and Implementation	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			150	100
C&R	Offer 50.16 - Museum of Discovery Artifact Housing Furniture	277-Museum Fund Reserves (\$150k) 100-General Fund: Reserves (\$150k)	This Offer was Funded (previously Unfunded)			300	-
NLSH	Offer 23.17 - 1 FTE - Historic Preservation Surveyor Specialist	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	60	84		
NLSH	Offer 23.20 - 2.0 FTE Landscape Inspectors - Development Review	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE starting in 2023 and an additional 1.0 FTE starting in 2024 and Funded (previously Unfunded)	101	211		
NLSH	Offer 59.6 - Urban Forest Strategic Plan	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			231	-
NLSH	Offer 71.1 - Assessment of Citywide Organizational Practices and Structure to Deliver on Compliance with Local Policies	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			90	-
T&M	Offer 36.13 - School Zone Safety Flasher Upgrade	100-General Fund: Reserves	This Offer was scaled down to \$100k and Funded (previously Unfunded)			100	-
T&M	Offer 7.10 - 1.0 FTE Street Sweeper Operator	100-General Fund: Reserves 504-Stormwater Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	76	93		
T&M	Offer 36.9 - Neighborhood Traffic Mitigation Program Expansion	100-General Fund: Reserves	This Offer was scaled in half and Funded (previously Unfunded)	65	65		
ENV	Offer 32.12 - Innovate Fort Collins Challenge	100-General Fund: Reserves	This Offer was scaled down to \$100k, shifted to 2024 and Funded (previously Unfunded)			-	100
SAFE	Offer 4.54 - Utilities: Water Quality Services - 1.0 FTE Watershed Specialist	502-Water Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	83	104		
NLSH	Offer 23.18 - 1.0 FTE - Building Services Building Inspector	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	62	87		
C&R	Offer 50.15 - ARPA Support for Individual Creatives in the Community (Art to Live)	100-General Fund: ARPA	This Offer was scaled down to \$85k per year and Funded (previously Unfunded)			85	85
NLSH	Offer 24.11 - ARPA Backflow Preventer Funding for Mobile Home Parks	Unfund per discussion at October 11 work session				(132)	-
HPG	Offer 17.10 - ARPA - Future of Work	Funding changed from ARPA to General Fund Reserves				-	-

Financial Impact of Changes from Recommended Budget: 826 1,023 1,776 921

- Additionally, the following administrative changes have been made for First Reading:
  - The 2023 Budget for the Downtown Development Authority (DDA) was approved by its Board of Directors on September 8, 2022. Offer 40.1 - Downtown Development Authority: Operating & Capital Budget has been updated to reflect the final DDA 2023 Budget, as approved by the Board.
  - Principal and Interest payments have been updated in Offer 34.2 - Urban Renewal Authority Debt Service to reflect the amounts of the debt payment schedule.

During the work sessions Council discussed two additional offers that have not yet been added for First Reading:

- Offer 20.9, Fort Collins Public Access - Video Production Assistance Programs & Community Video Production Training and Event Coverage
- Offer 33.10, ARPA - Reskill, Upskill, New Skill (RUN) Training Program Support

These are both described in the attached memo dated October 20, 2022.

## 2023-2024 Budget Summary

This annual Appropriation Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. It does not include the 2023 adopted annual appropriations and budgets for the General Improvement District (GID) No. 1 of \$313,275, the GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) of \$6,005,369 and the Downtown Development Authority of \$24,262,482. This results in City-related total appropriations being \$809,125,710 in 2023. Below is a summary of the City's proposed 2023 total and net budgets:

<b>TOTAL BUDGET (in Millions)</b>					
	<b>Original 2022</b>	<b>2023</b>	<b>% Change</b>	<b>2024</b>	<b>% Change</b>
<b>Operating</b>	\$635.0	\$690.4	8.7%	\$716.4	3.8%
<b>Debt</b>	32.2	39.8	23.6%	45.8	15.1%
<b>Capital*</b>	67.2	79.0	17.6%	64.8	-17.9%
<b>Total City Appropriations**</b>	<b>\$734.4</b>	<b>\$809.1</b>	<b>10.2%</b>	<b>\$827.0</b>	<b>2.2%</b>
<b>Less</b>					
Internal Service Funds	(\$87.9)	(\$92.3)	5.0%	(\$98.3)	6.5%
Transfers to Other Funds	(68.4)	(77.4)	13.1%	(78.5)	1.4%
GIDs	(0.2)	(0.3)	50.7%	(0.3)	0.4%
URAs	(6.2)	(6.0)	-2.6%	(6.1)	1.9%
DDA	(18.0)	(24.3)	34.8%	(24.3)	0.0%
<b>Total</b>	<b>(\$180.7)</b>	<b>(\$200.3)</b>	<b>10.8%</b>	<b>(\$207.5)</b>	<b>3.6%</b>
<b>Net City Budget</b>	<b>\$553.7</b>	<b>\$608.9</b>	<b>10.0%</b>	<b>\$619.5</b>	<b>1.7%</b>

\* Capital in this table includes all capital related items, which will be significantly greater than the sum of Capital Project offers

\*\* This includes the GID #1, GID #15, URA and DDA all of which are appropriated in separate ordinances

## CITY FINANCIAL IMPACTS

This Ordinance sets the annual appropriation for fiscal year 2023 in the amount of \$778,543,584. The Ordinance also sets the City property tax mill levy at 9.797 mills, unchanged since 1991.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Various City boards and commissions submitted memos to Council for its consideration of what they believed should be included in the 2023-2024 Budget.

## PUBLIC OUTREACH

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The City's Communications and Public Information Office began public engagement in May, just as it was prior to the onset of the pandemic, and that continued through September. A snapshot of results through the beginning of July was analyzed and shared with the executive team to assist with funding decisions for the Recommended Budget. That document, along with the corresponding Budgets in Brief, was released on September 2.

New this year was an insightful collaboration with the Colorado State University Center for Public Deliberation (CPD). The engagement was two-fold. First, Community Guide volunteers were trained by CPD and then facilitated conversations with other local residents. The second aspect with CPD was a community event at the Senior Center on September 28 where residents participated in table-top discussions around a simulated budget exercise with the funded/unfunded offers in the Recommended Budget.

Since the release of the Recommended Budget, the City also conducted two public hearings for the community to share their thoughts on the budget directly with Councilmembers.

## ATTACHMENTS

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First Reading attachments not included.

1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 126, 2022  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 BEING THE ANNUAL APPROPRIATION ORDINANCE  
 RELATING TO THE ANNUAL APPROPRIATIONS  
 FOR FISCAL YEAR 2023; ADOPTING THE BUDGET FOR  
 THE FISCAL YEARS BEGINNING JANUARY 1, 2023, AND ENDING  
 DECEMBER 31, 2024; AND FIXING THE MILL LEVY FOR  
 PROPERTY TAXES PAYABLE IN 2023

WHEREAS, City Charter Article V, Section 2 provides that the City Manager shall file with the City Clerk on or before the first Monday in September preceding each “budget term” the proposed budget for that ensuing budget term; and

WHEREAS, City Charter Article V, Section 1 provides that the City Council is to set by ordinance the number of fiscal years that shall constitute the City’s “budget term”; and

WHEREAS, in 2010, the City’s budget term was set in City Code Section 8-1 as being two fiscal years, so a biennial budget term; and

WHEREAS, under Code Section 8-1, the City’s next biennial budget term is for fiscal years 2023 and 2024; and

WHEREAS, on September 1, 2022, the City Manager filed with the City Clerk a proposed budget for the City of Fort Collins for the fiscal year 2023-2024 (the “Proposed 2023-2024 Budget”) as required in Article V, Section 2 of the City Charter and included with it an explanatory message, a complete financial plan for each City fund, appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year and the current fiscal year, and the City Manager’s recommendation for the ensuing budget term; and

WHEREAS, Article V, Section 3 of the City Charter requires that, within ten days of the date of the City Manager’s filing of the Proposed 2023-2024 Budget with the City Clerk, the City Council shall set a time certain for a public hearing on the Proposed 2023-2024 Budget and cause a notice of the hearing to be published; and

WHEREAS, both public hearings were held and conducted on those dates and persons were given the opportunity to appear before City Council and comment on any or all items and estimates in the Proposed 2023-2024 Budget; and

WHEREAS, the 2023 fiscal year budgets, fixing of mill levies, and annual appropriations for the City’s General Improvement District No. 3 and Skyview South General Improvement District No. 15 are not addressed in this Ordinance but will be considered by City Council in separate ordinances; and

WHEREAS, Article V, Section 4 of the City Charter requires that after the public hearing and before the last day of November of each fiscal year, the City Council shall adopt the budget for the ensuing budget term by ordinance and appropriate by ordinance on a fund basis and by



individual project for capital projects and federal or state grant projects, such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year, based upon the budget as approved by the City Council; and

WHEREAS, the appropriations in this Ordinance also include appropriations as needed to transfer monies from the dedicated funds receiving the revenues to the funds from which those monies will be expended; and

WHEREAS, Article V, Section 5 of the City Charter provides that the annual appropriation ordinance shall also fix the tax levy in mills upon each dollar of the assessed valuation of all taxable real property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare and therefore, wishes to approve the Proposed 2023-2024 Budget, as hereafter amended, and authorize the expenditures described in this Ordinance for the 2023 fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. Budget.

- a. That the City Council has reviewed the Proposed 2023-2024 Budget, a copy of which is on file with the office of the City Clerk, and has determined that the amendments described in Exhibit "A" attached hereto and incorporated by reference should be made to it.
- b. That the Proposed 2023-2024 Budget, as amended in Exhibit "A", is hereby adopted in accordance with the provisions of Article V, Section 4 of the City Charter and incorporated herein by reference (the "2023-2024 Adopted Budget").
- c. That the 2023-2024 Adopted Budget shall be on file with and maintained in the office of the City Clerk and identified as "The Budget for the City of Fort Collins for Fiscal Years 2023 and 2024, as Adopted by the City Council on November 15, 2022."

Section 3. Appropriations. That there is hereby appropriated out of the reserves and revenues of the City of Fort Collins, for the fiscal year beginning January 1, 2023, and ending December 31, 2023, the sum of SEVEN HUNDRED SEVENTY-EIGHT MILLION FIVE HUNDRED FORTY-THREE THOUSAND FIVE HUNDRED EIGHTY-FOUR DOLLARS (\$778,543,584) to be raised by taxation and otherwise, which sum is deemed by the City Council

to be necessary to defray all expenditures of the City during said fiscal year, to be divided and appropriated for the following purposes, to wit:

<b>GENERAL FUND</b>	<b>234,657,795</b>
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**SPECIAL REVENUE  
FUNDS**

Capital Expansion Fund	1,133,838
Cemeteries Fund	1,087,664
Cultural Services Fund	
Operating Total	7,681,743
Capital	

Art in Public Places	81,132
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Total Cultural Services Fund	<u>\$7,762,875</u>
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General Employees' Retirement Fund	6,534,500
Keep Fort Collins Great Fund	1,600,000
Museum Fund	1,443,192
Natural Areas Fund	15,766,139
Parking Fund	3,126,583
Perpetual Care Fund	40,000
Recreation Fund	9,961,713
Sales & Use Tax Fund	10,441,753
Transit Services Fund	22,335,749
Transportation CEF Fund	1,538,055
Transportation Fund	41,210,860
Capital Leasing Corp Fund	6,544,794
<b>TOTAL SPECIAL REVENUE &amp; DEBT SERVICE FUNDS</b>	<b><u>\$130,527,715</u></b>

**CAPITAL IMPROVEMENT FUNDS**

**General City Capital  
Capital**

CCIP Arterial Intersection Imp	800,000
CCIP Bicycle Infrastructure Im	500,000
CCIP Bike/Ped Grade Sep Cross	800,000
CCIP Bus Stop Improvements	100,000

CCIP Nature in the City	300,000
CCIP Pedestrian Sidewalk - ADA	1,500,000
CCIP Siphon Ped Overpass	450,000
City Bridge Program	2,800,000
East Community Park	758,838
Landfill Grndwater Remed IGA	650,000
Railroad Crossing Replacment	125,000

<b>Total General City Capital</b>	<b><u>\$8,783,838</u></b>
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### **Community Capital Improvement**

Afford Housing Capital Program	500,000
Arterial Intersection Imprvmnt	800,000
Bicycle Infrastructure Imprvmt	500,000
Bike/Ped Grade Separated Cross	800,000
Bus Stop Improvements	100,000
Carnegie Bldg Renovation	25,000
Gardens Visitor Ctr Expansion	40,000
Linden St Renovation	12,000
Nature in the City	300,000
Pedestrian Sidewalk - ADA	1,500,000
Willow Street Improvements	11,000

<b>Total Community Capital Improvement</b>	<b><u>\$4,588,000</u></b>
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Conservation Trust Fund	
Operating Total	694,182
Capital	

Trail Acquisition/Development	2,222,222
<b>Total Conservation Trust Fund</b>	<b>\$2,916,404</b>
Neighborhood Parkland Fund	
Operating Total	709,923
Capital	
New Park Site Development	3,021,212
<b>Total Neighborhood Parkland Fund</b>	<b>\$3,731,135</b>
<b>TOTAL CAPITAL IMPROVEMENT FUNDS</b>	<b>\$20,019,377</b>
<b>ENTERPRISE FUNDS</b>	
<b>Broadband Fund</b>	
Operating Total	24,065,471
<b>Total Broadband Fund</b>	<b>\$24,065,471</b>
<b>Golf Fund</b>	
Operating Total	5,004,625
<b>Total Golf Fund</b>	<b>\$5,004,625</b>
<b>Light &amp; Power Fund</b>	
Operating Total	152,615,847
Capital	
Grid Integrated Water Heater Installations	175,000
Direct Install Demand Response T-stat Replacement	100,000
Advanced Meter Infrastructure	347,470
Art in Public Places	26,805
CMMS–Maintenance Management	400,000
Dist. System Impr. & Replace.	634,000
Distribution Automation-Parent	200,000

New Capacity-Circuits	465,000
Operational Technology	830,000
Service Center - L&P Parent	656,500
Streetlights - Parent	1,106,866
Substation Cap Prj - Parent	851,000
System Relocations - Parent	400,000
Transformers - Parent	3,000,000
Capital Total	9,192,641
<b>Total Light &amp; Power Fund</b>	<b>\$161,808,488</b>
<b>Stormwater Fund</b>	
Operating Total	15,337,389
Capital	
2021-Boxelder Watershed Dams	90,000
Art in Public Places	17,000
Cured in Place Pipe	500,000
Master Planning	200,000
Stormwater Basin Improvements	2,000,000
Stream Rehabilitation Program	1,000,000
SW Land Acquisition	125,000
Utility Service Center Phase 2	200,000
Capital Total	4,132,000
<b>Total Stormwater Fund</b>	<b>\$19,469,389</b>
<b>Wastewater Fund</b>	
Operating Total	21,396,016
Capital	

Mulberry UV Disinfection System and Infrastructure Improvement	3,660,000
Water Reclamation and Biosolids Master Plan	700,000
Art in Public Places	75,253
Meadow Springs Ranch Vehicle Storage Facility	300,000
Collection Sys Replace Pgm	1,750,000
DWRF HVAC Improvements	600,000
Operational Technology	500,000
PARENT-Collect Small Projects	1,500,000
PARENT-Cured In Place Pipe	750,000
PARENT-Serv Center Improvemnts	200,000
PARENT-Water Recl Replcmt Prgm	530,000
Capital Total	10,565,253
<b>Total Wastewater Fund</b>	<b>\$31,961,269</b>
<b>Water Fund</b>	
Operating Total	29,284,756
Capital	
2019-Enviro Learn Center Dam	2,089,196
2022 – AMI Equip&Tech Upgrade	160,530
Art in Public Places	163,926
Distribution Sys Replac	1,000,000
Galvanized Service Repl	1,000,000
Halligan Res Enlargement Proj	16,000,000
PARENT-Cathodic Protection	625,000
PARENT-Distro Small Projects	2,000,000
PARENT-Service Cntr Improvm't	300,000

PARENT-Water Prod Replcmt Prgm	1,030,000
PARENT-Watershed Protection	140,000
PARENT-Wtr Meter Replacement	850,000
Capital Total	25,358,652
<b>Total Water Fund</b>	<b>\$54,643,408</b>
<b>TOTAL ENTERPRISE FUNDS</b>	<b>\$296,952,650</b>
<b>INTERNAL SERVICE FUNDS</b>	
Benefits Fund	37,522,631
Data & Communications Fund	12,650,191
Equipment Fund	14,705,583
Self Insurance Fund	8,219,236
Utility CS&A Fund	23,288,406
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>\$96,386,047</b>
<b>TOTAL CITY FUNDS</b>	<b>\$778,543,584</b>

Section 4. Mill Levy.

a. That the mill levy rate for the taxation upon each dollar of the assessed valuation of all the taxable real property within the City of Fort Collins shall be 9.797 mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2023, which levy represents the amount of taxes for City purposes necessary to provide for payment during the 2023 budget year of all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds.

b. That the City Clerk shall certify this levy of 9.797 mills to the County Assessor and the Board of Commissioners of Larimer County, Colorado, in accordance with the applicable provisions of law, as required by Article V, Section 5 of the City Charter and no later than December 15, 2022.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Exhibit A

# City Council Modifications from the 2023-2024 City Manager's Recommended Budget

Note - Offers listed below are in the same order as presented in the work session on October 11

\$ in Thousands

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
C&R	Offer 43.28 - Customer Database and Registration Software Upgrade	274-Recreation Fund: Reserves	This Offer was Funded (previously Unfunded)			80	80
ECON	Offer 2.20 - Utilities: Light & Power - 1.0 FTE Electrical Engineer	501-Light and Power Fund: Ongoing Revenue	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	129	129		
T&M	Offer 27.13 - 1.0 FTE Shift Your Ride Travel Options Professional & Program	292-Transportation Services Fund: Ongoing Revenue	This Offer was modified to add 1.0 FTE while keeping the offer total to \$200k per year and Funded (no financial impact since offer was previously Funded)	-	-		
C&R	Offer 54.8 - Parks Landscape Conversion and Irrigation Infrastructure Replacement	100-General Fund: Reserves	This Offer was scaled to start work in 2024 and Funded (previously Unfunded)			-	65
NLSH	Offer 24.8 - Immigration Legal Fund	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	250	250		
NLSH	Offer 31.17 - ARPA - Social Services Recovery Grants	100-General Fund: ARPA	This Offer was scaled down to \$180k per year and Funded (previously Unfunded)			180	180
NLSH	Offer 23.26 - Advancing Accessible Permitting	100-General Fund: ARPA	This Offer was Funded (previously Unfunded)			158	-
NLSH	Offer 24.12 - ARPA - 1.0 FTE Contractual Mobile Home Park Code Compliance and Building Evaluation	100-General Fund: American Rescue Plan Act (ARPA) at \$172k 501-Light & Power Fund: Ongoing Revenue at \$78k	This offer was modified to also include offer 1.10 (which has been withdrawn) and Funded (previously unfunded)			250	250
T&M	Offer 27.14 - School Transportation Safety Assessments and Strategic Infrastructure for Youth	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			100	61
ENV	Offer 1.24 - Household Hazardous Waste Collection	100-General Fund: Reserves (\$102k) 504-Stormwater Fund: Reserves (\$82k)	This Offer was scaled down to one event in 2023 and Funded (previously Unfunded)			184	-
HPG	Offer 35.13 - Legislative Management System Evaluation and Implementation	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			150	100
&R	Offer 50.16 - Museum of Discovery Artifact Housing Furniture	277-Museum Fund Reserves (\$150k) 100-General Fund: Reserves (\$150k)	This Offer was Funded (previously Unfunded)			300	-

Outcome	Offer Number and Title	Funding Source(s)	Changes Made from Recommended Budget	Ongoing Costs		One-Time Costs	
				2023	2024	2023	2024
NLSH	Offer 23.17 - 1 FTE - Historic Preservation Surveyor Specialist	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)	60	84		
NLSH	Offer 23.20 - 2.0 FTE Landscape Inspectors - Development Review	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE starting in 2023 and an additional 1.0 FTE starting in 2024 and Funded (previously Unfunded)	101	211		
NLSH	Offer 59.6 - Urban Forest Strategic Plan	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			231	-
NLSH	Offer 71.1 - Assessment of Citywide Organizational Practices and Structure to Deliver on Compliance with Local Policies	100-General Fund: Reserves	This Offer was Funded (previously Unfunded)			90	-
T&M	Offer 36.13 - School Zone Safety Flasher Upgrade	100-General Fund: Reserves	This Offer was scaled down to \$100k and Funded (previously Unfunded)			100	-
T&M	Offer 7.10 - 1.0 FTE Street Sweeper Operator	100-General Fund: Reserves 504-Stormwater Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	76	93		
T&M	Offer 36.9 - Neighborhood Traffic Mitigation Program Expansion	100-General Fund: Reserves	This Offer was scaled in half and Funded (previously Unfunded)	65	65		
ENV	Offer 32.12 - Innovate Fort Collins Challenge	100-General Fund: Reserves	This Offer was scaled down to \$100k, shifted to 2024 and Funded (previously Unfunded)			-	100
SAFE	Offer 4.54 - Utilities: Water Quality Services - 1.0 FTE Watershed Specialist	502-Water Fund: Ongoing Revenue	This Offer was Funded (previously Unfunded)	83	104		
NLSH	Offer 23.18 - 1.0 FTE - Building Services Building Inspector	100-General Fund: Reserves	This Offer was scaled down to 1.0 FTE and Funded (previously Unfunded)	62	87		
C&R	Offer 50.15 - ARPA Support for Individual Creatives in the Community (Art to Live)	100-General Fund: ARPA	This Offer was scaled down to \$85k per year and Funded (previously Unfunded)			85	85
NLSH	Offer 24.11 - ARPA Backflow Preventer Funding for Mobile Home Parks	Unfund per discussion at October 11 work session				(132)	-
HPG	Offer 17.10 - ARPA - Future of Work	Funding changed from ARPAs to General Fund Reserves				-	-
Financial Impact of Changes from Recommended Budget:				826	1,023	1,776	921

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Lance Smith, Director of Finance, Planning & Analysis  
Randy Reuscher, Lead Rate Analyst  
Eric Potyondy, Legal  
Cyril Vidergar, Legal

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### SUBJECT

**Items Relating to 2023 Utility Rates, Fees, and Charges.**

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### EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. Second Reading of Ordinance No. 128, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. Second Reading of Ordinance No. 129, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. Second Reading of Ordinance No. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. Second Reading of Ordinance No. 131, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

F. Second Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. Second Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. Second Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts Ordinances related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

**Items (A-D)** – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

**Items (E-H)** – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs).

## STAFF RECOMMENDATION

Staff recommends adoption of these Ordinances on Second Reading.





## BACKGROUND / DISCUSSION

### Proposed Changes to Monthly Utility Rates

The revenues needed to support the ongoing operation and maintenance costs of providing each of the four essential services to customers are collected through monthly utility rates. As costs change over time it is necessary to adjust rates to reflect those changes. Long-term financial planning is important to ensure revenues are adequate and reserves are available to maintain and replace infrastructure in a timely fashion to continue to provide high quality and reliable services to our customers. Frequent review and updating of the cost-of-service allocation models behind the monthly utility rates maintains equity across rate classes and helps to reduce the impacts on customers of higher utility rates by providing gradual, modest rate adjustments over time rather than less frequent and larger rate adjustments. These actions help ensure the delivery of current and future utility services in a fiscally responsible manner, balancing both costs and levels of service with affordability and prudent planning and investments.



A summary of the proposed rate increases for the four utility services are shown in the table below.

UTILITY		2023 PROPOSED INCREASE
	ELECTRIC	5%
	WATER	4%
	WASTEWATER	4%
	STORMWATER	3%

The proposed increases shown above are higher than what was presented to the Council Finance Committee last December due to higher than anticipated inflation being realized across the utilities in 2022 and being forecasted into the future. The need for the higher increases was determined early in the Budgeting For Outcomes process. The revenues which serve as a basis for the 2023 budget include the increases shown in the table above.

The rate forecasts presented last December were developed assuming inflation over the next decade would be similar to the inflation experienced over the last decade. Inflation this year quickly exceeded those levels. The increased inflation realized in 2022 is likely to persist over the next few years before returning to more modest levels but for how long, and to what level, is not clear at this point. The primary driver of the rate increases are inflationary pressures on operating costs with the secondary driver being the total 10-year capital investments.

### Electric

Staff is proposing a 5.0% retail rate increase for the electric fund in 2023. This increase is driven by a combination of a 5% increase in wholesale electric expenses in 2023, as well as an increase to cover distribution operating & maintenance costs and investments in capital projects. Roughly two-thirds of costs incurred each year to provide electric service are attributable to wholesale expenses, while the other one-third is attributable to costs related to operating & maintaining the distribution system.

Staff has updated financial models to better understand future needs related to growing costs around operating and maintaining the distribution system, including the cost of capital projects. The outcome shows a need for a rate increase to cover anticipated operating and maintenance costs and to continue to invest in updating the system for continued reliability and resiliency. The portion of the proposed 5% increase that is not applied to wholesale cost increases will be used to help fund the distribution system needs.

Platte River Power Authority (Platte River) is planning to increase their wholesale blended rate (\$/MWh) by 5% in 2023 at their October 2022 Board meeting. There is variability in how this increase is applied to individual component charges. The owner community charge will increase 14.8%. The transmission demand charge will increase 1.5% and the generation demand charge will increase 0.8% or 2.7%, depending on the season. The fixed energy charge is increasing 0.9% and the variable energy charge is increasing 10%.

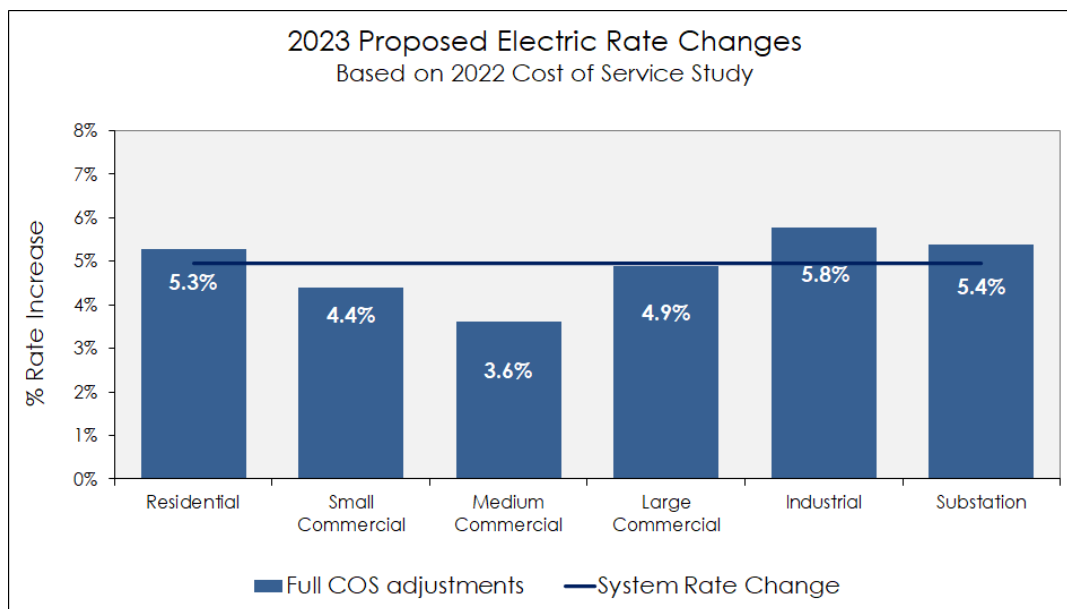
The impact to each of the four owner-communities will vary slightly from the 5% overall change in \$ / MWh, with Fort Collins Utilities projected to see a slightly lower \$ / MWh change than the other owner-

communities, at 4.9%. This result is driven largely by a more favorable load factor, as compared to Loveland, Longmont, and Estes Park. This more favorable load factor is due in part to demand-side management efforts that Fort Collins has collaborated on with commercial customers over the years, as well as the rollout of residential TOD rates in 2018. The lower relative impact for Fort Collins has been a financial benefit to utility customers in recent years, as wholesale rates are passed directly on to retail customers.

After separating the intermittent and dispatchable energy rate in 2020, Platte River is now planning to blend the intermittent and dispatchable energy rate back together for 2023. Given there is some variability in the generation and delivery of intermittent resources, the change will shift the risk associated with having separate variable energy component charges back to Platte River from the owner communities and assist with budgeting purchased power expenses more accurately for the owner communities.

Every two years, staff updates the electric cost of service model, which accounts for changes in consumption and costs. Given the frequency of these updates, there are generally relatively minor adjustments necessary. There are many factors that go into these updates, including how load factors change across rate classes, consumption increases or decreases, and average demand during coincident peak hours, which accounts for the wholesale demand cost allocations.

The updates proposed for each rate class for 2023 are shown in the graph below, which range from 3.6% to 5.8%, depending on the rate class. The dark horizontal line represents the average 5% increase for the electric fund.



Based on the current levels of inflation being realized by each utility, a revised 10-year rate forecast is shown here by utility. For electric customers this rate forecast reflects the 5% wholesale increase forecasted through 2028 by Platte River. Note it may be necessary to exceed the 5% annual rate increase ceiling which has historically resulted in more gradual rate adjustments for a few years due to inflationary pressures.

Electric	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	2.0%	5.0%	5.0%	4-5%	4-5%	4-6%	6-8%	6-8%	6-8%	4-7%	4-7%

## Net-metering

Solar credit rates use the same advanced metering in place in Fort Collins that allow for time differentiated directional rates to be applied that can simultaneously support customer solar value, financial sustainability for operations and equity between solar and non-solar customers. Residential homes with solar use the same metering and time-of-day (TOD) consumption rates as all other residential customers. There is also a solar credit TOD structure with specific rates for seasonal on and off-peak periods. The advanced meters measure and record the electric net consumption of the home every fifteen minutes. If the use is greater than the solar generation then the customer purchases energy from the grid. When the use is less than the solar generation the customer is exporting energy to the grid.

Solar credit rates for residential customers are proposed to stay flat from 2022 to 2023. Maintaining a level solar credit rate, as retail rates increase over time, is Utility's gradual approach to transition to a sustainable solar financial model. This approach does not reduce the financial benefits to existing solar customers who still receive the full retail value for self-consumed solar.

Staff is also proposing to modify the solar credit for generation pushed back to the grid for small and medium commercial solar customers. Currently, the credit only accounts for the wholesale energy component and going forward would include both the wholesale energy and wholesale demand component. This will increase the credit these customers get from ~4.2 cents / kWh to ~6.2 cents per kWh. Making this change will further incentivize solar installations for these commercial customers and help increase solar installations across the city.

## Water

The cost-of-service model for the "wet utilities" (water, wastewater and stormwater services) will be updated in 2023 consistent with the two year update cycle. Rate class specific adjustments will be proposed for 2024 based on those updated models. For 2023, the same rate increase is applied equally to all rate classes.

Staff is proposing a 4% retail rate increase for the water fund in 2023. This is higher than the initially proposed 2% increase due to the higher costs of materials and impacts to the cost of borrowing which will increase the amount of interest being paid on any revenue bonds that will be needed in the coming decade for infrastructure investments.

The updated ten-year rate forecast reflecting higher inflation on operating and material expenses for water rates is shown below. Just as for electric services, it may be necessary to have rate increases in the 5-8% range for a few years, if inflation stays above 5%.

Water	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	4-7%	5-8%	5-8%	5-8%	4-7%	4-7%	4-7%	4-7%

## Wastewater

Staff is proposing a 4% retail rate increase for the wastewater fund in 2023, as well. There has been a trend in recent years of declining operating revenues for this utility. As this utility is not immune to the impacts of inflation on its operating costs, it is necessary to increase operating revenues through rate adjustments to offset these higher costs of providing this service to our community. At this point the financial model is not indicating a need to exceed the previous 5% rate limit although it is still driving higher rates than the December forecast contained.



The updated ten-year forecast for wastewater rates is shown here:

Wastewater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	4.0%	4.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

## Stormwater

Staff is proposing a 3% retail rate increase for the stormwater fund in 2023. This is 1% higher than the December 2021 forecast but a smaller incremental increase than what is being proposed for the other utilities. The reason for the smaller proposed adjustment for this utility is that a larger portion of operating revenues are available in this fund for infrastructure investments than the other utilities. It should be noted that there will be a need to issue revenue bonds for the Oak Street stormwater improvement project this budget cycle (Offer 4.2).

The updated ten-year rate forecast for stormwater services is shown here:

Stormwater	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Rate Increase	0.0%	3.0%	3.0%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%	3-5%

## Customer Bill Impacts

The table below shows the impacts of the proposed rate change to the average residential monthly bill. Under the proposed rate changes, a residential customer's total utility bill, for a customer receiving all four municipal utility services, would increase by 4.3%, or \$7.98 per month.

Fort Collins Utilities Comparative Residential Monthly Bill					
Utility	2022	2023	\$ Change	% Change	
Electric	\$ 80.01	\$ 84.01	\$ 4.00	5.0%	
Water	\$ 49.03	\$ 50.99	\$ 1.96	4.0%	
Wastewater	\$ 34.25	\$ 35.62	\$ 1.37	4.0%	
Stormwater	\$ 21.74	\$ 22.40	\$ 0.65	3.0%	
Total Average Bill	\$ 185.04	\$ 193.02	\$ 7.98	4.3%	

The table below compares typical residential electric, water, wastewater, and stormwater monthly utility bills across neighboring utilities along the Front Range, based on 2022 charges. In total, Fort Collins Utilities comes in the lowest at \$185.04 for all four services. With the proposed increases, Fort Collins would move to second lowest, although there are known increases proposed amongst these other utilities for 2023, as well, with some of them being substantially higher than the percentage increases proposed for our community.



2022 Residential Average Monthly Utility Bill					
Utility	Electric	Water	Wastewater	Stormwater	Total
Ft Collins	\$ 80.01	\$ 49.03	\$ 34.25	\$ 21.74	\$ 185.04
Longmont	\$ 73.57	\$ 62.97	\$ 34.10	\$ 14.90	\$ 185.53
Loveland	\$ 82.42	\$ 54.95	\$ 39.61	\$ 18.86	\$ 195.84
Greeley	\$ 90.07	\$ 69.60	\$ 28.49	\$ 15.77	\$ 203.93
Boulder	\$ 90.07	\$ 58.31	\$ 42.70	\$ 22.00	\$ 213.08
Colorado Springs	\$ 109.39	\$ 93.26	\$ 29.85	N/A	\$ 232.51

### Proposed Changes to Development Fees

Development fees are the mechanism for Utilities to recover the impact of adding new demand to the services Utilities provides, including electric, water, wastewater, and stormwater. Plant Investment Fees (PIFs) and Electric Capacity Fees (ECFs) are one-time charges for new development or re-development. These fees recover costs for infrastructure already in place to serve new customers based on the “buy-in” approach, where customers pay according to new demands they will put on the system. For example, the water and wastewater PIF are based on peak day demands as an allocation method, which is the driver for sizing the infrastructure necessary to provide the service, while the stormwater PIF is based on developing an acre of land.



The models for each of the services are updated every two years and considers the replacement value of each system and average demands by customer type. For water and wastewater, the fee varies with the number of dwelling units and the lot area served for residential users, and with the size of the water meter for non-residential users. For stormwater, the fee applies when a lot or parcel of land is developed and creates an impervious surface (the area that does not absorb water such as buildings and parking lots) of more than 350 square feet.

Every other year, when models are not updated, an inflationary adjustment is applied to utility development fees. Staff uses the Engineering News Record (ENR) construction cost index to apply adjustments. With the current uncertainty in the economy driving higher than normal inflation across the board for most goods and services, staff is proposing a 9% increase to fees for 2023. These fees include the Electric Capacity Fees, Water Plant Investment Fees, Wastewater Plant Investment Fees, and Stormwater Plant Investment Fees. There has been some variability in the monthly ENR percentages, but the percentages have hovered close to 9% for most of 2022. Utilities has experienced even higher cost increases with various items,

such as electric transformers, which have increased substantially due to supply chain issues and higher material costs.

Utility Fee	2023 Proposed Increase
Electric Capacity Fee (ECF)	9.0%
Water Plant Investment Fee (PIF)	
Wastewater Plant Investment Fee (PIF)	
Stormwater Plant Investment Fee (PIF)	

Staff is proposing to modify the ECF categories to eliminate the distinction for “electric heat.” This distinction in the ECF categories and amounts made sense in the past with traditional all-electric homes using electric resistance heat sources (e.g., baseboard heat). As Utilities will be increasingly focused on building electrification using efficient heat pump technology, the prior distinctions are a disincentive for electrification given a lower demand required. In addition, the current energy code strongly encourages efficient electric technologies that align with the new ECF definitions.

The changes eliminate electric heat categories, apply a standard 200-amp sizing value for detached and attached single-family dwellings, and apply a standard 150-amp sizing value for multifamily dwellings. The code also adds a 150-amp credit value to be applied when customers are increasing their service entrance capacity.

### Utilities Affordability Programs

Utilities offers a portfolio of affordability options for those in need. Staff understands that higher costs related to utilities impacts customers differently and customers are encouraged to reach out for assistance when necessary. The Income-Qualified Assistance Program (IQAP) was rolled out in 2018 to provide bill credit for customers, while the Medical Assistance Program (MAP) also provides bill credit for those that have medical requirements pertaining to electric consumption. Adjustments to the IQAP are being considered for adoption by a separate ordinance before City Council at this meeting. There are one-time funds available through the Payment Assistance Fund, as well as support through Larimer County Conservation Corp and Colorado Affordable Residential Energy for water and energy upgrades to assist with water and electricity conservation.



## **CITY FINANCIAL IMPACTS**

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The 2023 City Manager's Recommended Budget includes these proposed increases in revenues available for the budget. The electric increase would offset increased wholesale costs for 2023, as well as contribute to increasing distribution system operating and maintenance and capital costs. The water, wastewater, and stormwater increases would contribute to operating and maintenance costs, as well as assist in funding future capital costs incorporated in the most recent capital plan update.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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At its October 13, 2022, meeting, the Energy Board unanimously recommended adoption of the proposed changes to the Utility electric rates, fee, and charges. An excerpt of the Board minutes is attached.

At its October 20, 2022, meeting, the Water Commission considered the proposed changes to the Utility water, wastewater, and stormwater rates, fee, and charges. An excerpt of the Commission minutes (unapproved) is attached.

## **PUBLIC OUTREACH**

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The electric outside city limit postcard was mailed the last week of September and a notice was posted in the Coloradoan on October 9, 2022. Rates and fees presentations were provided to the Council Finance Committee on October 20, 2022, the Chamber of Commerce on October 21, 2022, and at the Business Accounts meeting for all commercial customer accounts on October 25, 2022.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration
6. Ordinance F for Consideration
7. Ordinance G. for Consideration
8. Ordinance H for Consideration

ORDINANCE NO. 127, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS TO REVISE ELECTRIC RATES, FEES, AND CHARGES AND  
UPDATING RELATED PROVISIONS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, revenues from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, the City purchases bulk wholesale electric power from Platte River Power Authority ("PRPA") pursuant to an Amended Contract for Supply of Electric Power and Energy, dated May 30, 2019; and

WHEREAS, Utilities staff has determined the increased system costs will require an additional average 5% rate increase at the Electric Utility Enterprise Fund level in 2023 in order to remain consistent with Article XII, Section 6, of the City Charter; and

WHEREAS, in addition to adjusting electric rates, Utilities staff has identified formatting and terminology updates for Chapter 26 of the City Code to improve the clarity with which electric rates are stated and applied for billing and customer generation credit purposes; and

WHEREAS, the Energy Board considered the proposed electric rates and methods of application at its October 13, 2022, regular meeting, and provided recommendations of approval of proposed rate sets to City Council; and

WHEREAS, the City Council Finance Committee considered the proposed electric rates and methods of application as part of a progressive plan presented at its October 20, 2022, regular meeting, and provided recommendations of approval of proposed rates to the full City Council; and

WHEREAS, the City Manager and staff recommend to the City Council the following electric rate adjustments and City Code rate language clarifications for all billings issued with meter readings on or after January 1, 2023; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to revise the electric rates, fees and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-464 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-464. - Residential energy service, schedule R.**

...

(c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2023.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$10.05	\$10.65
c. Distribution facilities charge (applied to energy charges in d.1. and d.2. below)	Per kWh	\$0.0261	
d. Wholesale Energy Charge (combined energy and demand costs)			
1. Summer. For billings based on consumption during the months of May, June, July, August, and September			
(a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2300	\$0.2715
(b) Off-Peak	Per kWh	\$0.0450	\$0.0754
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
(a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2100	\$0.2503
(b) Off-Peak	Per kWh	\$0.0450	\$0.0754
e. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0250	\$0.0265

...	...	...
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(d) *Medical assistance program.*

...

- (3) a. Durable Medical Equipment (DME). The discounted monthly rates for customers with electrical durable medical equipment only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$10.05	\$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0261	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.1610	\$0.1983
(ii) Off-Peak	Per kWh	\$0.0315	\$0.0611
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1470	\$0.1835
(ii) Off-Peak	Per kWh	\$0.0315	\$0.0611
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0250	\$0.0265

- (4) a. Air Conditioning (A/C). The discounted monthly rates for customers with medical needs requiring air conditioning only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise.		6 percent	

A charge based on all component charges pursuant to this Section			
2. Fixed Charge	Per account	\$10.05	\$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0261	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0450	\$0.0754
(ii) Off-Peak	Per kWh	\$0.0450	\$0.0754
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			
(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2100	\$0.2503
(ii) Off-Peak	Per kWh	\$0.0450	\$0.0754
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0250	\$0.0265

- (5) a. Durable Medical Equipment (DME) & A/C. The discounted monthly rates for customers with electrical durable medical equipment and medical needs requiring air conditioning shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2022:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
2. Fixed Charge	Per account	\$10.05	\$10.65
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)	Per kWh	\$0.0261	
4. Energy and demand charge			
a) Summer. For billings based on consumption during the months of May, June, July, August, and September			
(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.0450	\$0.0754
(ii) Off-Peak	Per kWh	\$0.0315	\$0.0611
b) Non-summer. For billings based on consumption during the months of January through April and October through December.			

(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.1470	\$0.1835
(ii) Off-Peak	Per kWh	\$0.0315	\$0.0611
5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)	Per kWh	\$0.0250	\$0.0265

...

- (e) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (e). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (f) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (f) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

...

Section 3. That Section 26-465 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-465. - All-electric residential service, schedule RE.**

- (a) *Availability.* The residential demand service rate, schedule RE, shall be available within the corporate limits of the City and the suburban fringe for qualifying customers as an alternative to schedule R. Service under this rate class is available only to customers who establish to the satisfaction of the utility, by providing to the utility such documentation as the utility may deem appropriate, that the residence served is heated entirely by electric energy.
- (b) *Applicability.* This schedule applies to residential customers qualifying under subsection (a) who opt not to receive services under schedule R, for all domestic uses in single-family private dwellings, individually metered apartments and home occupations as defined in Article 5 of the Land Use Code.
- (c) *Monthly rate.*



- (1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2023.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
b. Fixed Charge	Per account	\$10.05	\$10.65
c. Distribution facilities charge (applied to charges in d.1. and d.2. below)	Per kWh	\$0.0330	
d. Energy and demand charge			
1. Summer. For billings based on consumption during the months of May, June, July and August, and September			
a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)	Per kWh	\$0.2300	\$0.2788
b) Off-Peak	Per kWh	\$0.0450	\$0.0827
2. Non-summer. For billings based on consumption during the months of January through April and October through December.			
a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)	Per kWh	\$0.2100	\$0.2576
b) Off-Peak	Per kWh	\$0.0450	\$0.0827
...		...	...

...

- (d) *Renewable resource*. Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) *Excess capacity charge*. The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$2.60	\$2.76
For all metered kilowatts in excess of the contracted amount	Per kW	\$7.78	\$8.24

...

Section 4. That Section 26-466 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-466. - General service, schedule GS.**

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<b>Description</b>	<b>Unit</b>	<b>Component Charge</b>	<b>Billed Charge (including PILOT)</b>
(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge			
a. Single-phase, two-hundred-ampere service	Per account	\$10.05	\$10.65
b. Single-phase, above two-hundred-ampere service	Per account	\$21.50	\$22.79
c. Three-phase, two-hundred-ampere service	Per account	\$13.10	\$13.89
d. Three-phase, above two-hundred-ampere service	Per account	\$25.35	\$26.87
(3) Distribution facilities charge (added to demand and energy charges below for "Billed Charge" shown in (5))	Per kWh	\$.0340	

(4) Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0350	
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0220	
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0450	\$0.1208
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0450	\$0.1071
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			

...

- (d) *Renewable resource*. Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) *Excess capacity charge*. The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

...

- (q) *Net metering*.

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit	Per kWh	\$0.0617

(r) *Net metering—community solar projects.*

...

- (3) Both the customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from Fort Collins Utilities consumed by the customer shall be billed at the applicable seasonal tiered rate as outlined in Subsection (c) of this Section. The energy produced by the customer's portion of the qualifying facility shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Component Credit</i>
a. Energy and demand credit	Per kWh	\$0.0617

...

Section 5. That Section 26-467 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-467. - General service 25, schedule GS25.**

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
1.Payment in lieu of taxes (PILOT) and franchise.  A charge based on all component charges pursuant to this Section		6 percent	

2. Fixed Charge			
a. Single-phase, two-hundred-ampere service	Per account	\$10.05	\$10.65
b. Single-phase, above two-hundred-ampere service	Per account	\$21.50	\$22.79
c. Three-phase, two-hundred-ampere service	Per account	\$13.10	\$13.89
d. Three-phase, above two-hundred-ampere service	Per account	\$25.35	\$26.87
3. Distribution facilities charge (applied to energy charges in 5. below)	Per kWh	\$0.0277	
4. Demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$10.70	\$11.34
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$6.10	\$6.47
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
5. Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0450	\$0.0771
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0450	\$0.0771

...

- (d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) *Excess capacity charge.* The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

- (f) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$4.73	\$5.01
For all metered kilowatts in excess of the contracted amount	Per kW	\$14.19	\$15.04

...

- (r) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy and demand credit	Per kWh	\$0.0617

...

Section 6. That Section 26-468 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-468. - General service 50, schedule GS50.**

...

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise.  A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge	Per account	\$27.00	\$28.62
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$15.25	\$16.17
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$12.50	\$13.25
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge	Per kW	\$10.15	\$10.76
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0450	\$0.0477
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0450	\$0.0477

...

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) **Excess capacity charge.** The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

- (f) **Standby service charges.** Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Standby distribution charge.

- a. Monthly standby distribution charge shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge	Per kW	\$6.06	\$6.43
For all metered kilowatts in excess of the contracted amount	Per kW	\$17.70	\$18.76

...

- (g) **Excess circuit charge.** In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Monthly charge shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted backup capacity per month	Per kW	\$1.23	\$1.30
Metered kilowatts in excess of the contracted amount	Per kW	\$3.73	\$3.96

...



(u) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August and September	Per kWh	\$0.0450

Section 7. That Section 26-469 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-469. - General service 750, schedule GS750.**

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise.  A charge based on all component charges pursuant to this Section		6 percent	
(2) Fixed Charge	Per account	\$37.00	\$39.22
a. Additional charge for each additional metering point	Per account	\$22.57	\$23.92
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$14.25	\$15.11
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$11.85	\$12.56

c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge			
a. First seven hundred fifty (750) kilowatts	Per kW	\$11.08	\$11.75
b. All additional kilowatts	Per kW	\$6.55	\$6.94
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0443	\$0.0470
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0443	\$0.0470

...

- (d) *Renewable resource*. Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) *Excess capacity charge*. The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Per kW	\$2.58	\$2.74

- (f) *Standby service charges*. Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

- (1) Standby distribution charge.

- (a) Monthly standby distribution charges shall be paid in the following amounts

<i><b>Description</b></i>	<i><b>Unit</b></i>	<i><b>Component Charge</b></i>	<i><b>Billed Charge (including PILOT)</b></i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$4.19	\$4.44
For all metered kilowatts in excess of the contracted amount	Per kW	\$12.60	\$13.36

...

- (g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

- (1) Monthly charge.

<i><b>Description</b></i>	<i><b>Unit</b></i>	<i><b>Component Charge</b></i>	<i><b>Billed Charge (including PILOT)</b></i>
Contracted backup capacity per month	Per kW	\$0.87	\$0.92
Metered kilowatts in excess of the contracted amount	Per kW	\$2.59	\$2.75

...

- (v) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i><b>Description</b></i>	<i><b>Unit</b></i>	<i><b>Bill Credit</b></i>
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0443

Section 8. That Section 26-470 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-470. - Substation service, schedule SS.**

...

- (c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
(1) Payment in lieu of taxes (PILOT) and franchise.  A charge based on all component charges pursuant to this Section.		6 percent	
(2) Fixed Charge	Per account	\$90.00	\$95.40
(3) Coincident demand charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kW	\$14.00	\$14.84
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kW	\$11.10	\$11.77
c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate			
(4) Distribution facilities charge	Per kW	\$5.71	\$6.05
(5) Energy charge			
a. Summer. For billings based on meter readings in the months of June, July, August, and September	Per kWh	\$0.0436	\$0.0462
b. Non-summer. For billings based on meter readings in the months of January through May and October through December	Per kWh	\$0.0436	\$0.0462

...

- (d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind and solar, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

...

- (e) *Standby service charges.* Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

(1) Standby distribution charge.

a. Monthly standby distribution charge:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
Contracted standby service, this charge shall be in lieu of the distribution facilities charge.	Per kW	\$3.12	\$3.31
For all metered kilowatts in excess of the contracted amount	Per kW	\$9.36	\$9.93

...

(s) *Net metering.*

...

- (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<i>Description</i>	<i>Unit</i>	<i>Bill Credit</i>
a. Energy credit for billings based on generation during the months of June, July, August, and September	Per kWh	\$0.0436

Section 9. That Section 26-471 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-471. - Special area floodlighting, schedule FL.**

...

- (b) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) are as follows:

(1) Charge per lamp, mercury vapor:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. One hundred seventy-five (175) watt	\$22.06	\$23.38
b. Two hundred fifty (250) watt	\$29.21	\$30.96
c. Four hundred (400) watt	\$43.37	\$45.97

(2) Charge per lamp, high-pressure sodium:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Seventy (70) watt	\$14.41	\$15.27
b. One hundred (100) watt	\$15.41	\$16.33
c. One hundred fifty (150) watt	\$23.85	\$25.28
d. Two hundred fifty (250) watt	\$33.56	\$35.57
e. Four hundred (400) watt	\$47.36	\$50.20

(3) Charge per lamp, LED:

<i>Description</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
a. Fifty-four (54) watt (Cobra)	\$8.60	\$9.12
b. Seventy-two (72) watt (Cobra)	\$10.45	\$11.08
c. Eighty (80) watt (Cobra)	\$11.12	\$11.79
d. Eighty-eight (88) watt (Cobra)	\$11.84	\$12.55
e. Sixty-five (65) watt (Post Top)	\$12.61	\$13.37

...

Section 10. That Section 26-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-472. - Traffic signal service, schedule T.**

...

(c) *Monthly rate.* The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) shall be the sum of the following charges:

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
--------------------	-------------	-------------------------	--

(1) Fixed charge	Per account	\$88.98	\$94.32
(2) Energy charge	Per kWh	\$0.0827	\$0.0877
(3) Service extensions and signal installations made by the utility shall be paid for by the City General Fund, subject to material and installation costs at the time of installation			

Section 11. That the modifications set forth above shall be effective for all energy consumption on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 128, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF  
FORT COLLINS TO REVISE WATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article III, Chapter 26 of the City Code establishes the water utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-126 and 26-127 concern various water-related rates, fees, and charges; and

WHEREAS, City Code Section 26-118 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the water-related rates, fees, and charges as set forth herein to be effective January 1, 2023; and

WHEREAS, this Ordinance increases the subject water rates by 4%; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-126 of the Code of the City of Fort Collins is hereby amended to read as follows:



**Sec. 26-126. - Schedule A, flat rates for unmetered construction water use.**

For residential and nonresidential premises under construction with a planned meter size greater than one (1) inch, no flat unmetered water service will be provided. For residential and nonresidential premises under construction with a planned meter size of one (1) inch or less, the following flat rates will apply per month until the permanent meter is set: The use of construction water, pursuant to this Section, shall exclude the establishment of vegetation, landscape and other appurtenances.

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
¾-inch construction service, flat charge per month	\$31.36	\$33.24
1-inch construction service, flat charge per month	\$59.79	\$63.38

Section 2. That Section 26-127 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-127. - Schedule B, meter rates.***(a) Residential rates.*

- (1) Residential customers with one (1) dwelling unit shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
a. Base monthly charge for residential customers with one (1) dwelling unit	\$17.96	\$19.04
b. Quantity monthly charge for residential customers with one (1) dwelling unit (volumetric)		
Tier 1 - For the first seven thousand (7,000) gallons used per month, per one thousand (1,000) gallons	\$2.780	\$2.947
Tier 2 - For the next six thousand (6,000) gallons used per month, per one thousand (1,000) gallons	\$3.195	\$3.387
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.675	\$3.896
...	...	...

- (2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

<b>Category</b>	<b>Component Charge</b>	<b>Billed Charge (with PILOT)</b>
a. Base monthly charge for residential customers with two (2) dwelling units	\$18.97	\$20.11
b. Quantity monthly charge for residential customers with two (2) dwelling units (volumetric)		
Tier 1 - For the first nine thousand (9,000) gallons used per month, per one thousand (1,000) gallons	\$2.409	\$2.553
Tier 2 - For the next four thousand (4,000) gallons used per month, per one thousand (1,000) gallons	\$2.768	\$2.935
Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons	\$3.186	\$3.377
...	...	...

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:

<b>Category</b>	<b>Component Charge</b>	<b>Billed Charge (with PILOT)</b>
a. Base monthly charge for residential customers with more than two (2) dwelling units		
First dwelling unit	\$13.64	\$14.46
Second and each additional dwelling unit	\$4.54	\$4.82
b. Quantity monthly charge for residential customers with more than two (2) dwelling units (volumetric)		
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$1.983	\$2.102
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.479	\$2.628
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		
...	...	...

(b) *Nonresidential rates.*

- (1) *Base charge.* Nonresidential, except for special users as described in Subsection 26-127(c) below, customers shall pay a base monthly charge based on meter size as follows:

<i>Meter Size (inches)</i>	<i>Monthly Base Charge</i>	<i>Billed Charge (with PILOT)</i>
$\frac{3}{4}$	\$15.97	\$16.93
1	\$44.57	\$47.25
1½	\$121.20	\$128.47
2	\$182.63	\$193.59
3	\$278.56	\$295.28
4	\$437.33	\$463.57
6	\$848.36	\$899.26
8	\$1,498.71	\$1,588.64

- (2) *Quantity charges.* Nonresidential customers shall pay monthly charges as follows:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$2.222	\$2.356
Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$2.778	\$2.945
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

- (3) *Charges for excess use.* Nonresidential customers shall also pay monthly water use charges in excess of the amounts specified in the following table:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
Winter - per one thousand (1,000) gallons used in the winter season months of November through April	\$3.193	\$3.384

Summer - per one thousand (1,000) gallons used in the summer season months of May through October	\$3.994	\$4.233
The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.		

...

- (c) *High volume industrial rates.* High volume industrial rates apply to any customer with an average daily demand in excess of two million (2,000,000) gallons per day. The specific rate for any qualifying customer shall be based upon the applicable peaking factor for that customer as follows:

<i>Peaking Factor</i>	<i>Monthly Charge per Thousand Gallons</i>	<i>Billed Charge (with PILOT)</i>
1.00—1.09	\$1.74	\$1.84
1.10—1.19	\$1.80	\$1.91
1.20—1.29	\$1.87	\$1.98
1.30—1.39	\$1.92	\$2.04
1.40—1.49	\$1.99	\$2.11
1.50—1.59	\$2.03	\$2.15
1.60—1.69	\$2.09	\$2.22
1.70—1.79	\$2.15	\$2.28
1.80—1.89	\$2.20	\$2.34
1.90—1.99	\$2.28	\$2.41
> 2.00	\$2.33	\$2.47

...

Section 3. That the modifications set forth above shall be effective for meter readings on or after January 1, 2023, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 129, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS TO REVISE WASTEWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article IV, Chapter 26 of the City Code establishes the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-280 and 26-282 concern various wastewater-related rates, fees, and charges; and

WHEREAS, City Code Section 26-277 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the wastewater-related rates, fees, and charges as set forth herein to be effective January 1, 2023; and

WHEREAS, this Ordinance does not increase wastewater rates for the fund as a whole, although there are variations for individual customer rates classes based on recent cost-of-service model updates; and

WHEREAS, the Water Commission considered the proposed wastewater-related rates, fees, and charges adjustments for 2023 at its meeting on October 20, 2022, and recommended approval of the proposed adjustments by a unanimous vote; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the water-related rates, fees, and charges as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-277(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-277.- Determination of user rates; annual adjustment.**

...

- (c) In addition to the monthly service charges set forth in §§ 26-279, 26-280 and 26-282, there shall be a charge for payments in lieu of taxes and franchise (PILOT). The charge shall be six and zero-tenths (6.0) percent of said monthly service charges billed pursuant to said §§ 26-279, 26-280 and 26-282.

Section 3. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-280. - Service charges established by category.**

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)	Per month	\$41.40	\$43.89
	Single-family residential user (metered water use)	1. Per month (base)	\$18.50	\$19.61
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.594	\$3.810
		...	...	...
		Note:  1. For single family customers who have not yet established a winter quarter water use at the service address, a system average of 4,000 gallons per month shall be billed.		

		2. After establishment of a winter quarter water use at the service address, the monthly amount billed shall be based on a minimum of 3,000 gallons per month.		
B	Duplex (two-family) residential users (flat rate)	1. Per month (base)	\$57.69	\$61.15
		...	...	...
	Duplex (two-family) residential users (metered water use)	1. Per month (base)	\$21.36	\$22.64
		2. Plus, per 1,000 gallons per month, to be calculated on a monthly basis (volumetric)	\$3.207	\$3.400
		...	...	...
		<p>Note:</p> <p>1. For duplex customers who have not yet established a winter quarter water use at the service address, including new construction, a system average 6,200 gallons shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect.</p> <p>2. After establishment of a winter quarter use at the service address, the monthly amount billed shall be based on a minimum of 4,000 gallons per month.</p>		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user	1. Base charge per month per dwelling unit served (base)	\$2.90	\$3.08
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.689	\$3.910
		...	...	...
		<p>Note:</p> <p>1. For multi-family customers who have not yet established a winter quarter water use at the service address, including new construction, a system average of 3,200 gallons per living unit shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect. However, Category D rates will apply to multi-family residential units under construction</p>		



		<p>during the period of service from the installation of the water meter to the date the certificate of occupancy is issued.</p> <p>2. After establishment of a water quarter use at the service address, the monthly amount billed shall be per 1,000 gallons of winter quarter water use, calculated on a monthly basis.</p>		
D	Minor nonresidential user	1. Per 1,000 gallons of water use, measured sewage flow or winter quarter water use, whichever is applicable, to be calculated on a monthly basis, plus the following applicable base charge:	\$3.476	\$3.684
		2. Size of water meter (inches)	Base charge	
		¾ or smaller	\$10.03	\$10.63
		1	\$23.15	\$24.54
		1½	\$46.59	\$49.39
		2	\$79.73	\$84.51
		3	\$127.40	\$135.04
		4	\$201.20	\$213.27
		6	\$882.00	\$934.92
		8	\$1,018.40	\$1,079.50
		<p>Note:</p> <p>1. For minor nonresidential customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.</p>		
		User shall pay an amount calculated to include:		
		1. Rate per 1,000 gallons of water use, measured wastewater flow or winter	\$3.476	\$3.684

E and F	Intermediate nonresidential user and Significant industrial user	quarter water use per month, whichever is applicable;		
		2. PLUS a surcharge per million gallons for each milligram per liter of suspended solids in excess of 235 milligrams per liter;	\$4.042	\$4.285
		3. PLUS a surcharge based on the following criteria, whichever is applicable:		
		a. per million gallons for each milligram per liter of BOD in excess of 265 milligrams per liter; or	\$3.369	\$3.571
		b. per million gallons for each milligram per liter of COD in excess of 400 milligrams per liter; or	\$2.126	\$2.253
		c. per million gallons for each milligram per liter of TOC in excess of 130 milligrams per liter.	\$6.294	\$6.672
		The user shall pay the calculated amount based on 1, 2 and 3 above, plus the applicable base charge set forth below:		
		<i>Size of water meter (inches)</i>	<i>Base charge</i>	
		¾ or smaller	\$10.03	\$10.63
		1	\$23.15	\$24.54
		1½	\$46.59	\$49.39
		2	\$79.73	\$84.51
		3	\$127.40	\$135.04

		4	\$201.20	\$213.27
		6	\$882.00	\$934.92
		8	\$1,018.40	\$1,079.50
		Note:		
		1. For intermediate and significant nonindustrial customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.		
G	User outside City limits	The rate for users outside the City limits shall be the same as for like service inside the City limits as is specified in Categories A—F and H in this Section.		
H	Special with agreement	The rate pursuant to a special wastewater services agreement approved by the City Council pursuant to § 26-290 shall be set forth in said agreement.		

Section 4. That Section 26-282(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-282. - Wastewater strength or industrial surcharges and categories established.**

(a) A monthly wastewater strength surcharge shall be paid by customers located either inside or outside the City limits in accordance with the following schedule:

<i>Parameter</i>	<i>Excess over (mg/l)</i>	<i>Rate per thousand gallons</i>	<i>Billed Charge (with PILOT)</i>
BOD	355	\$0.003644	\$0.003863
COD	540	\$0.002395	\$0.002539
TOC	170	\$0.007609	\$0.008065
TSS	365	\$0.003667	\$0.003887

...

Section 5. That the modifications set forth above shall be effective for meter readings on or after January 1, 2023, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 130, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS TO REVISE STORMWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the City Charter, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and citywide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within Fort Collins; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the city benefit by the installation of such stormwater facilities; and

WHEREAS, City Code Section 26-513 imposes stormwater utility fees on all parcels of land within the city to pay for the operation, maintenance, administration and routine functions of the existing and future City stormwater facilities established within the city; and

WHEREAS, City Code Section 26-514 sets forth the manner in which stormwater utility fees are to be determined; and

WHEREAS, the proposed stormwater utility fee adjustment reflects an increase of 3.0%; and

WHEREAS, the Water Commission considered the proposed stormwater utility fee adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, pursuant to City Code Section 26-511, the City Manager recommends the proposed stormwater utility fee for 2023; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the stormwater utility fee as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-514(a)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-514. - Determination of stormwater utility fee.**

- (a) The stormwater utility fee shall be determined as set forth in this Section and shall be based upon the area of each lot or parcel of land and the runoff coefficient of the lot or parcel. For the purposes of this Section, the total lot or parcel area shall include both the actual square footage of the lot or parcel and the square footage of open space and common areas allocated to such lot as provided in Paragraph (4) of this Subsection. The stormwater utility fee shall recover the costs of both operations and maintenance and a portion of capital improvements. The Utilities Executive Director shall determine the rates that shall apply to each specific lot or parcel of land within the guidelines herein set forth and shall establish the utility fee in accordance with the rate together with the other factors set forth as follows:

...

- (3) The base rate for the stormwater utility fee shall be \$0.00467 per square foot per month for all areas of the City.

...

Section 3. That the modifications set forth above shall be effective for all fees accruing on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 131, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS REGARDING CALCULATION AND COLLECTION OF  
DEVELOPMENT FEES IMPOSED FOR THE CONSTRUCTION  
OF NEW OR MODIFIED ELECTRIC SERVICE CONNECTIONS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein; and

WHEREAS, pursuant to City Code Sections 26-473 through 26-475, the City imposes development fees for new or modified electric service connections, including an Electric Capacity Fee (“ECF”) and a Building Site Charge (“BSC”); and

WHEREAS, the ECF is a one-time charge designed to recover the initial cost of adding new development to the electric system, and the BSC is designed to recover actual time and materials costs associated with building on site electric facilities at the specific development; and

WHEREAS, the ECF and BSC together represent the total electric plant investment fee (PIF) for new development; and

WHEREAS, Fort Collins Utilities staff uses an approved cost allocation methodology to calculate ECF and BSC to assign costs based on actual system value, i.e. the “buy-in” approach also used to calculate service connection fees for water and wastewater services; and

WHEREAS, the Energy Board considered proposed 2023 ECF and BSC inflation-only-based rate adjustments at its meeting on October 13, 2022, and recommended approval of the adjustments; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to update the values and costs applied in calculating ECF and BSC for new or modified electric service connections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Subsections 26-474 (b) and (d) of the Code of the City of Fort Collins are hereby amended to read as follows:



**Sec. 26-474. - Residential electric development fees and charges.**

...

- (b) The ECF shall be the total of the dwelling unit charge and systems modification charge, to be determined as follows:

- (1) The dwelling unit credit shall be as follows:

For upgrade of an existing single family panel size, to be applied against the applicable ECF charge below	\$1,816
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- (2) The dwelling unit charge shall be as follows:

a. Charge for a detached or attached single-family panel size with two hundred (200) amp service	\$2,286
c. Charge for a detached or attached single-family panel size with three hundred and twenty (320) amp service	\$3,658
d. Charge for multi-family panel size with one hundred fifty (150) amp service, per dwelling unit	\$1,606

...

- (d) A Building Site Charge (“BSC”) for any new or modified residential service shall consist of the total of the applicable charges as described in this Subsection (d), and shall be paid as specified herein.

...

- (2) When any new or modified residential service requires installation by the Utility of secondary service the BSC shall include a secondary service charge (SSC), and shall be paid at the time of building permit and based upon the current rates as of the time of issuance of the building permit. The SSC for detached single-family and duplex residences shall be the total of the secondary service charges, determined as follows:

a. The secondary service charge shall be as follows:

<i>Secondary Service Size</i>	<i>Charge (up to 65 feet)</i>	<i>Plus Per-Foot Charge for Each Foot Over 65</i>
4/0 service	\$2,054.00	\$10.20/Foot
4/0 Mobile Home Service	\$1,748.00	N/A

...

Section 3. That Subsections 26-475 (b) and (d) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-475. Nonresidential electric development fees and charges.**

...

(b) The ECF shall be the total of the kVA service charge and systems modification charge, to be determined as follows:

(1) The kVA service charge shall be determined as follows.

a. For customer electric loads served by the utility, the kVA service charge shall be calculated as follows:

ECF shall be calculated as follows:	
secondary metered services	$\$/kW = 396.56 + 25.35 \times \ln(kW)$
primary metered services	$\$/kW = 263.82 + 6.89 \times \ln(kW)$
Where $\ln$ is the natural logarithm	
kW is calculated as follows:	
three phase services	$kW = A \times V \times \text{SQRT}(3) \times \text{PF} \times 0.3/1000$
single phase services	$kW = A \times V \times \text{PF} \times 0.3/1000$
Where A is the requested amperage, calculated individually and aggregated under subsection (a) above. V is requested line to line voltage. PF is the power factor, which is assumed to be 0.9.	

...

(d) A Building Site Charge ("BSC") for extending primary circuitry to the transformer for any new or modified nonresidential service shall be invoiced

and paid in the same manner and at the same time as the ECF is invoiced and paid pursuant to § 26-475(a). The BSC shall be the total of the primary circuit charge, transformer installation charge and any additional charges, determined as follows:

- (1) The primary circuit charge for service from the utility source to the transformer shall be as follows:

a. For single-phase service, per foot of primary circuit	\$22.25
b. For three-phase service, per foot of primary circuit	\$39.29

- (2) The transformer installation charge shall be as follows:

a. For single-phase service, per transformer	\$2,110.11
b. For three-phase service, per transformer	\$4,704.49

...

Section 4. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 132, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF  
FORT COLLINS TO REVISE SEWER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article IV, Chapter 26 of the City Code establishes and sets forth the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-283 and 26-284 provide for sewer plant investment fees ("SPIFs") to be based on and used for growth-related capital expansion costs of wastewater collection, transmission, treatment, and administrative facilities that are reasonably related to the overall costs of and required in providing wastewater services to serve new development; and

WHEREAS, City Code Section 26-283 further requires that the City Manager annually review the parameters and rates of the SPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the SPIFs; and

WHEREAS, the Water Commission considered the proposed SPIFs adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the PIFs as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-284 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-284. - Sewer plant investment fees and surcharges established.**

- (a) The schedule of sewer plant investment fees, subject to the exceptions and additional requirements provided in this Section, is as follows:

Category	SPIF		
A	Single-family	Per dwelling	\$4,168.00
B and C	Duplex and Multi-family	Per each dwelling unit or mobile home space	\$3,007.00
D, E, F	Non-residential and Industrial		
	Water meter size (inches) Fee		Fee
	¾		\$8,950.00
	1		\$19,956.00
	1½		\$37,555.00
	2		\$77,919.00
	3 and above		Calculated on an individual basis based on peak wastewater flow (determined in the manner set forth hereinafter) but not less than the charge for a two-inch meter
G	User outside		Same as equivalent category, plus any special sanitation district fees
H	Special		Determined pursuant to Subsection (d) of this Section

...

- (d) The amount of the plant investment fee and surcharge for each nonresidential surcharged user, users in Category H and any user that is expected to generate greater than its proportionate share of peak day flow at the treatment plant for the applicable category (including both contributed wastewater volume and volume related to infiltration and inflow), shall be calculated utilizing the following formula:

$$\text{SPIF} = \text{Site Flow} \times [\text{Flow}_{\$} + (\text{BOD} \times \text{BOD}_{\$}) + (\text{TSS} \times \text{TSS}_{\$})] + \text{I\&I Flow} \times [\text{Flow}_{\$} + (200 \text{ mg/l} \times \text{BOD}_{\$}) + (250 \text{ mg/l} \times \text{TSS}_{\$})]$$

Where:

SPIF	=	Plant investment fee for Category H users and users discharging wastewater with average concentrations of BOD and/or TSS which exceed those average concentrations which are set forth in § 26-282(b) under Category E-34		
Site Flow	=	The user's proportionate share of peak day flow at the treatment plant based on site flow discharge from user's site		
I&I Flow	=	That proportionate share of peak day flow due to infiltration and inflow as allocated to user's site flow discharge. I&I Flow is calculated based on Site Flow multiplied by	46.5%	
Flow <sub>\$</sub>	=	Unit cost of facilities attributable to treating wastewater flow	Per Gallon	\$11.38
BOD	=	Average BOD concentration for user category or measured BOD concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 200 mg/l		
BOD <sub>\$</sub>	=	Unit cost of facilities attributable to treating BOD	Per mg/l	\$0.0170
TSS	=	Average TSS concentration for user category or measured TSS concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 250 mg/l		
TSS <sub>\$</sub>	=	Unit cost of facilities attributable to treating TSS	Per mg/l	\$0.0136

...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk



ORDINANCE NO. 133, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS TO REVISE THE STORMWATER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and City-wide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within the City; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the City benefit by the installation of such stormwater facilities; and

WHEREAS, existing stormwater rate payers have paid for the design, right-of-way, and construction of stormwater facilities identified in the drainage basin master plans that will benefit and be utilized by new development; and

WHEREAS, City Council has determined that new development should pay its proportionate share of the costs of capital stormwater facilities in existence at the time of development in the form of a stormwater plant investment fee as established by City Code Section 26-512 ("Stormwater PIF"); and

WHEREAS, City Code Section 26-511 requires that the City Manager review the rates and parameters for the Stormwater PIF annually and present them to City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the Stormwater PIF as set forth herein; and

WHEREAS, the Water Commission considered the proposed Stormwater PIF adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the Stormwater PIF as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-512 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-512. - Stormwater plant investment fees established.**

...

(2) Plant investment fee base rate. The stormwater plant investment fee base rate is hereby established as follows:

Per gross acre of area	\$11,019
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...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 134, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT  
COLLINS TO REVISE WATER PLANT INVESTMENT FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees or charges for water and for other utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, Article III, Chapter 26 of the City Code establishes and sets forth the water utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-120 and 26-128 provide for water plant investment fees (“WPIFs”) to be based on and used for growth-related capital expansion costs of water supply, storage, transmission, treatment and distribution, and administrative facilities that are reasonably related to the overall costs of and required in providing water services to serve new development; and

WHEREAS, City Code Section 26-120 further requires that the City Manager annually review the parameters and rates of the WPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the WPIFs, as set forth herein; and

WHEREAS, the Water Commission considered the proposed WPIFs adjustments at its meeting on October 20, 2022 and recommended approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the WPIFs as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-128 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-128. Schedule C, water plant investment fees.**

The water plant investment fee prescribed in § 26-120 shall be payable by users both inside and outside of the City, as follows:

(1) Single-family residential buildings.	
For a single-family residential lot greater than one-half ( $\frac{1}{2}$ ) acre in size, the lot size shall be deemed to be one-half ( $\frac{1}{2}$ ) acre for the purpose of this fee calculation. For each additional tap or meters larger than three-fourths ( $\frac{3}{4}$ ) inch, the nonresidential rate shall apply.	
a. For the first three-fourths-inch water tap or meter	\$851.00
b. For the first one-inch water tap or meter to accommodate residential fire suppression systems based upon the criteria established in the International Building Code as adopted and amended pursuant to Chapter 5 of this Code.	\$1,441.00
c. Plus, for each square foot of lot area	\$0.46
(2) Residential buildings of two (2) or more dwelling units (including fraternity and sorority multi-family housing)	
The fee will provide for one (1) tap per residential building and an adequate number of additional taps to serve common irrigable areas, if any. The number and size of taps shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$642.00
(3) Mobile home parks	
The size of the tap shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$642.00
b. Plus, for each square foot of lot area to be irrigated with the tap serving the residential building unit	\$0.34
(4) Hotels, fraternity and sorority dormitory housing, and similar uses.	
The nonresidential rate shall apply.	
(5) Nonresidential service	
a. Service to all nonresidential taps other than irrigation-only taps in subsection b shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Non-Irrigation-Only WPIF</i>
$\frac{3}{4}$	\$4,997.00
1	\$12,527.00
$1\frac{1}{2}$	\$23,086.00
2	\$45,370.00
The fee for such meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand, as determined by the Utilities Executive Director, by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$6.09

b. Service to all irrigation-only taps shall be charged according to the size of the meter pursuant to the following schedule:	
<i>Meter Size (inches)</i>	<i>Non-residential Irrigation Only Plant WPIF</i>
¾	\$16,198.00
1	\$37,015.00
1½	\$92,060.00
2	\$140,697.00
The fee for meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand approved by the Utilities Executive Director by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$6.09

...

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Heather Young, Sr. Community Engagement Manager, Utilities  
Shannon Ash, Utilities Affordability Program Manager, Utilities  
Brian Tholl, Sr. Energy Services Supervisor, Utilities  
Randy Reuscher, Lead Rates Analyst, Utilities  
Cyril Vidergar, Legal

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### SUBJECT

**Second Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Income-Qualified Assistance Program (IQAP) providing income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021, Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022 and provided staff direction for presentation to Council.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading to establish IQAP as an ongoing program to support Utilities customers and increasing the program discount from 23% to 25% for participating customer bills. Adopting this program on a permanent basis aligns with existing community, City, and Utilities priorities and is an investment in our community.

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### BACKGROUND / DISCUSSION

Staff is seeking Council action to transition the IQAP program from a pilot program to an ongoing program and are requesting an increase of the bill adjustment from 23% to 25% to ensure that low-income customers spend a similar percentage of household income on utilities as someone who makes 100% of Area Median Income (AMI). Specific questions for Council include:

- Does Council support the continuation and adoption of IQAP as a regular initiative?

- Does Council support increasing the bill adjustment discount from 23% to 25%?

The Income-Qualified Assistance Program was approved as a pilot by Council and launched in October 2018. The program was designed to reduce utility burdens for qualifying low-income participants that opt-in to the program by giving them a 23% discount on specific rate components of electric, water, and wastewater service bills. Utilities partnered with LEAP for income-eligibility verification for IQAP. LEAP eligibility is based on household size and an income threshold of 60% of State Median Income.

When IQAP launched, Utilities customers enrolled in the current or past LEAP season were eligible to complete an application to “opt-in” to participate in IQAP. Utilities sent bulk invites via mail or email to LEAP-enrolled customers annually to encourage them to apply for participation in IQAP. Customers could fill out an application at any time during the year to be enrolled in the program, provided their LEAP enrollment could be verified. Applications were completed online or via a paper form. Once an application was received by Utilities staff, the customer’s LEAP enrollment was verified, and their service bills were adjusted for the applicable services.

In July 2021, Council approved an extension of the pilot program and changed the enrollment structure from application-based, opt-in to auto-enroll, opt-out based on customers’ qualification and participation in LEAP. The intent of the opt-out approach was to increase overall participation while reducing administrative requirements for processing applications. The current pilot and associated discount are set to expire December 31, 2022, pursuant to City Code §26-724.

### ***Utility Burden***

One of the main reasons IQAP was implemented was to help offset the utility burden some customers experience. Utility burden is defined as the percentage of a household’s income that is spent on utility services such as electric, water, wastewater, and gas. Low-income households have been found to have disproportionately high utility burdens when compared to non-low-income households. Contributing factors include race, ethnicity, and low-quality housing.

Utility costs also continue to increase faster than income, both locally and nationally. Some customers are on a fixed income, especially seniors. Inflation means people have to spend more of their income on basic needs like utilities, and without access to heating, cooling, and water, unpaid utility bills can lead to dire health impacts. As temperatures increase due to climate change, customers use more energy. The cost of that energy also increases as the City and Platte River Power Authority work towards securing carbon-neutral energy sources.

### ***Current Program***

The IQAP pilot bill adjustment was designed as a multi-pronged approach to helping low-income households (at or below 60% AMI) achieve utility burdens that are more similar to those of households with 100% AMI. The IQAP 23% bill discount was designed to be combined with LEAP benefits and in-home conservation efforts to reduce participants’ utility burdens to more average levels (approximately 3.1% of income).

Utilities continues to partner with LEAP for income-eligibility verification to allow for auto-enrollment into IQAP. Utilities staff receives monthly lists of approved customers during the LEAP season. These lists are then verified by staff to confirm the customer is a Utilities account holder and if so, staff submits a billing rate adjustment request to the billing office. The customer is mailed a confirmation letter informing them that they have been enrolled in IQAP for the year, along with conservation education materials and additional program information.

IQAP participants are encouraged to participate in no-cost conservation programs such as Larimer County Conservation Corps (LCCC) retrofits and/or Colorado Affordable Residential Energy Program (CARE) to make their dwellings more efficient and to help reduce utility costs further. They also receive the monthly

Utilities Insights newsletter ([fcgov.com/utilities/utilities-insights](https://fcgov.com/utilities/utilities-insights)) that provides low- or no-cost tips and tricks for reducing utility use and costs. These ancillary program communications extend the reach of Utilities conservation and efficiency outreach efforts, delivering this key information to and improving user habits in households that historically are unlikely to participate in these efforts. Educating and creating incentives for conservation and efficiency shifts in these households builds trusted relationships and provides Utilities access to fuller rate payer usage data that in turn allows the City and Utilities to progressively achieve our environmental goals more aggressively.

### ***Program Update***

Since the launch of IQAP, participation has continued to increase and additional intentional outreach into the community is expected to gradually increase enrollment.

2021 Participation	2022 Participation	2023 Estimated Participation
759	1,727	1,900*

*\*Anticipating a 10% increase from the previous year*

Estimated total reach is 10,000 households using a city-wide poverty rate of ~16%, based on 2021 Census Bureau data combined with controlling for the student population in Fort Collins.

Utilities staff members have begun reaching out to partner agencies to discuss outreach opportunities. The goal is to increase awareness of LEAP and Utilities affordability programs. Utilities staff have identified underserved locations in the community using data from the Equity Office and will focus outreach opportunities in those areas.

According to current survey results, the majority of IQAP customers continue to be satisfied or very satisfied in the auto-enrollment process. The change from an application-based structure to auto-enrollment has increased program participation by approximately 128%.

### ***Energy Use Analysis***

At the launch of IQAP, an assumption was made that program participants would use less energy compared to those not in the program because participants were connected with CARE, LCCC, and other efficiency programs. Data analysis has shown that IQAP participants initially use slightly more energy (2.9% on average), but by year three of enrollment, energy use between IQAP and non-IQAP customers was similar. This can be attributed to customers being able to afford to heat and cool their homes at comfortable temperatures because it is more affordable. According to survey results, customers identify increased quality of life as a benefit of IQAP.

### ***Rate Reduction Evaluation***

In July 2021, Council requested an evaluation to determine if the 23% rate reduction was still sufficient. Utilities staff conducted an analysis to determine the percentage that it would take for a low-income customer to spend a similar amount on utilities as someone who makes 100% AMI. For this evaluation, staff used the same methodology to estimate the necessary rate reduction amount using updated utility and income data. The analysis took the LEAP benefit and non-City gas bills into consideration and calculated the necessary discount rate to be 25%. Staff expects the increased rate reduction will help offset the high energy burden and energy insecurity that continues to increase in our community and throughout the nation. This difference amounts to ~\$20/year/customer.

### ***Utility Benefits Summary***

Staff identifies the following utility purposes and benefits of IQAP for Council to evaluate under the conditions on spending utility enterprise revenues under City Charter Article XII, Section 6:



- IQAP creates parity within the residential rate class as to the percentage of household income committed to utility bills, compensating for income differences between low-income households (60% below AMI) and households that earn 100% of AMI
- The nominal financial impact of not recovering a portion of participants' monthly utility bills is offset by administrative efficiencies, including:
  - timely billing payment, allowing Utilities to avoid incurring the costs of disconnection, collections, or payment plans
  - increased participation in conservation programs that make low-income customer dwellings more efficient and advance regional efforts to reduce utility costs across the residential rate class
  - extended reach and cumulative benefits of Utilities conservation and efficiency education that affects user habits in households that historically do not participate in these efforts.
- As customers continue participation, combined program education and incentives build trusted community relationships and provide fuller customer usage pattern data that in turn allows Utilities to pursue environmental goals more aggressively.

## **CITY FINANCIAL IMPACTS**

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Based on current enrollment numbers (1,727 participants), customers receive an average IQAP discount of \$220.50/year with a 23% rate reduction. The total annual cost to Utilities is ~\$392,000. With a 25% rate reduction, customers would receive an average discount of \$240/year. The total annual cost to Utilities would be ~\$415,000, or an annual increase of ~\$23,000. The total cost of this program is nominal relative to the annual operating budget of Utilities and would minimally impact other Utilities customers. Increasing the IQAP bill discount, as proposed, is not anticipated to significantly affect the Utilities costs nor contribute to the need for additional rate increases.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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As part of outreach for this program, Utilities staff visited or will visit Energy Board, Affordable Housing Board, and Water Commission prior to the Council action on this matter. To date, Energy Board and the Affordable Housing Board are supportive of this program adoption, based on feedback provided at their September/October regular meetings. Staff will include feedback received after the AIS submission deadline from Council Finance Committee and Water Commission as it affects this matter for final adoption.

## **PUBLIC OUTREACH**

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Every year, participants in IQAP are offered an opportunity to complete a program survey. Participants are asked questions such as, "What has been the biggest benefit of receiving the IQAP utility bill discount?" and "Is there anything you would like to change about the Income-Qualified Assistance Program?" The overwhelming majority of participants report they are satisfied or very satisfied with the ease of enrollment and the discount they receive. They list increased quality of life, being able to save money for other expenses, decreased stress with paying bills, being educated on ways to conserve energy, and budgeting on a fixed income as some of the benefits because of IQAP. When asked about changes they would like to see to the program, a larger discount was listed repeatedly.

Utilities staff have scheduled outreach opportunities in the community for this upcoming LEAP season to increase awareness of the program and assist with applications. Several partner agencies throughout Fort Collins have agreed to host tabling events, which will allow Utilities staff to reach community members in locations they trust. These locations were selected to ensure accessibility to the community, from the north side to the south side of the city.

## ATTACHMENTS

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 135, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS  
RELATED TO WATER, WASTEWATER AND ELECTRIC RATES, FEES, AND CHARGES  
APPLIED UNDER THE INCOME-QUALIFIED ASSISTANCE PROGRAM

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Fort Collins City Charter, to by ordinance from time-to-time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the 2022 and proposed 2023 rates, fees or charges for utility services set forth in Chapter 26 of the City Code are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services as proposed for adjustment herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, on May 1, 2018, City Council adopted Ordinance No. 054, 2018, creating the Income-Qualified Assistance Program (“IQAP”), which launched in October 2018 providing customers with household incomes at or below 60% of Area Median Income (AMI) with utility service rate discounts for residential water, wastewater, and electric services furnished by respective enterprises of the City (the “IQAP Discounts”), as codified in Articles III, IV, and VI of Chapter 26 of the City Code; and

WHEREAS, on August 4, 2021, City Council adopted Ordinance No. 091, 2021 creating automatic customer enrollment and opt-out practices in City Code, and extending IQAP Discounts from August 1, 2021, through December 31, 2022; and

WHEREAS, the IQAP was initially adopted as a limited-time pilot to expire December 31, 2022, and provisions of the Code require amendment to continue the IQAP after that date; and

WHEREAS, Fort Collins Utilities staff has identified provisions of Chapter 26 of the Code where improved alignment of the IQAP with City Council priorities, market efficiencies, and utility practices can be achieved by making the IQAP an ongoing Utilities program, and by adjusting IQAP Discounts relative to geodemographic and cost of living data from the Utilities’ service area; and

WHEREAS, Utilities staff expects an increase of the IQAP Discount will increase effectiveness of the IQAP and help offset the high energy burden and increasing energy insecurity experienced within the City’s residential rate class; and

WHEREAS, the City Manager and Utilities staff also recommended to the City Council that the Code be revised to align the period for reviewing IQAP Discounts with the applicable periods for setting City utility rates; and

WHEREAS, the Energy Board considered proposed Code adjustments for the IQAP and Discounts at its September 8, 2022, regular meeting, and recommended approval of the proposed adjustments; and

WHEREAS, the Water Commission considered the proposed Code adjustments for the IQAP and Discounts at its October 20, 2022, regular meeting, and recommended approval of the proposed adjustments; and

WHEREAS, the City Council Finance Committee considered the proposed Code adjustments for the IQAP and Discounts at its October 19, 2022, regular meeting and staff included the Committee's feedback in the final adjustments proposed herein; and

WHEREAS, the proposed conversion of the IQAP from a pilot to an ongoing Utilities program, and adjusting bill discounts based on service area geodemographic and cost of living data, advance the following utility purposes that benefits rate payers, consistent with Article XII, Section 6 of the City Charter:

- creates parity as to percentage of household income within residential rate class committed to utility bills (targeting 3.1%), compensating for income differences between 60%/below AMI households and 100% AMI households;
- timely billing payment with less operational and administrative expense, as customers pay remaining bill balances without Utilities incurring the costs of disconnection, collections or payment plans;
- increased participation in programs and retrofits that improve efficiency of low-income customer dwellings and advance regional efforts to reduce utility costs across the residential rate class;
- extended reach and cumulative benefits of Utilities conservation and efficiency education involving user habits in households that historically have not participated in these efforts; and
- as customers continue participation, combined program education and incentives build trusted community relationships and provide fuller customer usage pattern data that in turn allows Utilities to pursue environmental goals more aggressively

; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the IQAP and Discounts for electric and water, and wastewater services as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-127(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-127. - Schedule B, meter rates.**

*(a) Residential rates.*

(1) Residential customers with one (1) dwelling unit shall pay the sum of the following changes:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...	...	...
c. Income-qualified assistance discount. Discount applied to monthly base and Tier 1 volumetric charges for IQAP participating residential customers in properties with one (1) dwelling unit, as further described in Section 26-724 of the Code.	25 percent	

(2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...	...	...
c. Income-qualified assistance discount. Discount applied to monthly base and Tier 1 volumetric charges for IQAP participating residential customers in properties with two (2) dwelling units, as further described in Section 26-724 of the Code.	25 Percent	

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:

<i>Category</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
...	...	...

c. Income-qualified assistance discount. A discount applied to the monthly base and volumetric charges above for IQAP participating residential customers in properties with more than two (2) dwelling units who hold water and wastewater service accounts in their own names, subject to Section 26-724 of the Code.	25 percent	
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...

Section 3. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-280. - Service charges established by category.**

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)	...	...	...
	Single-family residential user (metered water use)	3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers, as further described in Section 26-724 of the Code.	25 percent	
		...		...
B	Duplex (two-family) residential users (flat rate)	...	...	...
	Duplex (two-family) residential users (metered water use)	...	...	...
		3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers, as further	25 percent	

		described in Section 26-724 of the Code.		
		...		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user	...	...	...
		3. Income-qualified assistance discount. Discount applied to monthly base and volumetric charges for IQAP participating residential customers in properties with more than two (2) dwelling units who hold water and wastewater service accounts in their own names, subject to Section 26-724 of the Code.	25 percent	
		...		

...

Section 4. That Section 26-464 (c) of the Fort Collins City Code is hereby amended to read as follows:

**Sec. 26-464. - Residential energy service, schedule R.**

...

(c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2023.

<i>Description</i>		<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
...	...		...	...
	f. Income-qualified assistance discount. Discount applied to effective monthly charges in "a.", "b.", "c." and "d." for IQAP participating residential customers, as further described in Section 26-724 of the Code.		25 percent	

...

Section 5. Section 26-465 (c) of the Fort Collins City Code is hereby amended to read as follows:

**Sec. 26-465. - All-electric residential service, schedule RE.**

...

(c) *Monthly rate.*

- (1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2023.

<i>Description</i>	<i>Unit</i>	<i>Component Charge</i>	<i>Billed Charge (including PILOT)</i>
...			
e. Income-qualified assistance program ("IQAP") discount. Discount applied to monthly charges in "b.", "c." and "d." above for IQAP participating residential customers, as further described in Section 26-724 of the Code		25 percent	

...

Section 6. Section 26-724(d) of the Fort Collins City Code is hereby amended to read as follows:

**Sec. 26-724. - Residential income-qualified assistance program.**

...

- (d) *Rates.* The discounts applied to monthly base and volumetric rates for qualified customers shall be as set forth in Sections 26-127(a), 26-280, 26-464(c), and 26-465(c) of this Code on meter readings on or after January 1, 2023.

...



Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Adam Bromley, Director, Electrical Engineering  
Lance Smith, Sr Director, Utilities Finance  
Cyril Vidergar, Legal

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## SUBJECT

**First Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.**

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## EXECUTIVE SUMMARY

The purpose of this item is to bring forward an off-cycle supplemental appropriation of Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.

The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service's territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.

Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e. January 2023). Utilities staff will need vendor support to complete this major software version upgrade.

As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise's share of this expense would be 31.6% and the Electric Utility Enterprise's share would be 68.4%.

The total supplemental appropriation being proposed for your consideration is for \$629,588.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

Fort Collins staff knew that a version upgrade to the MDMS was needed back in 2018 and had planned to complete the upgrade at that time with the use of internal resources only. Staff attended vendor training specific to this upgrade in order to support it. The staff that were identified to complete this upgrade in 2018 subsequently were taken from this project to devote their expertise on the Utilities Customer Information System (CIS) upgrade project that was a higher priority due to the immediate customer/billing needs for the new Connexion utility. This meant that the MDMS upgrade was put on hold, which may have benefited Utilities in the long run. This is because as other utilities utilizing the same MDMS implemented their own migrations to the newer versions, which included significant architectural changes, the vendor realized that these migrations were much too complicated without third-party assistance.

Now that the organization has stepped back from the engagement with the previous CIS vendor and is planning a new CIS upgrade projected to be initiated in 2023, staff and management identified the window of time prior to the CIS project to complete the previously delayed upgrade to MDMS. There are several reasons that completing this upgrade now is imperative which include:

- Functionality included in the new version will reduce manual work and customizations:
  - More robust data Validation, Editing, and Estimation (VEE) algorithm/process that greatly reduces manual action and intervention;
  - Enables use and storage of more electric meter channels which provides billing determinant calculations for our largest Commercial & Industrial (C&I) customers; this is currently calculated in a third-party software which entails a high volume of manual work; and
  - Reports that were previously custom developed through an external program will now be included inherently to the software.
- Existing version is extremely outdated; extended support for the current 7.2 version is not sustainable.
- New version is much more stable and will eliminate many of the billing issues encountered on a monthly basis.
- Current version of software relies on older versions of browsers (now unsupported) and other no longer supported software technologies which is a cyber security vulnerability.
- Application servers (non-database) for this version are located on a very old version of Linux RedHat because it will not operate on more recent, supported versions.
- The current version of Oracle being utilized will no longer be supported at the end of 2022.

Staff has engaged with vendor support companies and other users of the software to conclude that the most effective way to complete a successful upgrade is to utilize external support that has previously completed upgrades from our current version to the newest version of software. To complete this upgrade prior to the CIS upgrade project, staff has solicited for external support through an RFP process.

## CITY FINANCIAL IMPACTS

After completing an RFP process, staff has a better understanding of the full costs involved in obtaining external support. The provided quote for those services was approximately \$630K. As mentioned above in the summary, L&P and Water share the costs of this system depending on their respective meter counts. The total supplemental appropriation being proposed for your consideration is for \$629,588, with the individual appropriations from each utility's reserves as specified below:

Light & Power	\$430,638
Water	\$198,950
<b>Total Cost of MDMS Upgrade</b>	<b>\$629,588</b>

The following table shows where L&P reserves are and where they will be after this supplemental appropriation:

	Light & Power	Water
Year End 2021 Reserve Balance	\$64.6	\$84.3
Minimum Required	(\$8.1)	(\$5.8)
Appropriated Prior to 2022	(\$18.8)	(\$37.2)
2022 Connexion Appropriation	(\$20.0)	
2022 Transformer Appropriation	(\$3.6)	
2023-24 CMO Recommended Budget	(\$0.8)	(\$29.2)
Available Reserves Before This Request	\$13.3	\$12.1
MDMS Upgrade	(\$0.4)	(\$0.2)
Remaining Available Reserves	\$12.9M	\$11.9M

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

Energy Board unanimously supported this supplemental appropriation from Light & Power Fund reserves on April 14, 2022.

Water Commission unanimously supported this supplemental appropriation from Water Fund reserves on April 21, 2022.

Council Finance Committee unanimously supported these supplemental appropriations on October 20, 2022.

#### **PUBLIC OUTREACH**

None.

#### **ATTACHMENTS**

1. Ordinance for Consideration

ORDINANCE NO. 137, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE LIGHT & POWER FUND AND THE  
WATER FUND FOR THE PURCHASE OF VENDOR SERVICES TO SUPPORT A MAJOR  
VERSION UPGRADE TO THE UTILITIES METER DATA MANAGEMENT SYSTEM.

WHEREAS, on May 18 and July 20, 2010, City Council approved Ordinance Nos. 043, 2010 and 084, 2010, respectively, appropriating unanticipated grant revenues and utility reserve funds to convert City electric and water meters to Advanced Metering Infrastructure (“AMI”) technology in furtherance of the Smart Grid Investment Project (“SGIP”); and

WHEREAS, by converting older electric and water meters to AMI meters, the Electric and Water Utilities have benefited from the technology and security improvements of smart grid infrastructure, which include increased customer service through improved billing accuracy and faster response times to customer inquiries, as well as increased service interruption detection capabilities; and

WHEREAS, the SGIP included deploying software to collect and process meter data, including the Meter Data Management System (MDMS), which reads and validates daily water and electric meter data across Fort Collins Utility’s service territory and calculates billing determinants for each customer bill; and

WHEREAS, the original MDMS software, EnergyIP, must be upgraded ahead of the start of the 2023-24 budget cycle to support current meter functionality and assure accurate billings based on readings on or after January 1, 2023; and

WHEREAS, as the MDMS system supports the Water and Electric Utilities, the cost of the EnergyIP upgrade will be shared between them, which has historically been allocated between benefited utility enterprises based on customer counts as determined by the number of deployed meters; and

WHEREAS, using the historic cost allocation model for shared project costs, the respective shares of the EnergyIP upgrade expense are 31.6% from the Water Utility Enterprise, totaling \$198,950.00; and 68.4% from the Electric Utility Enterprise, totaling \$430,638.00; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of collecting and processing advanced electric and water meter data necessary to support an efficient, accurate, and up-to-date customer information and billing system for these utilities; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Light & Power Fund and the Water Fund and will not cause the total amount appropriated in the Light & Power Fund or the Water Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the project; and

WHEREAS, the City Council wishes to designate the appropriation herein for the purchase of vendor services to support the upgrade the Utilities Meter Data Management System as an appropriation that shall not lapse until the completion of the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the Light & Power Fund the sum of FOUR HUNDRED THIRTY THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS (\$430,638) to be expended in the Light & Power Fund for the purchase of vendor services supporting a version upgrade to the utilities meter data management system.

Section 3. That there is hereby appropriated from prior year reserves in the Water Fund the sum of ONE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED FIFTY DOLLARS (\$198,950) to be expended in the Water Fund for the purchase of vendor services supporting a version upgrade to the utilities meter data management system.

Section 4. That the appropriation herein for the purchase of vendor services to support the upgrade of the Utilities Meter Data Management System is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading, and ordered published this 15th day of November, A.D. 2022, and to be presented for final passage on the 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Teresa Roche, Human Resources Executive  
Kelley Vodden, Compensation, Benefits and Wellness Director  
Ryan Malarky, Legal

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## SUBJECT

**First Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.**

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## EXECUTIVE SUMMARY

The purpose of this item is to recommend the 2023 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

### OPEN PAY RANGES

The City utilizes a common compensation methodology to assess jobs, combine them into job functions and establish pay range structures. The result of this work sets the minimum, midpoint and maximum of pay ranges for the levels within each career group and function.

Pay ranges are reviewed annually as part of a comprehensive market pricing analysis. Pay ranges are grouped and driven by job functions that are based upon findings of a recruiting analysis conducted to determine where positions are typically sourced. Pay range midpoints are determined by looking at aggregate market data for positions or groups of positions and rolled up to a median of the market for functional groupings, with high and low outliers removed.

Jobs for which there is no external benchmark are evaluated and placed in the Pay Plan using a job evaluation system that is calibrated against benchmark jobs.

Individual salary placement in a pay range is based on an employee's knowledge, skills, abilities, performance, and experience, paired with internal equity considerations and budget availability to ensure horizontal alignment across the City.



## Market Data Sources

- Employers Council - Colorado Benchmark Compensation Survey
- Employers Council - Information Technology Survey
- Employers Council - Public Employers Compensation Survey
- Willis Towers Watson - General Industry Compensation Survey

## Recommended Open Pay Range Structure Adjustments

As a result of the market analysis, staff is recommending a 2.5% increase to all open pay ranges. Actual employee salary increases are determined administratively within the Council-adopted employee pay increase budget.

## STEP PLAN

The City has 15 jobs that are part of a Step Plan, a pay system in which pay progression is directly linked to skills acquisition rather than to general pay increases applicable to employees in Open Pay Ranges. Employees in Step Plan jobs may receive labor market adjustments as determined by the annual market analysis.

## Market Data Sources

- Employers Council - Colorado Benchmark Compensation Survey
- Employers Council - Public Employers Compensation Survey
- Employers Council - Rural Electric Association Survey

## Recommended Step Plan Adjustments

As a result of the market analysis, staff is recommending changes to Step Plan jobs, varying from 2.5% to 8.50% increases. Employees in Step Plan jobs will receive a market adjustment consistent with the analysis.

## COLLECTIVE BARGAINING UNIT

Police collective bargaining unit (CBU) positions are included in the Pay Plan to establish pay for such positions until market data is collected and pay is established according to the Council-approved collective bargaining agreement. The pay plan for classified positions not in the CBU is taken to Council for consideration and adoption by ordinance in late December and before the new payroll year. Terms of the collective bargaining agreement between the City and the police employee organization call for market data to be collected close to the end of the calendar year, so there is a delay in gathering market data for the CBU positions. This results in City staff bringing an amended Pay Plan back to Council for consideration early in the first quarter of the year.

## CITY FINANCIAL IMPACTS

The estimated net cost for the adjustments to the Step Plan jobs is approximately \$20,000 and will be absorbed within the 2023 operating budgets approved by Council.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

## **PUBLIC OUTREACH**

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Not applicable.

## **ATTACHMENTS**

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1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 138, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING THE 2023 CLASSIFIED EMPLOYEE PAY PLAN

WHEREAS, Section 2-566 of the City Code requires that the pay plan for all classified employees of the City shall be established by ordinance of the City Council; and

WHEREAS, the City is committed to compensating employees in a manner that is fair, competitive and understandable; and

WHEREAS, the annual market analysis conducted by the Human Resources Department includes public and private employer salary survey information, including Colorado public employers and national general industry compensation, providing clear benchmark information for approximately 356 benchmark positions; and

WHEREAS, the pay plan recommended by the City Manager is consistent with City Council objectives and the Council-approved budget for 2023; and

WHEREAS, the City Council believes that the adoption of the recommended pay plan is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby adopts the 2023 City of Fort Collins Classified Employee Pay Plan (the "Pay Plan"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 3. That the Pay Plan shall be effective as of January 9, 2023, the first pay period of 2023.

Section 4. That the City Manager shall fix the compensation levels of all classified employees within the pay levels established in the Pay Plan except to the extent that the City Manager determines, due to performance or other extraordinary circumstances, that the pay level of a particular employee should remain below the minimum or be fixed above the maximum for that employee's job title.

Section 5. That the City Manager shall fix the salary for newly created positions or positions that are modified due to changes in job duties within the approved pay structure based on results of an objective job analysis.

Introduced, considered favorably on first reading, and ordered published this 15th day of November, A.D. 2022, and to be presented for final passage on the 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk



## CITY OF FORT COLLINS 2023 PAY PLAN

<u>JOB TITLE</u>	<u>JOB TYPE</u>	<u>LEVEL</u>	<u>JOB FUNCTION</u>	<u>JOB FAMILY</u>	<u>JOB SUB FAMILY</u>	<u>TABLE</u>
Accountant II	P049	P2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Administrator I, Systems	P003	P1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Analyst I, Apps Software	P005	P1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst I, Benefits	P016	P1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst I, Data	P122	P1	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Analyst I, Finance	P020	P1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst I, GIS	P002	P1	TECHNOLOGY	GIS	GIS	3
Analyst I, HRIS	P023	P1	HUMAN RESOURCES	HRIS	HRIS	4
Analyst II, Apps Software	P028	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst II, Apps Software Dev	P123	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Analyst II, Benefits	P124	P2	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst II, Budget	P136	P2	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Analyst II, Bus Intelligence	P133	P2	TECHNOLOGY	DATA SCIENCE	BUSINESS INTELLIGENCE	3
Analyst II, Finance	P050	P2	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst II, GIS	P031	P2	TECHNOLOGY	GIS	GIS	3
Architect, IT Security	P101	P4	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Architect, Landscape	P032	P2	PLANNING	PARK PLANNING	LANDSCAPE	1
Architect, Portfolio Mgmt	P145	P4	TECHNOLOGY	TECHNOLOGY	PORTFOLIO MANAGEMENT	3
Architect, Technology	P109	P4	TECHNOLOGY	DATA SCIENCE	DATA SCIENCE	3
Asst Superintendent, Parks	O019	OT6	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Auditor II, Sales Tax	P060	P2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Bailiff	A001	A2	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
BUILDING INSPECTOR	OS14	OS5	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1S
Business Support I	A002	A2	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support II	A008	A3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support III	A020	A4	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Buyer II	P043	P2	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Chemist	P008	P1	SCIENCES & ENGINEERING	SCIENCES	CHEMISTRY	3
Chief Building Official	M042	M2	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Chief Deputy City Clerk	P158	P3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Chief Deputy City Clerk	P051	P2	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Chief Information Officer	M092	M4	STRATEGY	TECHNOLOGY	TECHNOLOGY	7
City Clerk	M072	M3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
City Engineer	M079	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
City Traffic Engineer	M064	M3	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3





## CITY OF FORT COLLINS 2023 PAY PLAN

Civil Engineer I	P009	P1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer II	P037	P2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer III	P078	P3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Community Service Officer	O044	OT4	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNITY SERVICES OPERATIONS	5B
Coord, Sales Tax & Audit Rev	A097	A4	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Coordinator, AR / Billing	A021	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Coordinator, Accounts Payable	A015	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Coordinator, Active Modes	A093	A4	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Coordinator, Bldg & Dev Review	A071	A4	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Coordinator, Communications	A028	A4	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Coordinator, Cultural Services	A031	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Coordinator, Customer Support	A074	A4	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Coordinator, Finance	A022	A4	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Coordinator, HRIS	A017	A4	HUMAN RESOURCES	HRIS	HRIS	4
Coordinator, Outreach	A036	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Coordinator, Payroll	A018	A4	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Coordinator, Public Engagement	A023	A4	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Coordinator, Talent Acquisitio	A098	A4	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Coordinator, Theatre Prod	A096	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Court Security Officer	O036	OT4	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Crew Chief, Electric Dist	S013	S1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Crew Chief, Facilities	S006	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Crew Chief, Forestry	S012	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Crew Chief, Natural Areas	S059	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Crew Chief, Parks	S010	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Crew Chief, Transportation Ops	S052	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Crew Chief, Water Field Ops	S053	S1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Crime Analyst	A062	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Crime Analyst	A090	A6	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Criminalist	A069	A6	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Curator	P014	P1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Deputy City Clerk	A060	A5	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Deputy Court Administrator	S002	S1	LEGAL	JUDICIAL	ADMINISTRATION	4
Deputy Court Clerk I	A005	A3	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Deputy Court Clerk II	A013	A4	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Deputy Director, Broadband	M135	M4	STRATEGY	BROADBAND	BROADBAND	7
Deputy Director, PDT	M094	M4	STRATEGY	PLANNING, DEV & TRANSPORTATION	CITY PLANNING	7



## CITY OF FORT COLLINS 2023 PAY PLAN

Deputy Director, PDT	M097	M4	STRATEGY	PLANNING, DEV & TRANSPORTATION	PLANNING, DEV & TRANSPORTATION	7
Deputy Director, Sus Services	M136	M4	STRATEGY	SUSTAINABILITY SERVICES	SUSTAINABILITY SERVICES	7
Deputy Director, Utilities	M096	M4	STRATEGY	UTILITIES	ELECTRIC	7
Deputy Director, Utilities	M095	M4	STRATEGY	UTILITIES	WATER	7
Deputy Director, Utilities	M093	M4	STRATEGY	UTILITIES	ELECTRIC	7
Dir, Economic Sustainability	M081	M3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Dir, Electric Distribution	M073	M3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Dir, Environ Sustainability	M069	M3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Dir, Social Sustainability	M066	M3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Dir, Transportation Operations	M074	M3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Director, Accounting	M082	M3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Director, Broadband	M120	M3	OPERATIONS	BROADBAND	BROADBAND	2
Director, Budget	M067	M3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Director, Civil Engineering	M086	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Civil Engineering	M089	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Communications	M065	M3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Director, Cultural Services	M075	M3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Director, Elec Engineering	M114	M3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Director, FP&A	M078	M3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Director, Facilities & Fleet	M083	M3	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Director, Human Resources	M088	M3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Director, Information Services	M040	M3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Director, Natural Areas	M127	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Director, Park Planning	M068	M3	PLANNING	PARK PLANNING	LANDSCAPE	1
Director, Parks	M071	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Director, Plant Operations	M084	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Director, Plant Operations	M139	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Director, Purchasing	M077	M3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Director, Recreation	M070	M3	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Director, Sciences	M085	M3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Director, Technology	M121	M3	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Director, Total Compensation	M123	M3	HUMAN RESOURCES	COMPENSATION/BENEFITS/WELLNES	TOTAL COMPENSATION	4
Director, Transit	M076	M3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Director, Water Field Ops	M108	M3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Electric Line Worker	OS12	OS4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2S
Electric Meter Systems Tech	OS18	OS4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2S
Electric Systems Operator	OS05	OS3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2S
Electrical Engineer I	P012	P1	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3



## CITY OF FORT COLLINS 2023 PAY PLAN

Electrical Engineer II	P143	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer II	P039	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer III	P077	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrician	O038	OT4	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Emergency Commun Dispatcher	O043	OT4	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A
Emergency Management Officer	M109	M4	STRATEGY	EMERGENCY MANAGEMENT	EMERGENCY MANAGEMENT	7
Engineer I, Fiber	P112	P1	TECHNOLOGY	FIBER	FIBER	3
Engineer I, Network	P004	P1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Fiber	P138	P2	TECHNOLOGY	FIBER	FIBER	3
Engineer II, Network	P029	P2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Systems	P030	P2	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Exec Assistant To The City Mgr	P001	P1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Admin Assistant	A043	A5	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Assist, City Council	P160	P1	FINANCE & ACCOUNTING	ADMINISTRATION	ADMINISTRATION	4
Fleet Maintenance Tech	OS19	OS4	OPERATIONS	FACILITIES & FLEET	FLEET	2S
Inspector, Code Compliance	O023	OT3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Investigative Aide	A061	A5	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Lab Assistant	O001	OT1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Analyst, Utility Rate	P102	P4	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE ANALYSIS	4
Lead Auditor, Sales Tax	P150	P3	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
LEAD BUILDING INSPECTOR	SS03	SS1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	S1
Lead Coord, Communications	A086	A6	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Coord, Utility Rate/Fee	A066	A6	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE / FEE	4
Lead Inspector Code Compliance	O064	OT6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Lead Inspector, Construction	O052	OT6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Lead Inspector, Zoning	O073	OT6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Lead Park Ranger	S011	S1	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
LEAD PLANT OPERATOR	OS13	OS5	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2S
Lead Rep, Customer Support	A040	A5	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Lead Spc, Cultural Services	P081	P3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Lead Spc, Econ Sustainability	P159	P3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Lead Spc, Employee Relations	P099	P3	HUMAN RESOURCES	TALENT MANAGEMENT	EMPLOYEE RELATIONS	4
Lead Spc, Env Sustainability	P092	P3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Lead Spc, Homelessness	P135	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	HOMELESSNESS	1
Lead Spc, Process Improvement	P065	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Lead Spc, Soc Sustainability	P097	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Lead Spc, Special Events	P084	P3	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	SPECIAL EVENTS	1
Lead Spec, Emergency Mgmt	P154	P3	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4





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Lead Specialist, Communication	P155	P3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Specialist, Forestry	P085	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Lead Specialist, Marketing	P047	P3	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Lead Specialist, Natural Areas	P104	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Lead Specialist, Occpnl Hlth	P115	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	OCCUPATIONAL HEALTH	4
Lead Specialist, Parks	P165	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Lead Specialist, Public Engage	P141	P3	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Lead Specialist, Safety	P093	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Lead Specialist, Sciences	P072	P3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Specialist, Security	P091	P3	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Lead Sr Facilities Project Mgr	M111	M1	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Lead Tech, Graphic Design	A068	A6	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Lead Tech, Transportation Ops	O065	OT6	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Lead Technician, Sciences	A065	A6	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Technician, Video Prod	A067	A6	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Legal Assistant	A009	A3	LEGAL	LEGAL	LEGAL SUPPORT	4
Line Crew Chief	SS05	SS1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2S
Line Groundworker	OS01	OS1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2S
Locator, Elec Dist - Field Ops	O006	OT3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Manager, Active Modes	M023	M1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Manager, Administration	M116	M1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Manager, Applications Software	M001	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Manager, Apps Software Dev	M002	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Manager, Benefits	M125	M1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Manager, Bldg & Dev Review	M034	M1	PLANNING	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Manager, Broadband	M105	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Broadband Operations	M143	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Civil Engineering	M008	M1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Manager, Communications	M017	M1	CUSTOMER SERVICE	COMMUNICATIONS	COMMUNICATIONS	4
Manager, Compliance	M115	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Manager, Construction Inspect	M005	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Manager, Cultural Services	M016	M1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Manager, Customer Support	M021	M1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Manager, Econ Sustainability	M033	M1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Manager, Elec Distr Hi Voltage	M103	M1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Manager, Env Sustainability	M100	M1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Manager, Environ Planning	M032	M1	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Manager, FP&A	M026	M1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4



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Manager, Forestry	M128	M1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Manager, GIS	M004	M1	TECHNOLOGY	GIS	GIS	3
Manager, Graphic Design	M020	M1	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Manager, HR Operations	M102	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, Historic Preservation	M022	M1	PLANNING	CITY PLANNING	HISTORIC PRESERVATION	1
Manager, Marketing	M018	M1	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Manager, Payroll	M029	M1	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Manager, Plant Operations	M012	M1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Manager, Project Management	M129	M1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Manager, Public Engagement	M017	M1	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Manager, Purchasing	M130	M1	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Manager, Real Estate	M027	M1	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2
Manager, Recreation	M024	M1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Manager, Sales	M138	M1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Manager, Sciences	M019	M1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Manager, Service Delivery	M131	M1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Manager, Social Sustainability	M119	M1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Manager, Systems Admin	M009	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Manager, Systems Engineering	M003	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Manager, Talent Acquisition	M015	M1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Manager, Talent Development	M030	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, Technical Proj Mgmt	M106	M1	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Manager, Traffic Engineering	M007	M1	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Manager, Transportation Ops	M013	M1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Manager, Transportation Plng	M112	M1	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Manager, Video Production	M031	M1	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Manager, Water Field Ops	M006	M1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Manager, Water Util Dev Review	M122	M1	SCIENCES & ENGINEERING	ENGINEERING	DEVELOPMENT REVIEW	3
Manager, Wellness	M014	M1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Master Electrician	O051	OT6	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Mechanic	OS07	OS4	OPERATIONS	FACILITIES & FLEET	FLEET	2S
Mechanical Engineer I	P011	P1	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer II	P134	P2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer III	P075	P3	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Municipal Court Administrator	S019	S2	LEGAL	JUDICIAL	ADMINISTRATION	4
Natural Areas Trail Ranger	O058	OT4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Officer I, Enforcement	O010	O3	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Officer I, Transportation Ops	O013	OT2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2



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Officer II, Enforcement	O026	OT3	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Operator I, Transit	O011	OT2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator I, Transportation Ops	O009	OT2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Operator II, Broadband	O069	OT3	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Operator II, Transit	O021	OT3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator II, Transportation Op	O022	OT3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Paralegal	A064	A6	LEGAL	LEGAL	LEGAL SUPPORT	4
Park Ranger	O037	OT4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Parking Enforcement Officer I	O010	OT2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Parking Enforcement Officer II	O066	OT3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Partner, Human Resources	P062	P2	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Planner, City	P052	P2	PLANNING	CITY PLANNING	CITY PLANNING	1
Planner, Environmental	P048	P2	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Planner, Transit	P046	P2	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Planner, Transportation	P113	P2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Plans Examiner	A073	A6	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Plant Operator	OS09	OS4	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2S
Police Assistant Chief	M090	M3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Police Corporal	S017	S1	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Deputy Chief	M098	M4	STRATEGY	PROTECTIVE SERVICES	POLICE ADMINISTRATION	7
Police Lieutenant	M063	M2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Officer	O025	OT6	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Police Psychologist	P103	P4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Police Sergeant	S051	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	SWORN OPERATIONS	5C
Probation Officer	A087	A5	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Process Engineer I	P139	P1	SCIENCES & ENGINEERING	ENGINEERING	PROCESS ENGINEERING	3
Project Analyst	P026	P1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Coordinator	A083	A5	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Manager	P041	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Reliability Engr II, Utilities	P152	P2	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Reliability Engr III, Utilities	P130	P3	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Rep I, Customer Support	A003	A2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Customer Support	A006	A3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Police Records	A011	A3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Specialist, Active Modes	P013	P1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Specialist, City Planning	P121	P1	PLANNING	CITY PLANNING	CITY PLANNING	1
Specialist, Communications	P021	P1	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Specialist, Compliance	P127	P1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1



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Specialist, Customer Support	P034	P1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Specialist, DOT	P157	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Econ Sustainability	P119	P1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Specialist, Env Sustainability	P120	P1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Specialist, Facilities	P007	P1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Specialist, Natural Areas	P140	P1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Specialist, Public Engagement	P015	P1	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Specialist, Regulatory Svcs	P163	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Revenue	P149	P1	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Specialist, Safety	P111	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Sales	P116	P1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Specialist, Sciences	P010	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Social Sustain	P019	P1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Specialist, Talent Acquisition	P117	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Specialist, Talent Development	P017	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Specialist, Wellness	P018	P1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Sr Accountant	P083	P3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Administrator, Database	P069	P3	TECHNOLOGY	DATABASE	DATABASE	3
Sr Administrator, Systems	P067	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Administrator, SCADA PLC Prgr	P148	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Administration	P129	P3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Sr Analyst, Apps Software	P066	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Analyst, Apps Software Dev	P070	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Sr Analyst, Budget	P080	P3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Sr Analyst, Business	P131	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	BUSINESS ANALYSIS	4
Sr Analyst, Compensation	P082	P3	HUMAN RESOURCES	COMPENSATION	COMPENSATION	4
Sr Analyst, Data	P164	P3	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Sr Analyst, Finance	P094	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, GIS	P126	P3	TECHNOLOGY	GIS	GIS	3
Sr Analyst, Grants Admin	P162	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, HRIS	P096	P3	HUMAN RESOURCES	HRIS	HRIS	4
Sr Analyst, IT Security	P114	P3	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Sr Analyst, Systems	P071	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Treasury	P090	P3	FINANCE & ACCOUNTING	TREASURY / INVESTMENT	TREASURY / INVESTMENT	4
Sr Architect, Landscape	P074	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Buyer	P089	P3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Sr Coord, Sales Tax Audit Rev	A056	A5	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4



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Sr Coordinator, AP	A039	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Sr Coordinator, Accounting	A088	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Coordinator, Active Modes	A076	A5	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Sr Coordinator, Benefits	A082	A5	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Sr Coordinator, Communications	A037	A5	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Coordinator, Creative Svcs	A095	A5	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Coordinator, Cultural Svcs	A049	A5	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Coordinator, Forestry	A048	A5	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Coordinator, HRIS	A044	A5	HUMAN RESOURCES	HRIS	HRIS	4
Sr Coordinator, Marketing	A055	A5	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Coordinator, Payroll	A042	A5	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Sr Coordinator, Public Engage	A041	A5	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Coordinator, Recreation	A054	A5	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Coordinator, Risk Mgmt	A038	A5	FINANCE & ACCOUNTING	RISK MANAGEMENT	RISK MANAGEMENT	4
Sr Coordinator, Safety	A052	A5	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Director, Utilities Finance	M141	M4	STRATEGY	UTILITIES	FINANCIAL PLANNING & ANALYSIS	7
Sr Director, Water Operations	M140	M4	STRATEGY	UTILITIES	WATER	7
Sr Engineer, Network	P068	P3	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Engineer, Systems	P064	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Sr Engineer, Video Prod	P156	P3	MARKETING & CREATIVE SERVICES	SYSTEMS	VIDEO PRODUCTION	3
Sr Facilities Project Manager	P073	P3	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Sr Inspector, Compliance	O056	OT5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Inspector, Construction	O045	OT5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Sr Inspector, Zoning	O048	OT5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Sr Legal Assistant	A026	A4	LEGAL	LEGAL	LEGAL SUPPORT	4
Sr Locator, Elec Dist Field Op	O012	OT4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Sr Manager, Accounting	M052	M2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Manager, Apps Software	M038	M2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Manager, City Planning	M126	M2	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Manager, Civil Engineering	M043	M2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Sr Manager, Creative Services	M132	M2	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Manager, Cultural Services	M050	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Cultural Services	M054	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Customer Support	M051	M2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Manager, Econ Sustainability	M110	M2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Sr Manager, Elec Engr	M060	M2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Sr Manager, Emergency Comms	M061	M2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A
Sr Manager, Env Sustain	M056	M2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1



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Sr Manager, Facilities & Fleet	M044	M2	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Sr Manager, Forestry	M035	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Manager, HRIS	M124	M2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Manager, Horticulture	M142	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Information Svcs	M062	M2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Manager, Mechanical Engr	M045	M2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Manager, Neighborhood Svcs	M058	M2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Manager, Network Engineering	M104	M2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Manager, Parks	M057	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Manager, Public Engagement	M133	M2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Manager, Recreation	M134	M2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Manager, Sales Tax/Revenue	M036	M2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Manager, Sciences	M046	M2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Manager, Social Sustainblty	M118	M2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Manager, Technology	M039	M2	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Sr Manager, Traffic Engr	M041	M2	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Manager, Transit	M049	M2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Manager, Transportation Ops	M137	M2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Manager, Transportation Pln	M037	M2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Manager, Water Engineering	M047	M2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Sr Mgr, Safety & Risk Mgmt	M117	M2	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Partner, Human Resources	P142	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Planner, City	P098	P3	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Planner, Environmental	P086	P3	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Sr Planner, Trails	P137	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Planner, Transportation	P087	P3	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Project Manager	P095	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Project Manager, Talent Mgmt	P166	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Rep, Cultural Svcs	A025	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Spc, Neighborhood Svcs	P044	P2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Spc, Process Improvement	P053	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Sr Spec, Talent Development	P161	P2	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Sr Specialist, Communications	P058	P2	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Specialist, Compliance	P146	P2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Cultural Svcs	P153	P2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Specialist, Cust Support	P027	P2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Specialist, DAR Program Mgr	P167	P3	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Sr Specialist, Econ Sustain	P056	P2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1





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Sr Specialist, Env Compliance	P125	P2	SUSTAINABILITY	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Enviro Sustain	P061	P2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Sr Specialist, Equity	P144	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	EQUITY, DIVERSITY & INCLUSION	1
Sr Specialist, Forestry	P151	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Specialist, OEM	P128	P2	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4
Sr Specialist, Outreach	P107	P2	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Sr Specialist, Parks	P033	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Specialist, Public Engage	P054	P2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Specialist, Real Estate	P055	P2	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2
Sr Specialist, Recreation	P045	P2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Specialist, Sciences	P035	P2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Specialist, Social Sustain	P132	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Specialist, Workers Comp	P147	P2	ADMINISTRATION	SAFETY & RISK MANAGEMENT	WORKERS COMPENSATION	4
Sr Supervisor, AR / Billing	S045	S2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Sr Supervisor, CSO	S050	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNITY SERVICES OPERATIONS	5B
Sr Supervisor, Cultural Svcs	S037	S2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Supervisor, Cust Support	S018	S2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Supervisor, Electric Dist	S034	S2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2
Sr Supervisor, Emergency Comm	S046	S2	PROTECTIVE SERVICES	COLLECTIVE BARGAINING UNIT	COMMUNICATIONS	5A
Sr Supervisor, Facilities	S026	S2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Supervisor, Fleet	S024	S2	OPERATIONS	FACILITIES & FLEET	FLEET	2
Sr Supervisor, Forestry	S025	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Supervisor, HRIS	S041	S2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Supervisor, Information Svc	S047	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Supervisor, Land Surveying	S068	S2	SCIENCES & ENGINEERING	ENGINEERING	SURVEYING	3
Sr Supervisor, Maintenance	S032	S2	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Supervisor, Marketing	S038	S2	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Supervisor, Mechanical Engr	S022	S2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Supervisor, Natural Areas	S058	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Sr Supervisor, Neighborhood Svc	S055	S2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Supervisor, Netwk Engineer	S065	S2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Supervisor, Parks	S031	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Supervisor, Plant Ops	S023	S2	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Sr Supervisor, Process Support	S048	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Supervisor, Project Mgmt	S043	S2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Supervisor, Public Engage	S039	S2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Supervisor, Recreation	S044	S2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Supervisor, Sciences	S020	S2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3



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Sr Supervisor, Transit	S042	S2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Supervisor, Transportn Ops	S060	S2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Supervisor, Video Productn	S066	S2	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Tech, Police Records	A092	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Tech, Police Technology	A063	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5
Sr Tech, Processing Support	A091	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Tech, Transportation Ops	O046	OT5	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Technical Project Manager	P076	P3	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Sr Technician, Client Services	A047	A5	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Sr Technician, Facilities	O049	OT5	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Technician, Fiber	O057	OT5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Maintenance	O050	OT5	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Technician, Network Engr	A080	A5	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Technician, Police Admin	A081	A5	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Sr Technician, Traffic Engr	O055	OT5	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Technician, Video Prod	A084	A5	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Technician, Water Field Ops	O053	OT5	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Substation Elec/Comm Spec	OS15	OS5	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3S
Substation Specialist	OS11	OS4	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3S
Supervisor, Accounts Payable	S067	S1	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Supervisor, Administration	S003	S1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Supervisor, Bldg & Dev Rev	S057	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Civil Engineering	S005	S1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Supervisor, Client Services	S004	S1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Supervisor, Cultural Services	S062	S1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Supervisor, Customer Support	S001	S1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Supervisor, Energy Services	S028	S1	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Supervisor, Enforcement	S009	S1	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Supervisor, Facilities	S008	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Supervisor, Fiber	S063	S1	TECHNOLOGY	FIBER	FIBER	3
Supervisor, Fleet	S021	S1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Supervisor, Network Engr	S061	S1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Supervisor, Plans Examiner	S064	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Plant Operations	S014	S1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Supervisor, Transit	S007	S1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Tech I, Material Handling	O070	OT3	OPERATIONS	FACILITIES & FLEET	MATERIAL HANDLING	2
Tech II, Investigative Support	A094	A4	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Tech II, Police Technology	A089	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5





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Tech II, Processing Support	A033	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Tech II, Transportation Ops	O031	OT4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Technical Project Manager	P036	P2	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Technician I, Bldg Dev Review	A010	A3	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Technician I, CCT Ops	O071	OT3	OPERATIONS	CUSTOMER CONNECTIONS	CUSTOMER CARE & TECH OPS	2
Technician I, Civil Engr	O014	OT3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Technician I, Customer Support	O016	OT3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Technician I, Facilities	O020	OT3	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician I, Fiber	O062	OT3	OPERATIONS	FIBER	FIBER	2
Technician I, Fleet	O017	OT3	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician I, Forestry	O018	OT3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician I, Horticulture	O075	OT3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Natural Areas	O060	OT3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician I, Parks	O024	OT3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Police Admin	A012	A3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Technician I, Traffic Control	O068	OT3	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician I, Water Field Util	O027	OT3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Technician II, Civil Engr	O028	OT4	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Technician II, Client Services	A019	A4	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Technician II, Energy Services	O040	OT4	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Technician II, Facilities	O032	OT4	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician II, Fiber	O061	OT4	TECHNOLOGY	FIBER	FIBER	3
Technician II, Fleet	O054	OT4	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician II, Forestry	O033	OT4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician II, GIS	A027	A4	TECHNOLOGY	GIS	GIS	3
Technician II, Graphic Design	A085	A4	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Technician II, Maintenance	O041	OT4	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Technician II, Natural Areas	O034	OT4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician II, Network Engr	A079	A4	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Technician II, Police Records	A035	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Technician II, Sciences	A078	A4	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Technician II, Traffic Control	O074	OT4	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician II, Traffic Engr	O030	OT4	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Technician II, Video Prod	A029	A4	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Technician II, Water Engr	O029	OT4	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Technician II, Wtr Field Util	O039	OT4	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Victim Advocate	A034	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Water Engineer II	P038	P2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3



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Water Meter Systems Operator	OS17	OS2	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2S
Water Meter Technician	OS02	OS2	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2S
Water Utility Maint Operator	OS04	OS2	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2S
Worker I, Facilities	O003	OT1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker I, Fleet	O067	OT1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Worker I, Parks	O004	OT1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Parks Shop Attendant	O072	OT1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Recreation	O059	OT1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	RECREATION	1
Worker I, Transit	O002	OT1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Worker I, Transportation Ops	O005	OT1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Worker II, Cultural Services	O063	OT2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Facilities	O008	OT2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker II, Fleet	O007	OT2	OPERATIONS	FACILITIES & FLEET	FLEET	2



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TABLE 1: SUSTAINABILITY, PLANNING, CULTURE, PARKS & RECREATION, DEVELOPMENT & COMPLIANCE

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,606.42	\$4,808.43	\$6,010.44
	<u>MONTHLY</u>	\$7,813.92	\$10,418.27	\$13,022.63
	<u>ANNUAL</u>	\$93,767.00	\$125,019.25	\$156,271.50
M2	<u>BIWEEKLY</u>	\$3,220.08	\$4,293.17	\$5,366.27
	<u>MONTHLY</u>	\$6,976.83	\$9,301.88	\$11,626.92
	<u>ANNUAL</u>	\$83,722.00	\$111,622.50	\$139,523.00
M1	<u>BIWEEKLY</u>	\$2,874.89	\$3,833.18	\$4,791.48
	<u>MONTHLY</u>	\$6,228.93	\$8,305.23	\$10,381.54
	<u>ANNUAL</u>	\$74,747.10	\$99,662.80	\$124,578.50
S2	<u>BIWEEKLY</u>	\$2,450.54	\$3,267.38	\$4,084.23
	<u>MONTHLY</u>	\$5,309.50	\$7,079.33	\$8,849.17
	<u>ANNUAL</u>	\$63,714.00	\$84,952.00	\$106,190.00
S1	<u>BIWEEKLY</u>	\$2,187.98	\$2,917.31	\$3,646.63
	<u>MONTHLY</u>	\$4,740.63	\$6,320.83	\$7,901.04
	<u>ANNUAL</u>	\$56,887.50	\$75,850.00	\$94,812.50

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P3	<u>BIWEEKLY</u>	\$2,454.95	\$3,273.30	\$4,091.60
	<u>MONTHLY</u>	\$5,319.07	\$7,092.15	\$8,865.14
	<u>ANNUAL</u>	\$63,828.80	\$85,105.75	\$106,381.68
P2	<u>BIWEEKLY</u>	\$2,160.38	\$2,880.49	\$3,600.63
	<u>MONTHLY</u>	\$4,680.83	\$6,241.05	\$7,801.36
	<u>ANNUAL</u>	\$56,170.00	\$74,892.65	\$93,616.33
P1	<u>BIWEEKLY</u>	\$1,901.14	\$2,534.83	\$3,168.55
	<u>MONTHLY</u>	\$4,119.13	\$5,492.12	\$6,865.19
	<u>ANNUAL</u>	\$49,429.60	\$65,905.45	\$82,382.33



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**ADMINISTRATIVE**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,141.30	\$2,676.63	\$3,212.00
	<u>MONTHLY</u>	\$4,639.49	\$5,799.36	\$6,959.32
	<u>ANNUAL</u>	\$55,673.90	\$69,592.38	\$83,511.88
A5	<u>BIWEEKLY</u>	\$1,946.67	\$2,433.31	\$2,919.99
	<u>MONTHLY</u>	\$4,217.79	\$5,272.17	\$6,326.64
	<u>ANNUAL</u>	\$50,613.48	\$63,266.08	\$75,919.70
A4	<u>BIWEEKLY</u>	\$1,769.70	\$2,212.11	\$2,654.55
	<u>MONTHLY</u>	\$3,834.35	\$4,792.90	\$5,751.53
	<u>ANNUAL</u>	\$46,012.25	\$57,514.80	\$69,018.38
A3	<u>BIWEEKLY</u>	\$1,592.73	\$1,990.90	\$2,389.08
	<u>MONTHLY</u>	\$3,450.92	\$4,313.63	\$5,176.34
	<u>ANNUAL</u>	\$41,411.03	\$51,763.53	\$62,116.03
A2	<u>BIWEEKLY</u>	\$1,433.42	\$1,792.21	\$2,154.16
	<u>MONTHLY</u>	\$3,105.75	\$3,883.13	\$4,667.34
	<u>ANNUAL</u>	\$37,269.00	\$46,597.53	\$56,008.05

**OPERATIONS & SKILLED TRADE**

O6	<u>BIWEEKLY</u>	\$2,210.85	\$2,763.56	\$3,316.27
	<u>MONTHLY</u>	\$4,790.17	\$5,987.71	\$7,185.25
	<u>ANNUAL</u>	\$57,482.00	\$71,852.50	\$86,223.00
O5	<u>BIWEEKLY</u>	\$1,989.76	\$2,487.20	\$2,984.64
	<u>MONTHLY</u>	\$4,311.15	\$5,388.94	\$6,466.73
	<u>ANNUAL</u>	\$51,733.80	\$64,667.25	\$77,600.70
O4	<u>BIWEEKLY</u>	\$1,790.79	\$2,238.48	\$2,686.17
	<u>MONTHLY</u>	\$3,880.05	\$4,850.04	\$5,820.04
	<u>ANNUAL</u>	\$46,560.63	\$58,200.53	\$69,840.43



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O3	<u>BIWEEKLY</u>	\$1,611.69	\$2,014.64	\$2,413.60
	<u>MONTHLY</u>	\$3,492.00	\$4,365.05	\$5,229.46
	<u>ANNUAL</u>	\$41,904.05	\$52,380.58	\$62,753.58
O2	<u>BIWEEKLY</u>	\$1,450.53	\$1,813.19	\$2,175.80
	<u>MONTHLY</u>	\$3,142.82	\$3,928.57	\$4,714.23
	<u>ANNUAL</u>	\$37,713.85	\$47,142.83	\$56,570.78
O1	<u>BIWEEKLY</u>	\$1,305.50	\$1,631.84	\$1,958.22
	<u>MONTHLY</u>	\$2,759.58	\$3,449.42	\$4,139.33
	<u>ANNUAL</u>	\$33,115.00	\$41,393.00	\$49,672.00

**TABLE 2: OPERATIONS**

**MANAGERIAL**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$4,290.81	\$5,720.84	\$7,150.95
	<u>MONTHLY</u>	\$9,296.75	\$12,395.15	\$15,493.73
	<u>ANNUAL</u>	\$111,561.00	\$148,741.85	\$185,924.75
M2	<u>BIWEEKLY</u>	\$3,647.03	\$4,862.72	\$6,078.25
	<u>MONTHLY</u>	\$7,901.90	\$10,535.89	\$13,169.54
	<u>ANNUAL</u>	\$94,822.75	\$126,430.68	\$158,034.50
M1	<u>BIWEEKLY</u>	\$3,099.84	\$4,133.31	\$5,166.79
	<u>MONTHLY</u>	\$6,716.31	\$8,955.51	\$11,194.71
	<u>ANNUAL</u>	\$80,595.75	\$107,466.13	\$134,336.50
S2	<u>BIWEEKLY</u>	\$2,596.40	\$3,461.94	\$4,327.47
	<u>MONTHLY</u>	\$5,625.54	\$7,500.86	\$9,376.19
	<u>ANNUAL</u>	\$67,506.50	\$90,010.38	\$112,514.25
S1	<u>BIWEEKLY</u>	\$2,282.32	\$3,043.11	\$3,803.85
	<u>MONTHLY</u>	\$4,945.03	\$6,593.40	\$8,241.68
	<u>ANNUAL</u>	\$59,340.33	\$79,120.78	\$98,900.20

**PROFESSIONAL**



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P2		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,055.24	\$2,740.30	\$3,425.39
	<u>MONTHLY</u>	\$4,453.03	\$5,937.31	\$7,421.68
	<u>ANNUAL</u>	\$53,436.33	\$71,247.75	\$89,060.20

P1				
	<u>BIWEEKLY</u>	\$1,808.61	\$2,411.47	\$3,014.33
	<u>MONTHLY</u>	\$3,918.66	\$5,224.85	\$6,531.04
	<u>ANNUAL</u>	\$47,023.93	\$62,698.23	\$78,372.53

**OPERATIONS & SKILLED TRADE**

O6		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,346.66	\$2,933.27	\$3,519.97
	<u>MONTHLY</u>	\$5,084.43	\$6,355.43	\$7,626.60
	<u>ANNUAL</u>	\$61,013.13	\$76,265.13	\$91,519.18

O5				
	<u>BIWEEKLY</u>	\$2,133.30	\$2,666.62	\$3,199.93
	<u>MONTHLY</u>	\$4,622.15	\$5,777.67	\$6,933.19
	<u>ANNUAL</u>	\$55,465.83	\$69,332.03	\$83,198.23

O4				
	<u>BIWEEKLY</u>	\$1,939.38	\$2,424.20	\$2,909.07
	<u>MONTHLY</u>	\$4,201.99	\$5,252.44	\$6,302.98
	<u>ANNUAL</u>	\$50,423.85	\$63,029.30	\$75,635.78

O3				
	<u>BIWEEKLY</u>	\$1,763.08	\$2,203.83	\$2,644.58
	<u>MONTHLY</u>	\$3,820.00	\$4,774.96	\$5,729.92
	<u>ANNUAL</u>	\$45,840.05	\$57,299.55	\$68,759.05

O2				
	<u>BIWEEKLY</u>	\$1,602.78	\$2,003.48	\$2,404.18
	<u>MONTHLY</u>	\$3,472.70	\$4,340.88	\$5,209.05
	<u>ANNUAL</u>	\$41,672.40	\$52,090.50	\$62,508.60

O1				
	<u>BIWEEKLY</u>	\$1,457.08	\$1,821.35	\$2,185.62
	<u>MONTHLY</u>	\$3,157.00	\$3,946.25	\$4,735.50
	<u>ANNUAL</u>	\$37,884.00	\$47,355.00	\$56,826.00

**MANAGERIAL**



**TABLE 3: SCIENCES & ENGINEERING, TECHNOLOGY**

**MANAGERIAL**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$4,377.38	\$5,836.51	\$7,295.63
	<u>MONTHLY</u>	\$9,484.33	\$12,645.77	\$15,807.21
	<u>ANNUAL</u>	\$113,811.90	\$151,749.20	\$189,686.50
M2	<u>BIWEEKLY</u>	\$3,806.46	\$5,075.21	\$6,344.04
	<u>MONTHLY</u>	\$8,247.32	\$10,996.29	\$13,745.42
	<u>ANNUAL</u>	\$98,967.85	\$131,955.43	\$164,945.05
M1	<u>BIWEEKLY</u>	\$3,309.92	\$4,413.26	\$5,516.55
	<u>MONTHLY</u>	\$7,171.50	\$9,562.05	\$11,952.53
	<u>ANNUAL</u>	\$86,057.98	\$114,744.65	\$143,430.30
S2	<u>BIWEEKLY</u>	\$2,878.20	\$3,837.60	\$4,797.00
	<u>MONTHLY</u>	\$6,236.10	\$8,314.80	\$10,393.50
	<u>ANNUAL</u>	\$74,833.20	\$99,777.60	\$124,722.00
S1	<u>BIWEEKLY</u>	\$2,532.81	\$3,377.10	\$4,221.34
	<u>MONTHLY</u>	\$5,487.76	\$7,317.05	\$9,146.25
	<u>ANNUAL</u>	\$65,853.18	\$87,804.58	\$109,754.95

**PROFESSIONAL**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1	<u>BIWEEKLY</u>	\$3,556.83	\$4,742.44	\$5,928.01
	<u>MONTHLY</u>	\$7,706.46	\$10,275.28	\$12,844.02
	<u>ANNUAL</u>	\$92,477.55	\$123,303.40	\$154,128.23
P2	<u>BIWEEKLY</u>	\$3,130.03	\$4,173.37	\$5,216.66
	<u>MONTHLY</u>	\$6,781.74	\$9,042.29	\$11,302.76
	<u>ANNUAL</u>	\$81,380.90	\$108,507.53	\$135,633.13
P3	<u>BIWEEKLY</u>	\$2,754.41	\$3,672.54	\$4,590.66
	<u>MONTHLY</u>	\$5,967.89	\$7,957.16	\$9,946.43
	<u>ANNUAL</u>	\$71,614.70	\$95,485.93	\$119,357.15
P4	<u>BIWEEKLY</u>	\$2,423.89	\$3,231.83	\$4,039.80
	<u>MONTHLY</u>	\$5,251.76	\$7,002.29	\$8,752.90
	<u>ANNUAL</u>	\$63,021.10	\$84,027.45	\$105,034.83



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**ADMINISTRATIVE**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,193.26	\$2,741.64	\$3,289.97
	<u>MONTHLY</u>	\$4,752.07	\$5,940.22	\$7,128.28
	<u>ANNUAL</u>	\$57,024.85	\$71,282.60	\$85,539.33
A5	<u>BIWEEKLY</u>	\$1,993.90	\$2,492.37	\$2,990.87
	<u>MONTHLY</u>	\$4,320.12	\$5,400.13	\$6,480.22
	<u>ANNUAL</u>	\$51,841.43	\$64,801.53	\$77,762.65
A4	<u>BIWEEKLY</u>	\$1,812.63	\$2,265.80	\$2,718.97
	<u>MONTHLY</u>	\$3,927.37	\$4,909.24	\$5,891.10
	<u>ANNUAL</u>	\$47,128.48	\$58,910.85	\$70,693.23

**OPERATIONS & SKILLED TRADE**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O5	<u>BIWEEKLY</u>	\$2,269.59	\$2,836.49	\$3,404.18
	<u>MONTHLY</u>	\$4,917.44	\$6,145.73	\$7,375.73
	<u>ANNUAL</u>	\$59,009.25	\$73,748.75	\$88,508.75
O4	<u>BIWEEKLY</u>	\$2,042.12	\$2,553.16	\$3,063.57
	<u>MONTHLY</u>	\$4,424.58	\$5,531.84	\$6,637.73
	<u>ANNUAL</u>	\$53,095.00	\$66,382.08	\$79,652.75
O3	<u>BIWEEKLY</u>	\$1,838.30	\$2,297.89	\$2,757.64
	<u>MONTHLY</u>	\$3,982.98	\$4,978.77	\$5,974.90
	<u>ANNUAL</u>	\$47,795.75	\$59,745.20	\$71,698.75
O2	<u>BIWEEKLY</u>	\$1,621.87	\$2,027.53	\$2,433.19
	<u>MONTHLY</u>	\$3,514.04	\$4,392.98	\$5,271.92
	<u>ANNUAL</u>	\$42,168.50	\$52,715.75	\$63,263.00
O1	<u>BIWEEKLY</u>	\$1,459.84	\$1,824.78	\$2,189.56
	<u>MONTHLY</u>	\$3,162.98	\$3,953.68	\$4,744.04
	<u>ANNUAL</u>	\$37,955.75	\$47,444.18	\$56,928.50



**TABLE 4: HUMAN RESOURCES, FINANCE & ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL SUPPORT**

**MANAGERIAL**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,938.96	\$5,251.98	\$6,564.97
	<u>MONTHLY</u>	\$8,534.41	\$11,379.29	\$14,224.10
	<u>ANNUAL</u>	\$102,412.88	\$136,551.53	\$170,689.15
M2	<u>BIWEEKLY</u>	\$3,425.23	\$4,566.93	\$5,708.70
	<u>MONTHLY</u>	\$7,421.34	\$9,895.01	\$12,368.85
	<u>ANNUAL</u>	\$89,056.10	\$118,740.10	\$148,426.15
M1	<u>BIWEEKLY</u>	\$2,978.45	\$3,971.24	\$4,964.08
	<u>MONTHLY</u>	\$6,453.31	\$8,604.36	\$10,755.50
	<u>ANNUAL</u>	\$77,439.78	\$103,252.35	\$129,065.95
S2	<u>BIWEEKLY</u>	\$2,339.76	\$3,166.86	\$3,911.56
	<u>MONTHLY</u>	\$5,069.48	\$6,861.52	\$8,475.04
	<u>ANNUAL</u>	\$60,833.75	\$82,338.25	\$101,700.50
S1	<u>BIWEEKLY</u>	\$2,065.38	\$2,753.70	\$3,442.03
	<u>MONTHLY</u>	\$4,474.98	\$5,966.35	\$7,457.73
	<u>ANNUAL</u>	\$53,699.75	\$71,596.25	\$89,492.75

**PROFESSIONAL**

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P4	<u>BIWEEKLY</u>	\$2,936.63	\$3,915.89	\$4,894.77
	<u>MONTHLY</u>	\$6,362.69	\$8,484.44	\$10,605.33
	<u>ANNUAL</u>	\$76,352.25	\$101,813.25	\$127,264.00
P3	<u>BIWEEKLY</u>	\$2,584.58	\$3,445.97	\$4,307.37
	<u>MONTHLY</u>	\$5,599.92	\$7,466.27	\$9,332.63
	<u>ANNUAL</u>	\$67,199.00	\$89,595.25	\$111,991.50
P2	<u>BIWEEKLY</u>	\$2,274.36	\$3,032.42	\$3,790.57
	<u>MONTHLY</u>	\$4,927.77	\$6,570.25	\$8,212.90
	<u>ANNUAL</u>	\$59,133.28	\$78,843.00	\$98,554.78



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P1	<u>BIWEEKLY</u>	\$2,001.43	\$2,668.55	\$3,335.70
	<u>MONTHLY</u>	\$4,336.43	\$5,781.85	\$7,227.36
	<u>ANNUAL</u>	\$52,037.20	\$69,382.25	\$86,728.33

**ADMINISTRATIVE**

A6		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,012.67	\$2,515.78	\$3,018.98
	<u>MONTHLY</u>	\$4,360.78	\$5,450.86	\$6,541.12
	<u>ANNUAL</u>	\$52,329.33	\$65,410.38	\$78,493.48

A5	<u>BIWEEKLY</u>	\$1,829.66	\$2,287.13	\$2,744.52
	<u>MONTHLY</u>	\$3,964.27	\$4,955.45	\$5,946.45
	<u>ANNUAL</u>	\$47,571.28	\$59,465.38	\$71,357.43

A4	<u>BIWEEKLY</u>	\$1,663.34	\$2,079.17	\$2,495.01
	<u>MONTHLY</u>	\$3,603.90	\$4,504.88	\$5,405.85
	<u>ANNUAL</u>	\$43,246.80	\$54,058.50	\$64,870.20

A3	<u>BIWEEKLY</u>	\$1,497.01	\$1,871.26	\$2,245.50
	<u>MONTHLY</u>	\$3,243.53	\$4,054.39	\$4,865.25
	<u>ANNUAL</u>	\$38,922.33	\$48,652.65	\$58,382.98

A2	<u>BIWEEKLY</u>	\$1,347.32	\$1,684.15	\$2,020.95
	<u>MONTHLY</u>	\$2,919.20	\$3,649.00	\$4,378.71
	<u>ANNUAL</u>	\$35,030.40	\$43,788.00	\$52,544.58

**OPERATIONS & SKILLED TRADE**

O4		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$1,649.46	\$2,061.83	\$2,474.19
	<u>MONTHLY</u>	\$3,573.83	\$4,467.29	\$5,360.75
	<u>ANNUAL</u>	\$42,886.00	\$53,607.50	\$64,329.00

O3	<u>BIWEEKLY</u>	\$1,484.52	\$1,855.64	\$2,226.77
	<u>MONTHLY</u>	\$3,216.45	\$4,020.56	\$4,824.68
	<u>ANNUAL</u>	\$38,597.40	\$48,246.75	\$57,896.10



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TABLE 5: PROTECTIVE SERVICES (non-CBU)

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,857.15	\$5,142.74	\$6,428.33
	<u>MONTHLY</u>	\$8,357.17	\$11,142.60	\$13,928.04
	<u>ANNUAL</u>	\$100,286.00	\$133,711.25	\$167,136.50
M2	<u>BIWEEKLY</u>	\$3,214.24	\$4,285.64	\$5,357.04
	<u>MONTHLY</u>	\$6,964.19	\$9,285.56	\$11,606.93
	<u>ANNUAL</u>	\$83,570.30	\$111,426.73	\$139,283.15
M1	<u>BIWEEKLY</u>	\$2,732.10	\$3,642.81	\$4,553.48
	<u>MONTHLY</u>	\$5,919.55	\$7,892.76	\$9,865.88
	<u>ANNUAL</u>	\$71,034.55	\$94,713.08	\$118,390.58
S2	<u>BIWEEKLY</u>	\$2,202.02	\$2,935.99	\$3,670.05
	<u>MONTHLY</u>	\$4,771.03	\$6,361.32	\$7,951.78
	<u>ANNUAL</u>	\$57,252.40	\$76,335.85	\$95,421.35
S1	<u>BIWEEKLY</u>	\$1,937.80	\$2,583.71	\$3,229.62
	<u>MONTHLY</u>	\$4,198.57	\$5,598.04	\$6,997.50
	<u>ANNUAL</u>	\$50,382.85	\$67,176.45	\$83,970.05

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P4	<u>BIWEEKLY</u>	\$3,761.24	\$5,014.30	\$6,268.39
	<u>MONTHLY</u>	\$8,149.35	\$10,864.32	\$13,581.51
	<u>ANNUAL</u>	\$97,792.18	\$130,371.80	\$162,978.08
P3	<u>BIWEEKLY</u>	\$2,491.54	\$3,322.22	\$4,152.83
	<u>MONTHLY</u>	\$5,398.33	\$7,198.15	\$8,997.79
	<u>ANNUAL</u>	\$64,780.00	\$86,377.78	\$107,973.50



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P2	<u>BIWEEKLY</u>	\$2,224.64	\$2,966.27	\$3,707.74
	<u>MONTHLY</u>	\$4,820.06	\$6,426.92	\$8,033.44
	<u>ANNUAL</u>	\$57,840.75	\$77,123.05	\$96,401.25

P1	<u>BIWEEKLY</u>	\$1,986.53	\$2,648.44	\$3,310.75
	<u>MONTHLY</u>	\$4,304.15	\$5,738.29	\$7,173.29
	<u>ANNUAL</u>	\$51,649.75	\$68,859.50	\$86,079.50

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,482.08	\$3,102.20	\$3,722.72
	<u>MONTHLY</u>	\$5,377.83	\$6,721.44	\$8,065.90
	<u>ANNUAL</u>	\$64,534.00	\$80,657.25	\$96,790.75

A5	<u>BIWEEKLY</u>	\$2,256.18	\$2,820.17	\$3,384.08
	<u>MONTHLY</u>	\$4,888.40	\$6,110.37	\$7,332.17
	<u>ANNUAL</u>	\$58,660.75	\$73,324.40	\$87,986.00

A4	<u>BIWEEKLY</u>	\$1,794.93	\$2,243.61	\$2,692.20
	<u>MONTHLY</u>	\$3,889.02	\$4,861.15	\$5,833.10
	<u>ANNUAL</u>	\$46,668.25	\$58,333.78	\$69,997.25

A3	<u>BIWEEKLY</u>	\$1,615.56	\$2,019.21	\$2,423.34
	<u>MONTHLY</u>	\$3,500.38	\$4,374.96	\$5,250.56
	<u>ANNUAL</u>	\$42,004.50	\$52,499.48	\$63,006.75

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$1,794.22	\$2,239.59	\$2,691.33
	<u>MONTHLY</u>	\$3,887.48	\$4,852.44	\$5,831.23
	<u>ANNUAL</u>	\$46,649.80	\$58,229.23	\$69,974.70

A5	<u>BIWEEKLY</u>	\$1,614.77	\$2,018.50	\$2,422.19
	<u>MONTHLY</u>	\$3,498.67	\$4,373.42	\$5,248.09
	<u>ANNUAL</u>	\$41,984.00	\$52,481.03	\$62,977.03



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A4	<u>BIWEEKLY</u>	\$1,453.29	\$1,816.65	\$2,180.02
	<u>MONTHLY</u>	\$3,148.80	\$3,936.09	\$4,723.37
	<u>ANNUAL</u>	\$37,785.60	\$47,233.03	\$56,680.45

TABLE 5: PROTECTIVE SERVICES (non-CBU)

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,857.15	\$5,142.74	\$6,428.33
	<u>MONTHLY</u>	\$8,357.17	\$11,142.60	\$13,928.04
	<u>ANNUAL</u>	\$100,286.00	\$133,711.25	\$167,136.50
M2	<u>BIWEEKLY</u>	\$3,214.24	\$4,285.64	\$5,357.04
	<u>MONTHLY</u>	\$6,964.19	\$9,285.56	\$11,606.93
	<u>ANNUAL</u>	\$83,570.30	\$111,426.73	\$139,283.15
M1	<u>BIWEEKLY</u>	\$2,732.10	\$3,642.81	\$4,553.48
	<u>MONTHLY</u>	\$5,919.55	\$7,892.76	\$9,865.88
	<u>ANNUAL</u>	\$71,034.55	\$94,713.08	\$118,390.58
S2	<u>BIWEEKLY</u>	\$2,202.02	\$2,935.99	\$3,670.05
	<u>MONTHLY</u>	\$4,771.03	\$6,361.32	\$7,951.78
	<u>ANNUAL</u>	\$57,252.40	\$76,335.85	\$95,421.35
S1	<u>BIWEEKLY</u>	\$1,937.80	\$2,583.71	\$3,229.62
	<u>MONTHLY</u>	\$4,198.57	\$5,598.04	\$6,997.50
	<u>ANNUAL</u>	\$50,382.85	\$67,176.45	\$83,970.05

**CITY OF FORT COLLINS****2023 PAY PLAN****Step Ladders**

Job Title	Step									
	1	2	3	4	5	6	7	8	9	10
LINE GROUNDWORKER	\$56,686	\$59,406	\$62,258	\$65,246	\$68,379	\$71,662	\$75,172	\$75,172		
ELECTRIC LINEWORKER	\$79,029	\$83,493	\$85,979	\$88,546	\$91,233	\$93,959	\$96,768	\$100,256	\$103,964	\$110,263
LINE CREW CHIEF	\$115,225	\$120,255								
ELECTRIC METER SYSTEM TECH	\$61,642	\$67,799	\$72,406	\$76,978	\$81,514	\$86,004	\$89,657	\$93,335	\$97,000	\$100,665
SUBSTATION SPECIALIST	\$79,091	\$88,416	\$95,760	\$103,024	\$110,349					
SUBSTATION ELEC/COMM SPEC	\$89,955	\$99,180	\$108,011	\$116,469	\$125,505					
ELECTRIC SYSTEMS OPERATOR	\$76,480	\$81,518	\$86,555	\$91,593	\$96,631	\$101,668	\$106,706			
PLANT OPERATOR	\$58,655	\$63,781	\$67,594	\$71,659	\$75,975	\$81,836				
LEAD PLANT OPERATOR	\$58,655	\$63,781	\$67,594	\$71,659	\$75,975	\$81,836	\$85,927	\$90,019		
WATER UTILITY MAINT OPERATOR	\$49,354	\$53,657	\$56,880	\$60,287	\$63,913	\$68,858				
WATER METER SYSTEMS OPERATOR	\$49,354	\$53,657	\$56,880	\$60,287	\$63,913	\$68,858				
WATER METER TECHNICIAN	\$49,354	\$53,657	\$56,880	\$60,287	\$63,913	\$68,858				
FLEET MAINTENANCE TECHNICIAN	\$53,188	\$58,956	\$61,288	\$63,763	\$66,311	\$68,967	\$71,729	\$74,209		
BUILDING INSPECTOR	\$64,123	\$70,394	\$73,226	\$76,490	\$79,479	\$82,663	\$85,966	\$89,463		
LEAD BUILDING INSPECTOR	\$70,534	\$77,451	\$80,551	\$84,154	\$87,486	\$90,973	\$94,577	\$98,410		

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Kirk Longstein, Senior Environmental Planner  
Rebecca Everette, Planning Manager  
Brad Yatabe, Legal

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## SUBJECT

**First Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

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## EXECUTIVE SUMMARY

The purpose of this item is to consider an ordinance extending the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

During the City Council work session held on November 7, 2022, Councilmembers generally supported the staff recommendation to extend a moratorium imposed on two designated activities of statewide interest: Major Domestic Water and Sewer and Highway projects. By extending the moratorium by 90 days, staff has additional time to seek public feedback on the current version-two of the draft 1041 regulations.

### **Procedure for the Designation of Areas and Activities and Adoption of Guidelines**

To exercise 1041 powers, the Colorado Revised Statutes require the City to designate the areas and activities to be regulated and adopt guidelines to administer the designated areas and activities. The designation of areas and activities may occur only after a noticed public hearing where Council must consider, at a minimum, the intensity of current and foreseeable development pressures. Council must specify the boundaries of any designated area, why the designated area or activity is of state interest, the dangers from uncontrolled development of the area or conduct of such activity, and the advantages of developing such area or activity in a coordinated manner. The City may adopt guidelines, and regulations for carrying out such guidelines, for administering designated areas and activities that are more stringent than the criteria listed in the applicable state statutes.

Once the City holds a public hearing and initially designates an area or activity to be of state interest, no person may engage in development within the designated area or conduct the designated activity until the City has finally determined the designation and guidelines. In other words, a moratorium goes into effect on development within the initially designated area or on the initially designated activity until the City makes a final determination on the designation and the applicable guidelines.

To the extent a person proposes to engage in development in an area of state interest or conduct and activity of state interest that the City has not previously designated and for which guidelines have not been adopted, the City is authorized to hold a public hearing to designate such area or activity and to adopt guidelines under which to review the proposal. In other words, the City has an opportunity to exercise 1041 powers over proposals for areas and activities not previously anticipated as requiring regulations.

### **Alignment with Citywide Policy**

In terms of policy alignment, both City Plan and the Strategic Plan identify policies and objectives that aim to direct development in a way that ensures compatibility between adjacent land uses, minimize infrastructure and resource needs, and protect historic and natural resources. Currently, the City's Land Use Code provides a limited local review process for public agency projects. As such, adopting 1041 regulations would offer the City greater authority over public development projects that qualify as areas or activities of statewide interest per House Bill 74-1041 and help the City achieve its stated policy objectives.

### **CITY FINANCIAL IMPACTS**

There are no financial impacts to City resources.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

The following Board and Commissions have requested staff follow up during their November meetings:

<b>Boards and Commissions</b>	<b>Dates</b>
<b>Water Board</b>	11/17/2022
<b>Transportation Board</b>	11/16/2022
<b>Planning and Zoning Commission</b>	11/17/2022
<b>Land Conservation and Stewardship Board</b>	11/9/2022
<b>Natural Resources Advisory Board</b>	11/23/2022
<b>Air Quality Advisory Board</b>	11/15/2022

### **PUBLIC OUTREACH**

See public engagement summary attached.

### **ATTACHMENTS**

1. Ordinance for Consideration
2. Public Engagement Summary



ORDINANCE NO. 139, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
EXTENDING THE MORATORIUM ON CERTAIN ACTIVITIES OF STATE INTEREST  
DESIGNATED IN ORDINANCE NO. 122, 2021

WHEREAS, pursuant to Colorado Revised Statutes (“C.R.S.”) Section 24-65.1-101 et seq., City Council adopted Ordinance No. 122, 2021, designating two activities of state interest (1) the site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems, and (2) the site selection of arterial highways and interchanges and collector highways (the two designated activities hereafter referred to as the “Designated Activities”); and

WHEREAS, pursuant to C.R.S. Section 24-65.1-404(4) and the City’s power to impose a moratorium on development activity pursuant to its home rule powers granted under Article XX of the Colorado Constitution, City Council imposed a moratorium with certain exceptions (the “Moratorium”) on conducting the Designated Activities until December 31, 2022, or until City Council has finally determined and adopted guidelines for the administration of the Designated Activities; and

WHEREAS, to provide additional time for public dialogue and input and for the drafting and consideration of guidelines for the administration of the Designated Activities, City Council finds it is in the best interest of the City to extend the Moratorium for a three-month period through the end of March 31, 2023, or until City Council has finally determined and adopted guidelines for the administration of the Designated Activities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby extends the Moratorium on the same terms as set forth in Ordinance No. 122, 2021, for a three-month period through the end of March 31, 2023, or until City Council has finally determined and adopted guidelines for the administration of the Designated Activities.

Section 3. For purposes of the extension of the Moratorium, references to the Land Use Code in Ordinance No. 122, 2021, shall be deemed to refer to the equivalent provisions in the Land Development Code upon the Land Development Code adopted via Ordinance No. 114, 2022, going into effect.

Introduced, considered favorably on first reading and ordered published this 15th day of November, A.D. 2022, and to be presented for final passage on the 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 6th day of December, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

## PUBLIC ENGAGEMENT SUMMARY

Over the last ten months, staff sought input from community partners on 1041 regulations for water and highway projects that are (1) contextually appropriate to Fort Collins, (2) provide predictability for developers and decision makers, and (3) provide adequate guidance for staff review and implementation of permits.

Throughout the time since the release of the initial draft code in June to the present, in addition to organized outreach events, staff has met or spoken by phone at length with individual stakeholders, both in support of and opposed to the regulations, to discuss questions and feedback in great detail. Staff has listened deeply and worked to find balance among the perspectives and concerns expressed by various individuals, organizations, utility providers, agencies, developers, Boards and Commissions, and Northern Colorado communities. Significant revisions in the current draft regulations are in direct response to the insights and information gathered through these conversations.

The following table summarizes feedback from public comments, an anonymized survey, 1:1 discussions and focus group meetings as they relate to various community priorities:

Community Feedback Themes	
<b>Housing Resilience</b>	<ul style="list-style-type: none"> <li>Value for natural habitat features that increase community wellbeing through benefits like clean air, landscape aesthetics, and flood control.</li> <li>Concerns that environmental regulation can impact the supply of housing if they increase the amount of time necessary to build housing units.</li> </ul>
<b>High Performing Government</b>	<ul style="list-style-type: none"> <li>Value for transparency, access to more information and opportunities to address inequities.</li> <li>Concerns that additional permitting requirements are redundant, create uncertainty, project delays, require additional time, and investment in City-specific mitigation requirements.</li> </ul>
<b>Economic Resilience</b>	<ul style="list-style-type: none"> <li>Preference for local control of large projects to ensure community-wide benefits are realized.</li> <li>Importance of balancing the burdens of bureaucracy and the demands of a fast-growing community.</li> </ul>

### City Council:

The current draft of the regulations was structured around the feedback received from City Council at the June 28 Work Session and subsequent input. The following feedback themes were shared by Council during the Work Session and addressed by staff.

City Council Feedback	How has Staff Addressed Feedback?
<b>Create right guardrails for 1041 applicability.</b>	Staff have clarified ordinance text to align more closely with the thresholds from the moratorium ordinance, while still protecting natural habitats and features from adverse impacts.
<b>Review exemptions to ensure they don't result in loopholes.</b>	
<b>Concern over the term "significant" as being arbitrary and too high of bar.</b>	Staff have removed the term significant and are relying on the definition of "adverse impact" and full mitigation for permit issuance.
<b>Support tiered review process as long as it works.</b>	Staff have removed the administrative review and is keeping the "Finding of Negligible Adverse Impact" concept so that a relief valve is provided for smaller projects and City Council is the sole decision maker on larger projects requiring permits.
<b>Establish time period for pre-application process.</b>	Maximum time periods have been incorporated into the pre-application process.

### Focus Groups:

Focus groups played a key role in reviewing Code language and providing specific feedback that staff have addressed in an updated draft regulations. The focus groups included:

- Colorado Department of Transportation (CDOT) staff
- Environmental advocacy group representatives
- Economic and Regional representatives (homebuilders, elected officials, Chamber of Commerce, CSU)
- Water and Sanitation Providers
- Boards and Commissions representatives

Stakeholder Feedback	How has Staff Addressed Feedback?
<b>How does 1041 lead to a better project outcome and enhance overall community benefits?</b>	Review criteria include the City's Natural Habitats and Features Inventory Map, which aligns with the community's values to preserve natural resources.
<b>The permit program introduces an administrative burden that adds time and cost.</b>	Updated review criteria, articulating the role of mitigation, and aligning with existing City maps of natural habitat features intend to provide additional certainty for agencies planning a multiyear infrastructure project.
<b>Ambiguous approval process adds project uncertainty.</b>	Staff have removed "tiered review" so that City Council is the sole decision maker.
<b>1041 is redundant with multijurisdictional requirements and is out of sync with federal funding opportunities.</b>	The focus of the scope and review criteria seeks to address gaps in other jurisdictional procedures. For example, the city can ensure protection and mitigation of resources that may not be protected by County, State or Federal regulations.
<b>Regs should allow more flexibility and exemptions</b>	Updates to the City's definition of development intend to create certainty and narrow the scope of projects covered under the 1041 regulations.
<b>1041 regs should be applied to private development and not public agencies.</b>	Fort Collins Utilities is a public agency leading by example and partnering with City Planning staff to ensure regulations align with the service delivery commitments of Utilities and the values of the community.
<b>Uncertainty around the use of Intergovernmental Agreements in lieu of permitting.</b>	The current draft removes this provision.
<b>Requirements for water conservation and other programs in the system of an applicant water provider go beyond the City's appropriate reach.</b>	The current draft removes requirements related to the applicant's system that are not physically within the scope of the regulations.

### Public Participation Activities:

Throughout 2022, the general public was invited to participate and engage through online activities, public events and one-on-one meetings with City staff. Throughout the engagement process key questions included:

- Parameters, Exemptions, and Thresholds
  - How do staff determine what project categories are regulated?
  - How does the program provide a clear review process?
- Review Criteria
  - What are the parameters of an adverse impact?
- Application requirements
  - What is needed to determine an application complete?
- Application review process
  - Who is the decision maker
  - What is the appeals process?

Public Participation		Dates			
Open House/Public Forum		2/23/2022 (AM & PM)	8/30/2022	9/1/2022	
Online Survey		2/1/2022	8/30/2022		
Online engagement – OurCity; fcgov.com		Ongoing			
Press Release	9/2021	2/2022	8/2022		
Boards and Commissions		Dates			
Water Board	9/16/2021		8/18/2022		11/17/2022
Transportation Board					11/16/2022
Planning and Zoning Commission	8/13/2021	2/11/2022	6/10/2022	10/14/2022	11/17/2022
Land Conservation and Stewardship Board	9/8/2021	2/9/2022	6/8/2022	10/12/2022	
Chamber of Commerce	9/17/2021		6/24/2022	10/28/2022	
Natural Resources Advisory Board	9/16/2021	2/16/2022	6/15/2022	10/19/2022	
Economic Advisory Board					10/19/2022
Focus Group meetings		Dates			
Water and Sanitation providers		2/3/2022	8/1/2022	8/18/2022	
Environmental		2/4/2022	8/2/2022	8/4/2022	
Economic/Municipal		2/3/2022	8/2/2022		
Colorado Department of Transportation		1/28/2022	8/5/2022		
Boards and Commission liaisons		2/8/2022	8/1/2022	8/4/2022	
Larimer County		1/23/2022	2/8/2022		

## Stakeholder List

The following list details the interested parties that have been directly engaged by staff at several times during the process. Outreach and engagement has included the activities described above, as well as frequent email updates, newsletter communications, and individual meetings.

Air Quality Advisory Board	Larimer County Planning Staff
American Whitewater	League of Woman Voters
Boxelder Sanitation	Natural Resources Advisory Board
Chamber of Commerce	North Front Range Water Quality
City of Greeley	North Weld County Water District
City of Windsor	Northern Engineering
Colorado State University	Northern Water
Colorado State University Research Foundation (CSURF)	Planning and Zoning Commission
CSU Graduate Student	Save the Poudre
Ditesco	Sierra Club
East Larimer County Water District (ELCO)	South Fort Collins Sanitation District
Fort Collins-Loveland Water District (FCLWD)	SpacePreservation.org
Fort Collins Sustainability Group	TB Development Group
Fort Collins Utilities	Transportation Board
Hartford Homes	Trout Raley Law
Land Conservation and Stewardship Board	White Bear Ankele Law
Larimer Alliance	

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Clay Frickey, Redevelopment Program Manager  
John Duval, Legal

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### SUBJECT

**Resolution 2022-110 Approving the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and Appointing District Directors.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and appoint District Directors.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

On December 5, 2017, Council adopted Ordinance No. 165, 2017, creating and establishing the Midtown Business Improvement District (BID), approving the BID's initial budget and operating plan, and appointing the BID's initial board of directors. On November 6, 2018, a TABOR election regarding the formation of the BID passed unanimously.

Council created the BID under, and in accordance with, the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the "Act"). Section 31-25-1211 of the Act requires that Council review, and either approve or disapprove by December 5, the BID's budget and operating plan for each upcoming fiscal year.

The BID has timely submitted its proposed 2023 operating plan (2023 Operating Plan) and proposed 2023 budget (2023 budget) for Council's consideration and approval. The Resolution, if adopted by Council, approves the 2023 Operating Plan and 2023 Budget.

However, it was recently discovered that, while the BID's proposed 2022 operating plan (2022 Operating Plan) and its proposed 2022 budget (2022 Budget) were timely filed with the City, due to an oversight they were inadvertently not presented to Council by the December 5, 2021, deadline for its consideration and approval. Therefore, the proposed Resolution also includes the adoption of the 2022 Operating Plan and 2022 Budget retroactive to December 5, 2021.

The Resolution also approves and appoints the following BID directors with their corresponding terms of office:

Board Member	Affiliation	Term End Date
Rayno Seaser	The Egg & I/First Watch Restaurants	December 31, 2024
Mike Dellenbach	Dellenbach Chevrolet	December 31, 2023
David Fritzler, Treasurer	Collegiate Peaks Bank/Representative of Palmer Properties	December 31, 2024
Luke McFetridge, Chair	Noble Venture/Representative of Midtown Business Moot House	December 31, 2024
Lauren DeRosa	Wild Birds Unlimited Nature Shop	December 31, 2024
Carrie Baumgart	Markley Motors	December 31, 2023
John Hoxmeir	Gilded Goat Brewing	December 31, 2025
Patrick Bunyard	Foothills Mall	December 31, 2025
OPEN SEAT – TO BE FILLED		

### **BID Boundaries**

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

### **The BID's Role in Midtown**

The Midtown BID provides a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing, and activities year-round.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life. Working with the City's previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip to vital exciting urban form.
- Create synergistic relationships with the City to create an accessible and desirable place for locals and visitors.
- Find interesting, active, and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion, and education about Midtown.
- Keep Midtown safe, clean, and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.



## BID Assessment Method and Budget

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. The assessment will be \$10 per linear foot, annually. Only commercially assessed properties will be included. The BID will raise approximately \$160,000 in 2023.

## 2023 Proposed BID Budget and Services

The table below outlines the proposed 2023 budget for the Midtown BID.

**Table 1 - Proposed 2023 Midtown BID Budget**

<b>Expenditure</b>	<b>Annual Budget Amount</b>
<b>Staff/Administration</b> Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.	\$36,000
<b>Branding, Marketing and Activation</b> In 2023, the BID will continue to build on the work done in previous years. The focus will be on building the brand through the community while working on specific campaigns to help business sales.	\$9,000
<b>Placemaking and Maintenance</b> A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.	\$97,247
<b>Other Fees</b> These may include: <ul style="list-style-type: none"> <li>• 1% collection fee for BID Funds</li> <li>• Legal costs</li> <li>• Accounting</li> <li>• Creation of a reserve account</li> </ul>	\$17,500
<b>Total 2023 Budget</b>	<b>\$159,747</b>

**Table 2 – Proposed 2022 Midtown BID Budget**

<b>Expenditure</b>	<b>Annual Budget Amount</b>
<b>Staff/Administration</b>  Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.	\$36,000
<b>Branding, Marketing and Activation</b>  In 2022, the BID will continue to build on the work done in 2020 to brand the BID and put more focus and attention on the focus will be on building on the brand through the community while working on specific campaigns to help business sales.	\$50,000
<b>Placemaking and Maintenance</b>  A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.	\$100,000
<b>Other Fees</b> These may include: <ul style="list-style-type: none"> <li>• 1% collection fee for BID Funds</li> <li>• Legal costs</li> <li>• Accounting</li> <li>• Creation of a reserve account</li> </ul>	\$31,750
<b>Total 2022 Budget</b>	<b>\$217,750</b>

### **CITY FINANCIAL IMPACTS**

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This Resolution has no impact on the City's finances.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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1. Resolution for Consideration
2. Resolution Exhibit A
3. Resolution Exhibit B
4. Resolution Exhibit C
5. Resolution Exhibit D

RESOLUTION 2022-110  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE MIDTOWN BUSINESS IMPROVEMENT  
DISTRICT 2022 AND 2023 OPERATING PLANS AND PROPOSED BUDGETS AND  
APPOINTING DISTRICT DIRECTORS

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 165, 2017, creating the Midtown Business Improvement District (the “District”) in accordance with the provisions of the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the “Act”); and

WHEREAS, Section 31-25-1211 of the Act, requires a business improvement district (“BID”) to submit by September 30 of each year to the clerk of the municipality that established it, the BID’s proposed operating plan and proposed budget for the upcoming year; and

WHEREAS, on September 29, 2021, the District timely submitted to the City Clerk the District’s proposed 2022 operating plan, a copy of which is attached as Exhibit “A” and incorporated herein by reference (the “2022 Operating Plan”), and the District’s proposed 2022 budget, a copy of which is attached as Exhibit “B” and incorporated herein by reference (the “2022 Budget”); and

WHEREAS, it was recently discovered that, due to an oversight, the 2022 Operating Plan and the 2022 Budget were not presented to City Council in 2021 for its consideration and approval; and

WHEREAS, on September 30, 2022, the District timely submitted to the City Clerk the District’s proposed 2023 operating plan, a copy of which is attached as Exhibit “C” and incorporated herein by reference (the “2023 Operating Plan”), and the District’s proposed 2023 budget, a copy of which is attached as Exhibit “D” and incorporated herein by reference (the “2023 Budget”);

WHEREAS, Section 31-25-1211 of the Act provides that the City Council shall either approve or disapprove the 2023 Operating Plan and the 2023 Budget by December 5, 2022, and, if approved, the District’s services, improvements and financial arrangements for 2023 are to conform as far as practicable to the 2023 Operating Plan and the 2023 Budget unless amended with the City Council’s prior approval; and

WHEREAS, the City Council has reviewed the 2023 Operating Plan and the 2023 Budget and finds and determines that they satisfy the requirements of the Act and should be approved; and

WHEREAS, the City Council has also reviewed the 2022 Operating Plan and the 2022 Budget and, while they were not previously approved by Council by the December 5, 2021, deadline as required under Section 31-25-1211 because of the City’s oversight, the Council finds and determines that they satisfy the requirements of the Act for the year 2022 and should be approved retroactively to December 5, 2021, to the full extent permitted by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the 2023 Operating Plan and the 2023 Budget are hereby approved and, as required by the Act, the District's 2023 services, improvements and financial arrangements shall conform as far as practicable with the 2023 Operating Plan and the 2023 Budget.

Section 3. That the District's directors and their corresponding terms set forth in the 2023 Operating Plan are hereby appointed and approved.

Section 4. That the 2022 Operating Plan and the 2022 Budget are hereby ratified and approved retroactively to December 5, 2021, and, as required by the Act, the District's 2022 services, improvements and financial arrangements shall conform as far as practicable with the 2022 Operating Plan and the 2022 Budget.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## **Midtown Business Improvement District (BID) 2022 Operating Plan**

### **BID NAME**

The BID shall operate as the Midtown Business Improvement District (BID).

### **LEGAL AUTHORITY**

A BID in Colorado is organized pursuant to the Business Improvement District Act, Section 31-25-1201 et seq., Colorado Revised Statutes. A BID is legally created via the following process:

- Stakeholders acquire petition signatures of commercial property owners representing a majority of the total assessed value and a majority of the total acreage of the proposed BID area.
- The City adopts an ordinance establishing the district, following notice and a public hearing.

### **ABOUT MIDTOWN**

Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from Drake to Boardwalk, as well as the Foothills Mall properties located on Foothills Parkway, make up Midtown. In total, the corridor spans slightly over one and a half miles. Today, Midtown is an active place with a wide range of commercial activities and a limited amount of residential and institutional uses. Automobile dealerships make up a significant portion of the business mix, while big box retailers, and in-line strip retail characterize the shopping offer. Within the last few years, there has been renewed commitment to and interest in supporting a revitalized Midtown with a focus on a long-term strategy to support the strength of the district, both physically and economically.

### **THE VISION FOR MIDTOWN**

Midtown stakeholders have been working together for the last 10 years through significant planning efforts to envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities, and unique urban living. The formation of the BID brought with it a commitment to establish a distinctive identity, placemaking, events, activities and people-oriented uses to establish a vibrant and dynamic shopping and entertainment area in the heart of Fort Collins. Historically characterized as the strip retail corridor of Fort Collins, the emerging vision for Midtown will incorporate urban redevelopment, urban design, and enhanced pedestrian spaces to begin a long term transition to a place where citizens need to go for services but want to stay once they arrive. Continuous BID and City investment in revitalization will ensure the City's Comprehensive Plan of the corridor will be realized and the retail core of the community will be stable.

### **THE BID'S ROLE IN MIDTOWN**

The Midtown BID provides a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life. Working with the City's previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip, to vital exciting urban form.

- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

### **BID BOUNDARIES**

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

### **BID SERVICES**

The specific types of services that the BID in the future will fund were developed and prioritized by the business and property owners of Midtown, and include:

- ***Midtown Promotion, Management, and Business Support:*** The BID aims to be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders' needs to create an environment that's welcoming to the larger community and visitors. Projects to support the stakeholders will include:
  - Administrative support to help manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
  - Promotion of Midtown commercial sector development that supports strategic economic growth and creates a vibrant environment in which Midtown businesses can thrive.
  - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
  - Building partnerships and developing strategies to increase community participation, leadership and coordination, including (but not limited to) partnerships with the City of Fort Collins, the Midtown Business Association, the Fort Collins Downtown Development Authority and the Downtown Fort Collins Business Association.
  - Providing business support for Midtown businesses, serving as the "concierge" for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
  - Shaping the retail, restaurant and overall storefront experience in Midtown by developing and implementing a strategy for strengthening the offer on the ground level and enhancing the existing business mix in Midtown.
  - Growing the base of Midtown to lengthen the urban influence area.
- ***Midtown Branding, Marketing, and Activation:*** The BID aims to develop and deliver a unique experience that encourages locals and visitors to explore Midtown, and to establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects include:
  - Development of an authentic, compelling and clear brand for Midtown that uniquely identifies its offer and potential.
  - Producing targeted marketing and messaging to the community and visitors.
  - Developing and partnering on year-round programming, events and activities that draw in diverse demographic groups to experience and explore Midtown and give them a reason to stay, explore and spend money in the district.

- Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.
- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
  - Creation of a unique Midtown ambiance and sense of place that is safe, accessible, walkable and easy to park.
  - Development of a unifying aesthetic for Midtown's public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
  - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.
  - Adding color and vibrancy to the district by funding banners, holiday lighting and public art.

#### **BID ASSESSMENT METHOD AND BUDGET**

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. **The assessment will be \$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately \$160,000.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships, memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, would determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

**2022 Proposed BID Budget and Services**

The following table lays out the proposed 2022 budget for the Midtown BID, as well as some considerations for each proposed expenditure:

<b>Expenditure</b>	<b>Annual Budget Amount</b>
<b>Staff/Administration</b> Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.	\$36,000
<b>Branding, Marketing and Activation</b> In 2022, the BID will continue to build on the work done in 2020 to brand the BID and put more focus and attention on the focus will be on building on the brand through the community while working on specific campaigns to help business sales.	\$50,000
<b>Placemaking and Maintenance</b> A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.	\$100,000
<b>Other Fees</b> These may include: <ul style="list-style-type: none"> <li>▪ 1% collection fee for BID Funds</li> <li>▪ Legal costs</li> <li>▪ Accounting</li> <li>▪ Creation of a reserve account</li> </ul>	\$31,750
<b>TOTAL 2022 BUDGET</b>	<b>\$217,750</b>

Continuing to build the BID brand, solicit feedback from the rate payers will establish success in the early years will enable the BID to attract more participants and grow the base. With revenues being spent on marketing, urban design, and promotion, the visual influence and future revenue potential will grow much as it has in downtown.

**BID BONDING**

As allowed by law, the BID may issue bonds or other multiple-year financial obligations *only if the BID is authorized to do so by its operating plan, budget and its voters in a future election*. The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.



**BID GOVERNANCE**

The BID statute allows for a board of 5 to 11 members who are BID electors. The Midtown BID board currently consists of the following nine (9) appointed members from the Midtown BID area:

<b>Board Member</b>	<b>Affiliation</b>	<b>Rationale for Inclusion on Board</b>
John Hoxmeir	Gilded Goat Brewing	Long standing Fort Collins business owner will help represent the restaurant users along the corridor
Rayno Seaser	The Egg & I /First Watch Restaurants	Long standing Fort Collins business owner and resident who has participated and will also help represent the restaurant users along the corridor
Mike Dellenbach	Dellenbach Chevrolet	Long standing Fort Collins business owner and resident who will help represent the car dealers along the corridor
David Fritzler	BBVA	Well established and respected member of the business community who will help represent the financial institutions along the corridor
Spiro Palmer	Palmer Properties	Long standing Fort Collins business owner and resident who will help represent the shopping centers and general businesses along the corridor
Luke McFetridge	Noble Venture/ Representative of Midtown Business Moot House	Former president of the SFCBA leading the efforts to form the BID and real estate owner and developer
Patrick Bunyard	Foothills Mall	GM of Foothills Mall, representing a catalyst project in Midtown and demonstrating the Mall's commitment to the BID by serving on the board
Lauren DeRosa	Wild Birds Unlimited Nature Shop	Long standing resident and business owner in Fort Collins

		and will help represent the business lessees
Carrie Baumgart	Markley Motors	Chief Operating Officer of Markley Motors representing the car dealers in the district

The terms of office have been staggered to encourage continuity in BID governance. The maximum length of each term is three (3) years and the consecutive term limit is two (2) terms. After a member has fulfilled two consecutive terms, that person may not be a member of the Midtown BID governing body for three (3) years before being reappointed.

#### **BID TERM**

BIDs in Colorado may be perpetual. However, the Midtown BID will have an initial ten-year term. This will allow for property and business owners to evaluate the BID's effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

#### **CITY SERVICES**

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Clear economic benefits, including but not limited to:
  - Increased sales revenue through the activation, marketing and promotion of Midtown creating more visitors and more spending in the area
  - Development of Midtown as an entertainment and shopping hub
  - Interesting, active and creative uses for shops, sidewalks and open spaces
- Opportunity to further demonstrate the commitment to Midtown outlined in the City's Midtown Plan
- Create a second activity center in Fort Collins and a "place" beyond downtown in Fort Collins for visitors and locals
- Beautification of the City through a refreshed and invigorated area

#### **ANNUAL REVIEW**

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

**DISSOLUTION**

Under Colorado law, the BID may be dissolved following a public hearing if property owners representing at least 50% of acreage within the BID and at least 50% of total assessed value within the BID submit petitions for dissolution to City Council. City Council also retains discretion to initiate dissolution proceedings if the BID fails to submit an operating plan and budget for two successive years.

## SUMMARY

## 2022 BUDGET AS PROPOSED

WITH 2020 ACTUAL AND 2021 ESTIMATED

For the Years Ended and Ending December 31

	2020	Budget 2021	Actual Jan-Aug 2021	Estimated 2021	Proposed 2022
BEGINNING FUND BALANCES	\$ 48,028.46	\$ 85,580.37	\$ 138,492.75	\$ 138,492.75	\$ 100,813.79
REVENUES					
01 Property Taxes	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00
03 Local Grants	\$ -	\$ -	\$ -	\$ -	
Total Revenue	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00	\$ 159,747.00
TRANSFERS IN	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 207,775.46	\$ 245,327.37	\$ 298,239.75	\$ 298,239.75	\$ 260,560.79
EXPENDITURES					
Management and Administration	\$ -	\$ -	\$ 18,000.00	\$ 28,000.00	\$ 36,000.00
Accounting and Tax Services	\$ 7,639.02	\$ 6,000.00	\$ 8,531.71	\$ 13,000.00	\$ 15,000.00
Legal	\$ 9,020.89	\$ 8,000.00	\$ 890.08	\$ 2,500.00	\$ 2,500.00
Larimer County Collection Fees	\$ 133.30	\$ 400.00	\$ 210.96	\$ 210.96	\$ 250.00
Insurance	\$ 2,551.00	\$ 3,700.00	\$ 2,715.00	\$ 2,715.00	\$ 3,000.00
Emergency Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Office Rent, Parking, Supplies and Misc.	\$ 845.09	\$ 2,000.00	\$ 454.75	\$ 1,000.00	\$ 1,000.00
Repayment of BID Start-up Expenses	\$ -	\$ -	\$ -	\$ -	\$ -
PROGRAM EXPENSES					
Promotion, Mgmt and Business Support	\$ 30,657.69	\$ 15,000.00	\$ 2,344.56	\$ 5,000.00	\$ 10,000.00
Branding, Marketing, Activation	\$ 18,435.72	\$ 58,000.00	\$ 19,986.71	\$ 45,000.00	\$ 50,000.00
Placemaking and Maintenance	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 100,000.00
Total Expenditures	\$ 69,282.71	\$ 193,100.00	\$ 53,133.77	\$ 197,425.96	\$ 217,750.00
Net Income	\$ 90,464.29	\$ (33,353.00)	\$ 106,613.23	\$ (37,678.96)	\$ (58,003.00)
Emergency Funds	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING FUND BALANCE	\$ 138,492.75	\$ 52,227.37	\$ 245,105.98	\$ 100,813.79	\$ 42,810.79

## **Midtown Business Improvement District (BID) 2023 Operating Plan**

### **BID NAME**

The BID shall operate as the Midtown Business Improvement District (BID).

### **LEGAL AUTHORITY**

A BID in Colorado is organized pursuant to the Business Improvement District Act, Section 31-25-1201 et seq., Colorado Revised Statutes. A BID is legally created via the following process:

- Stakeholders acquire petition signatures of commercial property owners representing a majority of the total assessed value and a majority of the total acreage of the proposed BID area.
- The City adopts an ordinance establishing the district, following notice and a public hearing.

### **ABOUT MIDTOWN**

Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from Drake to Boardwalk, as well as the Foothills Mall properties located on Foothills Parkway, make up the Midtown BID. In total, the corridor spans slightly over one and a half miles. Today, Midtown is an active place with a wide range of commercial activities and a limited amount of residential and institutional uses. Automobile dealerships make up a significant portion of the business mix, while big box retailers, and in-line strip retail characterize the shopping offer. Within the last few years, there has been renewed commitment to and interest in supporting a revitalized Midtown with a focus on a long-term strategy to support the strength of the district, both physically and economically.

### **THE VISION FOR MIDTOWN**

Midtown stakeholders have been working together for the last ten years through significant planning efforts to envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities, and unique urban living. The formation of the BID brought with it a commitment to establish a distinctive identity, placemaking, events, activities and people-oriented uses to establish a vibrant and dynamic shopping and entertainment area in the heart of Fort Collins. Historically characterized as the strip retail corridor of Fort Collins, the emerging vision for Midtown will incorporate urban redevelopment, urban design, and enhanced pedestrian spaces to begin a long term transition to a place where citizens need to go for services but want to stay once they arrive. Continuous BID and City investment in revitalization will ensure the City's planning efforts for the corridor will be realized and the retail core of the community will be stable.

### **THE BID'S ROLE IN MIDTOWN**

The Midtown BID provides a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life. Working with the City's previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip, to vital exciting urban form.

- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

### **BID BOUNDARIES**

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

### **BID SERVICES**

The specific types of services that the BID will fund were developed and prioritized by the business and property owners of Midtown, and include:

- ***Midtown Promotion, Management, and Business Support:*** The BID aims to be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders' needs to create an environment that's welcoming to the larger community and visitors. Projects to support the stakeholders will include:
  - Administrative support to help manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
  - Promotion of Midtown commercial sector development that supports strategic economic growth and creates a vibrant environment in which Midtown businesses can thrive.
  - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
  - Building partnerships and developing strategies to increase community participation, leadership and coordination, including (but not limited to) partnerships with the City of Fort Collins, the Midtown Business Association, the Fort Collins Downtown Development Authority and the Downtown Fort Collins Business Association.
  - Providing business support for Midtown businesses, serving as the "concierge" for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
  - Shaping the retail, restaurant and overall storefront experience in Midtown by developing and implementing a strategy for strengthening the offer on the ground level and enhancing the existing business mix in Midtown.
  - Growing the base of Midtown to lengthen the urban influence area.
- ***Midtown Branding, Marketing, and Activation:*** The BID aims to develop and deliver a unique experience that encourages locals and visitors to explore Midtown, and to establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects include:
  - Development of an authentic, compelling and clear brand for Midtown that uniquely identifies its offer and potential.
  - Producing targeted marketing and messaging to the community and visitors.
  - Developing and partnering on year-round programming, events and activities that draw in diverse demographic groups to experience and explore Midtown and give them a reason to stay, explore and spend money in the district.

- Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.
- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
  - Creation of a unique Midtown ambiance and sense of place that is safe, accessible, walkable and easy to park.
  - Development of a unifying aesthetic for Midtown's public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
  - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.
  - Adding color and vibrancy to the district by funding banners, holiday lighting and public art.

#### **BID ASSESSMENT METHOD AND BUDGET**

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. **The assessment will be \$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately \$160,000.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships, memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, would determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

**2023 Proposed BID Budget and Services**

The following table lays out the proposed 2023 budget for the Midtown BID, as well as some considerations for each proposed expenditure:

<b>Expenditure</b>	<b>Annual Budget Amount</b>
<b>Staff/Administration</b> Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.	\$36,000
<b>Branding, Marketing and Activation</b> Promotion, Management and Business Support In 2022, the BID will continue to build on the work done in 2020 to brand the BID and put more focus and attention on the focus will be on building on the brand through the community while working on specific campaigns to help business sales.	\$9,000
<b>Placemaking and Maintenance</b> A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.	\$97,247
<b>Other Fees</b> These may include: <ul style="list-style-type: none"> <li>▪ 1% collection fee for BID Funds</li> <li>▪ Legal costs</li> <li>▪ Accounting</li> <li>▪ Creation of a reserve account</li> </ul>	\$17,500
<b>TOTAL 2023 BUDGET</b>	<b>\$159,747</b>

**BID BONDING**

As allowed by law, the BID may issue bonds or other multiple-year financial obligations *only if the BID is authorized to do so by its operating plan, budget and its voters in a future election*. The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.



**BID GOVERNANCE**

The BID statute allows for a board of 5 to 11 members who are BID electors. Beginning on January 1, 2023, the Midtown BID board will consist of the following appointed members from the Midtown BID area:

Board Member	Affiliation	Term End Date
Rayno Seaser	The Egg & I/First Watch Restaurants	December 31, 2024
Mike Dellenbach	Dellenbach Chevrolet	December 31, 2023
David Fritzler, Treasurer	Collegiate Peaks Bank/Representative of Palmer Properties	December 31, 2024
Luke McFetridge, Chair	Noble Venture/Representative of Midtown Business Moot House	December 31, 2024
Lauren DeRosa	Wild Birds Unlimited Nature Shop	December 31, 2024
Carrie Baumgart	Markley Motors	December 31, 2023
John Hoxmeir	Gilded Goat Brewing	December 31, 2025
Patrick Bunyard	Foothills Mall	December 31, 2025
OPEN SEAT – TO BE FILLED		

Due in large part to the disruption caused by the COVID-19 pandemic, and to ensure continuity on the Board of Directors, Directors appointed to initial terms commencing at the formation of the BID have had their terms extended.

**BID TERM**

BIDs in Colorado may be perpetual. However, the Midtown BID will have an initial ten-year term. This will allow for property and business owners to evaluate the BID's effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

**CITY SERVICES**

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Clear economic benefits, including but not limited to:
  - Increased sales revenue through the activation, marketing and promotion of Midtown creating more visitors and more spending in the area
  - Development of Midtown as an entertainment and shopping hub
  - Interesting, active and creative uses for shops, sidewalks and open spaces
- Opportunity to further demonstrate the commitment to Midtown outlined in the City's Midtown Plan
- Create a second activity center in Fort Collins and a "place" beyond downtown in Fort Collins for visitors and locals

- Beautification of the City through a refreshed and invigorated area

**ANNUAL REVIEW**

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

**DISSOLUTION**

Under Colorado law, the BID may be dissolved following a public hearing if property owners representing at least 50% of acreage within the BID and at least 50% of total assessed value within the BID submit petitions for dissolution to City Council. City Council also retains discretion to initiate dissolution proceedings if the BID fails to submit an operating plan and budget for two successive years.

## EXHIBIT D

MIDTOWN BUSINESS IMPROVEMENT DISTRICT  
SUMMARY  
2023 BUDGET AS PROPOSED  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31

Item 17.

	2021	Budget 2022	Actual Jan-Aug 2022	Estimated 2022	Proposed 2023
BEGINNING FUND BALANCES	\$ 138,492.75	\$ 100,813.79	\$ 225,657.10	\$ 225,657.10	\$ 162,678.10
REVENUES					
01 Property Taxes	\$ 159,747.00	\$ 159,747.00	\$ 159,812.15	\$ 165,000.00	\$ 165,000.00
03 Local Grants			\$ -	\$ 50,000.00	\$ 250,000.00
Total Revenue	\$ 159,747.00	\$ 159,747.00	\$ 159,812.15	\$ 215,000.00	\$ 415,000.00
TRANSFERS IN	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 298,239.75	\$ 260,560.79	\$ 385,469.25	\$ 440,657.10	\$ 577,678.10
EXPENDITURES					
Management and Administration	\$ 25,446.00	\$ 36,000.00	\$ 20,000.00	\$ 30,000.00	\$ 36,000.00
Accounting and Tax Services	\$ 11,151.71	\$ 15,000.00	\$ 7,960.00	\$ 11,500.00	\$ 13,000.00
Legal	\$ 2,051.08	\$ 2,500.00	\$ 2,018.00	\$ 2,500.00	\$ 1,450.00
Larimer County Collection Fees	\$ 225.96	\$ 250.00	\$ 277.79	\$ 260.00	\$ 225.96
Insurance	\$ 2,715.00	\$ 3,000.00	\$ 2,719.00	\$ 2,719.00	\$ 2,000.00
Emergency Funds		\$ -	\$ -	\$ -	\$ -
Office Rent, Parking, Supplies and Misc.	\$ 6,318.63	\$ 1,000.00	\$ 2,258.09	\$ 2,500.00	\$ 800.00
Repayment of BID Start-up Expenses	\$ -	\$ -	\$ -	\$ -	\$ -
PROGRAM EXPENSES					
Promotion, Mgmt and Business Support	\$ 4,844.56	\$ 10,000.00	\$ 1,035.00	\$ 2,500.00	\$ 5,000.00
Branding, Marketing, Activation	\$ 19,829.71	\$ 50,000.00	\$ 150.00	\$ 1,000.00	\$ 4,000.00
Placemaking and Maintenance	\$ -	\$ 100,000.00	\$ 160,693.55	\$ 225,000.00	\$ 347,247.00
Total Expenditures	\$ 72,582.65	\$ 217,750.00	\$ 197,111.43	\$ 277,979.00	\$ 409,722.96
Net Income	\$ 87,164.35	\$ (58,003.00)	\$ (37,299.28)	\$ (62,979.00)	\$ 5,277.04
Emergency Funds	\$ -	\$ -	\$ -	\$ -	\$ -
ENDING FUND BALANCE	\$ 225,657.10	\$ 42,810.79	\$ 188,357.82	\$ 162,678.10	\$ 167,955.14

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Clay Frickey, Redevelopment Program Manager  
John Duval, Legal

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### SUBJECT

**Resolution 2022-111 Approving the 2023 Annual Plan and Budget of the Fort Collins Tourism Improvement District.**

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### EXECUTIVE SUMMARY

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2023 Annual Plan and 2023 Annual Budget, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

On August 4, 2021 Council adopted Ordinance No. 097, 2021 establishing the Fort Collins Tourism Improvement District (District). The District's purpose is, "...to operate as a [tourism improvement district] charging fees to the lodging businesses included within the District to fund and provide specific tourism services and improvements for the benefit of the feepayers' lodging businesses. These services and improvements will primarily be used to increase room night sales for those lodging businesses."

Council adopted the District's Initial Plan as part of establishing the District. The District's Initial Term in the Initial Plan was set for 10 years, 4 months beginning on September 1, 2021, and ending December 31, 2031, but the end date was erroneously stated as December 1, 2021. Council subsequently adopted Ordinance No. 161, 2021, amending the Initial Plan to correct the end date of the District so that it ends December 31, 2031. On June 7, 2022, Council adopted Ordinance No. 061, 2022 expanding the District's Board from five to seven members.

#### District Boundaries

The District's boundaries are coterminous with City limits. All "lodging establishments" within the City limits who fall within the definition of this term as stated in Section 5 of Ordinance No. 097, 2021, are included with the District and pay the fee set by the District.

## The District's Role

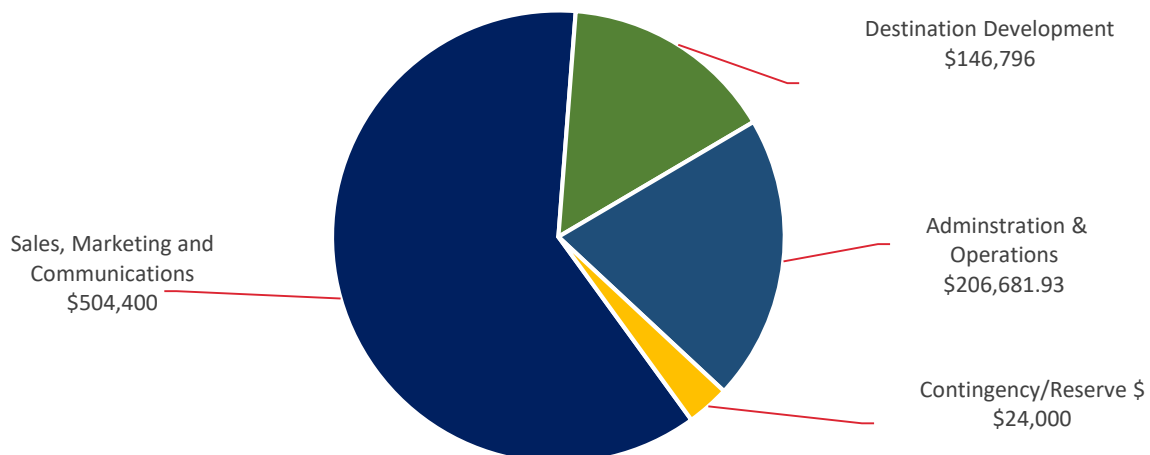
The District provides a sustainable funding source for lodging business owners to organize their efforts and increase room night sales. The District aims to provide sales, marketing, and communication support for members of the District along with destination development to increase room night sales. Some of the activities proposed for 2023 include:

- Establish a Local Conference Champion Program to leverage local contacts (CSU and Corporate) to uncover new lead opportunities.
- Drive demand for meetings and conferences in Fort Collins through qualified lead distribution. Uncover lead opportunities through targeted prospecting and business development, industry event and trade show participation, strategic meetings marketing, partnerships, and enhanced presence in online RFP platforms.
- Create awareness about Fort Collins as a sought-after and unique destination for individual and group travelers through positive publicity, innovative advertising, outstanding marketing and sales collateral, robust digital and social media campaigns and differentiating brand strategy.
- Increase awareness of Fort Collins as a premier, four-season destination through positive news stories and influencer reach.
- Increase communication and connectivity with visitors.
- Support the Sales Team as the primary resource for meetings and conferences. This will allow the Sales Team to focus on selling and provide an avenue for conference services previously not facilitated.
- Maximize strategy and execution opportunities with one Visitor Services Team. Fully cross train and integrate best practice systems.

## District Assessment Method and Budget

The District assesses a 3% fee of the lodging establishment's "lodging price" as defined in the City's Lodging Tax Ordinance. The District anticipates generating \$881,877.93 in revenue from the 3% fee in 2023. The chart below outlines the proposed 2023 budget for the District.

2023 Fort Collins Tourism Improvement District Budget



**CITY FINANCIAL IMPACTS**

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This Resolution has no impact on the City's finances.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Resolutions for Consideration
2. Resolution Exhibit A
3. Resolution Exhibit B

RESOLUTION 2022-111  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE 2023 ANNUAL PLAN AND BUDGET OF THE  
FORT COLLINS TOURISM IMPROVEMENT DISTRICT

WHEREAS, on August 4, 2021, the City Council adopted Ordinance No. 097, 2021 (“Ordinance No. 097”) establishing the Fort Collins Tourism Improvement District (the “District”); and

WHEREAS, the District was established under and pursuant to Article V of Chapter 22 of the City Code that allows for the established of tourism improvement districts within the City’s boundaries (“Article V”); and

WHEREAS, Section 22-166 of Article V requires the District’s Board of Directors (the “Board”) to file with the City Clerk by September 30 of each year the District’s annual plan and budget for the ensuing calendar fiscal year; and

WHEREAS, Section 22-166 also provides that the District’s annual plan and budget is subject to the City Council’s approval in a manner consistent with the way operating plans and budgets of business improvement districts are approved by Council under Colorado Revised Statutes Section 31-25-1211; and

WHEREAS, Section 22-153 of the Article provides that the annual plan is to outline the District’s revenues, expenditures, projects, and goals; and

WHEREAS, on August 24, 2022, the District filed with the City its proposed annual plan and budget for its fiscal calendar year 2023, and subsequently revised it based on comments from City staff; and

WHEREAS, a copy of the District’s proposed 2023 annual plan is attached as Exhibit “A” and incorporated herein by reference (the “2023 Annual Plan”); and

WHEREAS, a copy of the District’s proposed 2023 budget is attached as Exhibit “B” and incorporated herein by reference (the “2023 Budget”); and

WHEREAS, the City Council has reviewed the 2023 Annual Plan and the 2023 Budget and finds and determines that they satisfy the requirements of Article V and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the 2023 Annual Plan and the 2023 Budget pursuant to City Code Section 22-166.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk





# ***TOURISM IMPROVEMENT DISTRICT***

## ***2023 STRATEGIC PLAN***

**Strategic priorities for  
increasing overnight stays  
and market recovery**





- 2023 Budget Summary
- Board Governance and Directors
- Sales & Meeting Development

# TOURISM IMPROVEMENT DISTRICT

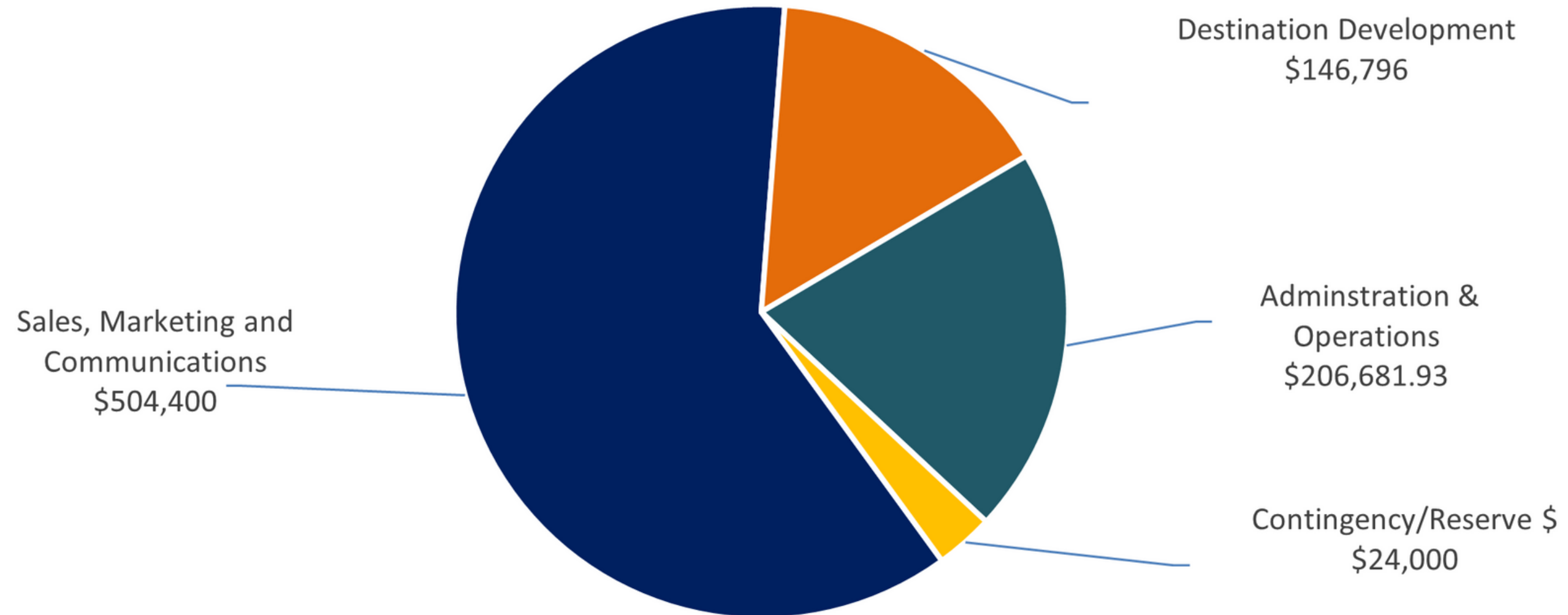
*2023 STRATEGIC PLAN*

- Marketing & Communications
- Public Relations
- Visitor and Destination Services



# 2023 TID BUDGET

2023 Fort Collins Tourism Improvement District Budget





The FC|TID is governed by a Board of Directors who represents its twenty-three members

George Prine, GM The Armstrong Hotel, TID Board President	2021-2024
Danielle Lowery, GM The Hampton Inn, TID Secretary/Treasurer	2021-2023
Abbie Stout, Owner, The Edwards House	2021-2023
Aryell Mattern, VP of Operations, Spirit Hospitality	2021-2022
Daniel Benton - General Manager, The Hilton Fort Collins	2021-2022





# GROUP SALES



## Meetings/Conferences/Sports



**Objective:** Drive demand for meetings and conferences in Fort Collins through qualified lead distribution. Uncover lead opportunities through targeted prospecting and business development, industry event and trade show participation, strategic meetings marketing, partnerships, and enhanced presence in online RFP platforms.

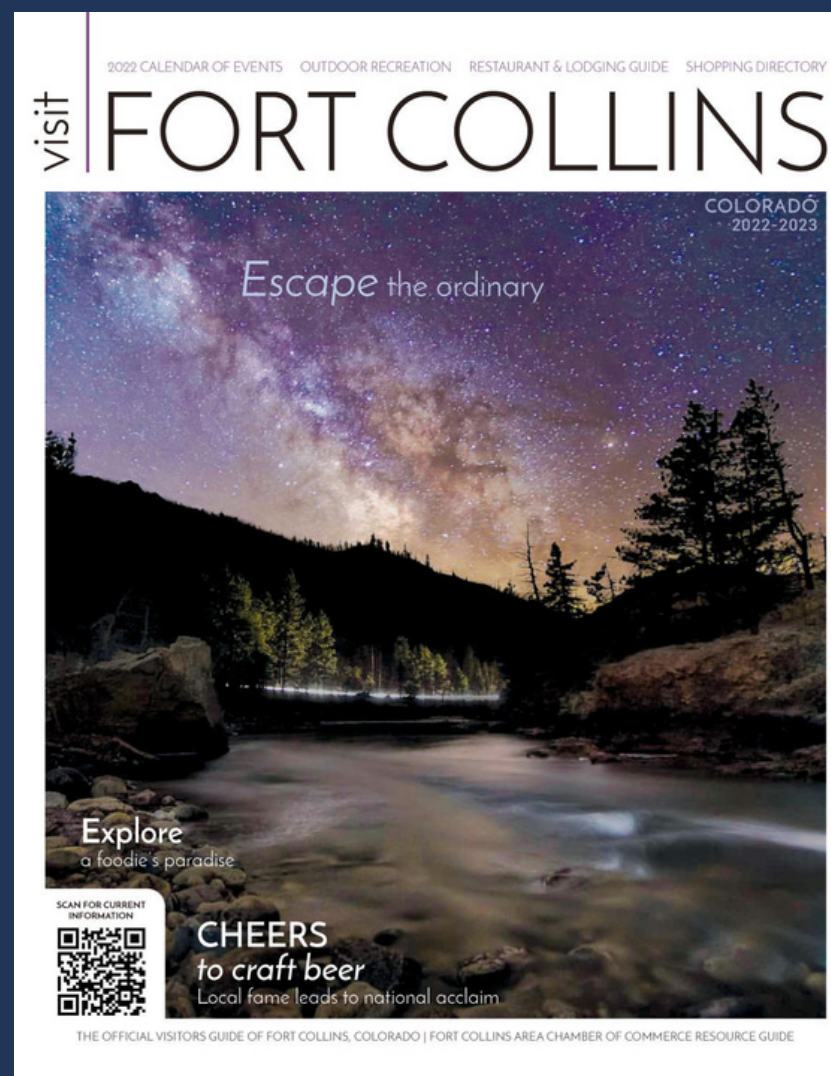
**OBJECTIVE:** Increase staffing model to elevate presense in markets related to our strategic plan. Sales team roster will include VP of Sales, Sales Manager, and two part-time sales coordinators.

- Establish a Local Conference Champion Program to leverage local contacts (CSU and Corporate) to uncover new lead opportunities
- Target off-peak and city-wide business for strategic bid fee opportunities

# MARKETING & COMMUNICATIONS



**Objective:** Create awareness about Fort Collins as a sought-after and unique destination for individual and group travelers through positive publicity, innovative advertising, outstanding marketing and sales collateral, robust digital and social media campaigns and differentiating brand strategy.



- Digital
- Colorado.com Brand Channel
  - Working with the Colorado Tourism Office
- Robust off-peak season comprehensive campaign
- Video/Photography expansion
- Website Redesign
- Addition of Trade Shows, Sales Missions and Promotions



# PUBLIC RELATIONS



**Objective:** To increase awareness of Fort Collins as a premier, four season destination through positive news stories and influencer reach.

- SkyWrite Communications- Boutique PR agency
- Press Visits (fams) targeting top 25 publications
- Media Events
  - Denver Media Receptions
  - In-market desksides- NEW
- Influencer Marketing







# ***VISITOR & DESTINATION SERVICES***

**OBJECTIVE:** Refresh staffing model to reflect recovery dynamics and organizational needs

- Increase communication & connectivity with visitors
- Support the Sales Team as the primary resource for meetings and conferences return to Fort Collins. This will allow the Sales Team to focus on selling and provide an avenue for conference services previously not facilitated
- Maximize strategy and execution opportunities with one Visitor Services Team. Fully cross train and integrate best practice systems



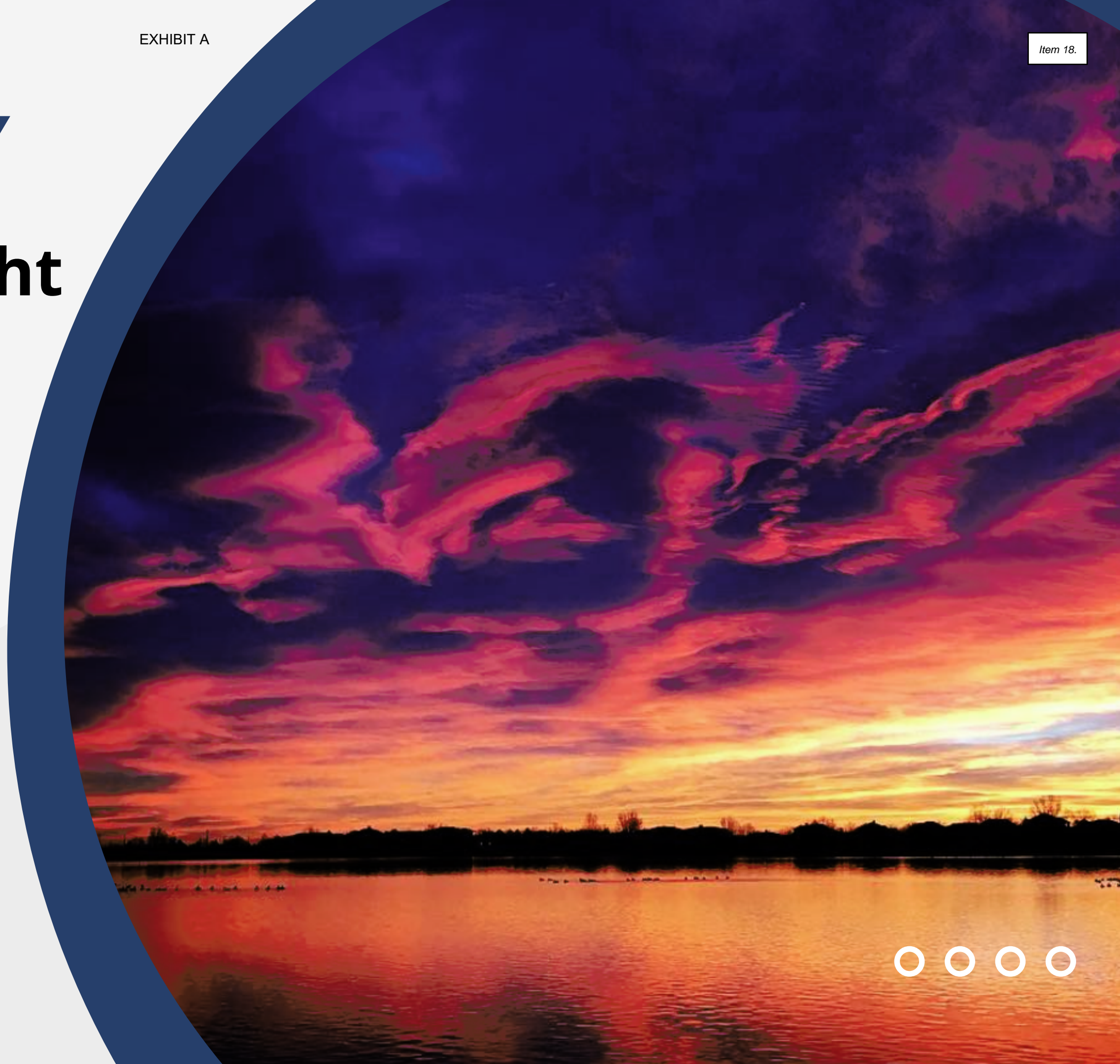




# SUMMARY

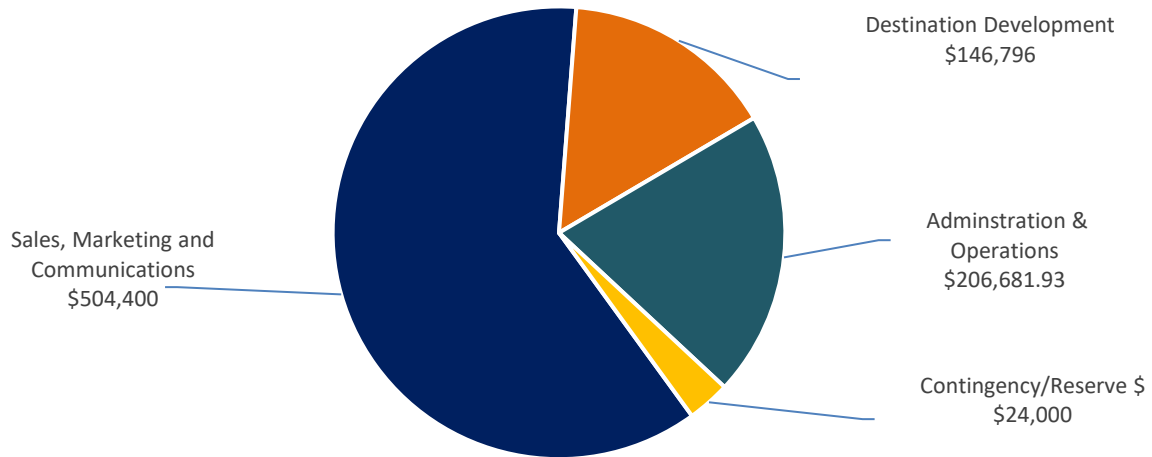
## The Future Looks Bright

- **Economic Recovery, while not consistent across all categories, *is occurring***
- **Priorities from the Strategic Plan are in process**
- **The Tourism Improvement District is making a difference in our recovery and setting a foundation for future business opportunities**



**EXHIBIT B**  
**2023 Fort Collins Tourism Improvement District Budget**

Item 18.



Budget Category	Sub-Category	Line Detail	2023
<b>41000 · FCTID Revenue</b>			\$1,071,285.37
			<b>\$1,071,285.37</b>
61000 · Employee Expense			
	61010 · Salaries/Wages		
		61012 · Wages	\$169,874.80
	Total 61010 · Salaries/Wages		\$169,874.80
	61020 · Payroll Related		
		61022 · Payroll Taxes	\$7,952.64
		61024 · Unemployment Taxes	\$780.00
		61026 · Workers Compensation	\$1,200.00
		61028 · Employee Insurance	\$6,600.00
		61031 · Employee Benefits	\$3,000.00
	Total 61020 · Payroll Related		\$19,532.64
Total 61000 · Employee			<b>\$189,407.44</b>
62000 · Administrative and General			
	Administrative		
		62002 · Accounting	\$7,200.00
		62006 · Bank Charges	\$600.00
		62025 · Supplies	\$1,200.00
	Total Administrative		\$9,000.00

	62070 Telephone	<b>EXHIBIT B</b>	
		Total 62070 · Telephone	\$1,200.00
			\$1,200.00
	62086 Computer Equipment		
		62086 · Computer Equipment	\$1,194.49
	Total – 62000 General		\$8,274.00
<b>Total Administrative</b>			<b>\$ 206,681.93</b>
Sales Expense			
	78015 · Trade Shows		\$25,600.00
	78015 – Sales Marketing		\$75,000.00
	73007 · Lead Generation		\$54,000.00
	73000 · Sales Activities		\$12,000.00
	73000 · Bid Activities		\$40,000.00
	73000 · Local Champions Program		\$17,500.00
	73000 · Research		\$12,000.00
	78015 · Travel		\$6,000.00
<b>Total Sales Expense</b>			<b>\$242,100.00</b>
Marketing			
	62004 · Advertising		
		80000 · Digital	\$52,000.00
		62005 · Promotions	\$5,000.00
		62004 · Print	\$32,000.00
	Total 62004 · Advertising		\$89,000.00
	62003 · Web/Internet Expenses		
		80030 · Website Service	\$46,000.00
	Total 62003 · Web/Internet		\$46,000.00
	62028 · Graphics		
		80040 · Graphic Arts	\$20,000.00
	Total 62028 · Graphics		\$20,000.00
	Public Relations		
		80070 · Agency Fees	\$12,000.00
		80080 · FAM Trips	\$5,000.00
		80090 · Media Events	\$9,500.00
	Total Public Relations		\$26,500.00
	International Marketing		
		81000 · Trade Shows	\$33,000.00
		81110 · Promotions	\$10,000.00
		81111 – Sales Missions	\$26,000.00
	Total International Marketing		\$69,000.00
<b>Total Marketing</b>			<b>\$224,500.00</b>

Item 18.

Visitor Services	EXHIBIT B		
	DVIC Visitor Service Expense		
		62022 · Rent	\$12,000.00
		83017 · DVIC Staffing	\$24,000.00
		83015 · DVIC Janitorial	\$1,800.00
	Total DVIC Expense		\$37,800.00
<b>Total Visitor Services</b>			<b>\$37,800.00</b>
Destination Development			
	82015 · Initiatives		\$144,396.00
	82050 · CTA Program Fees		\$2,400.00
<b>Total Destination Development</b>			<b>\$146,796.00</b>
Reserves			
	62009 · Reserves		\$24,000.00
<b>Total Reserves</b>			<b>\$24,000.00</b>
Total Expense			\$1,071,285.37
Net Ordinary Income			\$1,071,285.37
Net Income			\$0.00

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Katie Donahue, Natural Areas Director  
Julia Feder, Environmental Program Manager  
Alynn Karnes, Land Conservation Specialist  
Tawnya Ernst, Senior Real Estate Specialist  
Ingrid Decker, Legal

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### SUBJECT

**Resolution 2022-112 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County and the City of Loveland to Partner in the Purchase of Fee and Conservation Easement Interests on a 1,547-acre Property in the Blue Mountain Conservation Priority Area.**

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### EXECUTIVE SUMMARY

The purpose of this item is to seek authorization to enter into an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Heaven's Door Conservation Project. The project will conserve 1,547 acres in fee adjacent to the Big Thompson Canyon.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

Larimer County (County) is under contract to purchase the 1,547-acre Heaven's Door Ranch with an anticipated closing date of November 30, 2022. The project was identified as a high priority for conservation within the County's Blue Mountain Conservation Priority Area and County Open Lands staff have been working with the landowner towards protecting the Ranch for more than two decades.

The City of Fort Collins (City), City of Loveland (Loveland) and Larimer County Open Lands have a long history of collaboration to conserve land throughout Larimer County to meet shared land conservation goals. This collaboration includes funding partnerships on various open space and conservation easement acquisitions. This acquisition will protect important values that confer the following public benefits:

- Significant, intact wildlife habitat including foothills grasslands, shrublands and lower montane forest with numerous natural seeps and springs.
- Buffers to conserved lands: the Ranch is adjacent to a matrix of existing conserved lands including Sylvan Dale Ranch conservation easements, USFS, and Colorado State Land Board.
- Iconic scenic vistas: the Ranch encompasses the broad scenic valley, hogbacks and forested hillsides that comprise the southern backdrop at the mouth of the Big Thompson Canyon along US Highway 34.



- Future public nature-based recreation opportunities: the site's location is within 5 miles of the City of Loveland and near other Front Range communities.

The proposed agreement between the City, Loveland and the County authorizes the City to contribute funding towards the County's acquisition of Heaven's Door Ranch. Loveland will also contribute towards the total purchase price in exchange for the County granting a conservation easement on the Ranch to be co-held by the City and Loveland.

The project addresses key criteria noted in the Land Acquisition Partnership Guidelines:

- The project aligns with the goals of the Council-adopted 2014 Natural Areas Master Plan for regional conservation and partnerships.
- Larimer County, Loveland and the City have a positive track record of partnerships.
- The proposed partnership enhances landscape scale conservation efforts in the City's Buckhorn Conservation Area and the County's Blue Mountain Conservation Area.

The County, at its sole discretion, will have the option to divest itself of approximately 150 acres of the southeast corner of the Ranch property.

### **CITY FINANCIAL IMPACTS**

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The total cost to acquire the Ranch is estimated to be \$9,029,850. This total includes the purchase price of the fee acquisition as well as the due diligence and closing costs associated with both the fee acquisition and conservation easement conveyance. The County will contribute approximately \$7,779,850 to the total cost. The City will contribute \$750,000 and Loveland will contribute \$500,000 toward the acquisition cost.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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At its October 12, 2022, meeting, the Land Conservation and Stewardship Board voted unanimously to recommend that Council approve the IGA with Larimer County and Loveland to partner on the purchase of the Heaven's Door Ranch property.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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1. Resolution for Consideration
2. Resolution Exhibit A
3. Vicinity Map
4. Site Map
5. Natural Areas Administrative Policy-Land Acquisition Partnership Guidelines
6. Land Conservation and Stewardship Board Minutes, October 12, 2022

RESOLUTION 2022-112  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL  
 AGREEMENT WITH LARIMER COUNTY AND THE CITY OF LOVELAND TO PARTNER  
 IN THE PURCHASE OF FEE AND CONSERVATION EASEMENT INTERESTS ON A  
 1,547 ACRE PROPERTY IN THE BLUE MOUNTAIN CONSERVATION PRIORITY AREA

WHEREAS, the City, City of Loveland (“Loveland”) and Larimer County (“County”) have a long history of collaborating to conserve land throughout Larimer County to meet shared land conservation goals; and

WHEREAS, the County is under contract to purchase the 1,547 acre Heavens Door Ranch at the mouth of the Big Thompson Canyon along U.S. Highway 34 (the “Property”), which the County identified as a high priority for conservation in its Blue Mountain Priority Area; and

WHEREAS, whereas the County anticipates closing on the Property on November 30, 2022; and

WHEREAS, the City, County and Loveland have negotiated a proposed intergovernmental agreement (the “IGA”) by which the City would contribute \$750,000 and Loveland would contribute \$500,000 towards the County’s purchase of the Property and in exchange the County would grant a conservation easement on the Property to the City and Loveland (the “Conservation Easement”); and

WHEREAS, a draft of the IGA is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the total cost to acquire the Property is estimated to be \$9,029,850.00, including the purchase price of the County’s fee acquisition as well as the due diligence and closing costs associated with both the fee acquisition and the subsequent Conservation Easement conveyance; and

WHEREAS, the County is reserving the right to resell approximately 150 acres at the southeast corner of the Property and retain the proceeds, which parcels (the “Excluded Parcels”) may not be included in the Conservation Easement, in the County’s discretion; and

WHEREAS, the Conservation Easement would help ensure that the majority of the Property will be managed to protect its conservation values in perpetuity; and

WHEREAS, under the terms of the IGA the City and Loveland would also have a right of first refusal should the County ever wish to sell or transfer all or a portion of its fee interest in Property, except for the Excluded Parcels; and

WHEREAS, the City’s portion of the costs has already been appropriated and is available for expenditure in the Natural Areas Fund; and

WHEREAS, at its regular meeting on October 12, 2022, the Land Conservation and Stewardship Board voted to recommend that the City Council approve the IGA; and

WHEREAS, the proposed collaboration with the County and Loveland, as documented in the IGA, meets the criteria of the Natural Areas Department's Land Acquisition Partnership Guidelines; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, the City Council has determined that entering into the IGA with the County and Loveland is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the Mayor to execute the IGA, pursuant to which the City and Loveland will pay the County a portion of its costs for acquiring the Property, and in exchange the County will grant the City and Loveland a conservation easement and a right of first refusal over the Property, in substantially the form attached hereto as Exhibit "A," together with such modifications and additions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or further the purposes of this Resolution, as set forth above.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk



INTERGOVERNMENTAL AGREEMENT  
CONCERNING THE HEAVEN'S DOOR RANCH CONSERVATION PROJECT

This Intergovernmental Agreement (Agreement) is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between LARIMER COUNTY, COLORADO (the "County"), the CITY OF FORT COLLINS, COLORADO ("Fort Collins"), and the CITY OF LOVELAND, COLORADO ("Loveland").

WHEREAS, part 2 of Article 1 of Title 29, C.R.S. authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each, including the sharing of costs; and

WHEREAS, the County has imposed a sales and use tax via the "Help Preserve Open Spaces Initiative" for the purchase and maintenance of open space, natural areas, wildlife habitat, parks and trails and a portion of the funds generated by said sales tax are distributed to municipalities located within Larimer County, including Fort Collins and Loveland; and

WHEREAS, Fort Collins has imposed a dedicated 0.25% sales and use tax known as "Open Space Yes!", portions of the revenues from which are intended and available for the purchase and maintenance of open space, natural areas, and trails; and

WHEREAS, Loveland has an Open Lands and Trails Program that uses portions of the revenues from the Help Preserve Open Spaces Initiative sales tax to purchase and maintain open space, natural areas and trails; and

WHEREAS, the parties recognize through the Larimer County Open Lands Master Plan, Fort Collins Natural Areas Master Plans, and the City of Loveland Parks & Recreation Master Plan that certain lands in the foothills and along the mountain backdrop to the cities of Fort Collins and Loveland (the "Conservation Area") are important to be conserved through various means such as fee acquisition, conservation easements, and regulatory measures; and

WHEREAS, the Larimer County Natural Resources Department, the City of Fort Collins Natural Areas Department, and the City of Loveland Parks & Recreation Department share common goals in conserving land in the Conservation Area, and by this IGA intend to form a partnership to carry out a land conservation project known as the "Heaven's Door Ranch Conservation Project" to conserve up to 1,547 acres in fee and conservation easement; and

WHEREAS, the Larimer County Natural Resources Department has prioritized encumbering the County's open space properties with conservation easements to further protect those lands' conservation values, which convey significant benefits to the public; and

WHEREAS, the County anticipates acquiring through purchase of fee interests, the real property referred to as "Heaven's Door Ranch" described in **Exhibit A**, attached hereto and incorporated herein by reference (the "Ranch Property"); and

WHEREAS, the Ranch Property possesses natural wildlife habitat and native plant communities, including wetlands, shrublands and forests, significant open space, agricultural grazing land, geologic

features and scenic and other aesthetic and ecological values (the “Conservation Values”) of great importance to the parties, the people of Larimer County and the people of the State of Colorado; and

WHEREAS, the Property provides opportunities for appropriate, nature-based recreation including trails and trailhead amenities for public access, which provides an additional conservation value of great importance to the parties, the people of Larimer County and the people of the State of Colorado; and

WHEREAS, in consideration of a \$750,000 contribution from Fort Collins and a \$500,000 contribution from Loveland towards the purchase of the Ranch Property, the County intends to convey a conservation easement (the “Conservation Easement”) to Fort Collins and Loveland on the Ranch Property following the acquisition to protect the Conservation Values into perpetuity; and

WHEREAS, the parties desire to cooperate and contract with one another concerning the sharing of acquisition costs and responsibilities for the conservation of the Ranch Property.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

A. Subject Property/Easement

1. The County will make reasonable efforts to acquire fee title to the Ranch Property.

2. The cost for conserving the Ranch Property, including the purchase price for the Ranch Property, conveyance of the Conservation Easement (including closing costs and title insurance), Mineral Remoteness Opinion, and Baseline Report is estimated to be approximately \$9,029,850.00 as shown in **Exhibit B**, attached hereto and incorporated herein by reference. The County, Fort Collins, and Loveland are responsible for paying the estimated costs designated to each of them in **Exhibit B**.

(a) Fort Collins will contribute \$750,000 and Loveland will contribute \$500,000 toward the cost of the acquisition of the Ranch Property in exchange for the County granting the Conservation Easement on the Ranch Property to be co-held by Fort Collins and Loveland.

(b) The County will use the full \$1,250,000 contributed by Fort Collins and Loveland to acquire the Ranch Property, which acquisition is expected to close in 2022.

(c) The County, at its sole discretion, will have the option to divest itself of approximately 150 acres of the Southeast corner of the Ranch Property, being more particularly described in **Exhibit C**, attached hereto and incorporated herein by reference (collectively, the “Excluded Parcels”). The County will receive all proceeds from the sale of the Excluded Parcels.

- (d) The County will pay all due diligence costs associated with the fee acquisition of the Ranch Property. The parties agree to share the due diligence costs associated with the conveyance of the Conservation Easement from the County to Fort Collins and Loveland. These estimated costs are shown in **Exhibit B**.
- (e) If either the County, Fort Collins, or Loveland determines it is unable to pay its share of any unanticipated costs, they agree to negotiate in good faith to reach a resolution such that the acquisition of the Ranch Property and conveyance of the Conservation Easement may be completed. Such resolution may include modifying the amount each party will pay for the unanticipated costs.
- (f) Provided the County acquires the Ranch Property, prior to December 31, 2023, the County will convey the Conservation Easement on the Ranch Property to Fort Collins and Loveland as co-holders of the Conservation Easement. Fort Collins and Loveland will prepare the Conservation Easement instrument covering the entire Ranch Property, less any portion of the Excluded Parcels the County chooses not to include, in collaboration with the County. The County may choose to exclude all or portions of the Excluded Parcels from the Conservation Easement with covenants or deed restrictions that preserve the conservation values of the area including wildlife corridors, viewsheds and native landscapes. If the Excluded Parcels are included, the Conservation Easement shall be written to allow the subdivision and subsequent sale of the Excluded Parcels at the County's discretion. The terms and conditions of the Conservation Easement will be substantially the same as the form conservation easement template attached as **Exhibit D** which the County, Fort Collins and Loveland agree must be completed and revised (including exhibits thereto) subject to approval of the the County, Fort Collins, and Loveland each in their sole and separate subjective discretion prior to the conveyance of the Conservation Easement.
- (g) Conveyance of the Conservation Easement is also subject to prior approval by the Larimer County Board of County Commissioners in its discretion by final adoption of a resolution. If the Board of County Commissioners does not pass such a resolution on or before December 31, 2023, or if the parties cannot agree on the form of the Conservation Easement, then this IGA shall terminate, all parties shall be released from their obligations hereunder and Fort Collins and Loveland shall be entitled to a full refund of their contributions towards the County's purchase of the Ranch Property.
- (h) Upon completion of the transaction the County shall submit the Conservation Easement to the Larimer County Clerk and Recorder for recording in the real property records of the County and shall provide a copy of the recorded Conservation Easement to Fort Collins and Loveland upon completion of recording.

4. Following the closing for acquisition of the Ranch Property and conveyance of the Conservation Easement, the County, Fort Collins and Loveland will prepare a summary report similar to **Exhibit B** showing the exact costs paid by each party. The costs paid by each party shall not be construed as equivalent to the value of the property interest held by such party.

5. Until such time as the closing and conveyance of the Ranch Property, the County shall remain the primary negotiator with the landowner. Additionally, the County shall have the discretion to make decisions related to the negotiations including choice of surveyor, title company, and other administrative matters, consistent with this Agreement. The parties shall promptly communicate with each other on any new developments in the negotiations and new material information related to the subject property and the Conservation Easement acquisition.

6. Until such time as the closing and conveyance of the Conservation Easement, Fort Collins and Loveland shall act to uphold the Conservation Values inherent to the Ranch Property as if the Conservation Easement is in place. No party shall take action that could impede or inhibit (i) the acquisition of the Ranch Property by the County, (ii) the divestment of the Excluded Parcels by the County to a third party, and/or (iii) the conveyance of the Conservation Easement to Fort Collins and Loveland.

**B. Management of the Ranch Property**

1. The County will manage the Ranch Property in accordance with management priorities for County open spaces in a similar geographic location. Within twenty-four (24) months of Conservation Easement conveyance to the cities, the County will complete an interim stewardship plan outlining management goals for the property until such time the County performs a full management plan that includes stakeholder and public input. As part of its ownership and management of the Ranch Property, the County shall have the right to assess and retain all revenues associated with user fees or other real income generated through leases, etc. on the site as deemed appropriate.

2. In the event of emergency circumstances requiring immediate response prior to the development of a management plan for the Ranch Property, the County shall be entitled to use reasonable discretion in responding to such circumstances. If possible, the County shall consult with Fort Collins and Loveland in advance of any action being taken. In the event advance consultation is not reasonably possible, the County shall limit its actions to those necessary to address the existing emergency and shall make reasonable efforts to inform Fort Collins and Loveland promptly of any such event and chosen course of action.

**C. Subsequent Sale and/or Transfer of the Ranch Property or Conservation Easement Interests**

1. If the County desires to sell all or any portion of its fee interest in the Ranch Property, not including the "Excluded Parcels" described in Section A.2(c), the County shall provide written notice to Fort Collins and Loveland of its intention to sell its interest ("Notice of Intent to Sell"). Fort Collins and/or Loveland shall have a right of first refusal ("Option") to purchase such interest ("Interest") for its fair market value.

(a) Fort Collins and/or Loveland shall have thirty (30) days from the date of the Notice of Intent to Sell to notify the County if it is interested in purchasing the Interest. The parties shall then jointly select an appraiser to determine the fair market value of the Interest. The cost of such appraisal shall be split equally between the parties.

(b) Fort Collins and/or Loveland shall notify the County within thirty (30) days following the completion of the appraisal whether it intends to purchase the Interest. The parties

shall then work in good faith to negotiate a purchase and sale agreement and any necessary documents for completion of the sale. The Option shall expire if Fort Collins and/or Loveland do not, within thirty (30) days of the completion of the appraisal, notify the County that it intends to purchase the Interest.

- (c) If Fort Collins and/or Loveland timely notify the County of its intent to purchase, the Option shall nonetheless expire two years after the date of the Notice of Intent to Purchase if the parties, acting in good faith, have not closed on the conveyance of the Interest by that time.
- (d) If Fort Collins and/or Loveland decline to purchase the Interest, either before or after having the Interest appraised, the County may then convey the Interest to a third-party as it chooses without compensation to Fort Collins or Loveland, as long as such sale of the Interest is subject to the terms of the Conservation Easement and any other existing encumbrances, restrictions, or conditions applicable to the conveyed property.

2. After the conveyance of the Conservation Easement to Fort Collins and Loveland, if the County desires to sell all or any portion of its fee interest in the Ranch Property that is subject to the Conservation Easement, including easements or rights of way, and Fort Collins or Loveland notifies the County of a potential adverse impact of the proposed sale on the remaining interests in the Ranch Property or the Conservation Easement, the parties agree to negotiate in good faith to resolve the issue prior to the conveyance of such interests, as described in the Conservation Easement.

3. If all or any portion of the Ranch Property is taken by eminent domain prior to the County's conveyance of the Conservation Easement to Fort Collins and Loveland, the net proceeds from such disposition shall be divided between the County, Fort Collins, and Loveland in the same percentage as their respective contributions to the initial purchase payments for acquiring the property interests taken as defined in **Exhibit B**. Proceeds from such conveyance shall be subject to the provisions of each party's respective applicable policies, ordinances, resolutions, and plans. If all or any portion of the Ranch Property is taken by eminent domain after conveyance of the Conservation Easement, the compensation received for the taking shall be divided between the parties as described in the Conservation Easement.

4. If either Fort Collins or Loveland wishes to assign its interest in the Conservation Easement (including any form of transfer or conveyance) to a third party, it shall provide written notice to the County of its intention to do so and the identity of the proposed assignee ("Notice"). The County shall have thirty (30) days from receipt of the Notice to notify Fort Collins and/or Loveland of any reasonable objection the County has to the proposed assignment and the basis for such objection. If the County raises such an objection, the parties agree to negotiate in good faith to resolve the issue prior to the assignment of the Conservation Easement. Per the terms of the Conservation Easement, Fort Collins and/or Loveland shall have the authority to assign the Conservation Easement despite objection by the County provided that Fort Collins and/or Loveland has negotiated in good faith with the County to resolve the objection. The parties understand and acknowledge that if Fort Collins and/or Loveland assigns the Conservation Easement to a third-party, said party may not receive any payment for such transfer, and neither Fort Collins, Loveland nor the County would be entitled to recover any portion of its initial contribution to the value of the Conservation Easement.

5. Nothing in this Section C shall be construed to affect the sale of the Excluded Parcels. The County may divest itself of the Excluded Parcels to a third party at its sole discretion as if the Excluded Parcels are not part of this Intergovernmental Agreement.

D. General Provisions.

1. Each party agrees to execute all additional instruments and documents necessary to effectuate the transactions and purposes described herein, subject to any necessary approvals.

2. This Agreement shall be binding upon and inure to the benefit of the parties' respective successors and permitted assigns.

3. Financial obligations of the parties payable after the current fiscal year are contingent upon the governing bodies of the parties, in their discretion, appropriating funds sufficient and intended for such purposes.

4. Each party is responsible for its own negligence and that of its officers, employees, and volunteers. Nothing in this Agreement waives the immunities, limits of liability, or other terms and conditions of the Colorado Governmental Immunity Act as now in force or hereafter amended.

5. Any notices required or permitted to be given shall be in writing and personally delivered to the office of the parties hereof, or sent by first class mail, postage prepaid, or by overnight commercial courier, addressed as follows:

Katie Donahue	Marilyn Hilgenberg	Daylan Figgs
Natural Areas Director	Open Lands & Trails Manager	Natural Resources Director
City of Fort Collins – Natural Areas Department	City of Loveland Parks & Recreation Department	Larimer County Natural Resources Department
PO Box 580 Fort Collins, CO 80522	500 E Third St, Suite 200 Loveland, CO 80537	1800 S County Rd 31 Loveland, CO 80537
<a href="mailto:kdonahue@fcgov.com">kdonahue@fcgov.com</a>	<a href="mailto:Marilyn.hilgenberg@cityofloveland.org">Marilyn.hilgenberg@cityofloveland.org</a>	<a href="mailto:dfiggs@larimer.org">dfiggs@larimer.org</a>

Any such notice shall be effective (i) in the case of personal delivery or by overnight commercial courier, when the notice is actually received, or (ii) in the case of first-class mail, the third day following deposit in the United States mail, postage prepaid, addressed as set forth above. Any party may change these persons or addresses by giving notice as required above.

6. If any party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default thereof. If a party has been declared in default, such defaulting party shall be allowed a period of ten (10) days within which to cure said default. In the event the default remains uncorrected, the party declaring default may elect to (a) terminate the Agreement and seek damages; (b) treat the Agreement as continuing and require specific performance; or (c) avail itself of any other remedy at law or equity. If a non-defaulting party commences legal or equitable actions against the defaulting party, the defaulting party shall be liable to the non-defaulting party for the non-defaulting party's reasonable attorney fees and costs incurred because of the default.

7. Nothing in this Agreement shall imply any partnership, joint venture, or other association between the County, Fort Collins, and Loveland. Each party shall have sole responsibility for the content and the conduct of its activities. No party shall use another's name or logo to suggest co-sponsorship or endorsement of any activity without the other's prior written approval.

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement concerning the Heaven's Door Ranch Conservation Project, on the day and year first above written.

THE CITY OF FORT COLLINS, COLORADO,  
A Municipal Corporation

By: \_\_\_\_\_  
Jeni Arndt, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Senior Assistant City Attorney

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print name)

THE CITY OF LOVELAND, COLORADO,  
A Municipal Corporation

By: \_\_\_\_\_  
Stephen C. Adams, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney



BOARD OF COUNTY COMMISSIONERS  
LARIMER COUNTY, COLORADO

By: \_\_\_\_\_  
Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
County Attorney

**"Heaven's Door LLC Property"**

That portion of Sections 9, 10, 11, 14, 15, and 22, Township 5 North, Range 70 West of the 6th P.M., LARIMER COUNTY, COLORADO, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Beginning at the Southeast corner of said Section 15; thence along the South line of the Southeast 1/4 of said Section 15 South 87°34'44" West 2776.97 feet to the East line of the West 1/2 of said Section 22; thence along said East line South 00°06'55" East 3958.23 feet to the South line of the Northeast 1/4 of the Southwest 1/4 of said Section 22; thence along said South line North 89°51'05" West 1312.60 feet to the West line of said Northeast 1/4 of the Southwest 1/4; thence along said West line and along the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 22 North 00°01'18" West 2605.05 feet to the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 22; thence along said South line South 89°37'07" West 1308.28 feet to the West line of said Northwest 1/4 of Section 212; thence along said West line North 00°04'33" East 1296.47 feet to the

Southwest corner of said Section 15; thence along the West line of said Section 15 North 01°58'15" West 5183.00 feet to the South line of the Southeast 1/4 of said Section 9; thence along said South line North 85°42'29" West 2495.14 feet to the South 1/4 corner of said Section 9; thence along the South line of the Southwest 1/4 of said Section 9 North 89°32'42" West 1264.97 feet to the West line of the East 1/2 of said Southwest 1/4 of Section 9; thence along said West line North 00°38'50" West 2451.39 feet to the North line of said East 1/2 of the Southwest 1/4 of Section 9; thence along said North line South 88°51'38" East 1191.37 feet to the West line of the Northeast 1/4 of said Section 9; thence along said West line North 02°26'47" West 1307.86 feet to the North line of the South 1/2 of said Northeast 1/4 of Section 9; thence along said North line South 88°18'50" East 2555.81 feet to

the West line of said Section 10; thence along the North line of the South 1/2 of the Northwest 1/4 of said Section 10 North 85°59'28" East 2787.97 feet to the East line of said Northwest 1/4 of Section 10; thence along the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 10 North 85°59'02" East 402.77 feet to the Southwesterly right-of-line of

U.S. Highway 34; thence along said right-of-way line South 29°34'54" East 2575.00 feet and again North 62°18'01" East 10.00 feet to a point of intersection with a non-tangent curve concave Northeasterly, having a radius of 995.00 feet and a central angle of 57°57'08"; thence Southeasterly along the arc of said curve to the left from which the local tangent at the beginning point bears South 29°34'53" East, a distance of 1008.40 feet, said arc subtended by a chord which bears South 58°33'27" East a distance of 964.05 feet to the

point of intersection with a non-tangent line. Thence North 88°50'41" East a distance of 66.83 feet; thence South 01°14'34" West 20.00 feet; thence North 83°36'48" East 174.83 feet; thence North 78°40'25" East 171.32 feet to the Westerly line of Rock Ridge Ranch the following four courses and distances:

South 02°13'55" East 397.38 feet;  
South 02°28'53" East 1052.42 feet;  
South 03°08'01" East 1812.59 feet;  
South 05°10'40" East 467.05 feet

to the South line of the Northwest 1/4 of said Section 14; thence along said South line North 89°58'54" West 235.66 feet to the East line of the Southeast 1/4 of said Section 15; thence along said East line South 00°05'57" West 2652.93 feet to the POINT OF BEGINNING.

EXCEPTING Tracts A, B, D and F as described in Deed recorded in Book 899 Page 438, and also EXCEPTING therefrom any portion of the above described land lying in the tracts of land as described in deeds recorded in Book 426 page 393, and Book 426 Page 399, records of said county. County of Larimer, State of Colorado

ALSO EXCEPTING those portions contained in Deeds recorded May 8, 1996 at Reception Number 96032350 and Reception Number 96032352.

**"Rose Trust Property"**

DESCRIPTION – PARCEL 3:

That portion of the Southeast 1/4 of Section 10, and the Southwest 1/4 of Section 11, all in Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Commencing at the West 1/4 corner of Section 14, Township 5 North, Range 70 West of the 6th P.M.; thence along the South line of the Northwest 1/4 of said Section 14, South 89°58'54" East, a distance of 235.66 feet to the West line of Rock Ridge Ranch; thence along said West line North 05°10'40" West, a distance of 467.05 feet; thence North 03°08'01" West, a distance of 1812.59 feet; thence North 02°28'53" West, a distance of 624.78 feet to the TRUE POINT OF BEGINNING; thence leaving said West line, West a distance of 2152.74 feet to the Easterly right-of-way line of the Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 02°20'06" West, a distance of 20.32 feet to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 507.00 feet and a central angle of 22°25'02"; thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 01°33'33" East, a distance of 198.37 feet, said arc subtended by a chord which bears North 09°38'59" West, a distance of 197.10 feet to the point of intersection with a non-tangent line; thence North 24°38'03" West, a distance of 56.94 feet to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 448.00 feet and a central angle of 16°08'44"; thence Northwesterly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 23°31'40" West, a distance of 126.24 feet, said arc subtended by a chord which bears North 15°27'18" West, a distance of 125.83 feet to the point of intersection with a non-tangent line; thence North 08°35'39" West, a distance of 286.11 feet; thence leaving said Easterly right-of-way line North 81°24'01" East, a distance of 1469.37 feet to the Southwesterly right-of-way line of U.S. Highway 34 and a point of intersection with a non-tangent curve, concave Northerly, having a radius of 995.00 feet and a central angle of 23°26'53"; thence along said right-of-way Southeasterly along the arc of said curve to the left, from which the local tangent at the beginning point bears South 63°54'06" East, a distance of 407.20 feet, said arc subtended by a chord which bears South 75°37'33" East, a distance of 404.36 feet to the point of intersection with a non-tangent line; thence North 88°50'41" East, a distance of 66.83 feet; thence South 01°14'34" West, a distance of 20.00 feet; thence North 83°36'48" East, a distance of 174.83 feet; thence North 78°40'25" East, a distance of 171.32 feet to said Westerly line of Rock Ridge Ranch; thence along said Westerly line South 02°13'55" East, a distance of 397.38 feet; thence South 02°28'53" East, a distance of 427.65 feet to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

DESCRIPTION – PARCEL 6:

That portion of the Northeast 1/4 of Section 15, and the Northwest 1/4 of Section 14, all in Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Commencing at the West 1/4 corner of said Section 14; thence along the South line of the Northwest 1/4 of said Section 14 South 89°58'54" East, a distance of 235.66 feet to the West line of Rock Ridge Ranch; thence along said West line North 05°10'40" West, a distance of 467.05 feet to the TRUE POINT OF BEGINNING; thence leaving said West line South 88°25'58" West, a distance of 2032.58 feet to the Easterly right-of-way line of the Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 06°32'03" East, a distance of 161.47 feet to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 697.96 feet and a central angle of 16°42'36"; thence Northerly

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along the arc of said curve to the left, from which the local tangent at the beginning point bears North 03°56'59" East, a distance of 203.56 feet, said arc subtended by a chord which bears North 04°24'19" West, a distance of 202.84 feet to the point of intersection with a non-tangent line; thence North 16°14'10" West, a distance of 63.58 feet to the beginning of a curve, concave Easterly, having a radius of 447.96 feet and a central angle of 15°11'00"; thence Northerly along the arc of said curve to the right, a distance of 118.71 feet, said arc subtended by a chord which bears North 08°38'40" West, a distance of 118.36 feet to the point of intersection with a non-tangent line; thence North 01°02'03" West, a distance of 282.25 feet; thence North 00°01'22" West, a distance of 44.66 feet; thence leaving said Easterly right-of-way line East, a distance of 2025.25 feet to said West line of Rock Ridge Ranch; thence along said West line South 03°08'01" East, a distance of 813.22 feet to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

DESCRIPTION – PARCEL 9:

That portion of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Beginning at the Southeast corner of said Section 15; thence along the South line of the Southeast 1/4 of said Section 15 South 87°34'44" West, a distance of 1157.92 feet to the Easterly line of Tract F of the Horsetooth Feeder Canal; thence along said Easterly line North 01°19'35" East, a distance of 823.78 feet; thence North 35°16'00" West, a distance of 484.20 feet; thence North 54°44'00" East, a distance of 119.10 feet; thence leaving said Easterly line North 89°13'36" East, a distance of 1322.44 feet to the East line of the Southeast 1/4 of said Section 15; thence along said East line South 00°05'57" West, a distance of 1256.60 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

**"Eagle Trust Property"**

DESCRIPTION – PARCEL 1:

That portion of Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Beginning at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 10; thence along the North line of said Southwest 1/4 of the Northeast 1/4 North 85°59'02" East, a distance of 402.77 feet to the Southwesterly right-of-way of U.S. Highway 34; thence along said Southwesterly right-of-way line South 29°34'54" East, a distance of 1564.25 feet; thence leaving said right-of-way line South 60°25'06" West, a distance of 269.62 feet; thence South 79°06'30" West, a distance of 389.02 feet; thence South 57°27'01" West, a distance of 460.18 feet to the Easterly right-of-way line of the Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 32°42'37" West, a distance of 486.71 feet to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 257.00 feet and a central angle of 31°02'17"; thence Northwesterly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 32°29'22" West, a distance of 139.22 feet, said arc subtended by a chord which bears North 16°58'13" West, a distance of 137.53 feet to the point of intersection with a non-tangent line; thence North 01°54'11" West, a distance of 22.31 feet to a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 411.50 feet and a central angle of 46°18'03"; thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 01°13'44" West, a distance of 332.53 feet, said arc subtended by a chord which bears North 24°22'45" West, a distance of 323.56 feet to the point of intersection with a non-tangent line; thence North 47°58'04" West, a distance of 358.55 feet; thence North 41°56'26" East, a distance of 646.90 feet; thence North 04°00'34" West, a distance of 199.60 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 10; thence along said North line 85°59'26" East, a distance of 116.40 feet to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

DESCRIPTION – PARCEL 4:

That portion of the Southeast 1/4 of Section 10, and the Southwest 1/4 of Section 11, and the Northeast 1/4 of Section 15, and the Northwest 1/4 of Section 14, all in Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Commencing at the W 1/4 corner of said Section 14; thence along the South line of the Northwest 1/4 of said Section 14, South 89°58'54" East, a distance of 235.66 feet to the West line of Rock Ridge Ranch; thence along said West line North 05°10'40" West, a distance of 467.05 feet; thence North 03°08'01" West, a distance of 1633.84 feet to the TRUE POINT OF BEGINNING; thence leaving said West line, West a distance of 2122.47 feet to the Easterly right-of-way of the Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 08°34'59" West, a distance of 93.34 feet to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 66.00 feet and a central angle of 25°58'39"; thence Northerly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 06°38'19" West a distance of 29.92 feet, said arc subtended by a chord which bears North 06°21'00" East, a distance of 29.67 feet to the point of intersection with a non-tangent line; thence North 17°08'39" East, a distance of 97.68 feet to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 411.50 feet and a central angle of 38°29'53"; thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning

point bears North 14°03'19" East, a distance of 276.50 feet, said arc subtended by a chord which bears North 05°11'39" West, a distance of 271.32 feet to the point of intersection with a non-tangent line; thence North 21°09'41" West, a distance of 86.23 feet to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 448.00 feet and a central angle of 18°57'22"; thence Northerly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 19°33'13" West, a distance of 148.22 feet, said arc subtended by a chord which bears North 10°04'32" West, a distance of 147.54 feet to the point of intersection with a non-tangent line; thence Northerly 02°20'06" West, a distance of 91.75 feet; thence leaving said Easterly right-of-way line, East, a distance of 2152.74 feet to said West line of Rock Ridge Ranch; thence along said West line South 02°28'53" East, a distance of 803.53 feet to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

DESCRIPTION – PARCEL 7:

That portion of the East 1/2 of Section 15, and the West 1/2 of Section 14, all in Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Commencing at the Southeast corner of said Section 15; thence along the East line of said Southeast 1/4 of said Section 15 North 00°05'57" East, a distance of 2229.83 feet to the TRUE POINT OF BEGINNING; thence West, a distance of 1685.71 feet to the Easterly right-of-way line of Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 07°05'55" West, a distance of 235.69 feet to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 945.90 feet and a central angle of 06°56'40"; thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 07°43'43" West, a distance of 114.65 feet, said arc subtended by a chord which bears North 11°12'03" West, a distance of 114.58 feet to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 1195.90 feet and a central angle of 03°25'31"; thence Northerly along the arc of said curve to the left, from which point the local tangent at the beginning point bears North 11°26'22" West, a distance of 71.49 feet, said arc subtended by a chord which bears North 13°09'07" West, a distance of 71.48 feet to the point of intersection with a non-tangent line; thence North 15°00'46" West, a distance of 309.38 feet to the beginning of a curve, concave Easterly, having a radius of 250.00 feet and a central angle of 21°32'49"; thence Northerly along the arc of said curve to the right, a distance of 94.02 feet, said arc subtended by a chord which bears North 04°14'24" West, a distance of 93.46 feet to the point of intersection with a non-tangent line; thence North 06°32'03" East, a distance of 24.84 feet; thence leaving said Easterly right-of-way line North 88°25'58" East, a distance of 2032.58 feet to the West line of Rock Ridge Ranch; thence along said West line South 05°10'40" East, a distance of 467.05 feet to the South line of the Northwest 1/4 of said Section 14; thence along said South line North 89°58'54" West, a distance of 235.66 feet to said East line of the Southeast 1/4 of Section 15; thence along said East line South 00°05'57" West, a distance of 423.10 feet to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

EXHIBIT A  
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**"KSL Real Estate LLC Property"**

**Parcel I:**

The SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., together with a tract of land situate in the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the SW  $\frac{1}{4}$  of said Section 14 as bearing South 89°10'40" East and with all bearings contained herein relative thereto:

Beginning at the SW corner of said Section 14, thence along the West line of the SW  $\frac{1}{4}$  of said Section 14, North 00°46'27" East 1325.52 feet to the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14 as monumented in the field, thence along the South line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14, South 89°15'21" East 792.70 feet to the true point of beginning, thence continuing along said South line South 89°15'21" East 569.59 feet to the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14 as monumented in the field, thence along the East line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14, North 00°11'57" East 120.00 feet, thence North 89°15'21" West 200.00 feet, thence South 74°06'50" West 384.34 feet, thence South 01°46'15" West 10.00 feet to the true point of beginning, County of Larimer, State of Colorado.

Together with access to the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  in accordance with the following described easement:  
**ROAD EASEMENT A**

A 60.00 feet ingress, egress easement being 30.00 feet on each side of the following described centerline: Considering the North line of the NW  $\frac{1}{4}$  of Section 23, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado as bearing South 89°10'40" East and with all bearings contained herein relative thereto: Beginning at the North  $\frac{1}{4}$  corner of said Section 23; thence along the North line of said NW  $\frac{1}{4}$  North 89°10'40" West 30.00 feet to the true point of beginning of said centerline of said easement; thence along said centerline the thirteen (13) following courses and distances: North 00°22'26" West 95.20 feet; North 21°50'20" West 56.40 feet; North 69°38'13" West 62.90 feet; South 82°53'28" West 57.70 feet; South 60°29'23" West 101.20 feet; South 54°07'20" West 396.20 feet; South 41°43'26" West 381.40 feet; South 65°59'53" West 195.80 feet; North 88°44'22" West 191.40 feet; North 66°37'11" West 220.71 feet; North 56°06'01" West 275.00 feet; North 40°06'39" West 347.50 feet; North 89°10'40" West 899.60 feet to the end of said centerline of said easement, County of Larimer, State of Colorado.

**Parcel II:**

The NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., County of Larimer, State of Colorado, except that portion of the above described land as conveyed in Warranty Deed recorded November 20, 1990 at Reception No. 90053166, County of Larimer, State of Colorado.

## EXHIBIT B

**Heaven's Door Ranch Conservation Project****Draft IGA Cost Data***Costs are Estimates and are subject to change*

Property	Acres	Larimer County	Fort Collins	Loveland	Total
<b>Heaven's Door Ranch Fee Purchase</b>					
Land Acquisition	1,547	\$7,750,000	\$750,000	\$500,000	\$9,000,000
Closing Costs		\$8,080			\$8,080
Environmental Assessment		\$4,000			\$4,000
Inspection		\$2,270			\$2,270
Subtotal					\$9,014,350
<b>Heaven's Door Ranch Conservation Easement</b>					
Easement Acquisition			\$750,000	\$500,000	
Baseline Report			\$6,000	\$6,000	\$12,000
Mineral Remoteness Report			\$1,250	\$1,250	\$2,500
CE Closing Costs			\$500	\$500	\$1,000
Subtotal					\$15,500
<b>Grand TOTALS</b>	<b>1547</b>	<b>\$7,764,350</b>	<b>\$757,750</b>	<b>\$507,750</b>	<b>\$9,029,850</b>



DESCRIPTION – PARCEL 8:

That portion of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Commencing at the Southeast corner of said Section 15; thence along the East line of the Southeast 1/4 of said Section 15 North 00°05'57" East, a distance of 1256.60 feet to the TRUE POINT OF BEGINNING; thence South 89°13'36" West, a distance of 1322.44 feet to the Easterly right-of-way line of the Horsetooth Feeder Canal; thence along said Easterly right-of-way line North 00°52'01" West, a distance of 150.10 feet; thence South 89°08'00" West, a distance of 205.00 feet; thence North 00°52'00" West, a distance of 137.30 feet; to the beginning of a curve, concave Westerly, having a radius of 799.10 feet and a central angle of 15°49'22", thence Northerly along the arc of said curve to the left, a distance of 220.68 feet, said arc subtended by a chord which bears North 08°46'41" West, a distance of 219.98 feet to the point of intersection with a non-tangent line; thence North 17°19'22" West, a distance of 250.42 feet; to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 1020.90 feet and a central angle of 09°02'59", thence Northerly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 16°14'27" West, a distance of 161.25 feet, said arc subtended by a chord which bears North 11°42'57" West, a distance of 161.08 feet to the point of intersection with a non-tangent line; thence North 07°05'56" West, a distance of 93.33 feet; thence leaving said Easterly right-of-way line East, a distance of 1685.71 feet to said East line of the Southeast 1/4 of Section 15; thence along said East line, South 00°05'57" West, a distance of 973.23 feet, to the TRUE POINT OF BEGINNING, County of Larimer, State of Colorado.

DESCRIPTION – PARCEL 9:

That portion of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, described as follows:

Considering the East line of the Southeast 1/4 of Section 15, Township 5 North, Range 70 West of the 6th P.M., Larimer County Colorado as monumented at the East 1/4 corner with an obliterated cap on a 1" pipe, and at the Southeast corner with a 2" iron pipe, as bearing North 00°05'57" East and with all bearings contained herein relative thereto.

Beginning at the Southeast corner of said Section 15; thence along the South line of the Southeast 1/4 of said Section 15 South 87°34'44" West, a distance of 1157.92 feet to the Easterly line of Tract F of the Horsetooth Feeder Canal; thence along said Easterly line North 01°19'35" East, a distance of 823.78 feet; thence North 35°16'00" West, a distance of 484.20 feet; thence North 54°44'00" East, a distance of 119.10 feet; thence leaving said Easterly line North 89°13'36" East, a distance of 1322.44 feet to the East line of the Southeast 1/4 of said Section 15; thence along said East line South 00°05'57" West, a distance of 1256.60 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

EXHIBIT A  
**EXHIBIT "C"**  
Excluded Parcels

Item 19.

Parcel I:

The SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., together with a tract of land situate in the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the SW  $\frac{1}{4}$  of said Section 14 as bearing South 89°10'40" East and with all bearings contained herein relative thereto:

Beginning at the SW corner of said Section 14, thence along the West line of the SW  $\frac{1}{4}$  of said Section 14, North 00°46'27" East 1325.52 feet to the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14 as monumented in the field, thence along the South line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14, South 89°15'21" East 792.70 feet to the true point of beginning, thence continuing along said South line South 89°15'21" East 569.59 feet to the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14 as monumented in the field, thence along the East line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 14, North 00°11'57" East 120.00 feet, thence North 89°15'21" West 200.00 feet, thence South 74°06'50" West 384.34 feet, thence South 01°46'15" West 10.00 feet to the true point of beginning, County of Larimer, State of Colorado.

Together with access to the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  in accordance with the following described easement:  
ROAD EASEMENT A

A 60.00 feet ingress, egress easement being 30.00 feet on each side of the following described centerline: Considering the North line of the NW  $\frac{1}{4}$  of Section 23, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado as bearing South 89°10'40" East and with all bearings contained herein relative thereto: Beginning at the North  $\frac{1}{4}$  corner of said Section 23; thence along the North line of said NW  $\frac{1}{4}$  North 89°10'40" West 30.00 feet to the true point of beginning of said centerline of said easement; thence along said centerline the thirteen (13) following courses and distances: North 00°22'26" West 95.20 feet; North 21°50'20" West 56.40 feet; North 69°38'13" West 62.90 feet; South 82°53'28" West 57.70 feet; South 60°29'23" West 101.20 feet; South 54°07'20" West 396.20 feet; South 41°43'26" West 381.40 feet; South 65°59'53" West 195.80 feet; North 88°44'22" West 191.40 feet; North 66°37'11" West 220.71 feet; North 56°06'01" West 275.00 feet; North 40°06'39" West 347.50 feet; North 89°10'40" West 899.60 feet to the end of said centerline of said easement, County of Larimer, State of Colorado.

Parcel II:

The NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, Township 5 North, Range 70 West of the 6th P.M., County of Larimer, State of Colorado, except that portion of the above described land as conveyed in Warranty Deed recorded November 20, 1990 at Reception No 90053166, County of Larimer, State of Colorado.

EXHIBIT A  
EXHIBIT "D"

Conservation Easement Template

Item 19.

**DEED OF CONSERVATION EASEMENT**  
**FROM**  
**LARIMER COUNTY, GRANTOR**  
**TO**  
**CITY OF FORT COLLINS AND CITY OF LOVELAND, GRANTEE**

This DEED OF CONSERVATION EASEMENT ("Deed" or "Conservation Easement" or "Easement") is granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Board of County Commissioners of Larimer County, Colorado, a governmental subdivision of the state of Colorado, having its principal address at 200 West Oak Street, Fort Collins, CO 80521, (hereinafter referred to as "**Grantor**"), to and for the benefit of City of Fort Collins, Colorado, a Colorado municipal corporation, having its principal address at P.O. Box 580, Fort Collins, CO 80522 and the City of Loveland, Colorado, a Colorado municipal corporation, having its principal address at 500 E. 3<sup>rd</sup> Street, Loveland, CO 80537 (jointly hereinafter referred to as "**Grantee**"). (Grantor and Grantee may be individually referred to herein as a "**Party**" and collectively referred to herein as "**Parties**.") The following exhibits are attached hereto and are incorporated by reference:<sup>1</sup>

- |            |   |  |
|------------|---|--|
| Exhibit A  | - | Legal Description of Property  |
| Exhibit B  | - | Survey Map of Property [including Surveyed Building Envelope(s), trails, roads, and other features designated herein]. |
| Exhibit C  | - | Baseline Acknowledgement   |
| Exhibit D  | - | Water Rights   |
| [Exhibit X | - | XYZ]   |

**RECITALS:**

A. **Property.** Grantor is the sole owner in fee simple of approximately \_\_\_\_ acres of real property located in Larimer County, Colorado more particularly described in **Exhibit A**<sup>2</sup> attached hereto and generally depicted on the map attached hereto as **Exhibit B** (the "**Property**"). Hereinafter, "**Grantor**" means the Grantor described above and successors to, and transferees and assigns of, Grantor's interest in the Property.

B. **Conservation Values.** The Property possesses **relatively natural wildlife and plant habitat, significant open space, agricultural land, water or cultural resources, educational, recreational and scenic and other aesthetic and ecological values** (the "**Conservation Values**") of great importance to Grantor, Grantee, the people of Larimer County and the people of the State of Colorado.

In particular, the Property contains the following characteristics which are also included within the definition of Conservation Values.

- i. The property is in a natural state with the exception of \_\_\_\_\_.
- ii. Other important habitat features include \_\_\_\_\_.
- iii. The Property is highly visible from \_\_\_\_\_.

<sup>1</sup> The names of the Parties should appear in identical form listed in the title commitment (including proper corporate form, as determined by the Colorado Secretary of State's website, a.k.a., d.b.a., etc. as applicable).

<sup>2</sup> Check the attached legal description against the title commitment and the vesting deed for the Property.

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- iv. The Property provides habitat and migration corridors for a broad range of wildlife species, including bighorn sheep, elk, deer, turkeys, black bears, mountain lions, bobcats, coyotes, foxes, and numerous small mammals and birds.

v. <sup>3</sup>

C. Conservation of this property is consistent with the following federal, state and local governmental policies:

- i. C.R.S. § 33-1-101, et seq., provides in relevant part that "it is the declared policy of the State of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors."
- ii. C.R.S. § 38-30.5-101, et seq., provides for the establishment of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest, or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity, or appropriate to the conservation and preservation of buildings, sites, or structures having historical, architectural, or cultural interest or value."
- iii. ...

D. Baseline Documentation Report. The Conservation Values are further documented in a written description of the property's condition as of the Effective Date, dated \_\_\_\_\_, prepared by \_\_\_\_\_, reviewed, approved, and signed by the Parties, kept on file with both Parties, and incorporated into this Conservation Easement by this reference (the "**Baseline Documentation**"). The Baseline Documentation consists of reports, maps, photographs and other documentation that Grantor and Grantee acknowledge provide, collectively, an accurate representation of the Property at the time of the Effective Date, and the Parties have acknowledged the same in a signed statement, a copy of which is attached as **Exhibit C**, and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Conservation Easement and assuring that any future changes to the Property are consistent with the Purpose as described in **Section 1** below. The Parties agree that the existence of the Baseline Report shall in no way limit the Parties' ability to use other pertinent information in resolving any controversy that may arise with respect to the condition of the Property as of the Effective Date.

E. Grantee is a governmental subdivision of the State of Colorado, with an open space program dedicated to land conservation, and a "qualified organization" under I.R.C. § 170(h) and Treas. Reg. § 1.170A-14(c), whose primary purpose is to preserve and protect significant open space, natural areas, wildlife habitat, and develop parks and trails for present and future generations.

F. Grantee is qualified to hold conservation easements as a governmental entity under C.R.S. § 38-30.5-104. Grantee is certified as license number CE0035 by the State of Colorado's Division of Real Estate pursuant to C.R.S. § 12-61-724 and 4 C.C.R. 725-4, Chapter 2, to hold conservation easements for which a tax credit is claimed.

G. Grantor intends to create a conservation easement under C.R.S. § 38-30.5-101, et seq., and Grantee agrees, by accepting this Deed, to preserve and protect in perpetuity the Conservation Values for the benefit of this and future generations.

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NOW, THEREFORE, in consideration of the recitals set forth above, and the mutual promises, covenants, terms, conditions, and restrictions contained herein, and for Grantor's charitable donation of a portion of the fair market value of the Deed for which Grantee did not provide goods or services to Grantor, and for Grantee's payment of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), and pursuant to the laws of the State of Colorado and, in particular, C.R.S. § 38-30.5-101, et seq., Grantor hereby voluntarily grants and conveys to Grantee, its successors and assigns, and Grantee hereby voluntarily accepts, a perpetual conservation easement in gross, an immediately vested interest in real property, over the Property, of the nature and character and to the extent hereinafter set forth.

1. **PURPOSE.** The purpose of this Conservation Easement is to preserve and protect in perpetuity the Conservation Values of the Property as they exist on the Effective Date and as they may evolve in the future, in accordance with I.R.C. § 170(h), Treas. Reg. § 1.170A-14 and C.R.S. § 38-30.5-101 et seq. ("**Purpose**"). To effectuate the Purpose, Grantor and Grantee agree: (i) to allow those uses of the Property that are expressly permitted by this Deed, subject to any limitations or restrictions stated herein, and those uses of the Property that do not materially adversely affect the Conservation Values; and (ii) to prevent any use of the Property that is expressly prohibited by this Deed or will materially adversely affect the Conservation Values.

2. **RIGHTS OF GRANTEE.** To accomplish the Purpose of this Conservation Easement, in addition to the rights described in C.R.S. § 38-30.5-101, et seq., and the rights of Grantee described elsewhere in this Deed, the following rights are granted to Grantee by this Deed:

A. The right to preserve and protect the Conservation Values of the Property in perpetuity;

B. The right to enter upon the Property at reasonable times in order to monitor Grantor's compliance with, and if necessary to enforce, the terms of this Deed, provided that Grantee shall provide reasonable prior notice to Grantor, except that such notice shall not be required in the event Grantee reasonably determines that immediate entry upon the Property is necessary to prevent or mitigate a violation of this Deed, in which case a reasonable attempt will be made by Grantee to notify Grantor prior to entry. Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property when exercising any such rights; and

C. The right to prevent any activity on or use of the Property that is inconsistent with the Purpose or the express terms of this Conservation Easement and to require or undertake the restoration of such areas or features of the Property as may be damaged by any inconsistent activity or use; and

D. The right to require Grantor to consult with Grantee regarding the negotiations of any and all agreements between Grantor and third parties that may impact or disturb any portion of the surface of the Property, including, but not limited to, easement agreements, utility easements, right-of-way agreements, surface use agreements, and lease agreements (other than those specifically related to the agricultural and recreational operations of the Property), and to have the right to approve any such agreement prior to such agreement being executed. Nothing herein is intended to require Grantee to approve any action or agreement that is inconsistent with the terms of this Deed.

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3. **RESERVED RIGHTS AND PERMITTED USES.**<sup>4</sup> Subject to the terms of this Deed, Grantor reserves all rights accruing from Grantor's ownership of the Property, including (i) the right to engage in or permit or invite others to engage in all uses of the Property that are expressly permitted by this Deed, subject to any limitations or restrictions stated herein, and those uses of the Property that do not materially adversely affect the Conservation Values; and (ii) to retain the economic viability of the Property and retain income derived from the Property from all sources that are consistent with the terms of this Deed. Grantor may not, however, exercise these retained rights in a manner that is expressly prohibited by this Deed or that materially adversely affects the Conservation Values. Without limiting the generality of the foregoing, Grantor reserves the specific rights set forth below.

A. The right to exclude any member of the public from trespassing on the Property;

B. **Right to Convey.** The right to sell, give, lease, bequeath, devise, mortgage, or otherwise encumber or convey the Property to anyone Grantor may choose subject to the following: (i) any lease, deed, or other conveyance or encumbrance is subject to this Deed, and any such document shall specifically incorporate the terms and conditions of this Deed by reference to this Deed; (ii) any lease or deed or other conveyance document shall specifically state which reserved rights have been exercised, if at all, and which reserved rights are specifically allocated to the new owner; and (iii) notice of any proposed conveyance or encumbrance as set forth in this **Section 3B** shall be subject to the provisions of **Section 15 (Transfer of the Property)** of this Deed.

C. **Land Stewardship.** To accomplish the preservation and protection of the Conservation Values in perpetuity, Grantor shall operate, manage and maintain the Property in a manner that promotes the continued viability of the conservation values on the Property while maintaining any permissible productive uses of the Property, subject to the provisions of **Section 5 (Land Stewardship Plan)** of this Deed. Specifically, Grantor agrees to conduct the activities listed below in a manner consistent with the Purpose. Notwithstanding the foregoing, Grantor and Grantee recognize that changes in economic conditions, in agricultural technologies, in accepted farm, ranch and forest management practices, and in the situation of Grantor may result in an evolution of agricultural, silvicultural, and other uses of the Property, and such uses are permitted if they are consistent with the Purpose.

(1) **Habitat Management.** Grantor may conduct any activities to create, maintain, restore, or enhance wildlife habitat and native biological communities on the Property, provided that such activities do not have more than a limited, short term adverse effect on the Conservation Values. Prior to any such activities, Grantor must first notify Grantee and obtain Grantee's approval in accordance with **Section 6 (Grantor Notice and Grantee Approval)** of this Deed.

(2) **Agriculture.** Grantor reserves the right to [list all permitted agricultural uses such as irrigating and fertilizing forage crops, raising and cultivating forage crops and grazing cattle, sheep and other livestock in reasonably numbers, provided that such activity does not result in overgrazing or material environmental degradation of the Property]. Grantor shall conduct all agricultural activities using stewardship and management methods that preserve the natural

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resources upon which agriculture is based. Long-term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, avoiding unsustainable livestock grazing practices, and minimizing loss of vegetative cover.

(3) Timber Management. Grantor may plant non-invasive trees on the Property. Trees may be cut to control insects and disease, to control invasive non-native species, to prevent personal injury and property damage, to promote forest health, and for fire mitigation purposes including limited and localized tree and vegetation thinning and the creation of defensible space for permitted improvements. Dead trees may also be cut for firewood and other uses on the Property. Any large scale fire mitigation activities or commercial timber harvesting on the Property shall be conducted on a sustainable yield basis and in substantial accordance with a forest management plan prepared by a competent professional forester. Any large-scale fire mitigation activities or timber harvesting shall be conducted in a manner that is consistent with the Purpose. A copy of the forest management plan shall be approved by Grantee.

(4) Recreational Activities. Grantor reserved the right to engage in non-commercial, non-motorized passive recreational activities, such as horseback riding, hiking, cross-country skiing, snowshoeing, and other similar low-impact recreational uses, to be enjoyed solely by Grantor, and Grantor's family and guests. Fishing and hunting are also permitted, so long as they are undertaken in compliance with applicable state and federal laws and regulations and pursued in a manner that is consistent with the Purpose. Trails are permitted only in accordance with **Section 3C(6) (Roads and Trails)** of this Deed.

(5) Residential and Non-Residential Improvements. Improvements existing as of the Effective Date, specifically \_\_\_\_\_ within a \_\_\_\_\_ ( ) acre Surveyed Building Envelope are permitted, and Grantor may maintain, repair, replace and reasonably enlarge such improvements in their current locations without Grantee's approval. Grantor reserves the right to construct or place Residential Improvements and Non-Residential Improvements, as defined below, subject to **Section 3C(5)(a) (Surveyed Building Envelope)** below. For any such improvements, Grantor shall provide prior notice to Grantee in accordance with **Section 6** of this deed, including confirmation that all construction and placement will be wholly contained within the Surveyed Building Envelope. Once constructed, Grantor may maintain, repair, replace, and reasonably enlarge such new improvements in their initially-constructed locations without Grantee's approval.

“**Residential Improvements**” shall mean those covered improvements containing habitable space intended for full or part-time human habitation, including but not limited to, homes, cabins, guest houses, mobile homes, yurts, tepees, and any space attached to any such improvement such as a garage or covered porch.

**“Non-Residential Improvements”** shall mean all other covered or uncovered agricultural or non-residential improvements that are not intended for human habitation, including but not limited to, barns, hay storage areas, machine shops, sheds, free-standing garages, well houses, outhouses, gazebos, picnic areas, sport courts, pools, outdoor kitchens, parking areas, and indoor and outdoor riding arenas. Grantor reserves the right to construct Minor Non-Residential

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Improvements, defined below, without Grantee's approval. "**Minor Non-Residential Improvements**" shall mean minor agricultural or non-residential improvements, including but not limited to, fences (subject to the terms of **Section 3C(7) (Fences)**), corrals, hayracks, cisterns, stock tanks, stock ponds, troughs, fenced hay stacks, livestock feeding stations, hunting blinds, wildlife viewing platforms, sprinklers, water lines, water wells, ditches, information kiosks, trail markers and trash receptacles.

(a) Surveyed Building Envelope. Grantor has designated a building envelope that has been surveyed and consists of \_\_\_\_ acres in size, in the location depicted on **Exhibit B** (the "**Surveyed Building Envelope**"). Following notice to the Grantee pursuant to **Section 6** of this deed and confirmation that all construction will be wholly within the Surveyed Building Envelope, Grantor may construct, place, replace or enlarge Residential and Non-Residential Improvements within the Surveyed Building Envelope subject to the following limitations:

- (i) \_\_\_\_ maximum number of improvements
- (ii) \_\_\_\_ maximum square footage for each improvement and cumulative
- (iii) \_\_\_\_ maximum height of improvements
- (iv) Other

(b) Outside of the Surveyed Building Envelope. No construction or placement of Residential Improvements is allowed outside the Surveyed Building Envelope. Following notice to the Grantee pursuant to **Section 6** of this deed and confirmation that all construction and placement will meet the following limitations, Grantor may construct or place Non-Residential Improvements in the portion of the Property outside of the Surveyed Building Envelope subject to the following limitations:

- (i) [Type of improvements permitted]
- (ii) \_\_\_\_ maximum number of improvements
- (iii) \_\_\_\_ maximum square footage for each improvement and cumulative
- (iv) \_\_\_\_ maximum height of improvements
- (v) Other [placement]

(6) Roads and Trails. Maintenance of existing Roads and Trails (in existence at the time this deed is executed) is permitted. "**Roads**" shall mean any road that is graded, improved or maintained, including seasonal unimproved roads and two-track roads. "**Trails**" shall mean any unimproved or improved path, or paved or unpaved trail constructed or established by human use, but shall not include game trails established and solely utilized by wildlife.

Construction or establishment of any new Road or Trail (one that does not exist at the time this Deed is executed) is subject to the following provisions and notice to Grantee pursuant to **Section 6 (Grantor Notice and Grantee Approval)** of this Deed:

(a) New Roads Within the Surveyed Building Envelope. Grantor may construct Roads and parking areas within the Surveyed Building Envelope (which Roads and parking areas may be paved) to



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access Residential and Non-Residential Improvements expressly permitted within the Surveyed Building Envelope by **Section 3C(5)** of this Deed. Grantor shall not construct or establish any Road wider than necessary to provide access for all permitted uses or to meet County codes and other applicable local codes for width of access to improvements permitted by this Deed.

(b) New Roads Outside the Surveyed Building Envelope. Grantor shall not construct or establish new Roads outside the Surveyed Building Envelope except the new Road depicted on **Exhibit B** to access the Surveyed Building Envelope; or, with notice and pre-approval from Grantee, such other Roads that Grantee determines are consistent with the Purpose. Grantor shall not construct or establish any Road wider than necessary to provide access for all permitted uses or to meet County codes and other applicable local codes for width of access to improvements permitted by this Deed.

(c) New Trails. Grantor shall not construct or establish any new Trail on the Property except for the new Trail to be constructed in the location depicted on **Exhibit B**, or unless Grantee pre-approves a new Trail and determines it is consistent with the Purpose.

Except for the new road depicted on Exhibit B, Grantor shall not pave or otherwise surface any existing or new Road or Trail with any impervious surface without pre-approval from Grantee and a determination by Grantee that such improvement is consistent with the Purpose.

(7) Fences. Existing fences may be maintained, repaired and replaced and new fences may be built anywhere on the Property, provided that the location and design of said fences located outside the Surveyed Building Envelope shall be compliant with then current State of Colorado wildlife standards for fencing<sup>5</sup> to permit movement of wildlife across the Property and are otherwise consistent with the Purpose, including but not limited to, low profile fencing that is designed to blend with or complement the natural and scenic features of the landscape where viewed from public vantage points, and fencing that is not inconsistent with the preservation and protection of the Conservation Values of the Property.

(8) Utility Improvements.

(a) Existing Utilities. If otherwise permitted in an instrument recorded as of the Effective Date, or after notice to Grantee in accordance with **Section 6** of this Deed and subject to provisions (c) and (d) of this section, existing energy generation or transmission infrastructure and other existing utility improvements, if any, including but not limited to: (i) natural gas distribution pipelines, electric power poles, transformers, and lines; (ii) telephone and communications towers, poles, and lines; (iii) septic systems; (iv) water wells, domestic water storage and delivery systems; and (v) renewable energy generation systems including, but not limited to, wind, solar, geothermal, or hydroelectric for use on the Property

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<sup>5</sup> Exceptions may be made for sheep and goats, with Grantee's written approval.

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("Utility Improvements"), may be repaired or replaced with an improvement of similar size and type at their current locations on the Property.

(b) New Utilities. New Utility Improvements may be constructed on the Property, subject to the restrictions in (c) and (d) below. Prior to the enlargement or construction of any Utility Improvements on the Property, Grantor shall provide notice of such enlargement or construction to Grantee in accordance with **Section 6** of this Deed.

(c) Within the Surveyed Building Envelope. Grantor may enlarge or construct Existing and New Utility Improvements within the Surveyed Building Envelope for the uses permitted on the Property as determined by this Deed without permission of Grantee, provided that no Utility Improvement exceeds thirty-five (35) feet in height.

(d) Outside of the Surveyed Building Envelope. Grantor shall not enlarge or construct any Existing or New Utility Improvements outside of the Surveyed Building Envelope without Grantee's pre-approval; except that Grantor reserves the right to construct Utility Improvements outside the Surveyed Building Envelope solely to provide utility services to the improvements permitted by this Deed subject to the following conditions: (1) Grantor must give Grantee notice pursuant to **Section 6** of this deed; (2) if Grantee determines that the proposed Utility Improvement is inconsistent with the Purpose of this deed, such improvement shall not be constructed; (3) no such Utility Improvement can exceed thirty-five (35) feet in height; and (4) any such Utility Improvements shall be located underground to the extent practicable.

(e) Following the repair, replacement, enlargement or construction of any Utility Improvements, Grantor shall promptly restore any disturbed area to a condition consistent with the Purpose.

(f) Alternative Energy.

(i) Wind, solar, and hydroelectric generation facilities that are primarily for the generation of energy for use on the Property in conjunction with those activities permitted by this Deed (collectively "**alternative energy generation facilities**") may be constructed in accordance with this Section. Notwithstanding the foregoing, no approval of Grantee shall be required if the alternative energy generation facility permitted by this Section is located within a Surveyed Building Envelope or if the facility is installed in conjunction with the operation of an agricultural improvement as allowed in this Deed. Any other alternative energy generation facility may only be constructed with the prior written approval of Grantee. Without limiting Grantee's right to withhold such approval in its sole discretion, factors which Grantee may consider in determining whether to grant such approval shall include, but are not be limited to, (a) whether the installation and siting would substantially diminish or impair the Conservation values, (b) the physical impact of the proposed facility on the Conservation Values, (c) the feasibility of less impactful alternatives, and (d) such other factors as

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Grantee may determine are relevant to the decision. The construction of alternative energy generation facilities that are not for use primarily in conjunction with those activities permitted by this Easement are prohibited anywhere on the Property. Nothing in this Section shall be construed as permitting the construction or establishment of a wind farm or commercial solar energy production facility.

(ii) Any energy generated by an alternative energy generation facility constructed in accordance with this Section that is incidentally in excess of Grantor's consumption may be sold, conveyed, or credited to a provider of retail electric service to the extent permitted by Colorado law.

(iii) In the event of technological changes or legal changes that make "expanded" alternative energy generation facilities more compatible with I.R.C. Section 170(h) or any applicable successor law, Grantee in its sole discretion may approve expanded alternative energy generation facilities that would not substantially diminish or impair the Conservation Values. Prior to approving any expanded alternative energy generation facility, Grantor shall submit an Alternative Energy Development Plan to the Grantee for its review. If the Grantee deems that the facilities proposed in the Alternative Energy Development Plan are inconsistent with the Purpose, or that the Alternative Energy Development plan does not contain sufficient information, Grantee shall not permit any expanded alternative energy generation facilities on the Property. For the purposes of this Section, the term "expanded" shall mean the development of alternative energy generation facilities to an extent that is greater than the level permitted by this **Section 3C(8)(c)**.

(9) Water Rights Included. The Parties agree that it is appropriate to encumber certain water rights beneficially used on the Property with this Deed pursuant to C.R.S. § 38-30.5-102, including all of Grantor's right, title, and interest in and to the water and water rights described in **Exhibit D** attached hereto and incorporated herein by this reference together with all associated canals, ditches, laterals, headgates, springs, wells, ponds, reservoirs, water shares and stock certificates, water allotments, contracts, units, permits, easements and rights of way, and irrigation equipment affixed to the land (collectively, the "**Water Rights**").

(a) Permitted Water Uses. The Parties agree that the Water Rights will be used according to their decreed terms. The Parties further agree that the Water Rights are hereby dedicated and restricted exclusively for conservation purposes, including, but not limited to, the Conservation Values of the Property, agricultural, wildlife habitat, horticultural, wetlands, recreational, forest, or other uses consistent with the protection and restoration of open land, environmental quality, or life-sustaining ecological diversity (the "**Permitted Water Uses**").

The Permitted Water Uses specifically include:

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(i) Historical Use. The Parties agree that Grantor shall have the paramount right to use and enjoy the Water Rights on the Property consistent with recent historical practices;

(ii) Instream Flow Use. The Parties agree that Grantor may enter into temporary legally enforceable water leases, contracts, emergency water loans, or similar agreements for conservation purposes, to increase instream flows and/or water levels in streams, rivers, lakes, and reservoirs to preserve or improve the natural environment of such water body(s), provided that: (1) Grantee has given its prior written consent to such arrangements; (2) that such use, in the opinion of Grantee, would not jeopardize the long-term Conservation Values of the Property; (3) that such arrangements do not permanently separate the Water Rights from the Property; (4) that such arrangements comply with current law; and

(iii) Restoration/Enhancement Use. Grantor may propose projects on the Property, including the riverbed of the Property, that prevent the degradation of, restore, and/or enhance and improve the quality of the watershed, wildlife habitat, and ecological health of the Property. These may include a change of Water Rights pursuant to C.R.S. § 37-92-302 or any successor statute (a "**Change**") or water infrastructure construction. Such Change or construction shall be undertaken only after creation of a site specific plan for restoration/enhancement, which has been submitted to and approved by Grantee.

(iv) Grantor shall have the paramount right to use and enjoy the Water Rights on the Property consistent with recent historical practices pursuant to **Section 3C(9)(a)(i)** above to use the Water Rights to benefit instream flows pursuant to **Section 3C(9)(a)(ii)** above, and to use the Water Rights for restoration or enhancement according to the terms and conditions of an approved restoration or enhancement plan pursuant to **Section 3C(9)(a)(iii)** above. In the event that Grantor can no longer use the Water Rights in accordance with recent historical practices, the Water Rights shall be used for other Permitted Water Uses. Grantor shall have the right to install, construct, maintain, repair, and if destroyed, reconstruct any facilities related to the Water Rights (such as gages, ditches, wells, reservoirs, recharge ponds, etc.), unless the Conservation Values of the Property would be unreasonably damaged thereby, as determined by Grantee in its reasonable discretion.

(10) Environmental Attributes. Unless otherwise provided herein, Grantor hereby reserves all Environmental Attributes associated with the Property. "**Environmental Attributes**" shall mean any and all tax or other credits, benefits, renewable energy certificates, emissions reductions, offsets, and allowances (including but not limited to water, riparian, greenhouse gas, beneficial use, and renewable energy), generated from or attributable to the conservation, preservation and management of

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the Property in accordance with this Deed. Nothing in this Section shall modify the restrictions imposed by this Deed or otherwise be inconsistent with the Purpose.

4. **PROHIBITED USES.** Any activity on or use of the Property inconsistent with the Purpose of this Conservation Easement or that would materially adversely affect the Conservation Values is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in or permit any such use or activity. Without limiting the generality of the foregoing, the following uses of, or activities on, the Property, though not an exhaustive list, are inconsistent with the Purpose and are expressly prohibited:

A. **Development Rights.** To fulfill the Purpose, Grantor hereby conveys to Grantee all development rights, except those expressly reserved by Grantor herein, deriving from, based upon, or attributable to the Property in any way, including but not limited to, all present and future rights to divide the Property for the purpose of development into residential, commercial, or industrial lots or units or to receive density or development credits for the same for use off of the Property ("**Grantee's Development Rights**"). The parties agree that Grantee's Development Rights shall be held by Grantee in perpetuity in order to fulfill the Purpose, and to ensure that such rights are forever released, terminated and extinguished as to Grantor, and may not be used on or transferred off of the Property to any other property or used for the purpose of calculating density credits or permissible lot yield of the Property or any other property.

B. **Improvements.**

(1) **Residential, Non-Residential, and Minor Non-Residential Improvements.** Grantor shall not construct or place any Residential Improvements, Non-Residential Improvements, or Minor Non-Residential Improvements on the Property except in accordance with **Section 3C(5)** of this Deed.

(2) **Recreational and Commercial Improvements.** Grantor shall not construct or place any new recreational improvements on the Property, including but not limited to, athletic fields, golf courses or ranges, race tracks, airstrips, helicopter pads, zip lines, or shooting ranges, except as specifically reserved in **Section 3C(4) (Recreational Activities)** above. Grantor shall not construct or place any new commercial improvements on the Property.

(3) **Construction of Buildings or Other Structures.** The construction, reconstruction, location, placement or installation of any buildings, camping accommodations, mobile homes, or other structure, paved surface, or improvement of any kind, temporary or permanent, is prohibited, except as provided by **Section 3C(5)** above.

C. **Subdivision.** Division or subdivision of the Property, physically or by legal process, including partition, is strictly prohibited. At all times the Property shall be owned, conveyed and transferred subject to the terms of this Conservation Easement, and any such transfer shall convey the Property in its entirety, regardless of whether the Property now consists of separate parcels, was acquired as separate parcels, or is treated as separate parcels for property tax or other purposes.

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D. Timber Harvesting and Removal of Vegetation. Except as otherwise set forth in this Deed, Grantor may not remove any vegetation, including shrubs and trees, or harvest any timber from the Property.

E. Mineral and Hydrocarbon Extraction. As of the Effective Date, Grantor owns all of the coal, oil, gas, hydrocarbons, sand, soil, gravel, rock and other minerals of any kind of description (the “Minerals”) located on, under, or in the Property or otherwise associated with the Property. This Deed expressly prohibits the mining or extraction of Minerals using any surface mining method. Notwithstanding the foregoing, Grantor and Grantee may permit mineral extraction utilizing methods other than surface mining if the method of extraction has a limited, localized impact on the Property that is not irretrievably destructive of the Conservation Values; provided, however, that Grantor and Grantee agree that the following provisions shall apply to any such proposed mineral extraction by Grantor or any third party, as applicable:

**OR if minerals are severed:**

As of the Effective Date, Grantor does not own all of the coal, oil, gas, hydrocarbons and other minerals (the “Minerals”) located on, under, or in the Property or otherwise associated with the Property. For this reason, a minerals assessment report has been completed by \_\_\_\_\_, dated \_\_\_\_\_, in compliance with I.R.C. § 170(h)(5)(B)(ii) and Treas. Reg. § 1.170A-14(g)(4). The report concludes that, as of the Effective Date, the probability of extraction or removal of Minerals from the Property by any surface mining method is so remote as to be negligible. This Deed expressly prohibits the mining or extraction of Minerals using any surface mining method. Grantor may permit subsurface access to Minerals from locations off the Property, provided that Grantor shall not permit such subsurface access to disturb the subjacent and lateral support of the Property or to materially adversely affect the Conservation Values. Notwithstanding the foregoing, Grantor and Grantee may permit mineral extraction utilizing methods other than surface mining if the method of extraction has a limited, localized impact on the Property that is not irretrievably destructive of the Conservation Values; provided, however, that Grantor and Grantee agree that the following provisions shall apply to any such proposed mineral extraction by Grantor or any third party, as applicable.<sup>6</sup>

(1) Soil, Sand, Gravel and Rock. Grantor may extract soil, sand, gravel or rock, including moss rock, without further permission from Grantee so long as such extraction: (i) is solely for use on the Property for non-commercial purposes; (ii) is in conjunction with activities permitted herein, such as graveling roads and creating stock ponds; (iii) is accomplished in a manner which is consistent with the preservation and protection of the Conservation Values; (iv) does not involve disturbing by such extraction more than one half-acre (0.5 acres)<sup>7</sup> of the Property at one time, and uses methods of mining that may have a limited and localized impact on the Property but are not irretrievably destructive of the Conservation Values; and (v) is reclaimed within a reasonable time by refilling or some other reasonable reclamation method for all areas disturbed including revegetation with appropriate seed mix to match the vegetation that w<sup>8</sup>

<sup>6</sup> If Grantor owns some but not all of the mineral rights associated with the property, a combination of these two paragraphs is appropriate.

<sup>7</sup> A smaller area may be appropriate for smaller properties.

<sup>811</sup> This paragraph is only appropriate where Grantor has reserved limited development and/or road construction rights. It should be deleted if there is no reserved development on the Property.

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as on-site prior to the disturbance. Reseeding should take place and plant cover established and approved by Grantor prior to additional surface mining occurring. This provision shall be interpreted in a manner consistent with I.R.C. § 170(h), as amended, and the Treasury Regulations adopted pursuant thereto.<sup>11</sup>

(2) Oil and Gas. Grantor, or a third party permitted by Grantor, may explore for and extract oil and gas owned in full or in part by Grantor, provided Grantor ensures that such activities are conducted in a manner that does not constitute surface mining and complies with the following conditions:

(a) The exploration for or extraction of oil, gas and other hydrocarbons is conducted in accordance with an Oil and Gas Plan, as defined below, prepared at Grantor's expense and approved in advance by Grantee. The "**Oil and Gas Plan**" shall describe: (a) the specific activities proposed; (b) the specific land area to be used for well pad(s), parking, staging, drilling, and any other activities necessary for the extraction of oil and gas, and the extent of the disturbance of such land area before and after reclamation; (c) the location of facilities, equipment, roadways, pipelines and any other infrastructure to be located on the Property; (d) the method of transport of oil or gas produced from the Property; (e) the method of disposal of produced water, mining byproducts and hazardous chemicals produced by or used in the exploration and development of the oil or gas; (f) the proposed operation restrictions to minimize impacts on the Conservation Values, including noise and dust mitigation and any timing restrictions necessary to minimize impacts to wildlife; (g) the reclamation measures necessary to minimize disturbance to and reclaim the surface of the Property, including restoring soils to the original contours and replanting and re-establishing native vegetation using specific seed mixes and processes to ensure successful re-vegetation of the Property, including and in addition to those measures required by law; and (h) remedies for damages to the Conservation Values, (i) and looks to minimize the number of roads, well pads, and other infrastructure to the degree possible.

(b) No tank batteries, refineries, secondary production facilities, compressors, gas processing plants, or other similar facilities may be located on the Property.

(c) Areas of surface disturbance shall be mitigated promptly in accordance with the Oil and Gas Plan.

(d) Travel for the purpose of oil or gas development shall be restricted to existing roads or to new roads approved in advance in writing by Grantee as part of the Oil and Gas Plan.

(e) Well facilities and pipelines shall either be placed underground, or screened or concealed from view by the use of existing topography, existing native vegetation, newly planted but native



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vegetation, and/or use of natural tone coloring. Pipelines shall be located along or under existing roadways to the maximum extent possible.

(f) Drilling equipment may be located above-ground without concealment or screening, provided that such equipment shall be promptly removed after drilling is completed.

(g) Any soil or water contamination due to the exploration for or extraction of oil or gas must be promptly restored and remediated at the expense of Grantor.

(h) Any produced water, mining byproducts or hazardous chemicals produced by or used in the exploration and development of the oil or gas shall not be stored or disposed of on the Property.

(i) Flaring to enhance oil production is prohibited; flaring for emergencies is permitted.

(j) Grantor shall not allow use of the Water Rights for any oil and gas activities.

(k) Grantee shall be released, indemnified and held harmless from any liabilities, damages, or expenses resulting from any claims, demands, costs or judgments arising out of the exercise of any rights by Grantor, any lessees or other third parties relating to the exploration for or extraction of oil, gas or hydrocarbons.

(l) Grantor shall restore the well pad to the smallest footprint required post drilling as soon as initial drilling operations cease.

(3) Third-Party Mineral Extraction. If a third party owns all, or controls some, of the Minerals, and proposes to extract Minerals from the Property, Grantor shall immediately notify Grantee in writing of any proposal or contact from a third party to explore for or develop the Minerals on the Property. Grantor shall not enter into any lease, surface use agreement, no-surface occupancy agreement, or any other instrument related to Minerals associated with the Property (each, a “**Mineral Document**”), with a third party subsequent to the Effective Date without providing a copy of the same to Grantee prior to its execution by Grantor and subject to Grantee’s review and approval. Any Mineral Document shall require that Grantor provide notice to Grantee whenever notice is given to Grantor, require the consent of Grantee for any activity not specifically authorized by the instrument, and give Grantee the right, but not the obligation, to object, appeal and intervene in any action in which Grantor has such rights. Any Mineral Document must either (i) prohibit any access to the surface of the Property or (ii), must (a) limit the area(s) of disturbance to a specified area(s); (b) include provisions that ensure that the proposed activities have a limited, localized impact on the Property that is not irretrievably destructive of the Conservation Values; and (c) contain a full description of the activities proposed, a description of the extent of disturbance, the location of facilities, equipment, roadways, pipelines and any other infrastructure, the proposed operation restrictions to minimize impacts on the Conservation Values,



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including noise and dust mitigation and any timing restrictions necessary to minimize impacts to wildlife, reclamation measures including and in addition to those required by law, and remedies for damages to the Conservation Values. Any Mineral Document that only permits subsurface access to Minerals but prohibits any access to the surface of the Property shall also prohibit any disturbance to the subjacent and lateral support of the Property, and shall not allow any use which would materially adversely affect the Conservation Values.

(4) This **Section 4E** shall be interpreted in a manner consistent with I.R.C. § 170(h) and the Treasury Regulations adopted pursuant thereto.

F. Topographical Changes. No excavating, grading, cut and fill, berming or other similar topographical changes shall occur on the Property, except in connection with the construction of permitted improvements, if any.

G. Erosion or Water Pollution. Any activity or use that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters is prohibited.

H. Waste Disposal. The disposal or storage of rubbish; garbage; debris; vehicles, implements and equipment not in regular use or parts thereof; or other unsightly or offensive material on the Property is prohibited.

I. Hazardous Materials. The storage, dumping or other disposal of hazardous and/or toxic materials, industrial wastes or other similar materials on the Property is prohibited.

J. Retail, Commercial or Industrial Activity. Retail, commercial and industrial uses are prohibited on the Property, except as provided below in **Section 4J(1)**, without prior approval and a determination by the Grantee in writing that such use does not negatively impact the Conservation Values.

(1) Commercial uses are allowed, as long as they are conducted in a manner that is consistent with I.R.C. § 170(h) and the Purpose. Without limiting other potential commercial uses that meet the foregoing criteria, the following uses are allowed:

(a) Producing, processing or selling plants, animals, or other farm or ranch products that are predominantly grown or raised outdoors on the Property, including forages, sod crops, grains, feed crops, field crops, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, aquaculture, trees, and other similar uses and activities;

(b) Breeding and grazing livestock, such as cattle, horses, sheep, swine, and similar animals;

(i) Livestock grazing shall be conducted at sustainable stocking rates (to be estimated in consultation with Colorado State University ("CSU") Cooperative Extension Services, United States Department of Agriculture ("USDA") Natural Resources Conservation Service, or other

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technical advisory, as necessary), consistent with preservation of the Conservation Values of the Property.

- (c) Customary rural enterprises, such as farm machinery repair or livestock veterinary services, conducted within the Surveyed Building Envelope;
- (d) Home occupations or similar enterprises conducted by and in the home of a person residing on the Property; and
- (e) Hunting, fishing, and wildlife viewing.

The foregoing descriptions of allowed commercial uses notwithstanding, commercial feed lots and other intensive growth livestock farms, such as dairy, swine, or poultry farms, are inconsistent with the Purpose and are prohibited. For purposes of this Easement, "**commercial feed lot**" is defined as a permanently constructed confined area or facility within which the Property is not grazed or cropped annually, and which is used and maintained for purposes of engaging in the commercial business of the reception and feeding of livestock.

K. Signs and Billboards. No commercial signs, billboards, awnings, or advertisements shall be displayed or placed on the Property. Grantor may install appropriate "For Sale" or "For Lease" signs alerting the public to the availability of the Property for purchase or for lease, "No Trespassing" or "No Hunting" signs, appropriate and customary ranch or pasture identification signs, signs regarding the private leasing of the property for hunting, fishing, or other low impact recreational uses, or signs notifying the public of the existence of a conservation easement, provided however that any such signs be located and designed in a manner consistent with the Purpose. Grantee shall erect one or more signs visible from the nearest public roadway, or from an alternative location approved by the County, identifying the County's Grant and investment in this Property to the public.

L. Outdoor Lighting. Except for existing lighting not in conformity with this requirement, all external lighting shall be located within the Surveyed Building Envelope or in areas to illuminate driveways or structures permitted outside of any Surveyed Building Envelope, and shall comply with local lighting ordinances. Any new or replacement lighting shall be what is now referred to as dark-sky lighting as updated.

M. Motorized Vehicles. No dunebuggies, motorcycles, all-terrain vehicles, snowmobiles or any other types of motorized vehicles may be operated or ridden "off road" on the Property, except as may be necessary for the conduct of such land maintenance activities as may be permitted by this Conservation Easement.

N. Restriction on Water Rights. Except as permitted by **Section 3C(9)(a) (Permitted Water Uses)**, Grantor may not: (i) Change the Water Rights to or use the Water Rights for municipal, industrial, commercial, or any other new uses; (ii) Change the Water Rights for use other than on the Property; (iii) sell or lease the Water Rights, or encumber them separately from the Property or otherwise legally separate them from the Property; or (iv) have the points of diversion, or the type or place of use within or without the Property

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changed, except after Grantor's receipt of a written determination by Grantee that such changes are consistent with the Permitted Uses or will not materially impair the Conservation Values of the Property. Grantor shall not, without the prior written approval from Grantee, which approval shall not be unreasonably withheld, construct, or permit others to construct, any new diversion, storage, or other water structures upon the Property; develop any conditional water rights for use on the Property; or otherwise undertake any new development of water resources for use on the Property.

(f) Change of Conditions. Grantor expressly waives any claim to use, change or transfer all or any part of the Water Rights other than as provided in this Deed, regardless of any future change in circumstances, change in values, or other reasons, based on any theory of reasonable accommodation or other theory that would release any or all of the Water Rights from the provisions of this Deed without Grantee's express written consent, which can be granted, withheld, or conditioned by each in their sole discretion.

(g) Protection of Water Rights. In order to preserve and protect the Conservation Values of the Property, Grantor shall not abandon or allow the abandonment of any of the Water Rights, by action or inaction. Grantor shall annually report to Grantee the nature and extent of use of the Water Rights during the prior year, such report need not be in writing, but shall include copies of any reports submitted to the State or Division Engineer or Water Commissioner by Grantor. Grantor shall provide Grantee a copy of any written notice received by Grantor from any state water official concerning the use, or possible abandonment, of the Water Rights.

If the Water Rights appear on the decennial abandonment list as provided by C.R.S. § 37-92-401 or any successor statute or Grantee determines that the Water Rights are otherwise subject to a threat of abandonment, Grantee shall give Grantor written notice of such threat of abandonment and shall meet with Grantor to discuss the matter. If, and only if, Grantor fails to cure the threat of abandonment within 90 days of receiving such notice from Grantee, Grantee shall, in addition to any other remedies available to Grantee under this Deed or law, have the right to (1) enter the Property and undertake any and all actions reasonably necessary to continue the historical use of the Water Rights, if desired by Grantee; and (2) seek removal of the Water Rights from the decennial abandonment list. If the Water Rights remain subject to abandonment, Grantee may, after consultation with Grantor, seek to Change the Water Rights to another Permitted Water Use. Grantor agrees to cooperate in any manner necessary to accomplish such changes, and authorizes and appoints Grantee as its agent and attorney-in-fact to file for and obtain any administrative or judicial approvals required to effectuate such changes.

(h) Recording Encumbrance on Stock Certificates. If the Water Rights include any shares in ditch or reservoir companies, Grantor shall promptly submit the related stock certificate(s) to the appropriate ditch or reservoir company for inclusion of the following notation thereon: "These shares are subject to the terms and restrictions set forth in the Deed of Conservation Easement from \_\_\_\_\_ to \_\_\_\_\_ recorded in the Real Property Records of Larimer County, Colorado on \_\_\_\_\_, 20\_\_ at Reception No. \_\_\_\_\_." A copy of the reissued stock certificate(s) shall be promptly provided by Grantor to Grantee.

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5. **LAND STEWARDSHIP PLAN.** Grantor and Grantee acknowledge that the preservation and protection of the Conservation Values as contemplated under this Easement requires careful and thoughtful stewardship of the Property. Accordingly, Grantor and Grantee agree to jointly prepare a written plan ("**Land Stewardship Plan**") within one year of the Effective Date of this Deed, detailing requirements for the preservation and protection of the Conservation Values regarding: agricultural, timber, mining, water, wildlife, weed control or other management practices, as appropriate. Grantor shall comply with the requirements established in the Land Stewardship Plan. The Parties will cooperate in an effort to update the Land Stewardship Plan if either Party determines an update is necessary.

6. **GRANTOR NOTICE AND GRANTEE APPROVAL.** The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the Purpose. Whenever notice is required, Grantor shall notify Grantee in writing within a reasonable period of time prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the Purpose. Where Grantee's approval is required, Grantor shall not undertake the requested activity until Grantor has received Grantee's approval in writing. Grantee shall grant or withhold its approval in writing within a reasonable period of time within receipt of Grantor's written request thereof and submittal of sufficient supporting details as described above. Grantee's approval may be withheld only upon Grantee's reasonable determination that the activity as proposed is not consistent with the Purpose or the express terms of this Easement, unless this Easement provides that approval for a particular request may be withheld in the sole discretion of the Grantee.

Except Any notice, demand, request, consent, approval or communication required by this Deed shall be in writing and shall be personally delivered to or sent by certified mail, with return receipt requested, addressed as follows unless a party has been notified in writing by the other party by a change of address:

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GRANTEE:

Larimer County Natural Resources  
1800 S. County Road 31  
Loveland, Colorado 80537

7. **RESPONSIBILITIES OF GRANTOR AND GRANTEE NOT AFFECTED.** Other than as specified herein, this Conservation Easement is not intended to impose any legal or other responsibility on Grantee, or in any way to affect any existing obligation of Grantor as owner of the Property. Among other things, this shall apply to:

(a) **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "**taxes**"), including any taxes imposed upon, or incurred as a result of, this Deed, and shall furnish Grantee with satisfactory evidence of payment upon request.

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(b) Maintenance and Insurance. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including weed control and eradication and including the maintenance of adequate general liability insurance coverage. Grantor shall name Grantee as an additional insured on such comprehensive general liability insurance coverage and shall provide a certificate of such insurance to Grantee upon the request of Grantee. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

8. GRANTOR'S INDEMNIFICATION. Grantor shall release, indemnify, defend, and hold Grantee and the members, officers, directors, employees, agents, contractors and permitted assignees (collectively, the "**Indemnified Parties**") harmless from and against any and all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, consultant's fees and interest, arising from or in any way related to: (i) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence or intentional acts of any of the Indemnified Parties; (ii) the obligations specified in **Section 4 (Prohibited Uses)** and **Subsections 7(a) (Taxes) and 7(b) (Maintenance and Insurance)** above; (iii) the costs and expenses incurred by Grantee in enforcement of this Conservation Easement, including, without limitation, costs and expenses of suit, attorneys fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Easement, unless Grantor prevails then each party pays its own costs and attorneys fees, except that if the deciding body determines that Grantee's legal action was frivolous or groundless, Grantee shall pay Grantor's costs and attorney fees in defending the legal action; (iv) the violation or alleged violation of, or other failure to comply with, any federal, state or local environmental law or regulation relating to hazardous or toxic substances by any person other than any of the Indemnified Parties, in any way affecting, involving or relating to the Property, except to the extent such violations or alleged violations are caused by the acts or omissions of any of the Indemnified Parties on the Property; or (v) the presence or release in, on, from, or about the Property, at any time, of any hazardous or toxic substance unless caused solely by any of the Indemnified Parties. Notwithstanding the foregoing, no Grantor shall be liable for actions solely occurring subsequent to the Grantor's transfer of the Property to a subsequent Grantor.

9. GRANTEE'S STATUS UNDER ENVIRONMENTAL LAWS. Without limiting the foregoing, nothing in this Deed shall be construed as giving rise to any right or ability in Grantee, nor shall Grantee have any right or ability, to exercise physical or managerial control over the day-to-day operations of the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended or any similar law or regulation.

10. ENFORCEMENT. Grantee shall have the right to prevent and correct or require correction of violations of the terms and purposes of this Deed. Grantee may enter the Property as provided in subparagraph 2(b) for the purpose of inspecting for violations. If Grantee finds what it believes to be a violation, Grantee shall immediately notify Grantor by any means reasonably calculated to bring the nature of the alleged violation promptly to Grantor's attention, such as by email, telephone, or in person. Grantee will follow up the initial notification with a written notice.

Upon receipt of the initial notification, Grantor shall immediately cease the alleged violation and either (a) if necessary, restore or remediate the Property to its condition prior to the violation; (b) provide a written plan for restoration and remediation of the Property acceptable to Grantee; or (c) provide a written explanation, acceptable to Grantee, why the alleged violation

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should be permitted. If Grantor believes the alleged violation should be permitted to resume, and provides a written explanation pursuant to 10(c) above, the Parties agree to meet as soon as possible to discuss the alleged violation and attempt to resolve their differences.

If Grantor is unable or unwilling to immediately cease the alleged violation in compliance with the above, and/or fails to comply with (a), (b) or (c) of the previous paragraph, Grantee may take appropriate legal action. Notwithstanding the foregoing, when Grantee, in its sole discretion, determines there is an ongoing or imminent violation that could irreversibly diminish or impair the Conservation Values, Grantee may, at its sole discretion, take appropriate legal action without prior notice to Grantor. Grantor may seek any relief it deems necessary to conserve the Conservation Values, including but not limited to injunctive relief, and all remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including the right to recover any damages for loss of scenic or environmental values.

12. GRANTEE'S DISCRETION. Enforcement of the terms of this Conservation Easement and approvals required from the Grantee as described herein shall be at the sole discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any of Grantee's rights under this Conservation Easement. No failure of Grantee to discover a violation or delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantor hereby waives any defenses available to Grantor under CRS § 38-41-119 and the defenses of laches, estoppel or prescription, including the one-year statute of limitations for commencing an action to enforce the terms of a building restriction or to compel the removal of any building or improvement because of the violation of the same under C.R.S. § 38-41-119, et seq.

13. ACTS BEYOND GRANTOR'S CONTROL. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, earth movement, acts of third parties or government authority legally authorized to act by recorded instrument or other legally established rights, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury and damage to the Property and to neighboring properties resulting from such causes. Notwithstanding the foregoing, Grantor shall take reasonable efforts to prevent third parties from performing, and shall not knowingly allow third parties to perform, any act on or affecting the Property that is inconsistent with the Purpose.

14. REAL PROPERTY INTEREST. This Deed constitutes a real property interest immediately vested in Grantee. The Parties stipulate that, based on a qualified appraisal, this Deed (which includes the value of Grantee's Development Rights) has a fair market value equal to \_\_\_\_\_ percent (\_\_\_\_%) of the full unencumbered fair market value of the Property (the "**Easement Value Percentage**"). The values at the time of this Deed shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this Grant, pursuant to I.R.C. § 170(h), whether or not Grantor claims any deduction for federal income tax purposes. For the purposes of this Deed, the ratio expressed by Easement Value Percentage shall remain constant.

14. TRANSFER OF EASEMENT. Grantee shall have the right to transfer the Conservation Easement created by this Deed and assign its rights and obligations hereunder to any public agency or private nonprofit organization that, at the time of transfer, is a "**qualified organization**" under I.R.C. § 170(h), and under C.R.S. § 38-30.5-101, et seq., and only if the



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assignee agency or organization expressly agrees to assume the responsibility imposed on Grantee by this Conservation Easement. If Grantee ever shall cease to exist or no longer qualifies under federal or state law, a court with jurisdiction shall transfer the Grantee's rights and obligations under this Conservation Easement to another qualified organization having similar purposes that agrees to assume the responsibility.

15. TRANSFER OF THE PROPERTY. Grantor shall incorporate by reference the terms and conditions of this Deed in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property. The failure of Grantor to perform any act required by this Section shall not impair the validity of this Deed or limit its effect or enforceability in any way.

16. CHANGE OF CIRCUMSTANCES. A change in the potential economic value of any use that is prohibited by or inconsistent with this Deed, or a change in any current or future uses of neighboring properties, shall not constitute a change in conditions or circumstances that make it impossible for continued use of the Property, or any portion thereof, for conservation purposes and shall not constitute grounds for terminating the Deed in whole or in part. In conveying this Deed, the Parties have considered the possibility that uses prohibited or restricted by the terms of this Deed may become more economically valuable than permitted uses, and that neighboring or nearby properties may in the future be put entirely to such prohibited or restricted uses. It is the intent of Grantor and Grantee that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Deed, in whole or in part. In addition, the inability of Grantor, or Grantor's heirs, successors, or assigns, to conduct or implement any or all of the uses permitted under the terms of this Deed, or the unprofitability of doing so, shall not impair the validity of this Deed or be considered grounds for its termination or extinguishment, in whole or in part.

17. CONDEMNATION OR OTHER EXTINGUISHMENT; PROCEEDS. If this Conservation Easement is taken, in whole or in part, by exercise of the power of eminent domain, or if circumstances arise in the future that render all of the purposes of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. Each party shall promptly notify the other party in writing when it first learns of such circumstances. Grantee shall be entitled to compensation of its interest in accordance with applicable law from any sale, exchange, condemnation, or other involuntary or voluntary conversion of all or any portion of the Property subsequent to such termination or extinguishment. As required by Treasury Regulation Sec. 1.170A-14(g)(6), Grantee's compensation shall be a portion or percentage of the gross proceeds from any sale, exchange, condemnation, or other involuntary or voluntary conversion of all or a portion of the Property subsequent to such termination or extinguishment that represents an amount that is at least equal to the Easement Value Percentage multiplied by the fair market value of the unencumbered fee simple interest (excluding the value of any improvements) in the portion of the Property that will no longer be encumbered by this Easement. Grantee shall not voluntarily accept proceeds equal to less than the full fair market value of the affected Property unrestricted by this Easement without the approval of Grantee. Grantee shall use such proceeds in a manner consistent with the conservation purposes of this Deed or the mission of the Grantee.

18. ACCESS BY PUBLIC. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

19. AMENDMENT. If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, Grantor and Grantee may jointly

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amend this Conservation Easement; so long as the amendment (i) is consistent with the Conservation Values and Purpose of this Easement, (ii) does not affect the perpetual duration of the restrictions contained in this Deed, (iii) does not affect the qualifications of this Deed under any applicable laws, and (iv) complies with Grantee's procedures and standards for amendments, including the Conservation Easement Amendment Procedure as it may be amended from time to time. Any amendment must be in writing, signed by the Parties, and recorded in the records of the Clerk and Recorder of the county or counties in which the Property is located. Nothing in this Section shall be construed as requiring Grantee to agree to any particular proposed amendment.

20. DEED CORRECTION. The Parties shall cooperate to correct mutually acknowledged errors in this Deed (and exhibits hereto), including typographical, spelling, or clerical errors. Such correction shall be by recorded written agreement signed by the Parties.

20. JURISDICTION. Any mediation or arbitration concerning this Conservation Easement shall take place in Larimer County, Colorado, or other location mutually agreed to by the parties, and only upon consent from Grantee. Any court action concerning this Conservation Easement shall take place in the District Court for Larimer County, Colorado, and Grantor and Grantee hereby consent to personal jurisdiction in Larimer County, Colorado.

21. CONTROLLING LAW; LIBERAL CONSTRUCTION. The interpretation and performance of this Conservation Easement is governed by the laws of the State of Colorado. Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the grant to effect the Purpose and the policy and purpose of C.R.S. §38 30.5 101, et seq. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purpose that would render the provision valid shall be favored over any interpretation that would render it invalid.

22. PERPETUAL DURATION; AGENTS, SUCCESSORS AND ASSIGNS. The Conservation Easement created by this Deed shall be a servitude running with the land in perpetuity. Every provision of this Deed that applies to Grantor or Grantee shall also apply to, be binding upon, and inure to the benefit of their personal representatives, heirs, successors, agents, assigns and all other successors as their interests may appear.

23. RECORDATION. Grantee shall record this instrument in a timely fashion in the official records of each county or counties in which the Property is situated, and may re-record it at any time as may be required to preserve its rights in this Deed.

24. GRANTOR'S TITLE WARRANTY. Grantor warrants that it has good and sufficient title and legal and physical access to the Property, and Grantee has access to the Property for the purposes described in this Conservation Easement.

(a) Existing Liens. Grantor warrants that any mortgages, deeds or Grantee or monetary liens encumbering the Property are subordinate to all rights of Grantee under this Conservation Easement, including the right of Grantee to its proportionate percentage of the Grantor's interest in any (a) insurance proceeds a result of any casualty, hazard or accident occurring to or about the Property, and (b) proceeds of condemnation or involuntary taking, and hereby promises to defend the same against all claims from any persons.

(b) Subsequent Liens. No provisions of this Deed shall be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing,



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provided that any deed of trust, mortgage or lien arising from such a borrowing shall be subordinate to this Deed for all purposes so that any such instrument expressly shall be deemed to have been recorded after this Deed and so that any foreclosure of such instrument shall not affect any provision of this Deed, including, without limitation, its perpetual nature, and the payment of proceeds, as described in **Section 17 (Condemnation)** above, including but not limited to the limitation of **Section 4C (Subdivision)**.

25. GRANTOR'S ADDITIONAL REPRESENTATIONS AND WARRANTIES:  
REMEDICATION.

(a) Grantor represents and warrants that, after reasonable investigation and to the best of Grantor's knowledge:

(i) There are no apparent or latent defects in or on the Property;

(ii) Grantor and the Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Property and its use, including without limitation all federal, state, and local environmental laws, regulations and requirements;

(iii) There has been no release, dumping, burying, abandonment or migration from off-site onto the Property of any substances, materials, or wastes that are designated as hazardous, toxic, dangerous, or harmful, or contain components that are, or are designated as, hazardous, toxic, dangerous, or harmful, and/or that are subject to regulation as hazardous, toxic, dangerous, or harmful by any federal, state or local law, regulation, statute, or ordinance;

(iv) There is no pending or threatened litigation affecting the Property or any portion of the Property that will materially impair the Conservation Values of any portion of the Property. No civil or criminal proceedings have been instigated or are pending against Grantor or its predecessors by government agencies or third parties arising out of alleged violations of environmental laws, and neither Grantor nor its predecessors in interest have received any notices of violation, penalties, claims, demand letters, or other notifications relating to a breach of environmental laws.

(b) If, at any time, there occurs, or has occurred, a release in, on, or about the Property of any hazardous or toxic substance, Grantor agrees to take all steps necessary to assure its containment and remediation, including any cleanup that may be required, unless the release was caused by Grantee, in which case Grantee will be responsible for remediation.

26. ACCEPTANCE. Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Conservation Easement.

27. TAX BENEFITS. Grantor acknowledges that Grantor is responsible for obtaining legal and accounting counsel to advise Grantor regarding the applicability of federal or state tax benefits that might arise from the bargain sale (sale at less than fair market value) or donation of the Deed. Grantee makes no representation or warranty that Grantor will receive tax benefits for the bargain sale or donation of the Deed.

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28. EFFECTIVE DATE. The “**Effective Date**” of this Conservation Easement shall be the date of its recording in the county records in which the Property is located.

29. GENERAL PROVISIONS.

(a) Entire Agreement. The Recitals above are a material part of this Deed and are incorporated into this Deed. This instrument sets forth the entire agreement of the Parties with respect to the Deed and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Deed, all of which are merged herein.

(b) Severability. If any provision of this Deed, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(c) Captions. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

(d) Joint Obligation. The obligations imposed upon Grantor and Grantee of this Deed shall be joint and several in the event that more than one entity or individuals holds either interest at any given time.

(e) No Forfeiture. Nothing contained in this Deed will result in either (i) a forfeiture of this Conservation Easement or reversion to Grantor of any rights conveyed hereby, or (ii) a forfeiture or reversion of Grantor's title in any respect.

(f) No Third Party Beneficiaries. This Deed is entered into by and between Grantor and Grantee, and is solely for the benefit of Grantor and Grantee and their respective successors and assigns for the purposes set forth herein, and does not create rights or responsibilities in any third parties beyond Grantor, Grantee.

(g) No Goods or Services Provided. Grantee acknowledges receipt and acceptance of this Conservation Easement encumbering the Property, for which no goods or services were provided.

(h) Non-Merger. Unless Grantor and Grantee expressly state in writing that they intend a merger of estates or interests to occur, then no merger shall be deemed to have occurred hereunder or under any documents executed in the future affecting this Conservation Easement.

(i) Termination of Rights and Obligations. Provided a transfer is permitted by this Deed, a Party's rights and obligations under the Deed terminate upon transfer of the Party's interest in the Deed or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(j) Colorado Governmental Immunity. No term or condition herein is intended nor shall be interpreted as a waiver of any provision or benefit of the Colorado Governmental Immunity Act or any other immunities or limitations available to the Grantee by law.

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30. AUTHORIZATION. Each Party represents to the other that such Party has full power and authority to execute, deliver, and perform this Deed, that the individual executing this Deed on behalf of said Party is fully empowered and authorized to do so, and that this Deed constitutes a valid and legally binding obligation of said Party enforceable against said party in accordance with its terms.<sup>9</sup>

TO HAVE AND TO HOLD this Conservation Easement unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed of Conservation Easement, to be effective as of the day and year first above written, notwithstanding the actual date of execution.

GRANTOR:  
BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LARIMER

By: \_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Deputy Clerk of the Board

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
County Attorney

Date: \_\_\_\_\_

<sup>9</sup> A current Statement of Authority should be recorded prior to recording of this Deed for any party that is an artificial entity, e.g. corporation, LLC, LLLC, Trust, etc.

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GRANTEE:

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LARIMER

By: \_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Deputy Clerk of the Board

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
County Attorney

Date: \_\_\_\_\_

EXHIBIT A  
**EXHIBIT "D"**

Conservation Easement Template

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EXHIBIT A  
TO  
DEED OF CONSERVATION EASEMENT  
FROM  
\_\_\_\_ GRANTOR  
TO  
LARIMER COUNTY GRANTEE

(Legal Description of Property)

EXHIBIT A  
**EXHIBIT "D"**

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**EXHIBIT B**  
**TO**  
**DEED OF CONSERVATION EASEMENT**  
**FROM**  
\_\_\_\_\_**GRANTOR**  
**TO**  
**LARIMER COUNTY GRANTEE**

(Surveyed Map of the Property – including Surveyed Building Envelopes and other areas designated herein)

EXHIBIT A  
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**EXHIBIT C  
TO  
DEED OF CONSERVATION EASEMENT  
FROM  
\_\_\_\_ GRANTOR  
TO  
LARIMER COUNTY GRANTEE**

(Baseline Acknowledgement)

EXHIBIT A  
**EXHIBIT "D"**

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**EXHIBIT D**  
**TO**  
**DEED OF CONSERVATION EASEMENT**  
**FROM**  

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**GRANTOR**  
**TO**  
**LARIMER COUNTY GRANTEE**

**Water Rights**

[When the water rights to be included in the conservation easement can be described with specificity, include as much detail as possible, i.e., name of water right, source of water, amount, court and case number, date(s) of appropriation and date(s) of adjudication, well permit number(s), allotment contract(s), and/or certificate number(s) for shares in ditch and reservoir companies.]

[When the water rights to be included in the conservation easement cannot be described with specificity, but the intent of the Parties is to include all of the water rights.] The **“Water Rights”** consist of all of Grantor’s right, title, and interests in any and all water and water rights of any kind or nature historically used on the Property, together with all canals, ditches, laterals, headgates, springs, ponds, reservoirs, water allotments, water shares and stock certificates, contracts, units, permits, wells, easements and rights of way, and irrigation equipment associated therewith. The Water Rights include surface water rights and groundwater rights (tributary, nontributary, not nontributary, and designated), whether decreed or undecreed.

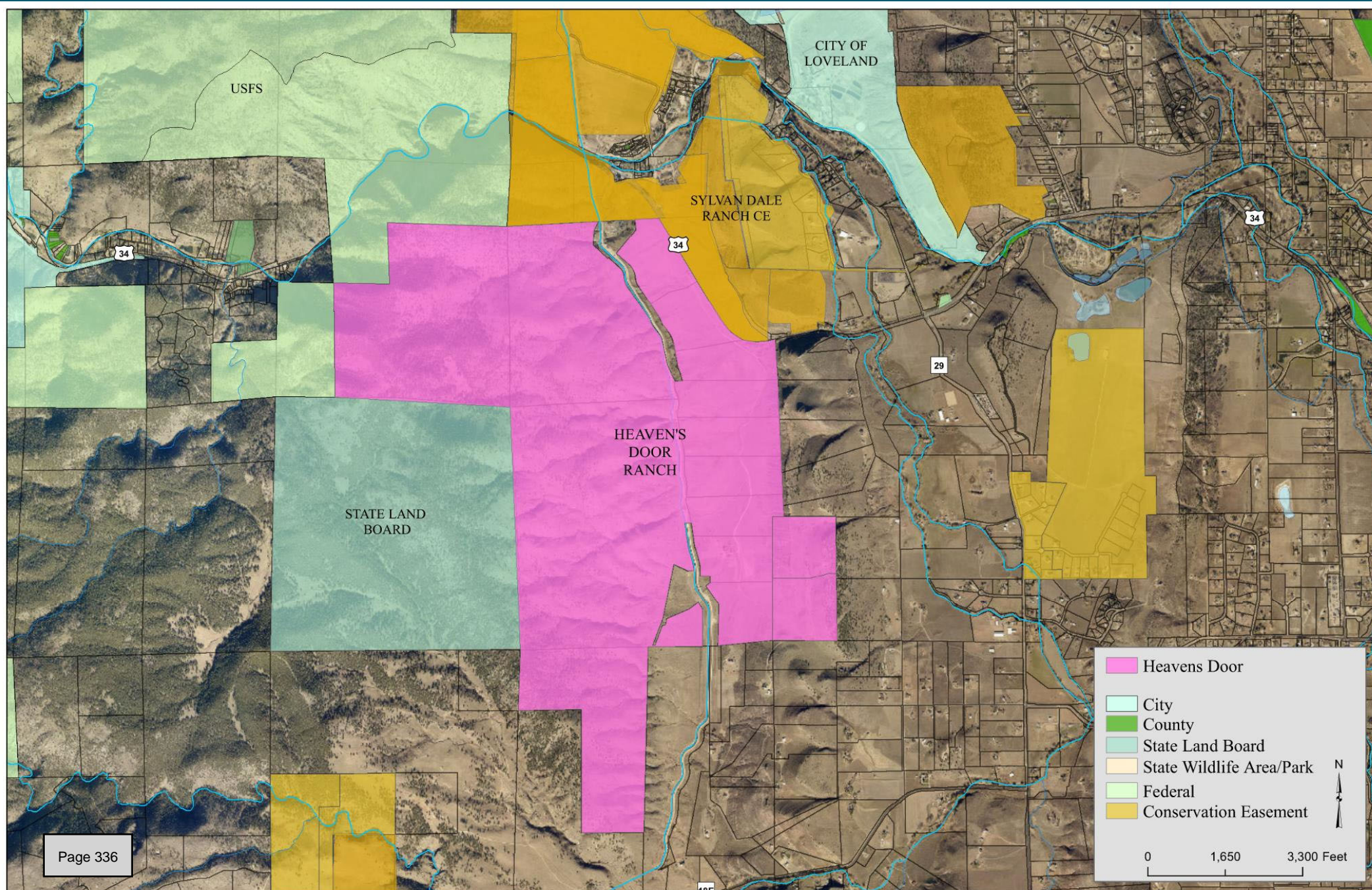


Open Space (OS) or County Park (CP) managed by Larimer County  
 Other Open Space, Natural Area (NA) or State Park (SP)  
 Conservation Easement (CE)  
 National Forest (NF)  
 National Park (NP)  
 Partnership Conservation Priority Area  
 Open Lands Conservation Priority Area  
 River Conservation Priority Area





# Blue Mountain Area – Heaven's Door Ranch







## **Natural Areas – Administrative Policy Land Acquisition Partnership Guidelines**

### Background

As requested by City Council during the December 11, 2018 work session, staff developed criteria and associated guiding questions to address Council's suggestions related to external land conservation partnerships. The criteria and guiding questions will be utilized well in advance of formalizing a partnership. If staff believes the partnership to be justified based upon the criteria and guiding questions, a memo detailing staff's recommendation will be presented to Council prior to moving forward. Thus, if Council has any concerns they can be addressed well in advance of a potential transaction.

### Criteria

- The acquisition must align with the land conservation priorities set forth by the Council Adopted - City of Fort Collins 2014 Natural Areas Master Plan.
- Visitation must be free of charge if public access is allowed.
  - If access fees are proposed, a staff recommendation to move forward must be explained and justified in the report to council.
- The partner/s must have a positive track record of partnerships with the City and/or other organizations.
- The partnership must enhance the conservation protections of the project.
- The land conservation project must leverage the parties' resources in a manner that leads to additional land conservation by one, or both, parties.

### Guiding Questions

- Does the land conservation project align with the land conservation priorities set forth by the Council Adopted - City of Fort Collins 2014 Natural Areas Master Plan?
- Does the partner have a positive track record of partnership with the City and or other organizations?
- Is the project of mutual interest due to previous investments by the partners or due to its location?
- How will the land conservation project benefit citizens of Fort Collins?
- How can/should the land conservation project be funded?
  - Are there grants available to help fund the project?
  - Do the partners have the financial ability to participate?
- Will the financial partnership positively affect a grant application?
  - Which partner is best suited to apply for and manage the grant?
- Would the land conservation project be possible without the partnership?
  - If so, does the partnership leverage resources for additional conservation or partnership opportunities?
- If the property is purchased:
  - Which partner is best suited to manage the property?
- If the land is conserved with a conservation easement?
  - Which partner is best suited to hold and monitor the conservation easement?

### **This Policy was Administratively Adopted by:**

**John Stokes**

Digitally signed by John  
Stokes  
Date: 2019.11.12  
16:24:58 -07'00'

**November 12 2019**

John Stokes, Natural Areas Department Director

Date

## **Land Conservation & Stewardship Board October 12, 2022 Regular Meeting – Excerpt**

### **IGA Larimer County, City of Loveland land acquisition**

**Julia Feder, Environmental Program Manager** presented the request from The City of Fort Collins Natural Areas Department to enter into an IGA with the Larimer County Department of Natural Resources to purchase a 1547-acre property adjacent to the City's Foothills/Buckhorn/Redstone Priority Area and within the County's Blue Mountain Conservation Area. The Natural Areas Department and the City of Loveland Open Lands and Trails Department will both donate towards the acquisition. In return the cities of Fort Collins and Loveland will receive a conservation easement on the 1547-acre property, which both entities will co-hold. The City of Fort Collins' contribution will be \$750,000.

This acquisition and conservation easement will protect important values that confer the following public benefits: 1) Wildlife habitat values, including significant, intact wildlife habitat made up of foothills grasslands, shrublands, and lower montane forest with numerous natural seeps and springs. 2) Scenic values that protect the visual corridor that includes conserved U.S. Forest Service, Colorado State Land Board, and conservation easement lands. 3) Buffer values that contribute to slowing development between unincorporated Larimer County and the City of Loveland. 4) Recreation opportunities will be considered, where appropriate.

### **DISCUSSION**

Member Culver started the discussion by asking what brought the property to the county's attention. Daylan Figgs explained the property had been of interest to the County since 1993 and they built a relationship with the owner over the years, keeping in regular contact with the family, as is often the case in land conservation. When they last reached out the owner was ready to sell so things progressed much quicker than usual. Meegan Flenniken clarified that Larimer County would hold the fee title with the Cities of Fort Collins and Loveland jointly holding the conservation easement. She also responded to Member Culver's question about the possibility of GOCO grant funding by explaining it was not possible given the standard grant cycle and the accelerated closing date.

Member Piesman asked about the financials of the acquisition, specifically purchase price, and conservation easement costs to the City of Loveland and to the City of Fort Collins Natural Areas. Daylan answered that the agreed selling price was \$9 million with the City of Fort Collins contributing \$750,000 towards the conservation easement.

Several members commented on the wildlife habitat and ecological value with the property's adjacency to State Land Board and riverine property. Member Culver asserted it makes sense as a wildlife corridor and is a great project.

Member Piesman asked about the property's proximity to Devil's Backbone Open Space and future public access. Meegan explained the County plans to get to know the site and fully understand its resource values before embarking on the onboarding process. Given that Chimney Hollow Open Space is next in their capital improvement plan and long-term cost

# MINUTES

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## **Land Conservation & Stewardship Board October 12, 2022 Regular Meeting - Excerpt**

model, Meegan stated it will likely be many years before they begin the normal public onboarding process. She emphasized that Fort Collins and Loveland as stakeholders will be part of the process in determining public access.

Vice Chair Cuniff asked if the County had made any assessment as to restoration needs. Daylan responded that there is a lot of potential in the valley bottom including some remnant wetlands. Daylan stated there may be a little bit of fire mitigation work needed, but overall, the property is in a pretty healthy condition. The County will conduct a formal assessment within the first few years of ownership after the land has had a chance to rest from grazing. Daylan responded to questions about the possibility of wildlife management in cooperation with the State Land Board as an option to explore.

Vice Chair Cuniff voiced concern that while he thinks this is a nice addition to the region, pursuing acquisitions without a recent property value assessment may contribute to inflated property values, which leads to depleted dedicated funding and is therefore not sustainable.

Chair Elson asked for clarification on the cost split of the shared conservation easement, and the accelerated timeline for closing. Julia explained that within the first 12 months after the acquisition, Natural Areas will be working with the County and the City of Loveland to define each agency's role in the partnership and ensuring the City's interests are represented in the case of major changes to easement policy. Julia stated the costs are associated with funds available, and that the City of Fort Collins is fortunate to have multiple funding sources allowing Natural Areas to contribute to this effort. She noted this conservation easement does not inhibit the department's ability to pursue other properties currently of interest. Daylan followed up that the City of Loveland sets asides funds each year for partnership opportunities and their contribution here will take most of those funds. Meegan explained, a draft IGA was being circulated to all three government agencies and they expect to meet the closing date of November 30<sup>th</sup>, including review by Board of County Commissioners. She also assured Chair Elson the County has previously entered into several shared conservation easements, so this is not unusual.

Member Kramer asked about the possibility of closing delay and if would be necessary for any one of the parties to record the title. Daylan said historically that has not been needed and he does not anticipate any issue in that regard.

Meegan brought to the attention of the Board, the 153 acres on the southeast corner of the property that includes substantial public/residential infrastructure, which is viewed as a liability. The County intends to hold the right to sell that portion of the acquisition and is exploring options to limit development impact on open space value and future public access. In response to Member Kramer's question about current access to the parcels on the southeast corner, Meegan shared there is a privately maintained county road that is not a public access. Vice Chair Cuniff supports the County disposing of the housing.

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## **Land Conservation & Stewardship Board October 12, 2022 Regular Meeting - Excerpt**

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Overall, the Board was very excited about the property, grateful for the partnership with Larimer County and supportive of the IGA.

***Chair Elson made a motion that the Land Conservation and Stewardship Board recommends that City Council approve an Intergovernmental Agreement (IGA) with Larimer County to partner on the purchase of the 1547-acre Heaven's Door Ranch property. Member Culver seconded the motion. The motion was unanimously approved, 8-0.***

DRAFT

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Teresa Roche, Human Resources Executive  
Kelley Vodden, Compensation, Benefits and Wellness Director  
Ryan Malarky, Legal

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## SUBJECT

**Public Hearing and Resolution 2022-113 To Decline the City of Fort Collins's Participation in the Colorado Paid Family and Medical Leave Insurance Program.**

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## EXECUTIVE SUMMARY

The purpose of this item is to obtain authorization for the City to decline participation in the Colorado Family and Medical Leave Insurance ("FAMLI") program, which is a state-run insurance program that will provide paid family and medical leave to eligible employees of participating employers.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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## BACKGROUND / DISCUSSION

During the 2020 general election, Colorado's voters approved Proposition 118, which led to the creation of the FAMLI program. The FAMLI program will provide paid family and medical leave to employees of participating employers under a state-run insurance program. The coverage does not begin until January 1, 2024, and participating employers are required to collect premiums from employees and remit the funds to the state starting January 2023.

Unlike private employers, local government employers may decline to participate in the FAMLI program. State regulations require that a notice of such a vote declining participation be delivered to the Division of Family Leave and Medical Leave Insurance ("FAMLI Division") within the Colorado Department of Labor and Employment ("CDLE"). City staff intends to provide that notice by December 31, 2022, before payroll withholding requirements begin in January 2023.

Local government employers that do not decline participation in the FAMLI program must begin withholding and remitting employer and employee premiums to the FAMLI Division beginning in January 2023. Initial premiums have been set at 0.9% of wages per employee, with 0.45% paid by the employer and 0.45% paid by the employee. Beginning January 1, 2025, the FAMLI Division may increase the premiums paid by employers and employees to a maximum of 1.2% of wages per employee.

In general, FAMLI insurance benefits provide eligible employees with the right to take a maximum of twelve weeks of paid family and medical leave, except four additional weeks are available for a serious health condition related to pregnancy or childbirth. The leave may be used for the following purposes:

1. To care for a serious medical condition;
2. To care for a family member with a serious medical condition;
3. To care for a new child during the first year;
4. When an employee or their family member needs to take safe leave because they are a victim of domestic violence, stalking, or sexual assault or abuse; and
5. When an employee needs to take qualifying exigency leave because an employee's family member is on or being called to active-duty military service.

The paid leave benefit is calculated based on the individual employee's income ranging from 37% to 90% of normal weekly wages, with a cap of \$1,100 per week.

Qualifying employees are entitled to job protection during FAMLI leave, which ensures that upon return from leave, employees are entitled to the same position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. During such leave, employers are required to maintain the employee's health benefits, but the employee must continue to pay the employee's portion of the health premiums.

Currently, the City provides employees with different leave benefits that include the continuation of pay for circumstances covered under FAMLI. The City's paid leaves include:

1. Short term disability leave
2. Parental leave
3. Sick leave
4. Emergency leave
5. Military leave
6. Vacation.

City employees are afforded job- protected leave under the federal Family and Medical Leave Act ("FMLA") and the Colorado Healthy Family and Workplaces Act ("HFWA"), which run concurrently with the applicable paid leave listed above. A comparison chart of FAMLI and City-sponsored plans is included as an attachment.

If the City declines participation in the FAMLI program, City employees may still choose to participate. Employees would be required to pay their portion of the premium to the FAMLI Division without administrative assistance from the City. Employees who want to participate can do so with no greater personal cost and without imposing a cost to the City and other employees who do not want to participate. To participate, employees can opt-in by following the requirements of Section 8-13.3-514 of the Colorado Revised Statutes and FAMLI regulations, including filing a notice of election with the FAMLI Division. An employee that chooses to participate must do so for a minimum of three years.

Additionally, the City could elect to participate in the program at a future date. FAMLI requires local governments to renew its decision to decline participation at leave every eight years.

Finally, the City periodically evaluates benefit programs to ensure that leaves are competitive, in alignment with the market, and meet federal, state, and local regulatory requirements. The City will conduct a comprehensive review of leave benefits in 2023, considering additional Caregiver leaves that may enhance our current suite of leave offerings.

## **CITY FINANCIAL IMPACTS**

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Should Council choose to **not** decline participation in the FAMLI program, costs for the City portion of the premium are estimated to be \$735,000 in 2023 and \$744,000 in 2024, in addition to administrative costs of complying with FAMLI.



## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

## **PUBLIC OUTREACH**

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Not applicable.

## **ATTACHMENTS**

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1. Resolution for Consideration
2. Comparison Chart of FAMLII and City-sponsored Plans
3. Notice to Employees of Council Vote

RESOLUTION 2022-113  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
TO DECLINE THE CITY OF FORT COLLINS'S PARTICIPATION IN THE COLORADO  
PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which led to the creation of a state-run Paid Family and Medical Leave Insurance ("FAMLI") program; and

WHEREAS, FAMLI is codified at Colorado Revised Statutes ("C.R.C.") Sections 8-13.3-501 through -524, and is administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance; and

WHEREAS, a local government may decline all participation in the FAMLI program by a vote of its governing body under C.R.S. Section 8-13.3-522, and interested employees may still elect to participate individually under C.R.S. Section 8-13.3-514; and

WHEREAS, on November 7, 2022, all City employees were provided a notice of the scheduled Council consideration of the City Manager recommendation to decline participation in the FAMLI program, inviting them to provide input on the matter for consideration by the City Council; and

WHEREAS, the City Council held a hearing regarding the City's participation in the FAMLI program on November 15, 2022, during which employees were given the opportunity to submit comments to City Council regarding the FAMLI program; and

WHEREAS, City Council has determined to make a local decision as to how to provide benefits and protections to City employees and declines participation in the FAMLI program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council as the governing body of the City of Fort Collins hereby formally resolves to decline participation by the City in the Paid Family Medical Leave Insurance ("FAMLI") program under C.R.S. Section 8-13.3-522.

Section 3. That the City Manager or her designee are hereby authorized and directed to take all actions necessary to implement the provisions of Section 2 above, including providing formal notice to the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance, regarding the City's decision to decline all participation in the FAMLI program.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

Colorado FAMLI		City of Fort Collins							
Program Features		Health Families Work Act/ COVID-19							
		Program Features	Paid Sick Leave	Emergency Sick Leave	Family and Medical Leave Act	Short Term Disability	Parental Leave	Unpaid Leave of Absence	Long Term Disability
Employee Eligibility	All employees employed by an eligible employer who have earned at least \$2,500 in wages within Colorado within the last 4 calendar quarters	Hourly	One hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year	All employees	Employees are eligible after one year of service and have at least 1,250 hours of service in the twelve months before taking FMLA.	No	All employees are eligible with the following criteria: given birth to a child, a spouse or committed partner of a person who has given birth to a child, or adopted a child, or been placed with a foster child.	All employees Any City employee may request an unpaid leave of absence without pay for a minimum of two weeks to a maximum period of one year in any five-year period.	No
		Contractual	3.08 hours per pay period for a total of 80 hours in a 12-month contract			No			No
		Classified and Unclassified Management	120 hours per year. Prorated for part-time and newly eligible employees.			Yes			Yes
Cost	Government organizations that opt-in, both the employee and employer incur a payroll tax of .45% beginning January 2023. The estimated cost to the City in 2023 will be \$735k and \$774k.	Cost	City pays, no cost to the employee						
Job Protections	Yes	Job Protections	No	Yes	Yes	No	Yes	No	No
Reason for Leave	Medical, Family, and Safe Leave	Reason for Leave	The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care	Experiencing illness due to the COVID-19 vaccine OR Experiencing illness due to a positive COVID-19 test Waiting on a COVID-19 test result OR Caring for a loved one who is sick or quarantined due to COVID-19	Medical, Family, Safe Leave	Employee's own illness/disability	To enable the employee to care for and bond with a newborn or a newly adopted or newly placed child	Various	Personal illnesses or injuries that are under the care/supervision of a healthcare provider and render the employee partially or totally disabled for more than 90 calendar days

<b>Paid Leave</b>	\$1,100 Maximum Weekly Benefit* *For 2022 and will be adjusted every consecutive year		<b>Paid Leave</b>	100% of wages	100% of wages	No	The first 14 days of disability is considered the STD Elimination Period. Employees use Sick Leave (80 hours) unless they do not have enough Sick Leave available. Then they may use other paid leave time or take unpaid leave. Following the Elimination Period, employees are then eligible to receive up to six weeks of STD pay at 100% of weekly earnings. Then four weeks plus six days of STD pay at 75% of weekly earnings. Employees may request to supplement the remaining 25% of weekly earnings with eligible Paid Time Off.	100% of wages	No	Paid at 66.67% of monthly earnings to a maximum of \$7,500 per month, paid 1 time per month. If totally disabled, employees may request to supplement their remaining monthly earnings with eligible Paid Time Off. If partially disabled, employees can only supplement their remaining monthly earnings with modified work time.
<b>Duration</b>	Up to twelve (12) weeks of paid family and medical leave within a rolling 12-month period and eligible employee experiencing pregnancy or childbirth complications, may receive up to an additional four (4) weeks of FAMLI benefits		<b>Duration</b>	Variable	80 hours	Up to 12 weeks	Up to 90 days	Up to 3 weeks	2 weeks up to one year	Less than age 60 at the start of your disability, the maximum period of payment is to age 65, but not less than 5 years. Over age 60 at the start of your disability, refer to the maximum period of payment schedule in the plan document.
<b>Certification</b>	Medical Certification		<b>Certification</b>	Employer may require	None Required	Medical Certification		Required	None Required	Medical Certification
<b>Employee Notice Required</b>	Employer notified as needed		<b>Employee Notice Required</b>	Employer notified as needed	Employee notifies manager for timesheet approval. Hourly employees submit a Healthy Families Workplace form to request Emergency Sick Leave so the Paid Time Off balance can be added.	30 days if foreseeable, or as soon as practicable.				

**From:** [Kelley Vodden](#)  
**Cc:** [Kelley Vodden](#)  
**Subject:** Please Read: Family and Medical Leave Insurance Opt Out Recommendation  
**Date:** Monday, November 7, 2022 6:03:48 PM

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Colleagues,

I hope all are well.

This email intends to **inform you about the state run Paid Family and Medical Leave Insurance (FAMLI) program, created by** Proposition 118, approved in November 2020 by Colorado voters.

**FAMLI becomes effective January 1, 2024, and municipalities can opt out with elected officials' approval.** Both the City, as an employer, and employees will each be taxed a new .45% payroll tax beginning in January 2023 if we do not opt out.

**We plan to recommend the City opt out at the November 15, 2022, City Council public meeting by presenting a resolution to Council for its approval. The approval of a resolution requires a majority vote of the City Council and is effective immediately. The resolution will be on the Council's consent calendar, meaning Council will not individually discuss the resolution before voting unless it is pulled from consent by a Councilmember or the City Manager.**

At the end of this email is a link to a survey you can use to send your anonymous comments about our request to the Council to approve opting out of FAMLI. Although City employees would not normally address issues of this nature with Council, in this instance, employees can participate under general comments. If you wish, you may also attend the City Council meeting.

Anyone wanting to speak during the meeting must [sign up in advance](#). More information can be found on [Council Comments](#).

#### **Let me provide more context about FAMLI.**

The [Division of Family and Medical Leave Insurance](#) states, "the FAMLI program will ensure all Colorado workers have access to paid leave to take care of themselves or their family during life circumstances that pull them away from their jobs — like growing their family or taking care of a loved one with a serious health condition."

Local government organizations have two participation options:

1. **Participate in FAMLI**, which requires both the employer and employee to pay into the program.
2. **Opt-Out/Decline ALL participation in FAMLI** and revisit the decision to opt out at least every eight (8) years.

You can visit the [FAMLI Program | Proposition 118](#) SharePoint page on [HR Connect](#) for more information, including a comparison table of FAMLI and City of Fort Collins leave benefits.

#### **Why are we recommending we opt out?**

The City of Fort Collins currently provides greater benefits to our employees and has **decided to select the Opt-Out/Decline ALL participation of FAMLI option.**

The City provides employees with sick time off, disability benefits (short and long-term), and parental leave, all at **no cost to the employee**.

We believe it is in the City's and our employees' best interest to opt out. We spoke with several Front Range municipalities, and we do not know anyone opting into FAMLI. We provide a list for you to review on the [FAMLI Program | Proposition 118](#) SharePoint page on [HR Connect](#).

Please remember opting out is not permanent and will be revisited biannually.

In 2023, we will continue our review of our leave offerings for all employees and make any changes effective January 2024.

Even if City Council approves our recommendation to opt out of the FAMLI program, City employees may still participate in FAMLI. To participate, you would have to notify the Department of Labor and Employment, Family and Medical Leave Insurance Division, of your decision to participate and remit your portion of the premium directly to the state. More information about how to individually participate in FAMLI can be found at <https://famli.colorado.gov/>. The FAMLI Division can be reached at [CDLE\\_FAMLI\\_info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us).

**The opt out process includes an opportunity for employees to share their comments with the City Council using this survey link [FAMLI Prop 118-Employee Comments to Council](#).**

If you have any questions, please reach out to me.

All my best,

Kelley

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**Kelley Vodden**

Pronouns: (she/her)

Director of Compensation, Benefits, and Wellness

Human Resources

City of Fort Collins

215 N. Mason

970-685-0575 mobile

[kvodden@fcgov.com](mailto:kvodden@fcgov.com)



November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

LeAnn Williams, Director, Recreation  
Mike Calhoon, Acting Community Services Director  
Ted Hewitt, Legal

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### SUBJECT

**Resolution 2022-114 Making the Determination that the City Park Train Project Funded Through the Community Capital Improvement Program is not Financially Feasible.**

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### EXECUTIVE SUMMARY

The purpose of this item is to declare the City Park Train project financially unfeasible and remove it from the Community Capital Improvement Program (CCIP) project list.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

On April 7, 2015, the voters of Fort Collins approved Ordinance No. 013, 2015, extending the .25% Building on Basics Capital Projects Sales and Use Tax for a period of ten years for the purpose of obtaining revenue for the "Community Capital Improvement Program" (CCIP) Capital Projects and Related Operation and Maintenance. The City Park Train was one of the projects approved by voters at an estimated capital cost of \$350,000 with no ongoing Operations and Maintenance funding. The project was to bring back the City Park train in a new, expanded location in City Park.

A new location for the train was identified through an extensive community engaged master planning process for City Park that began in 2015 and concluded in 2020.

The CCIP funding is not sufficient to cover the costs of infrastructure improvements required to accommodate the train in the new location. Park Planning and Development department submitted offer #60.8 in the 2023-2024 Budgeting for Outcomes process at \$5.1M. The offer requested the additional funding necessary for the train track installation and associated infrastructure improvements needed to provide a safer experience for train users and align with the 2019 City Park master plan. The offer also included necessary park upgrades to accommodate the train, including relocating the tennis and pickleball courts. This offer was unfunded in the City Manager's 2023-2024 Recommended Budget. The offer was also submitted and not funded in the 2022 budget.

Due to the significant financial investment that is \$4.75M higher than what the voters agreed to fund, it is staff's recommendation to not replace the City Park Train and remove it from future discussions at City Park.



Council will need to declare the City Train project financially unfeasible to remove it from the list of City projects to be completed.

### **CITY FINANCIAL IMPACTS**

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The City may receive some revenue from the sale of the train. Staff will explore options to sell the locomotive, gondola, caboose, and track materials, in accordance with the City's policies on the disposition of surplus and obsolete property.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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1. Resolution for Consideration

RESOLUTION 2022-114  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING THE DETERMINATION THAT THE CITY PARK TRAIN PROJECT FUNDED  
THROUGH THE COMMUNITY CAPITAL IMPROVEMENT PROGRAM IS  
NOT FINANCIALLY FEASIBLE

WHEREAS, on April 7, 2015, the voters of Fort Collins approved Ordinance No. 013, 2015, extending the .25% Building on Basics Capital Projects Sales and Use Tax for the purpose of obtaining revenue for the Community Capital Improvement Program (“CCIP”) Capital Projects and Related Operation and Maintenance (the “Ordinance”); and

WHEREAS, the Ordinance authorized funding of up to \$350,000 to bring back the City Park train in a new, expanded location in City Park (the “Project”); and

WHEREAS, a new location for the City Park train was identified through an extensive community engaged master planning process for City Park that began in 2015 and concluded in 2020; and

WHEREAS, fabrication of the train locomotive, caboose, and passenger car has been funded and largely completed; and

WHEREAS, train track installation and associated infrastructure improvements needed to provide a safe experience for those operating and riding the train and to align with the 2019 City Park master plan are estimated to cost \$5.1 million; and

WHEREAS, Park Planning and Development submitted offer #41.3 in the 2022 budget cycle and offer #60.8 in the 2023-2024 budget cycle to fund the City Park train and needed infrastructure improvements and neither offer was funded; and

WHEREAS, given that the City has funded less than ten percent of the required cost to complete the Project, the City Manager recommends that the Council find the Project is not financially feasible to undertake and complete without substantially changing the essential character of the Project; and

WHEREAS, the Ordinance authorizes the City Council to determine by resolution that the Project is no longer financially feasible to undertake and complete without substantially altering the essential character of the project, after receiving such a recommendation from the City Manager; and

WHEREAS, the City Council has determined that the Project is no longer financially feasible to undertake and complete without substantially altering the essential character of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council determines that the City Park Train Project, funded through the Community Capital Improvement Program, is no longer financially feasible to undertake and complete without substantially altering the essential character of the Project.

Section 3. That the City Council recognizes that the largely completed City Park train locomotive, caboose, and passenger car, and any ancillary supplies and materials, are surplus or obsolete City property to be disposed of in accordance with Section 23-126 of the City Code.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk

November 15, 2022

# AGENDA ITEM SUMMARY

City Council



## STAFF

Anissa N. Hollingshead, City Clerk  
Carrie M. Daggett, Legal

## SUBJECT

**Items Relating to Appointments to Various Boards and Commissions.**

## EXECUTIVE SUMMARY

- A. Resolution 2022-115 Making Appointments to the Art in Public Places.
- B. Resolution 2022-116 Making Appointments to the Economic Advisory Board.
- C. Resolution 2022-117 Making Appointments to the Energy Board.
- D. Resolution 2022-118 Making Appointments to the Human Services and Housing Funding Board.
- E. Resolution 2022-119 Making Appointments to the Natural Resources Advisory Board.
- F. Resolution 2022-120 Making Appointments to the Planning and Zoning Commission.
- G. Resolution 2022-121 Making Appointments to the Water Commission.

The purpose of this item is to fill vacancies on various boards and commissions.

## STAFF RECOMMENDATION

Staff recommends adoption of the Resolutions.

## BACKGROUND / DISCUSSION

These Resolutions appoint 25 individuals to fill vacancies left from previous board and commission members. These appointments will begin and expire as noted next to each recommended name shown below and in each of the individual resolutions.

### Art in Public Places Board

Appointments	Term Effective Date	Expiration of Term
Nancy Zola (Seat A)	January 1, 2023	12/31/2026
Myra Powers (Seat E)	January 1, 2023	12/31/2024
Christopher Staten (Seat G)	January 1, 2023	12/31/2023

**Economic Advisory Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Thierry Dossou (Seat A)	January 1, 2023	12/31/2026
Erin Gray (Seat E)	January 1, 2023	12/31/2024
Richard Waal (Seat G)	January 1, 2023	12/31/2024
Mike Colwell (Seat I)	January 1, 2023	12/31/2023

**Energy Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Thomas Loran (Seat A)	January 1, 2023	12/31/2026
Alan Braslau (Seat E)	January 1, 2023	12/31/2024
Brian Smith (Seat G)	January 1, 2023	12/31/2024
Bill Althouse (Seat H)	January 1, 2023	12/31/2023
Vanessa Paul (Seat I)	January 1, 2023	12/31/2023

**Human Services & Housing Funding Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Josh Johnson (Seat A)	January 1, 2023	12/31/2026
Erma Woodfin (Seat E)	January 1, 2023	12/31/2024
Michaela Ruppert (Seat G)	January 1, 2023	12/31/2024
Mike Nielsen (Seat H)	January 1, 2023	12/31/2023
Stephanie Campbell (Seat I)	January 1, 2023	12/31/2023

**Natural Resources Advisory Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Kelly Stewart (Seat A)	January 1, 2023	12/31/2026
Lisa Andrews (Seat E)	January 1, 2023	12/31/2024
Matt Zoccali (Seat G)	January 1, 2023	12/31/2024
Bryan David (Seat I)	January 1, 2023	12/31/2023

**Planning and Zoning Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
York York (Seat C)	January 1, 2023	12/31/2026
Samantha Stegner (Seat D)	January 1, 2023	12/31/2026

**Water Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Gregory Steed (Seat C)	January 1, 2023	12/31/2026
James Bishop (Seat D)	January 1, 2023	12/31/2026

**CITY FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not Applicable.

**PUBLIC OUTREACH**

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Public outreach to seek applicants for boards and commissions included paid advertising in print publications, media releases for earned coverage in local media sources, and social media promotion of opportunities.

**ATTACHMENTS**

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1. Resolution A for Consideration
2. Resolution B for Consideration
3. Resolution C for Consideration
4. Resolution D for Consideration
5. Resolution E for Consideration
6. Resolution F for Consideration
7. Resolution G for Consideration
8. Redacted Applications

RESOLUTION 2022-115  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE ART IN PUBLIC PLACES BOARD

WHEREAS, the Art in Public Places Board has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 28, 2022; and

WHEREAS, the City Council desires to make appointments to fill the vacancies on the Art in Public Places Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Art in Public Places Board with a term to begin and expire as noted below next to each appointee's name.

**Art in Public Places Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Nancy Zola (Seat A)	January 1, 2023	December 31, 2026
Myra Powers (Seat E)	January 1, 2023	December 31, 2024
Christopher Staten (Seat G)	January 1, 2023	December 31, 2023

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2022-116  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE ECONOMIC ADVISORY BOARD

WHEREAS, the Economic Advisory Board has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 21, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Economic Advisory Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Economic Advisory Board with a term to begin and expire as noted below next to each appointee's name.

**Economic Advisory Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Thierry Dossou (Seat A)	January 1, 2023	December 31, 2026
Erin Gray (Seat E)	January 1, 2023	December 31, 2024
Richard Waal (Seat G)	January 1, 2023	December 31, 2024
Mike Colwell (Seat I)	January 1, 2023	December 31, 2023

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



RESOLUTION 2022-117  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE ENERGY BOARD

WHEREAS, the Energy Board has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 26, 2022, and October 27, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Energy Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Energy Board with a term to begin and expire as noted below next to each appointee's name.

**Energy Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Thomas Loran (Seat A)	January 1, 2023	December 31, 2026
Alan Braslau (Seat E)	January 1, 2023	December 31, 2024
Brian Smith (Seat G)	January 1, 2023	December 31, 2024
Bill Althouse (Seat H)	January 1, 2023	December 31, 2023
Vanessa Paul (Seat I)	January 1, 2023	December 31, 2023

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



RESOLUTION 2022-118  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE  
HUMAN SERVICES AND HOUSING FUNDING BOARD

WHEREAS, vacancies currently exist on the Human Services and Housing Funding Board due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for this appointment on October 31, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Human Services and Housing Funding Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the expired terms or open vacancies on the Human Services and Housing Funding Board with a term to begin and expire as noted below next to the appointee's name.

**Human Services and Housing Funding Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Josh Johnson (Seat A)	January 1, 2023	December 31, 2026
Erma Woodfin (Seat E)	January 1, 2023	December 31, 2024
Michaela Ruppert (Seat G)	January 1, 2023	December 31, 2024
Mike Nielsen (Seat H)	January 1, 2023	December 31, 2023
Stephanie Campbell (Seat I)	January 1, 2023	December 31, 2023

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2022-119  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE NATURAL RESOURCES ADVISORY BOARD

WHEREAS, the Natural Resources Advisory Board has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 24, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Natural Resources Advisory Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Natural Resources Advisory Board with a term to begin and expire as noted below next to each appointee's name.

**Natural Resources Advisory Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Kelly Stewart (Seat A)	January 1, 2023	December 31, 2026
Brian Smith (Seat E)	January 1, 2023	December 31, 2024
Matt Zoccali (Seat G)	January 1, 2023	December 31, 2024
Bryan David (Seat I)	January 1, 2023	December 31, 2023

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2022-120  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION

WHEREAS, the Planning and Zoning Commission has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 26, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Planning and Zoning Commission with a term to begin and expire as noted below next to each appointee's name:

**Planning and Zoning Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
York York (Seat C)	January 1, 2023	December 31, 2026
Samantha Stegner (Seat D)	January 1, 2023	December 31, 2026

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2022-121  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE WATER COMMISSION

WHEREAS, the Water Commission has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers interviewed candidates for these appointments on October 24, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Water Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Water Commission with a term to begin and expire as noted below next to each appointee's name.

**Water Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Gregory Steed (Seat C)	January 1, 2023	December 31, 2026
James Bishop (Seat D)	January 1, 2023	December 31, 2026

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# VOLUNTEER APPLICATION

Bill Althouse

9/8/2022 8:21 PM

Application: **EB - Energy Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Some College  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, NM 80521

## Volunteer Groups Applied For

Energy Board

## Skills & Interests

Additional Skills / Interests: Palauan

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.

YES

If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.

1 Energy Board 2.Economic Advisory board

I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e. February, April, etc.)

YES

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5View>

GMA

Current Occupation:

Retired Energy Engineer/ farmer

Current Employer:

I work as a volunteer CTO to The Carbon Economy Series, and The Colorado Renewable Energy Cooperative. I volunteer as the manager of the Fat Pig Society Cooperative

Prior work experience (please include dates):

35 years in alternative and renewable energy before retiring as a Colorado farmer- see attached bio

Volunteer experience (please include dates):

Regulatory and Standards- ASTM, IEEE. Colorado Dept of Ag advisory committee. Santa Fe City/County Joint Municipalization taskforce. Many Nonprofits- Local Energy, Southwest

Energy Institute, Carbon Economy Series.  
See bio for complete list with dates

Are you currently serving on a City board or Commission If so, which one

No

Why do you want to become a member of this particular board or commission

The transition to 100% clean energy has been the dream of my 35 years of energy engineering. Fort Collins and PRPA is finally going to make the dream come true and I want to help.

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes

The biggest barrier is orchestration of the shift from a centralized energy system to a decentralized one.

Specify any activities which might create a serious conflict of interest if you are appointed:

No, I have no commercial interests

Have you had any exposure to the board or commission you are applying for If yes, please explain:

Yes  
I follow the Energy Board regularly, Zooms and minutes

How did you learn of a vacancy on this board or commission

Other (please specify)  
Energy Board discussions



## Bill Althouse- Bio

2022- Received grant from Colorado Department of Agriculture for a feasibility study of biofuel production from agricultural wastes.

2022 present- CTO- Colorado Renewable Energy Cooperative- exploring the local economic benefits of the aggregation of private renewable resources into a Virtual Power Plant

2022- Member – DOE National Community Solar Partnership

2022- Member- Rocky Mountain Farmer's Union

Currently- member ASTM Standards Committees- ASTM C16- insulation, ASTM E06- Building Sciences, ASTM D37-07- Hemp Fibers, ASTM E48—Biofuels from biomass

2021 to present- Member IEEE P2988- Standards for Virtual Power Plants

2021 to present- Member- Colorado Dept. of Agriculture Hemp Advisory Committee representing Coops

2021- Member Colorado Hemp Center of Excellence Steering Committee

2020 to present- CTO- The Carbon Economy Series- Educational 501c3- promoting scale solutions to climate change

2020- Member Colorado Governor's CHAMP Initiative R&D Committee

2020- Certified the first Hemp Clone with AOSCA, the National Association of Seed Certifying Agencies- <https://hempindustrydaily.com/industry-group-aims-to-develop-high-cbd-varieties-that-wont-go-hot/>

2016- Received the first Organic Certification for Hemp Crops- <https://hemptoday.net/cutting-out-the-middleman-to-help-small-organic-farmers/>

2013 to present- Founded the Fat Pig Society, a Certified Organic Hemp Farm Workers Cooperative, the first registered hemp farm in Colorado

2010- Became one of the first commercial producers of Cannabidiol, CBD, in the US

1998-2010 President, Althouse Inc, an energy services company specializing in recycled cellulose insulation with guaranteed utility bills for building owners. Althouse qualified new buildings for the EPA's Energy Star Program using Building Science and developed sustainable energy projects-Performance Contracting, biomass and cogeneration. Over 400 Energy Star homes completed with all exceeding the guaranteed energy consumption target.

2008 Instructor Santa Fe Community College, SFCC, “Thermal Bypass and Building Science for HERS Raters”

2008 Instructor “Building Science” American Institute of Architects

2008 Energy consultant City of Santa Fe, HERS codes, and Santa Fe County Courthouse design

2007 Instructor SFCC Biomass heating technologies

2007 Designed installed and operated a demonstration biomass heating system at SFCC

2005- Speaker- “Building Science” Santa Fe Design Week

2003- Instructor- Workshop for American Institute of Architects- “Building Science”

2002- Pioneered EPA Energy Star Homes packaging systems for residential contractors

2002- Local Energy awarded \$1.3 million from DOE/USDA for feasibility and pre-engineering of a cogeneration biomass plant to provide all of Sante Fe with renewable electricity and heat.

2001- Certified as the first “House Doctor” in the Southwest (also called Building Science)

2001- Received award from Department of Energy for Waste to Warmth Program

2001 Created KOB TV’s “Waste to Warmth” program that collected recycled newspapers to make the insulation to provide free insulation retrofits to 30 senior citizens in Albuquerque who were struggling to pay high natural gas prices at the time, \$10 per MMbtu.

2001- Speaker- New Mexico Realtors Assoc.- “The Value of Residential Energy Efficiency”

2001- Speaker- New Mexico Solar Energy Society Fiesta- “Energy Efficiency”

2001-Speaker NM Environmental Health Conference “The Economics of Energy Efficiency”

2000- Member IEEE 1547- National Grid Interconnection Standards development

2000-Panelist- New Mexico Alternative Energy Symposium “Barriers to Alternative Energy”

2000- Speaker- DOE conference “Combined Heat and Power”

2000- Instructor- Association of Energy Engineers “Workshop on Distributed Generation”

2000- Member Sante Fe City and County Joint taskforce to consider municipalization of the power grid

2000-2002-Managing Partner, Enviroactive LLC- residential energy efficiency, Enviroactive operations absorbed by Althouse Inc- March, 2002

1999 Feature article in Public Utilities Fortnightly entitled “ Micro Maverick” about our work in Distributed Energy Resources and the local economic benefits of DERs versus central generation

1999- Cofounded Local Energy a 501c3 nonprofit to promote the economic benefits of local Energy Production

1999- Subject of feature article in Santa Fe Reporter titled “PowerRangers” about the future of electricity.

1999 Keynote speaker- Santa Fe County Green Party Convention “Democratic Energy systems”

1999- April 1, Authored Public Utilities Fortnightly feature article titled “Are Utilities Suppressing Distributed Generation?”

1997- Co-Founded Southwest Energy Institute- The Institute was active in all regulatory and legislative issues that relate to distributed generation and renewable energy.

1990-1996---Member IATSE Film Union- Electrician/LightingPV - maintained and operated independent microgrids over one megawatt in capacity, moving complete systems daily.

1983-1987 President- SEA-Solar Engineers and Associates, Koror, Palau, Micronesia. Installed SEA designed PV medivac radios, PV vaccine refrigerators, lighted navigational buoys, and village lighting. Also served as an energy analyst for Republic of Palau government.

1980-1982- Photovoltaic (PV) engineer at WEBA, the largest distributor of solar electric and solar thermal equipment in the Southwest. At WEBA, Bill pioneered direct-drive photovoltaics (panels to motor-no batteries), installed thousands of PV modules, including a cathodic protection system for a pipeline (the first cost effective terrestrial application of PV), microwave repeaters, forest ranger towers, industrial pumping, PV powered solar thermal differential controls, and residential systems. Bill trained field technicians for 38 WEBA dealers in 15 states.

1982- Featured speaker “Residential Photovoltaic System Design” -International Solar Energy Society convention.

1980- Bill built and lived in one of the first off grid solar homes in NM. It featured photovoltaic power, solar heat, windmill water, grey water recycling, and was built entirely from recycled materials.

1979-Cover article of Sunpaper -New Mexico Solar Energy Society Publication , Title- “Cheapolater”, about Bill’s mobile home solar space heater retrofit built for \$50 which achieved an 80% annual solar heating fraction.

1975-1979- New Mexico, due it's very high insolation levels, was a hotbed for solar energy gurus who knew that their designs would show best performance here. Bill collaborated with many solar pioneers on the creation of many early solar projects.

# VOLUNTEER APPLICATION

**Lisa Andrews**

9/16/2022 5:37 PM

Application: **NRAB - Natural Resources Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED] (H) [REDACTED] <<  
 Fort Collins, CO 80524

## Volunteer Groups Applied For

Natural Resources Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.

YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.

1. Cultural Resources 2. Air Quality 3. Natural Resources

I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m.

YES

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Vie>

6

Current Occupation:

Medical Assistant

Current Employer:

UC Health Northern Colorado

Prior work experience (please include dates):

EMT: 5/2011 to 4/2020  
 Medical Assistant: 11/2013 to 4/2015  
 Mental Health Counselor: 1/2012 to 4/2013  
 Guidance Counselor: 8/1998 to 6/2009

Volunteer experience (please include dates):

Volunteer EMT 5/2011 to 4/2020

Are you currently serving on a City board or Commission? If so, which one?

No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

preserving wetlands

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

Served for 3 years on the open space commission for the Town of Telluride. focus was development of trails and responsible citizen use

Specify any activities which might create a serious conflict of interest if you are appointed:

none

How did you learn of a vacancy on this board or commission?

Newspaper

# Lisa Ann Andrews

**M.Ed.**

**NREMT-Intermediate # I 7012895**

**Current Certifications in: IV therapy, CPR, ACLS, AMLS, PALS**

**Intermediate level of fluency in Spanish**

Fort Collins, CO 80524

## **Work Experience:**

**EMT/Medical Assistant at UC Health Urgent Care, Northern CO 12/2020 to present**

Provide patient assessment, care, administer medications, and maintain medical records for medical and trauma emergencies in the urgent care clinic. Work with providers to determine needs, patient procedures and medications as directed.

**Phlebotomist for San Miguel County Covid-19 antibody testing 3/2020 to 4/2020**

**EMT-Intermediate with Telluride EMS 11/2013 to 4/2020**

Provide patient assessment, care and transport in response to 911 calls for medical and trauma emergencies. Work with Paramedic to determine needs, provide pre-hospital care and transport of patients. Many transports of 60+ miles to Montrose Memorial Hospital and to St. Mary's Hospital in Grand Junction.

**EMT-Basic with Telluride EMS 05/2011 to 11/2013**

**Medical Assistant: Uncompahgre Medical Center, Norwood, CO 11/2013 to 04/2015**

Duties include rooming patients, assessment and recording of V/S, interviewing patients re C/C, blood lab collection, procedures such as ear irrigation, O2 certification, suture removal, wound cleaning and dressing, IV start and fluid management, administration of immunizations, prescription refills, in-house labs (UA, I-STAT, WBC, INR, etc), recording patient data in electronic records. Left this position in order to live and study in Spain for 14 months.

**Mental Health/Substance Abuse Counselor: The Center for Mental Health, Montrose, CO**  
**1/2012 to 4/2013**

Provided individual mental health counseling and substance abuse relapse prevention services to inmates at San Miguel County Jail through a jail-based behavioral services grant program. Extensive electronic record keeping and charting.

**Guidance Counselor: Telluride Middle/High School**  
**8/1998 to 6/2009**

Worked closely with students in grades 7-12 in academic planning, motivation, career awareness, conflict resolution, goal setting and post-HS planning.

Met regularly with parents in a variety of capacities to assist with parenting issues, student performance, student lifestyle choices, school behavior challenges, and substance abuse intervention and treatment options. Coordinated substance abuse prevention programs for grades 7-12. Direct delivery of content to parents and students as well as recruitment and oversight of guest speaker programs, including extensive work with Boston-based Freedom from Chemical Dependency (FCD).

**Education:**

**Bowdoin College, Brunswick, Maine**

BA Biology

**Antioch University, Keene, New Hampshire**

M.Ed. Counseling, emphasis in Child Development

Licensed Professional Counselor, State of Colorado, #1378

Teacher Certification: Professional Special Services License, Secondary Counselor

Certified Addictions Counselor Level II, State of Colorado, #4651 (I let this expire in fall of 2013 after 20+ years)

National Registry of Emergency Medical Technicians—Intermediate, November 2013

**References:**

Emil Sante

Chief Paramedic: Telluride Emergency Medical Services

San Miguel County Coroner

[REDACTED]

Sharon Broady

Office Manager, Telluride High School

[REDACTED]

Becki Chiles, RN

Formerly lead MA at Uncompahgre Medical Center

Letter of recommendation on file

# VOLUNTEER APPLICATION

James Bishop

9/6/2022 3:37 PM

Application: **WC - Water Commission**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80524

## Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Volunteer Groups Applied For

Water Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering.

I acknowledge I am available when the Water Commission meets: YES  
 Regular Meetings - Third Thursday of each month.  
 Work sessions - 1st Thursday every other month (even-numbered months) from 5:30-7:30 p.m.

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5View> 6

Current Occupation: Communications Strategist and Public Information Officer Deputy Mission Support Group Commander (Air Force Reserve)

Current Employer: USDA's Center for Epidemiology and Animal Health Air Force Reserve

Prior work experience (please include dates): Bureau of Reclamation Public Involvement Specialist, Eastern Colorado Area Office - November 2016 - Feb 2020.  
 Instructor of English, Indiana University, 2009 - 2016  
 Instructor of English, US Air Force Academy, 2007 - 2009

Volunteer experience (please include dates): HOA Board Member, Old Town North



Are you currently serving on a City board or Commission? If so, which one?

No

What is your experience (technical/legal/research/regulatory/volunteer/political, etc) in matters related to water as it pertains to our region, other regions, municipal water utilities, water resources?

I was essentially the public affairs officer for the Colorado-Big Thompson and Fryingpan-Arkansas Projects for the Bureau of Reclamation for nearly 4 years. My job was to understand those diversion projects, their water and hydropower operations, and communicate them to the public in concern with Northern Water, our operating partner.

What priorities do you feel the water commission should highlight in advising/directing city staff and council?

Reducing consumption of water used to support non-native landscaping including lawns. Pricing water fairly relative to its current and future costs including infrastructure and affects on population growth. Continuing to inform citizens of the costs and national pressures facing Colorado River water. Addressing the cost of "tap fees" on affordable housing.

Please describe your motivation/passion to be on the water commission and what (expertise/viewpoints/background/differing perspective) you may bring to the table.

I want to see this precious resource understood better by the public, managed effectively, and conserved more generally. Currently the "tap fees" involved in building new residential units are a significant headwind in creating more affordable housing for the city, and I'd like the board to consider ways to mitigate that for new, designated affordable housing units.

Specify any activities which might create a serious conflict of interest if you are appointed:

I no longer work for the Bureau of Reclamation and face no conflicts of interest otherwise.

How did you learn of a vacancy on this board or commission?

Other (please specify)

# VOLUNTEER APPLICATION

Alan Braslau

9/18/2022 7:02 PM

Application: **EB - Energy Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: PhD

Address: [REDACTED] Phone: (M) [REDACTED]  
Fort Collins, CO 80521

## Volunteer Groups Applied For

Energy Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. N/A

I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e. February, April, etc.) YES

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5Vie> 6

Current Occupation: secondary teacher

Current Employer: Poudre School District

Prior work experience (please include dates): Greeley-Evans School District 6  
Thompson School District  
Commissariat l'nergie Atomique (France)

Volunteer experience (please include dates): City of Fort Collins Energy Board  
Safe Routes to School/Bike Fort Collins  
Mieux D placer Bicyclette, Paris  
FCPE (French school system citizen support/elected)

Are you currently serving on a City board or Commission If so, which one Yes  
Energy Board

Why do you want to become a member of this particular board or commission I have been a member of the Energy Board since June 2016. I would like to continue work on this Board up until my term limit, I believe another two years.

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes

With the progress that has been made in integrating more renewable electricity generation wind and solar resources, and with the programmed shutdown of the Rawhide coal facility, the largest contributor to our community's greenhouse gas emissions comes from the transportation sector. There needs to be a shift towards a greater use (and greater offer) of transit, as well as development that takes the impact of transportation into account. Yet we will not meet our electricity generation goals without a large-scale adopting of active demand management and more distributed energy resources. We also need to continue in adopting stricter energy performance building codes and address the questions of equity and affordability through specific policies such as the Income Qualified Utilities Rates.

Specify any activities which might create a serious conflict of interest if you are appointed:

none

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes  
currently member of the Energy Board

How did you learn of a vacancy on this board or commission

Other (please specify)  
present term expires this year.

# VOLUNTEER APPLICATION

Stephanie Campbell

9/23/2022 10:22 AM

Application: **HSHFB - Human Services and Housing Funding Board**

## Applicant Information

Birthday: [REDACTED] Gender: Other Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80526

## Volunteer Groups Applied For

Human Services and Housing Funding Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.

YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.

Human Services and Housing Funding,  
Affordable Housing

I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m.

YES

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5Vie>

4

Current Occupation:

Accounting Assistant

Current Employer:

Neighbor to Neighbor

Prior work experience (please include dates):

Community Coordinator, Neighbor to Neighbor: 08/2020-09/2020  
Marketing Specialist, Madwire: 01/2018-03/2020  
Interpretation Intern, National Park Service: 09/2016-07/2017

Volunteer experience (please include dates):

Animal Friends Alliance: 02/2019-03/2020  
Har Shalom Synagogue: periodically 03/2019 to present

Are you currently serving on a City board or Commission If so, which one

No

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

As someone with a lot of privilege and also many aspects of my identity that are historically underrepresented, I understand both what advantages come to those with privilege like mine and what resources marginalized people are lacking that can limit their success. My personal goal is to make sure everyone is set up to succeed

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community

regardless of their identity.

Historic discrimination has set many people up for failure, and ensuring that we are providing resources and assistance can not only give those struggling a path to stability and success, but also provide them with hope that they can break the cycle WITH their community and local government, not in spite of it.

Why do you want to become a member of this particular board or commission

This board makes decisions that can help provide security, stability, and success to our community, including making sure our community members have equitable access to paths to success through resources and assistance.

Have you had any exposure to the board or commission you are applying for If yes, please explain:

Yes  
Only in that decisions this board makes affect the organization I work for, Neighbor to Neighbor, in the funds we have to offer our clients and in what way we can provide them.

Specify any activities which might create a serious conflict of interest if you are appointed:

None. To my knowledge, my position at Neighbor to Neighbor is not reliant on city housing grants or other funds.

How did you learn of a vacancy on this board or commission

Other (please specify)  
Coworkers

# VOLUNTEER APPLICATION

Michael Colwell

9/14/2022 3:28 PM

Application: **EAB - Economic Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80524

## Volunteer Groups Applied For

Economic Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Retired
Current Employer:	None
Prior work experience (please include dates):	Please see attached resume
Volunteer experience (please include dates):	Mentor volunteer, United Way Board of Cedar Rapids Iowa, Greater Des Moines Community Foundation Marketing Committee member.
Are you currently serving on a City board or Commission If so, which one	No
Have you had any exposure to the board or commission you are applying for If yes, please explain:	No
Please tell us why you believe it is important for the community to understand and invest in its economic health	Economic health is a key enabler of revenues required to maintain the city infrastructure and investments in all aspects of community life and living. The health of a community is a key factor in interesting companies and families to move to or invest in a community.

How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing

I see more and more companies, families and individuals taking into account factors such as climate, homelessness, housing costs, waste reduction / elimination when making economic decisions such as relocating for living and moving / expanding business. While some see the objects of these areas being at odds with those of economic objectives, I believe that these objectives must be mutually supportive.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

How did you learn of a vacancy on this board or commission

Other (please specify)  
City Newsletter.

## MICHAEL T. COLWELL (Retired)

Fort Collins, CO 80524

### CAREER SUMMARY

Mentor, advisor, and consultant to startup companies. Angel investor. Significant strength in financial modeling and business-model development. Strong background in product marketing, product innovation, strategic planning, and industry marketing. Highly knowledgeable in mobile computing, AIDC, RFID, wireless communications, and complex solutions. A persuasive leader with a reputation for introducing innovative products that resolve customer issues and open new market niches. Demonstrated strength in coaching people to improve their effectiveness. Highly effective in sales situations negotiating, strategizing with, and motivating customers to buy.

### PROFESSIONAL EXPERIENCE

#### **The Greater Des Moines Partnership**

2007- 2021

Regional chamber of commerce / economic development organization covering central Iowa. Number 4 regional chamber in the nation.

#### **Executive Director – Entrepreneurial Initiatives**

Responsible for forming, planning, and launching the Business Innovation Zone (BIZ) in central Iowa which later became Square One DSM in 2015. Developed a significant business support network including bankers, financiers, mentors, advisors, and subject-matter experts. Established credibility with top business leaders in the Des Moines and central Iowa region. Responsible for all aspects of organization's entrepreneurial initiatives including the mentoring of clients.

- Directly involved in + \$68M early-stage equity and non-equity funding for clients.
- Instrumental in the development of and implementation of the startup incubator Startup City Des Moines, a startup incubator. Directly involved in initial fundraising and ongoing mentoring.
- Co-Founder and manager of Plains Angels, the largest angel investor network in Iowa. Founded in 2012. 50+ members as of 2020.
- Co-Instigator of the Global Insurance Accelerator, a TechStars style accelerator targeted at the insurance industry. Recognized as one of the top insurance accelerators in the world.
- Co-Instigator of the Iowa AgriTech accelerator, also a TechStars style accelerator targeted at the agriculture industry.
- Significant training programs developed for entrepreneurs looking to raise early stage equity capital. Graduates of this program have raised over \$40M in early stage equity capital.
- Implemented a mentor connection program to connect entrepreneurs to skilled mentors.
- Over 1300 clients served since inception.
- Created Startup Stories Podcast covering local startups in Central Iowa. 44 episodes to-date with a total of 10,500 plays to-date.

#### **INTERMEC Inc. / Norand (Purchased by Honeywell in 2014)**

1984 – 2006

Global provider of mobile computing, RFID, and AIDC (Automated Identification and Data Capture) products and services to the logistics, transportation, field service, consumer goods, government, and industrial manufacturing markets.

#### **Sr. Director of Product Strategy and Marketing**

2005 – 2006



Responsible for all products and services of company (\$875 million revenue) including product strategy, product planning, planning processes, revenue, and margin performance. Led a team of more than 30 with \$6 million budget. Grew business above market rates and implemented new aggregate product planning process.

- Achieved number one market position globally in rugged PDA marketplace per VDC Corp.
- Played key role with field sales in capturing several global accounts, each exceeding \$10 million.
- Integrated services and product marketing into one cohesive group. Drove common strategies for product elements reducing expenditures and improving product fit.
- Led the implementation of “Voice of the Customer” into the product definition process capturing key customer and field sales requirements in defining new products.
- Reduced the ramp-up time for new employees through a formal process that allowed new employees to meet many of the management team and interact with that team on a real-world task or process. This process was adopted as a best practice by the company.

#### **VP of Product and Industry Marketing**

1998 – 2005

Created and defined industry marketing role. Responsible for the field service, transportation, logistics, and consumer goods marketplaces. Constructed opportunity analysis and long-range product and channel plans for these markets. Worked with global sales team to implement go-to-market plans. Managed mobile computers and software products including definition, market launch, and product lifecycle management.

- Led a global team composed of sales, engineering, and marketing members that identified an unfilled niche in the marketplace and developed the 700 Series mobile computer. Worked with field sales to land several major customer wins, quickly establishing the product as the leader in the market. This product led the market in building a new product category, quickly becoming the highest growth category in the rugged mobile computing marketplace.
- Led the consolidation of two separate computer product lines and reduced the number of platforms from ten to three while growing revenue 50% over a two-year period.
- Led the definition, communication, and implementation of a new product planning process replacing overlapping, dissimilar processes. A substantial increase in coordination and a reduction in planning cycle time resulted in more effective use of development resources.
- Reduced time to market by 15% by leading an effort to eliminate duplicate development of similar functional elements across multiple development programs.
- Led the creation of a company-wide process to manage the end-of-build and end-of-life of products. This process increased customer satisfaction and expanded revenue by clearly identifying decision points for additional service offerings and service offering re-pricing.

**Managing Director – Field Services Solutions**

1998

**Director of Marketing – Norand /Intermec**

1994 – 1998

**Director of Engineering (Dual role) – Norand**

1996 – 1997

**Manager of Software Marketing – Norand**

1991 – 1994

**Field Project Manager – Norand**

1989 – 1991

**Manager of Application Software – Norand**

1986 – 1989

**Supervisor of Application Software – Norand**

1985 – 1986

**Programmer / Senior Programmer – Norand**

1984 – 1985

#### **EDUCATION**

BBA, Information Systems, minor in Computer Science

University of Iowa

1984

# VOLUNTEER APPLICATION

Bryan David

9/14/2022 10:11 AM

Application: **NRAB - Natural Resources Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80521

## Volunteer Groups Applied For

Natural Resources Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.

YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.

Natural Resources Advisory Board Land Conservation Board

I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m.

YES

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5Vie>

6

Current Occupation:

Consulting

Current Employer:

WestWater Research LLC

Prior work experience (please include dates):

Associate, Blue Access LLC (2020-2021)  
Manager, Land Trust Alliance (2012-2017)

Volunteer experience (please include dates):

Member, Colorado Mountain Club (2021-present)  
Board Member of Go Global NC, 2018-2019  
Volunteer for trail cleanup and stewardship organizations in various locations, 2011-present

Are you currently serving on a City board or Commission If so, which one

No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why

Securing access to clean water for all residents and communities that is also affordable and equitable. I am also passionate about outdoor recreation and education, providing opportunities for underserved youth to experience the outdoors and provide a living classroom.

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

I have a career background in natural resources policy and economics through my work at the Land Trust Alliance, promoting land conservation and access to the outdoors via advocacy engagement with Congress and Presidential Administrations. I also worked with grassroots volunteers to promote conservation from the ground up and raise awareness of local policy issues at the federal level. I also presently work for a water resources consulting firm, WestWater, that works with nonprofits and other entities to provide water for environmental purposes and residential use. I have dedicated my career to align with my personal interests in conservation, recreation as a key driver of economic growth, and equitable access to the outdoors and its resources, such as clean drinking water.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

How did you learn of a vacancy on this board or commission

Newspaper

## BRYAN G. DAVID

*Experienced self-starter in water asset valuation, impact investing, and clean water technology development.  
Committed to solving the world's most pressing challenges with an entrepreneurial mindset.*

### EXPERIENCE

**WESTWATER RESEARCH, LLC – Associate** | Fort Collins, CO June 2021 – Present

- Manage client acquisition for, and product development of, financial instruments to hedge against operational water supply price risk using the Nasdaq-listed NQH20 California water market index
- Lead water rights valuation and due diligence transaction services, including water asset monetization, in sectors including agricultural production, environmental flows, and municipal development

**BLUE ACCESS, LLC – Associate** | New York, NY June 2020 – April 2021

- Managed deal sourcing and due diligence of growth-stage capital to increase equitable access to clean water technology development in underserved Tribal Nations & communities in SE U.S.
- Created launch strategy for Blue Commons LLC, the nation's first "blue bank," a revolving fund facility that provides innovative financing structures to address gaps in water conservation, ecosystem health, and infrastructure resiliency

**WESTWATER RESEARCH, LLC – Summer Associate** | Phoenix, AZ Summer 2019

- Analyzed data of sector growth and trends of \$450M+ environmental water market in Western US
- Constructed 3 pro forma models of impact investment opportunities in water and agricultural products

**NATURAL RESOURCES DEFENSE COUNCIL –Finance Fellow** | Washington, DC Summer 2018

- Analyzed use and trend of Pay for Success financing structures for municipal infrastructure development
- Published 2 reports on market growth and industry trends of sustainable development project finance

**LAND TRUST ALLIANCE – Advocacy & Outreach Manager** | Washington, DC 2016-2017  
**Public Policy Associate, Government Relations Specialist** 2012-2016

- Directed LTA Farm Bill policy strategy to secure \$1B+ in annual conservation program funding
- Directed Congressional outreach to pass tax incentive legislation to conserve 3M+ acres of land

**CONGRESSMAN MIKE THOMPSON (D-CA) – Intern** | Washington, DC 2011-2012

- Attended Congressional hearings, wrote policy memos and answered constituent mail

### EDUCATION

**UNIVERSITY OF NORTH CAROLINA, Kenan-Flagler Business School** – Chapel Hill, NC 2020  
**Master of Business Administration**, Sustainable Enterprise Concentration

- National semi-finalist, MBA Impact Investing Network & Training (MIINT) 2018-19

**DUKE UNIVERSITY, The Nicholas School of the Environment** – Durham, NC 2020  
**Master of Environmental Management**, Water Resources Management, GPA 3.70

- Master Thesis: Environmental Water Markets: Growth, Trends & Outlook

**BROWN UNIVERSITY** – Providence, RI 2011  
**Bachelor of Arts**, History & Environmental Studies, GPA 3.60

- Studied abroad: University of Otago – Dunedin, New Zealand

### ADDITIONAL

- Proficient in Salesforce, JMP; Learning Python; Advanced Excel training (TTS); Intermediate Spanish
- Awarded rank of Eagle Scout; Member, Colorado Mountain Club
- Hobbies & interests: Cycling, backcountry skiing, fly-fishing, photography

# VOLUNTEER APPLICATION

Thierry Dossou

9/21/2022 5:08 PM

Application: **EAB - Economic Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80524

## Volunteer Groups Applied For

Economic Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Senior Program Manager driving software supply chain security
Current Employer:	Microsoft
Prior work experience (please include dates):	Technical Program Manager - May, 2013 - April 2021 HP Inc.
Volunteer experience (please include dates):	I am currently serving in the Economic Advisory Board from January - December 2022 Fort Collins Chief of Policy - Community Advisory Committee member 2022 HP Day of Industry Lead (Diversity and Inclusion and Equity Program) 2018 - 2021
Are you currently serving on a City board or Commission If so, which one	Yes Economic Advisory Board
Have you had any exposure to the board or commission you are applying for If yes, please explain:	Yes
Please tell us why you believe it is important for the community to understand and invest in its economic health	
How do you see Economic Health connecting with other community	

objectives, such as Climate Action, Zero Waste, Homelessness, and Housing?

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

How did you learn of a vacancy on this board or commission?

Other (please specify);  
Economic Advisory Board

# VOLUNTEER APPLICATION

Erin Gray

9/9/2022 9:27 AM

Application: **EAB - Economic Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree  
 Address: [REDACTED] Phone: (H) [REDACTED] <<  
 Fort Collins, CO 80528 (M) [REDACTED]

## Volunteer Groups Applied For

Economic Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	Natural Resources
I acknowledge I am available when the Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	3
Current Occupation:	Senior Environmental Economist
Current Employer:	World Resources Institute
Prior work experience (please include dates):	ECONOMICS CONSULTANT (Earth Economics; Center for Sustainable Economy), March 2011 - Present; ASSOCIATE, ICF International/Climate Change and Sustainability/2008-2011; LAND PROTECTION ASSOCIATE, Conservation Trust for North Carolina/ 2008
Volunteer experience (please include dates):	Advisor, City of Fort Collins Climate Action Plan (Jan - Aug 2022) Capoeira Males (2010 - 2015)
Are you currently serving on a City board or Commission? If so, which one?	No
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	No; I am a new resident to Fort Collins (2+ years), but I have several family members that have lived in Fort Collins for 20+ years.
Please tell us why you believe it is important for the community to understand and invest in its economic health?	I work at the intersection of climate, sustainability, and economics. In light of

How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing

the global climate crisis, I think it's critical to have environmental economics representation on a city's economics board b/c of the potential positive impacts on jobs, income, and welfare distribution possible when we invest in the economy, nature, clean energy solutions, and, most importantly, people.

I believe that we must decouple economic growth from human welfare - that the right priority is on economic health and not growth for growth's sake. I have spent my career researching how investing in nature, climate action, and people can be beneficial for economic health. Additionally, I am very familiar with economic and financial policy instruments and underlying models and analytics that I believe are integral to strong community economic health.

Specify any activities which might create a serious conflict of interest if you are appointed:

none

How did you learn of a vacancy on this board or commission

Other (please specify)  
I am currently a volunteer with the City of Fort Collins Climate Action Plan team. I learned about the board position from a contact, Katy McLaren.



# VOLUNTEER APPLICATION

Josh Johnson

9/7/2022 9:15 AM

Application: HSHFB - Human Services and Housing Funding Board

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: [REDACTED] <<  
 Fort Collins, CO 80521

## Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Volunteer Groups Applied For

Human Services and Housing Funding Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering.	HSHF
I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	6
Current Occupation:	Finance
Current Employer:	ANB Bank
Prior work experience (please include dates):	Included in Attached Resume
Volunteer experience (please include dates):	Member of HSHF Board for the past 3 plus years, Junior Achievement Rock Mountain Board Member, various economic committees and organizations.
Are you currently serving on a City board or Commission? If so, which one?	Yes; Human Services and Housing Funding Board
Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.	I have a strong desire to continue to support affordable housing and funding human service projects within Fort Collins.
How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?	The city has made strides in this area for the past 3 plus years that I have been on

Why do you want to become a member of this particular board or commission

the board. I see the biggest issue with social issues currently is the limited funding from the city budget compared to the need. This has improved over the years but there is still a deficiency based on requests. CARE funding has helped to support more projects on the affordable housing side over the past two years. After these funds are exhausted there will be a potential future need.

I have served on the board for the last 3 plus years and have found it very rewarding and interesting. I wish to continue to serve the community that I live and work in and to help the underserved by participating in the grant funding process.

Yes  
Current member

None at this time.

Other (please specify)  
Currently on the Board.

Have you had any exposure to the board or commission you are applying for If yes, please explain:

Specify any activities which might create a serious conflict of interest if you are appointed:

How did you learn of a vacancy on this board or commission

# VOLUNTEER APPLICATION

Thomas Loran

9/8/2022 10:38 PM

Application: **EB - Energy Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80526

## Volunteer Groups Applied For

Energy Board

## Skills & Interests

Additional Skills / Interests: I have studied German and French. I am learning Spanish now.

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e. February, April, etc.)	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	5
Current Occupation:	Retired
Current Employer:	None
Prior work experience (please include dates):	2010 - 2018 Senior Consulting Network Architect Cisco Systems Smart Grid Division.  I was the Principle Consulting Network Architect for Southern California Edison (SCE) and Hawaiian Electric (HELO) Operational Technology (OT Networks). I also consulted on the Arizona Public Utilities, Florida Power and Light, and Consolidated Edison (ConEd) OT Networks among others.

I also held Senior Network Architect Positions in Cisco's Connected Healthcare division.

2000 -2010 Various Network Architect, Project Manager, and Product Manager positions for defunct Silicon Valley start ups.

1980 - 2000 US Army LTC Signal Corp. Managed up to 425 individuals in four departments

I also possess an MBA from the University of Colorado and have specialized in Technical Financial Analysis throughout my career

None: However, since I am recently fully retired I am looking forward to serving the community. I have the time to fully commit to the board.

No

After decades as a Fort Collins based road-warrior, I want to give back to the community. I also believe that I have industry knowledge, as well as the consulting experience which will help me ask probing questions.

I have a rooftop solar array with battery storage as well as an electric car. I have been an avid student of such trends such as Distributed Energy Resources (DER), Virtual Power Plants (VPP) and micro-grids for several years. Recently, I have been and advocate for changing the 120% rule on solar array size and have spoken to council on this issue.

Without compromising system reliability, I think we need to re-examine the top-down centralized power generation model and work toward a distributed energy generation model where citizens and utilities can both add renewable energy generation and storage resources. The rate structure needs to reward people/ organizations that invest capital in these resources.

Grid scale (utility company) renewable energy resources such as solar, wind, and green hydrogen are also part of this distributed vision.

Furthermore, I question whether the current rate structure adequately protects low income residents because the allocation of fixed (base charge) to variable charges seems to be somewhat arbitrary. I have the technical skills and experience

Volunteer experience (please include dates):

Are you currently serving on a City board or Commission If so, which one

Why do you want to become a member of this particular board or commission

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes

Specify any activities which might create a serious conflict of interest if you are appointed:

I have the technical skills and experience to help guide that financial model.

none

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes  
I have attend the majority of board meetings for the last 18 months and am familiar with many of the issues discussed.

I also have attended PRPA presentations to the energy board and felt that there were several probing questions that should have been asked. In fact, that lack of probing questions is driving me to apply to the board.

How did you learn of a vacancy on this board or commission

Other (please specify)  
I am interested in the subject have been following the board actions for some time.

# VOLUNTEER APPLICATION

Mike Nielsen

9/7/2022 1:36 PM

Application: **HSFHB - Human Services and Housing Funding Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED] <<  
 Fort Collins, CO 80525

## Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## Volunteer Groups Applied For

Human Services and Housing Funding Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering.

I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m. YES

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5View> 5

Current Occupation: Senior TA Manager

Current Employer: Lam Research

Prior work experience (please include dates): See resume, 2 companies prior for 20 years.

Volunteer experience (please include dates): 10+ years of volunteer work in Phoenix with Boys and Girls Club, Saint Vincent Depaul, ect..

Are you currently serving on a City board or Commission? If so, which one? No

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals. I was a Political Science Major and spent years helping and running election campaigns in Arizona, and would love to help on the grant proposal side. Lastly my present position has allowed me to write and over-see 1000's of grants, Bids, ect...

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community

More outreach to the public, this is a public decision by the individuals who live or recently moved to FOCO.

Why do you want to become a member of this particular board or commission

I would love the idea of working with the city and also helping out individuals that sometimes don't have a voice.

Have you had any exposure to the board or commission you are applying for If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

How did you learn of a vacancy on this board or commission

Newspaper

**Mike Nielsen**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Experience:**

***Lam Research, Portland, OR***

***(Fortune 200 Semi-conductor company).***

***Senior Talent Acquisition Manager.***

***June 2020 – Present.***

- Manage all hiring for Lam throughout the US and 10+ locations throughout the world..

***ASM International, Phoenix, AZ***

***(R&D Division of a \$1B Global Semiconductor Company)***

***Senior Technical Recruiter/Manger,***

***Dec 2017– June 2020***

- Hands-on Recruiting Manager for the R&D division of a global Semiconductor Company.
- Managed an average of 60-80 open position's(including Evergreens).
- Recruited for all levels of engineers for Atomic Layer Deposition, Epitaxy, Photolithography, Thin Films, and Etch.
- Hired 100's of Process Engineers, Mechanical Engineers, Electrical Engineers, Quality Engineers, Manufacturing Engineers, and Design Engineers.
- Managed all hiring for Product Support Engineers and Field Service Engineers for locations throughout the United States to support New Product installation and maintenance.
- Hired 100's of Equipment Engineers, Manufacturing techs, HVAC tech's, Developers, Paralegals, Facilities Techs, and dozens of other positions.
- Managed all Visa processing for F-1's to H1-B's.

***Modis, Denver, CO/Phoenix, AZ***

***Recruiting Director***

***Jan 2014 – Dec 2017***

- Recruiting Director leading a team of 14+ recruiters for clients nationwide.
- Lead trainer of IT recruiting for all new recruiters throughout the company.
- Specialized in Information Technology placements for client's through-out the United States.

***Acara Solutions (RPO/Outsourcing Division), Denver, CO/Phoenix, AZ***

***Senior Technical Recruiter/Manager,***

***Jan 2001 – Jan 2014***

- Manager/Recruiter for nationwide clients primarily focusing on Semiconductor, Engineering, Manufacturing, IT, Medical, and Defense companies through-out the United States and throughout the world.
- Onsite Recruiting Manager for On Semiconductor, hiring 100's of engineers throughout the United States. Staffed 500+ Engineers and Technician to reopen a closed Fab.
- Primary recruiter for Lam Research, Global Foundries, Amkor, Speedfam IPEC, K&S, Intel, KLA Tencor, AMAT, Qualcomm, Siemens, and others...
- Onsite Recruiting Manager for Power-One/ABB, staffing up the start-up from 5 employees to 1000+, building up their new manufacturing plant in Phoenix, managing a recruiting staff over 10.



- Implemented Strategic Recruiting Plan/Delivery Model for dozens of companies.
- Led ATS roll-out for dozens of companies throughout the United States.

***Thor, Inc. Phoenix, AZ***  
***Technical Sales/Recruiter***  
***1999 –2001***

- Sales and recruiting for IT clients throughout the US.

***US Airways, Phoenix, AZ***  
***Lead Software Developer,***  
***1996 - 1999***

- Lead developer for accounting software upgrade
- Lead programmer for Visual Basic and C++ development.

***United States Army Reserves***  
***Staff Sergeant,***  
***1990 – 1999***

- Staff Sergeant of a Mortar Platoon.

**Education**

***University of Nebraska, Lincoln, NE***  
Information Technology/Political Science - 1995

***Lincoln School of Commerce, Lincoln, NE***  
Associates in Computer Science -1996

# VOLUNTEER APPLICATION

Vanessa Paul

9/8/2022 10:42 AM

Application: **EB - Energy Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80525

## Volunteer Groups Applied For

Energy Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	n/a
I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e. February, April, etc.)	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Product manager at Otter Products
Current Employer:	Otter Products
Prior work experience (please include dates):	Please refer to attached resume
Volunteer experience (please include dates):	Larimer County Food Bank and Adopt a Trail
Are you currently serving on a City board or Commission If so, which one	No
Why do you want to become a member of this particular board or commission	I am passionate about the city of Fort Collins and our environment. I want to help push our resources towards renewable energy so Fort Collins can be continue to be a great place to live for generations to come!
Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes	Educating the public on how they can get involve to help drive policy to achieve these goals, and making these options affordable for low income families.
Specify any activities which might create a serious conflict of interest if you are appointed:	n/a

Vanessa Paul

9/8/2022 10:00 AM

Item 22.

Have you had any exposure to the board or commission you are applying for? If yes, please explain: No

How did you learn of a vacancy on this board or commission? Newspaper

**PROGRAM MANAGER**

Accomplished Program Manager with experience managing a variety of product categories for the consumer goods, specialty retail, food distribution and global grocery industries. Recognized for the ability to forage new global product sources, execute brand initiatives, and create strong pricing strategies to achieve overall corporate initiatives.

**Demonstrated skills:**

- P&L Management
- Merchandising | Promotions
- Lifecycle Management
- PLM | SAP | Oracle
- Brand Initiatives
- Consumer Insights
- Market & Segmentation Analytics
- Category Management
- Global Sourcing & Importing
- Inventory Planning
- Product Development

**PROFESSIONAL EXPERIENCE****OTTER PRODUCTS, LLC – Fort Collins, CO****Sept 2021 to Current**

OtterBox is a privately owned consumer electronics accessory company based in Fort Collins, Colorado that produces water-resistant, shock-resistant, and drop-resistant cases for mobile devices.

**Product Segment Manager- Incubation**

- Identify emerging trends within given vertical segments and drive 1-2 year strategic objectives that capitalize on those trends.
- Provide vertical market insights and proposals to the business by analyzing market and customer data
- Own all product management for a new, emerging Wearables segment.
- Guide cross-functional teams to develop and implement key business strategies.
- Possess a solid understanding of the macro market, emerging trends, competitive landscape, channel requirements, and consumer insights.

**IMPERFECT FOODS| Remote – Fort Collins, CO****Nov 2020 to Oct 2021**

Imperfect Foods is a grocery delivery service that provides a variety of high-quality products, including fruits, vegetables, meat, fish, and poultry.

**Category Manager- Dry Pantry & Bakery**

- Outline category roadmaps for the year based on allotted sku allocation, competitive landscape, emerging trends, and seasonality. Afterward worked with cross functional teams to ensure seamless execution.
- Lead weekly P&L meetings to address hits and misses and go forward strategies to hit targets and planning.
- Discovered \$2M in missed revenue based on miss-ships from the primary distributor and moved the business to a new distributor with higher fulfillment rate, consolidation capabilities, and \$6k/week in cost savings.
- Developed 18 Private Label skus in 5 months, alongside category management and merchandising responsibilities.
- Manage over 200 skus and 61 vendor relationships, both international and domestic.

**TRAVELCENTERS OF AMERICA | Cleveland, OH****July 2019 to Nov 2020**

Largest publicly traded full-service Travel Center Company in the United States.

**Senior Category Associate- Grocery & Health and Beauty**

Manage \$47M+ in multiple center store categories across all levels of the supply chain; from cost negotiations with vendors, merchandising of planograms, and ensuring product is distributed to 321 stores.

- Managed cost negotiations with vendors to maintain margin and create lift during promotional periods.
- Analyzed categories for growth opportunities and have brought in 3 new programs that have resulted in \$45k+ of incremental sales a month.
- Created promotional plans for two month increments that align with YOY sales for each category.
- Worked with the distributor to accurately forecast new product movement and provide order quantities for promotional items per store.

**AMERICAN GREETINGS LLC | Cleveland, OH****Jan 2017 to July 2019**

\$1.2 B manufacturer and distributor of social expressions products and related consumer products.

**Associate Product Manager**

Developed occasion product strategies based on analyzed data to create new products for Target, Walmart, and American Greetings brands for 500+ new products and 2000+ existing products representing \$30+ million in sales.

- Analyzed data from compiled surveys, product trends, competitive landscape, performance of previous occasion's product, and pricing analysis.
- Analyzed and updated Price Line Structure and merchandising, to reach APO goals and KPIs for each occasion.
- Managed SAP PLM systems, corporate schedules, and multiple creative team schedules for launching of product.
- Collaborated with cross-functional teams including space planning, supply chain, distribution, and merchant operations for effective product placement in alignment with corporate strategy.
- Developed process improvements for demographic product segmentation in Walmart resulting in improved distribution channel for product placement based on market.

**ACME FOOD SALES INC. | Seattle, WA****Jan 2014 to Jan 2017**

Private Label importer and distributor of superior food products from world markets.

**Product Manager | New Product Development Manager**

Managed three product categories with multiple seasonal bookings and developed new processes for improved collaboration and team efficiencies. Created bids, orders, and negotiated supplier pricing.

- Assumed role of new product development and sourcing alongside current position responsibilities.
- Achieved acquisition of 15 different items under a major retailer's private label within a year.
- Established new processes including new forms to create greater communication between Sales and Purchasing.
- Continuously gained experience in global importing and managing three major categories.
- Managed relationships with new vendors and developed new items for go-to-market strategy.
- Correctly booked out a category for a year after reviewing weather and crop forecasts with significant savings allowing the company to maintain low prices throughout the year while other suppliers had to raise prices.

**WHOLE FOODS MARKET | Austin, TX****May 2011 to Jan 2014**

Global supermarket and health food chain most notable for organic brand offerings with 500+ stores and 93,000 employees. A subsidiary of Amazon acquired in 2016.

**Purchasing Assistant- Supplements and Body Care- Exclusive Brands Global Headquarters**

Assisted five buyers to meet with vendors and served as gatekeeper for PLM for private label brands. Created new seasonal products and analyzed specific categories for forecasting purposes.

- Created RFPs, planned promotions, and developed three new items for the holidays.
- Gained knowledge of the product life cycle management systems needed to assist in purchasing and project management.
- Created new seasonal products in the Whole Body category and established strong vendor relationships resulting in significant sales and evolution of products turned into everyday items in stores.
- Analyzed sugar category to bring in new products and reduce duplicative SKU's by 10% with category realizing a 2.4% lift in sales after a 16-week read.

**EDUCATION**

Bachelor of Business Administration, International Business | Angelo State University, San Angelo, TX, 2011  
Minor: German

**LANGUAGES**

English: Native | German: Fluent

# VOLUNTEER APPLICATION

Myra Powers

9/13/2022 6:44 PM

Application: **APP - Art in Public Places Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED] «  
 Fort Collins, CO 80525 (H) [REDACTED]

## Volunteer Groups Applied For

Art in Public Places Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Art in Public Places meets: The 3rd Wednesday of each month, 3:30 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	2
Current Occupation:	Retired from Colorado State University President's Office
Current Employer:	Retired
Prior work experience (please include dates):	Teacher and Curriculum Advisor, New York City 1968-1974 Editor and Materials Coordinator, CSU Vocational Education Department 1974-75 Administrator, Larimer County Employment and Training Program 1975-78 Assistant to President, Colorado State University 1978-1998 Special Projects Coordinator, CSU College of Health and Human Sciences 1998-2001 (Transitional Retirement) Retired 2001
Volunteer experience (please include dates):	City of Fort Collins Personnel Board 1976-80 CARE (Community Affordable Residences) Housing Board 1994-2002 Imagine Fort Collins/Arts and Library Ballot Initiative, Steering Committee 2001 CSU/Fort Collins Community Multicultural Commission 1993-98

Challenge Fort Collins/Community  
Planning Effort 1992-93  
Lincoln Center Birthday Ball Committee  
1984-1993 (helped select sculptures for  
the Lincoln Center Sculpture  
Garden, purchased with proceeds from the  
Birthday Ball)  
Fort Collins Area Chamber of Commerce  
Board 1987-1991  
Fort Collins Area United Way Board  
1983-89  
Lincoln Center Dance Committee  
Women Give Member 2012-present  
member Scholarship Selection Committee  
for 4 years  
Museum of Art/Fort Collins Board 2014-19  
chaired Masks Fundraiser 2006, 2007 and  
2016, 2017 currently emeritus Board  
Member

Item 22.

Are you currently serving on a City board or Commission If so, which one

No

Why do you want to become a member of this particular board or commission

I've always had a strong interest in art and have a very modest home collection. During the 50 years I've lived in Fort Collins, I've hosted hundreds of visitors who I've proudly toured around our community, with a particular focus on art in public places. I, and they have been awestruck by the City's continual growth and commitment to the Arts. Some have brought project ideas back to their own communities, e.g. alley murals, pianos, utility boxes, sculptures, ghost signs, etc. I very much enjoyed my experience on the Museum of Art/Fort Collins Board, and after a break, am ready to return to the Art arena.. I've served on many committees and boards on which I've participated in competitive selection processes and understand the importance of thoughtful and fair evaluation, analysis and decision-making. I would like to continue to contribute and feel that the Art in Public Places Board would be a good match for my interests and experience.

Have you had any exposure to the board or commission you are applying for If yes, please explain:

Yes  
I have spoken to several current and past board members, who I know through other community arts organizations, to learn more about the work of the APP Board. Aware of my past experience and interest, they have encouraged me to apply.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

What is your favorite piece of public art in Fort Collins

I have many favorites, but I really love the panels on Remington just on the west side of the parking garage. The Bear in Old Town brings great joy to my young out of town visitors who have photos of themselves by it over the years. And the waterfall in the Lincoln Center sculpture



What function do you feel public art serves in the community

garden is lovely and soothing to the soul.

Public art brings beauty, a sense of pride in and respect for community, sometimes cultural or historical awareness, light to our lives that we sometimes loose track of in tumultuous times. It brings people together by being accessible to all.

How did you learn of a vacancy on this board or commission

Other (please specify)  
From a current board member who thought I might be interested.

# VOLUNTEER APPLICATION

Michaela Ruppert

9/23/2022 3:31 PM

Application: **HSHFB - Human Services and Housing Funding Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED] <<  
 Fort Collins, CO 80525

## Volunteer Groups Applied For

Human Services and Housing Funding Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	1
Current Occupation:	Corporate fundraiser for an economic and environmental justice focused nonprofit
Current Employer:	GRID Alternatives
Prior work experience (please include dates):	Corporate Partnerships Officer, GRID Alternatives, July 2020-July 2021 Corporate Partnerships Coordinator, GRID Alternatives, January 2019-July 2020 Sales and Customer Service Specialist, REI, August 2017-June 2019 Customer Care Advocate, Gusto, September 2017-March 2018 English Teacher, James Cook Languages, March 2017-May 2017 SolarCorps Program Fellow, GRID Alternatives, September 2015-October 2016 Administrative Coordinator, Solar Living Institute, February 2015-September 2015
Volunteer experience (please include dates):	Animal Friends Alliance, Shelter Dog Care, July 2022-Present The Humane Society of the United States, Humane Policy Volunteer Lead, August 2020-Present

Are you currently serving on a City board or Commission If so, which one

No

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

I believe my primary personal perspective is that people experiencing housing insecurity or poverty are not necessarily in that situation because of a series of bad decisions that they made. I see a more complicated web of factors that produce inequality, discrimination, lack of opportunity, etc. At the end of the day, I think the line between being unhoused or not or living in poverty or not is finer than we may realize. I don't know exactly how this would influence how I evaluate grants, but maybe it means I'd be more in favor of proposals that include a compassionate response that doesn't dehumanize those intended to be served.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community

First and foremost, I believe that we must get to the root causes leading to poverty and housing insecurity and fund community programs that will help break the cycle rather than address these issues with the use of law enforcement. I also believe there needs to be an emphasis on treating mental health issues and making services accessible and no-cost for those experiencing poverty and housing insecurity. Other programs that work towards addressing the root causes of these issues may include offerings like paid job training programs, mentorship programs, substance abuse treatment, childcare solutions, access to transportation, and/or whatever those experiencing housing insecurity and poverty determine most helpful. Lastly, I believe it's important that the City ensures anyone that it employs to conduct this type of work is fairly compensated and that teams are staffed sufficiently to reduce burnout and turnover.

Why do you want to become a member of this particular board or commission

Housing insecurity is a major issue across the country challenging elected officials, city staff, and affordable housing providers to find solutions. Unfortunately in many cases, we're only seeing poverty and housing insecurity increase as the cost of living becomes more expensive while wages remain stagnant. Additionally, these issues are disproportionately affecting people of color due to generations of systemic injustices that have contributed to the realities of the racial wealth gap, lower homeownership rates for people of color, higher incarceration rates, and more. Becoming a member of the Human Services and Housing Funding Board would provide a meaningful opportunity for me to use the privileges I've been granted

me to use the privileges I've been granted to benefit others. This position would also provide an opportunity to engage deeper with the community of Fort Collins and be an active member so that I can better contribute to the greater good.

Have you had any exposure to the board or commission you are applying for? If yes, please explain: No

Specify any activities which might create a serious conflict of interest if you are appointed: N/A

How did you learn of a vacancy on this board or commission? Website

# VOLUNTEER APPLICATION

Brian Smith

9/12/2022 1:40 PM

Application: **EB - Energy Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80528

## Volunteer Groups Applied For

Energy Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Energy Board, Natural Resources Board
I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e. February, April, etc.)	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	3
Current Occupation:	Semi-Retired, consultant, and angel investor
Current Employer:	Clean Energy Catalyst
Prior work experience (please include dates):	CLEAResult - Vice President. May 2012 - May 2014. Geavista Group - Founder and CEO. Feb 2008 - May 2012. ICF International - Principal & Practice Lead. Feb 2001 - Feb 2008. Global Environment & Technology Foundation - Vice President. March 2000 - Oct 2000
Volunteer experience (please include dates):	Kids Luv Trees. Helped my children establish a nonprofit to replant trees destroyed during the October 2019 tornadoes in Dallas, TX. December 2021 June 2022. The Dallas Entrepreneur Center. Serve as mentor to entrepreneurs. May 2014 Present. Element 8 Angels. Member and Investment

Are you currently serving on a City board or Commission? If so, which one?

Partner. January 2016 - Present.  
Lemonade Stand. Serve a mentor to young adults interested in entrepreneurship. May 2014 - Present.

No

Why do you want to become a member of this particular board or commission?

I have more than 20 years of direct experience in energy industry - specifically energy efficiency / clean energy. I would like to lend my expertise and experience to help the city to cost-effectively meet increasing energy demand while achieving climate goals.

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes?

I think the biggest barriers that need to be addressed are: 1) identifying cost-effective clean energy and carbon reduction solutions to achieve aggressive goals, 2) increasing awareness of the benefits provided by the solutions to gain constituent approval and, 3) increasing adoptions of solutions through incentives, supply chain development (trained contractors, retailer support, etc.)

Specify any activities which might create a serious conflict of interest if you are appointed:

I am a casual angel investor in clean energy and water technology companies. I can provide a list of my investments to provide transparency and recuse myself from any conflicts of interest when appropriate.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No

How did you learn of a vacancy on this board or commission?

Newspaper

# Brian Preston Smith

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## Corporate Strategy, Operations, Marketing and BD Executive

### Profile

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Entrepreneurial executive with more than 20 years of progressive leadership experience in operations, marketing and business development for clean energy consulting and service companies during start-up and periods of rapid growth and transformation. Areas of expertise include:

- Strategic and operational planning
- P&L management
- Mergers, acquisitions, and integrations
- Start-up, turnaround and exit strategies
- Investor & board relations
- Integrated marketing and sales strategies
- Product launch and supply chain development
- Customer engagement and experience management
- Performance-driven organizational and sales systems
- Managing rapid growth and change

### Professional Experience

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#### Clean Energy Catalyst Founder and Managing Partner

March 2015 – Present  
Dallas, TX

A management consulting company that helps create and grow emerging companies in the renewable energy and energy efficiency markets. Provide early-stage funding to start-ups as member of Element 8 Angels, serve on Advisory Boards, help CEO's obtain Series A funding, and provide consulting support as needed to help grow business (e.g., helped a company secure appearance on **ABC's Shark Tank** during week 16 of season 7, provided marketing and BD support, etc.).

#### CLEAResult Vice President, Marketing & Business Development

May 2012 – May 2014  
Dallas, TX

A leading provider of energy efficiency and renewable energy services for utilities, businesses and home owners with more than 1,800 employees across North America and gross revenue exceeding \$150 M.

Led marketing and business development during period of rapid organic growth and strategic acquisitions. Executed strategy to integrate marketing and business development teams across seven newly acquired companies. Developed marketing and sales plans to achieve net revenue goals and gain market share. Established performance-driven business development process to decrease customer acquisition costs, increase win rate and average contract value, and grow top line revenue.

- Transitioned seven independent brands to a unified brand over a course of two years. Recognized as "Best Rebranding Campaign" of 2013 for best communication of brand change to employees by Ragen Communication.
- Provided executive team with greater insight into status towards annual revenue goals through enhanced sales reports and dashboards, key performance metrics, and forecasting capabilities.
- Served as primary liaison to Board for all matters related to marketing and business development.
- Increased win rate from 33 to 64 percent over three years.
- Achieved a 33 percent increase in top line revenue from \$119 M to \$158 M over 12 months.
- Increase opportunity pipeline by 15x over four years to create a \$1B pipeline.
- Company recognized as Inc 500 fastest growing companies in 2014.

**Geavista Group, Inc.**  
**Founder & CEO**

**February 2008 – May 2012**  
**Dallas, TX**

A private company that developed and implemented integrated marketing strategies for utility clients to accelerate the market penetration of energy efficient and renewable energy products and services. Geavista was acquired by CLEAResult in May 2012.

Responsible for leading all aspects of the company including setting the company's vision and strategic roadmap, business operations, financial management, marketing, and business development. Created a performance-driven culture to optimize team performance and deliver outstanding results, consistent quality, and exceptional customer service. Successfully positioned company against entrenched, well-funded, incumbents to secure business with highly risk adverse customers and gain market share.

- Managed a \$50 M annual portfolio of energy efficiency and renewable energy initiatives for utility clients.
- Grew company 500% over four years to achieve \$6 M gross revenue in 2012 with an average EBITDA of 25%.
- Established sound financial controls that endured three audits by external party.
- Expanded company to three states with total of 30 employees.
- Recognized by client as "Rising Star" supplier in 2011.
- Navigated through M&A process and secured strategic buyer at a high multiple in 2012.

**ICF International**  
**Principal & Practice Lead**

**February 2001 – February 2008**  
**Washington, DC**

A public company that designs, implements, and analyzes cost-effective, award winning energy efficiency and renewable energy programs across North America.

Served as member of the Energy & Resources practice senior management team and practice lead for regional residential solutions. Developed and managed regional marketing initiatives for utility partners to increase the market penetration of energy efficiency and renewable energy technologies including product launch, supply chain development, strategic partnerships, customer engagement, and customer satisfaction.

- Managed a \$20 million annual portfolio of energy efficiency and renewable energy initiatives.
- Expanded services in key geographic markets including California, Connecticut, Utah, Massachusetts, and Texas and increased gross annual revenue by more than \$12 million over six years.
- Led a multi-functional team of 25 individuals comprised of marketing specialists, creative designers, environmental scientists, and energy engineers on client engagements.
- Provided strategic consulting to clients on technical, policy and marketplace developments related to clean energy in order to guide business decisions.

**Global Environment & Technology Foundation (GETF)**  
**Vice President**

**March 2000 – October 2000**  
**Washington, DC**

An incubator and accelerator with a focus on introducing clean technologies in the energy, water and waste management to the market.

Responsible for daily operations, marketing, business development, and strategic direction of online services division.

- Prepared division to be spun-off as a for-profit venture.
- Directed all aspects of start-up operations including conducting competitive research and analysis, developing marketing and sales strategy, and establishing revenue, licensing, and content syndication revenue models.
- Provided strategic guidance to clients on creating successful online business models for clean technology and consulting services (e.g. GreenOrder).



- Advised clients on tactics to build online communities and tools to advance corporations' adoption of sustainability principles (e.g. SustainableBusiness.com, GreenBiz.com).

**American Forest Foundation**  
**Associate Director, Special Projects**

**November 1995 – March 2000**  
**Washington, DC**

A nonprofit that promotes the sustainable management of private forest lands and stewardship of our nation's forests.

Responsible for the development and implementation of special projects to advance sustainable forest, wildlife, and watershed management practices on private forestlands.

- Established the national *Forests for Watersheds and Wildlife* (F<sub>2</sub>W<sub>2</sub>) initiative - a conservation and public outreach program that improves water quality and wildlife habitat on private forest land and uses social marketing strategies to encourage long-term stewardship of forest land.
- Facilitated high-profile partnerships between major forest industry companies (i.e. International Paper, Warehauser, Georgia Pacific, etc.) and conservation organizations (Trout Unlimited, Ducks Unlimited, Nature Conservancy, etc.) to advance mutual environmental conservation and corporate social responsibility goals.
- Orchestrated communication activities to secure high-profile media exposure for participating forest and paper companies including ESPN's *Trout Unlimited Television* and local television, radio, and print media.
- Contributed to the development of the *Behind this Sign* national communication campaign to advance the message of forest industry's corporate commitment to sustainable forestry, wildlife conservation, and water quality improvement.

**League of Women Voters Education Fund**  
**Project Manager**

**October 1993 - November 1995**  
**Washington, DC**

A nonprofit organization that works to encourage the active and informed participation of citizens in government and to increase understanding of major public policy issues.

Managed a national program to increase awareness of waste prevention and recycling and encourage the adoption of integrated waste management programs.

- Guided the activities of more than 100 volunteers as part of 11 community-based, marketing outreach programs to reach more than 500,000 individuals through direct outreach, education and training, and local media relations activities.
- Conceived and created the first computer-based, tool kit to increase the adoption of waste prevention and recycling programs through turn-key program implementation and outreach materials.
- Developed and implemented the LWVEF's first niche marketing strategy to increase sales of tool kit.
- Served as the LWVEF's primary spokesperson on waste management issues; appearing before government agencies, organizations, conference participants and responding to media inquiries.
- Prepared national outreach campaigns on the *National Office Paper Recycling Project* to encourage companies to establish paper recycling programs and purchase paper products with post-consumer content.
- Generated national solid waste policy options on the *Recycling Advisory Council* to create favorable market dynamics to increase demand for recycled products and influence government agencies, companies, and organizations to integrate waste prevention, reduction, and recycling into all stages of their supply chain ("cradle to grave").

## Education

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**Certificate in Executive Leadership.** Southern Methodist University, Dallas, TX. 2015.

**Masters in Engineering Management.** George Washington University. Washington, D.C. 2001.

**Bachelor of Science in Environmental Science.** Springfield College. Springfield, MA. 1992.

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## Awards

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**2014 Inc 500.** CLEAResult recognized as fastest growing company by Inc Magazine during my tenure as Vice President of marketing and business development.

**2013 Best Rebranding Campaign.** CLEAResult recognized for best communication of brand change to employees during my tenure as Vice President of marketing and business development.

**2011 Rising Star Award.** Geavista Group recognized by Oncor for exemplary service and as an emerging “preferred” provider of consulting services.

**2006 Outstanding Individual Achievement Award.** Texas Clean Air Through Energy Efficiency and Renewable Energy: Texas Clean Air Conference. Texas A&M. 2006. Recognized for accomplishments in advancing energy efficiency and reducing air emissions in Texas.

**2002 – 2008 ENERGY STAR’s Sustained Leadership in Energy Efficiency Award.** Environmental Protection Agency. Four clients located in Texas, California and Massachusetts recognized for the initiatives I managed over five consecutive years.

**1999 Outstanding Industry Cooperator.** American Forest and Paper Association. Recognized for success of the *Forests for Watersheds and Wildlife* initiative and ability to facilitate public and private partnerships between forest and paper companies and wildlife conservation organizations to advance sustainable forestry.

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## Volunteerism

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**Kids Luv Trees.** Helped my children establish a nonprofit to replant trees destroyed during the October 2019 tornadoes in Dallas, TX. December 2021 – June 2022.

**The Dallas Entrepreneur Center.** Serve as mentor to entrepreneurs. May 2014 – Present.

**Element 8 Angels.** Member and Investment Partner. January 2016 – Present.

**Lemonade Stand.** Serve a mentor to young adults interested in entrepreneurship. May 2014 – Present.

# VOLUNTEER APPLICATION

Christopher Staten

9/24/2022 9:27 AM

Application: **APP - Art in Public Places Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 FORT COLLINS, CO 80524

## Volunteer Groups Applied For

Art in Public Places Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Art in Public Places
I acknowledge I am available when the Art in Public Places meets: The 3rd Wednesday of each month, 3:30 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Copywriter at ad agency
Current Employer:	Lemonade the Agency
Prior work experience (please include dates):	CSU (20018-20) New Belgium (2014-18) DRAFT Magazine (2008-2014)
Volunteer experience (please include dates):	Current APP board member KRFC Programmer / DJ
Are you currently serving on a City board or Commission If so, which one	Yes Art in Public Places
Why do you want to become a member of this particular board or commission	Stay on as board member of APP
Have you had any exposure to the board or commission you are applying for If yes, please explain:	Yes
Specify any activities which might create a serious conflict of interest if you are appointed:	n/a
What is your favorite piece of public art in Fort Collins	Sugar Beet Park installation
What function do you feel public art serves in the community	Give voice to community / serves as promotion of arts / promotion of town

[REDACTED]

How did you learn of a vacancy on this board or commission	Other (please specify) On board
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# VOLUNTEER APPLICATION

Gregory Steed

9/25/2022 2:24 PM

Application: **WC - Water Commission**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree  
 Address: [REDACTED] Phone: (H) [REDACTED]  
 Fort Collins, CO 80525

## Volunteer Groups Applied For

Water Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Water Commission meets: Regular Meetings - Third Thursday of each month. Work sessions - 1st Thursday every other month (even-numbered months) from 5:30-7:30 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	3
Current Occupation:	Civil Engineer
Current Employer:	Merrick & Company since May 2022
Prior work experience (please include dates):	Division & Project Manager on water and sewer utility construction projects for CGRS Inc. of Fort Collins from August 2019 to May 2022. Additional duties included consulting engineer on water, wastewater, stormwater, and environmental compliance projects. Consulting Engineer in civil and environmental projects for Wenck Associates (formerly Lidstone & Associates) in Fort Collins from November 2013 to July 2019. Experience in mine reclamation, river restoration, water quality, groundwater and surface water monitoring, and construction observations.
Volunteer experience (please include dates):	BSA of America Troop 188 (2016 - Current) Water Commissioner, City of Fort Collins (2018-Current) Co-Chair 2020-2022

Are you currently serving on a City board or Commission If so, which one

Yes  
Water Commission

What is your experience (technical/legal/research/regulatory/volunteer/political, etc) in matters related to water as it pertains to our region, other regions, municipal water utilities, water resources

I have 15 years of exposure and experience in water resources, mostly from a technical standpoint. I also have exposure in political, volunteer, and regulatory aspects of the water resources industry. Starting in 2009 in a Master of Science in Civil and Environmental Engineering program at CSU, where I was deeply involved in a water focused grant covering field data collection to GIS interfaced database and watershed characterization. Following my M.S., I have been working as a consultant and general contractor to private and municipal clients primarily in water utilities, environmental compliance, and civil engineering.

What priorities do you feel the water commission should highlight in advising/directing city staff and council

The priorities I feel strongly about are:  
1) Water supply security (storage, watershed health, water quality, water quantity, water lease agreements)  
2) Non-potable Irrigation system expansion  
3) Utility Capital Improvements  
4) Water Conservation (incentives, audits, smart metering, xeriscaping)

Please describe your motivation/passion to be on the water commission and what (expertise/viewpoints/background/differing perspective) you may bring to the table.

I take seriously my current role on the commission and find great reward in participating both in sharing my input on issues and through interacting with staff, leadership, and other commissioners. My perspectives come from a pragmatic construction minded engineering background but also from a research and data driven standpoint.

Specify any activities which might create a serious conflict of interest if you are appointed:

If my firm is hired to perform design services or construction oversight and any particular project had issues that required commission input, I would have to defer on any kind of motion. In my last 3 1/2 years, there have been NO issues in front of the commission that would mirror this scenario.

How did you learn of a vacancy on this board or commission

Other (please specify)  
Requested to have a chance to renew.

# VOLUNTEER APPLICATION

Samantha Stegner

9/26/2022 11:15 AM

Application: **PZC - Planning and Zoning Commission**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: High School  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, Co 80528

## Volunteer Groups Applied For

Planning & Zoning Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.

YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.

Planning and zoning then affordable housing

I acknowledge I am available when the Planning & Zoning Commission meets: Hearings are held on the third Thursday of Each Month at 6:00 p.m. and work sessions are held the Friday prior to 3rd Thursday Hearing at 12 p.m.

YES

Which Council District do you live in Please refer to the map at: <https://gisweb.fcgov.com/HTML5Vie>

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Current Occupation:

Stay at home mom looking to start working again now that kids are in school full time

Current Employer:

Freelance at the moment

Prior work experience (please include dates):

Oct 2021- Current Chairman/ Founder of Harmony Village Residents Foundation  
 Aug 2015- Current Stay at home mom  
 Feb 2012- Aug 2015 Ring Ring Wireless- Store Manager  
 Dec 2011- Feb 2012 Center Partners- Call Center Rep  
 Jan 2010- Feb 2011 Cricket Corporate- Retail Sales Rep  
 Aug 2008- Dec 2009 Loaf N' Jug- Clerk  
 Aug 2001- May 2008 Champions- Director  
 Feb 2006- Feb 2007 Colorado Kitchen and Bath-Office Assistant  
 May 2001- Jan 2006 Norton's Auto Solutions- Office Manager

Volunteer experience (please include dates):

Oct 2021- Current Chairman/ Founder of Harmony Village Residents Foundation

Are you currently serving on a City board or Commission If so, which one

Many past years of volunteering with kids, elderly and pets. I just love helping however I can

No

What is your level of familiarity with the City's adopted plans, policies and land use regulations

Getting more confident. I have mainly been learning the zoning and what is effecting our mobile home communities like the one I live in

Please describe your understanding of how the City's adopted plans, policies and land use regulations impact the built environment.

From what I know it effects everything really. I want to know more and what is on the back end for requirements and such. I am very interested to learn more about the GSM of the mobile home parks under city limits and not county

Specify any activities which might create a serious conflict of interest if you are appointed:

The only thing I can not do is lobby and endorse representatives as I am chairman of the Harmony Village Residents Foundation which is a 501c3

How did you learn of a vacancy on this board or commission

Other (please specify)  
Everywhere as I am learning what is happening.



# VOLUNTEER APPLICATION

Kelly Stewart

9/8/2022 11:41 AM

Application: **NRAB - Natural Resources Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80525

## Volunteer Groups Applied For

Natural Resources Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/ commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	NA
I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	2
Current Occupation:	Project Manager
Current Employer:	New Belgium Brewing Company
Prior work experience (please include dates):	At New Belgium: Project Manager - 2021-present Environmental Health & Safety Specialist - 2017-2021 Environmental Health & Safety Technician - 2015-2017 Environmental Health & Safety Intern - 2013-2015
Volunteer experience (please include dates):	I participate in various one-off opportunities in the community, many of which are through my employer. Prior to applying to NRAB earlier this year, I had been looking for a more consistent opportunity and cause to dedicate my time to.
Are you currently serving on a City board or Commission If so, which one	Yes Natural Resource Advisory Board
Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why	I find I am most passionate about climate change, which encompasses many natural resource issues facing our community and world today. This includes air, water, land,

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

and energy resource issues such as greenhouse gas emissions, waste reduction, energy reduction, and water conservation. I find the goals outlined in the City's Our Climate Future Plan particularly inspiring, and I would love to be a part of the work to reach these very important goals.

Specify any activities which might create a serious conflict of interest if you are appointed:

My education in Environmental Health combined with my professional experience both in Environmental Health & Safety and Project Management make me particularly well suited to serve on this board. I believe I have the technical knowledge and hard/soft skills to be a contributing member.

None.

How did you learn of a vacancy on this board or commission

Other (please specify)  
I knew my term on the board was limited to the end of this year, and I received an email from Tammi to submit a new application.

# VOLUNTEER APPLICATION

Richard Waal

9/16/2022 2:23 PM

Application: **EAB - Economic Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED] <<  
 Fort Collins, CO 80524

## Volunteer Groups Applied For

Economic Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Economic Advisory Board, Parks and Recreation
I acknowledge I am available when the Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Director, Public Sector Business Development
Current Employer:	SHI International
Prior work experience (please include dates):	AppExtremes, Managing Director 2014-2016 Hewlett Packard, Senior Director HP Cloud, Account General Manager 1998-2014 CIC International, Regional Director 1994-1998
Volunteer experience (please include dates):	Special Olympics Denver 1994-98 Special Olympics San Francisco 1990-93
Are you currently serving on a City board or Commission? If so, which one?	No; I was interviewed but not selected for the Citizen Review Board in July '22
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	No
Please tell us why you believe it is important for the community to understand and invest in its economic health?	Fort Collins is a vibrant community due to investments like bike paths, transportation systems and special economic zones like Old Town. Understanding and

How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing

communicating how these types of investments contribute to the city's vibrancy, mobility and economic diversity is important for the community to know and contribute too.

Specify any activities which might create a serious conflict of interest if you are appointed:

They all flow together in my mind. How the city addresses and makes positive progress on these issues contributes to the desirability of Fort Collins for both a place to live and work.

How did you learn of a vacancy on this board or commission

None that I know of

Other (please specify)  
Monthly City Email

**RICHARD WAAL**

Fort Collins, Colorado

<http://www.linkedin.com/in/rpwaal>**SALES LEADERSHIP & BUSINESS DEVELOPMENT**

... CLIENT EXECUTIVE || SOLUTION SALES || ALLIANCES ...

Accomplished sales and services executive with a proven track record of driving revenue growth, opening new markets and building and leading high performing teams. Experienced in managing global teams in a matrixed environment with the ability to navigate across large enterprises and business units. Collaborative approach to customers and partners allows me to quickly establish credibility at all levels of an organization.

**KEY CAREER MILESTONES**

- Directed the growth of a new enterprise SaaS sales organization which increased market penetration and revenue positioning the company for acquisition.
- Implemented a comprehensive executive relationship, sales and business development strategy for a global service provider that propelled annual HP revenue from \$36M to \$175M with double-digit growth and over quota performance.
- Increased HP's SOW with global service providers by integrating HP's cloud and SaaS offerings within the providers solution portfolio.

**PROFESSIONAL EXPERIENCE****SHI International, Denver, CO****2018-Present****Account Executive, Public Sector**

Leading a team that provides technical and integrated solutions for the state of Colorado by building a collaborative environment with customers and partners to craft and deliver IT solutions. Able to build strong customer loyalty by exceeding expectations and allocating internal and partner resources to grow and maintain customer relationships.

**AppExtremes, Broomfield, CO****2014-2016****Managing Director, Enterprise Sales**

AppExtremes is the developer of the Conga Suite, a SaaS based document generation and reporting application for the Salesforce AppExchange. Hired by the founders to help position the company for acquisition by building an enterprise sales organization to target large public and private organizations. Acquired by Insight Venture Partners.

- Developed business plan, strategy and methodology focused on market identification and scalable sales process.
- Positioned the Conga Suite as a value-added solution in the management and distribution of Salesforce data through use cases and ROI analysis highlighting gained efficiencies, cost savings and faster delivery of key documents resulting in increased user and customer satisfaction.

**Hewlett-Packard, Denver, CO****1998-2014****Senior Director, Business Development HP Cloud (2012–2014)**

Advancing HP's cloud growth (IaaS/SaaS) and go-to-market strategy with global telecom service providers and channel partners. Worked with customer's senior executives to define framework to deliver solutions integrating HP's cloud portfolio and SaaS offerings with service provider's solutions.

- Drove adaption of HP Helion Network, a global network based on OpenStack optimized to deliver enterprise deployable cloud and hybrid IT solutions.
- Negotiated GTM partnership leveraging HP's SaaS portfolio of security and management products with Cloud Providers that enabled them to deliver solutions in a faster, flexible, and secure environment.

**Account General Manager, Telecommunication and Service Providers (2006-2012)**

Leadership, oversight and strategic account management for global strategic account and team of 41 that achieved seven straight years of double-digit growth and over quota performance. Accountable for fostering executive

relationships, sales and business development of HP portfolio of software, data center products and managed services solutions.

- Turned around stagnant strategic telecom account by building comprehensive sales and business development strategy that incorporated sell to, sell with and sell through models that expanded share of wallet, customer touch points propelling the account to \$175M in annual sales.
- Awarded \$45M contract by creating a joint proposal with channel partner to manage customer's end user environment leveraging partners scale and flexibility along with HP's products, services and consulting.
- Directed pursuit team in obtaining a \$16M outsourcing contract expansion by identifying opportunity and working with key decision makers and influencers in developing a strong business case to push project forward.
- Awarded a multi-year contract focused on security monitoring, event management and proactive service resolution increasing customer environment uptime.
- Created joint alliance with Hosting Services unit that aligned product and services portfolios which allowed both companies to pursue new revenue streams in Managed Services.
- Implemented GTM strategy and sales force engagement model to integrate and resale HP's products and services as part of CenturyLink's telecommunications portfolio.

### **Enterprise Account Manager, Telecommunication and Service Providers (1998-2005)**

Strategic account management and collaboration with customer's senior leadership, directed a sales team responsible for delivering insight, technical knowledge and expertise of HP products, services and solutions.

- Awarded a \$40M call center renovation by creating an alliance of internal and external partners to develop and deliver a solution enabling the client to provide their customers with quicker call resolution, better customer service and the ability to upsell and cross sell products and services.
- Led team of architects, engineers and consultants in crafting an \$28M hardware, software and services solution addressing customers billing, storage and infrastructure needs.

## **EDUCATION AND PROFESSIONAL DEVELOPMENT**

### **Bachelor of Science, Economics & Business Administration**

Saint Mary's of California, Moraga, CA

### **Professional Development:**

Hewlett-Packard Executive Leadership Program

License to Practice Certificate – Advanced Consultative Sales Training

Telecommunication Industry Masters Class (TRA)

Richardson Consultative Selling

# VOLUNTEER APPLICATION

Erma Woodfin

9/23/2022 4:26 PM

Application: **HSHFB - Human Services and Housing Funding Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Some College  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80525

## Volunteer Groups Applied For

Human Services and Housing Funding Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 5:30 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	3
Current Occupation:	Retired
Current Employer:	N/A
Prior work experience (please include dates):	2015 H&R Block - Receptionist 2016 Larimer County Democratic Party - Canvasser 2018 Goodwill Industries - Sales clerk 2018 Canvasser Larimer County Dems 2019 W. J. Russell (Larimer County Dems) 2019 Elwood Staffing
Volunteer experience (please include dates):	2020- present Congressman Joe Neguse's Committee for The Congressional Black Caucus Foundation Scholarships 2018-2021 Ft. Collins Women's Advisory Board 2019-2021 CSU Center for Public Deliberation - Community Guide/ Generous organizer/Intergenerational Conversations 2019-2020 Ft. Collins Street Naming Committee 2019-2021 Colorado Democratic Party Resolutions Committee 2018-2021 Larimer County Democratic Party - Canvasser

Are you currently serving on a City board or Commission? If so, which one?

2019-2021 Northern Colorado Intertribal Powwow Association  
2015-2015 Small Change - Supported Crossroads and Project Self Sufficiency

Yes  
Human Services and Housing Funding Board

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

I grew up the oldest of five children, raised by a single parent (my mother) in the public housing. Community grants afforded me the opportunity to study the arts. In my youth I volunteered for community programs and was occasionally compensated because of community grants. As an adult I have been able to support some of the entities that we will be evaluating, so I have an idea of the resources they provide. Also, I believe that my training with CPD, as a Community Guide, and the Obama Fellowship Program, with an emphasis on women and children's issues will also be helpful.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?

Increase the minimum wage to a livable wage. Decrease the number of studies and data collections and put the money directly into creating or acquiring actual physical structures that are affordable and safe. Increasing access to mental health services and increase the publicity regarding where to obtain them.

Why do you want to become a member of this particular board or commission?

I want to become a member of this board because I will bring a different experience, which hopefully will be beneficial to both the members of the board and the entities applying for grants. And I will be able to contribute to the community on a much larger scale than I am able to do as an individual.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes  
I am presently serving a three-month term on the board.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

How did you learn of a vacancy on this board or commission?

Other (please specify)  
When the Women's Advisory Board was suspended, Tammy Pusheck offered me the opportunity to apply to several other boards. This is the one I chose.



# VOLUNTEER APPLICATION

York York

9/22/2022 12:25 AM

Application: **PZC - Planning and Zoning Commission**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree  
 Address: [REDACTED] Phone: (M) [REDACTED] <<  
 Fort Collins, CO 80525 (H) [REDACTED]

## Volunteer Groups Applied For

Planning & Zoning Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Air Quality Advisory Board, Planning and Zoning Commission
I acknowledge I am available when the Planning & Zoning Commission meets: Hearings are held on the third Thursday of Each Month at 6:00 p.m. and work sessions are held the Friday prior to 3rd Thursday Hearing at 12 p.m.	YES
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	1
Current Occupation:	Software Engineer
Current Employer:	Broadcom Inc.
Prior work experience (please include dates):	Broadcom 2013 to now HP 2011-2013 On own 2012-2013 LP Broadband/Rise Broadband 2006-2012 Agilent 2000-2006 HP, Advanced Energy, CSU, Vipont, Woodward prior to that
Volunteer experience (please include dates):	Boy Scout leader Colorado Mountain Club Northern Colorado Group Chair 3-years United Way Committee off and on at HP, Agilent/Avago/Broadcom Science Fair Judge (State and International ) 2006 to present Bike To Work Day location chair off and on since 1996 Food Bank Turkey Drive coordinator at Broadcom 2018-present

Are you currently serving on a City board or Commission If so, which one

Broadcom Green Team co-lead 2014-present  
Etc.

Yes  
Transportation Board. Prior to that, served 8 years on the Art in Public Places Board

What is your level of familiarity with the City's adopted plans, policies and land use regulations

Fairly familiar with the adopted plans as we have reviewed, commented on, and suggested adoption of most of them during my time on the Transportation Board. I also spent about 3 years as the liaison from the Transportation Board to the Planning and Zoning Commission during my time on the T-Board. Not as familiar with the land use regulations - but I can learn.

Please describe your understanding of how the City's adopted plans, policies and land use regulations impact the built environment.

The plans, policies, and regulations guide development and redevelopment to meet city goals that lead to an exceptional place to live, work, and thrive.

Specify any activities which might create a serious conflict of interest if you are appointed:

Currently own three acres of land in the city's growth area. Work at at Broadcom Inc.

How did you learn of a vacancy on this board or commission

Other (please specify)  
Email and personal interactions

# VOLUNTEER APPLICATION

Matthew Zoccali

9/8/2022 9:57 AM

Application: **NRAB - Natural Resources Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80521

## Volunteer Groups Applied For

Natural Resources Advisory Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5View">https://gisweb.fcgov.com/HTML5View</a>	GMA
Current Occupation:	Senior Environmental Scientist for Fort Collins-based consulting firm Adjunct Instructor for Texas A&M Engineering Extension (TEEX), College Station, TX.
Current Employer:	CGRS, Inc. 1301 Academy Court Fort Collins, CO 80521
Prior work experience (please include dates):	2014-2022 Senior Manager, Fort Collins Utilities, Water Resources and Treatment, Environmental Regulatory Affairs 2009-2017, Environmental Regulatory Specialist, Fort Collins Utilities, Water Resources and Treatment, Environmental Regulatory Affairs 2007-2009, Industrial Pretreatment Specialist, City of Fort Collins Utilities, Water Resources and Treatment, Water Reclamation and Biosolids
Volunteer experience (please include dates):	2004-2010, various youth sports, Coach-Fort Collins Baseball Club and Fort Collins Recreation Department 2005-2010, Volunteer Music Coordinator, Art Lab Fort Collins

Are you currently serving on a City board or Commission? If so, which one?

Yes  
Natural Resources Advisory Board

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

The challenges related to the hard-working Poudre River are especially important to me. It provides recreational, economic, intrinsic and social value to the community. There are many variables and many factors pulling on this resource and I am interested in how we manage it as the community continues to grow.

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

17 years of public sector service, 15 with Fort Collins Utilities, all centered around environmental stewardship and protection, give me solid background and perspective on the issues that the NRAB is likely to be presented with and weigh in on.

Specify any activities which might create a serious conflict of interest if you are appointed:

As mentioned in my previous interview, the company I am currently employed with, CGRS, is a contractor of the City of Fort Collins and there may be occasion where I need to be open and transparent about any potential conflicts of interest with proposals and contractual work.

How did you learn of a vacancy on this board or commission?

Other (please specify)  
awareness of Boards and Commissions during employment with the Fort Collins Utilities

# VOLUNTEER APPLICATION

Nancy Zola

9/24/2022 7:53 PM

Application: **APP - Art in Public Places Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree  
 Address: [REDACTED] Phone: (M) [REDACTED]  
 Fort Collins, CO 80521

## Volunteer Groups Applied For

Art in Public Places Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Art in Public Places meets: The 3rd Wednesday of each month, 3:30 p.m.	YES
Which Council District do you live in Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Vie">https://gisweb.fcgov.com/HTML5Vie</a>	6
Current Occupation:	Horticultural therapist
Current Employer:	Self-employed - company name is Grounded Horticultural Therapy.
Prior work experience (please include dates):	GARDENER'S ASSISTANT CENTRAL PARK CONSERVANCY, NY, NY 2019-2020  DIRECTOR, SOCIAL VENTURES PER SCHOLAS, BRONX, NY 2017-2018  ENCORE FELLOW NONTRADITIONAL EMPLOYMENT FOR WOMEN, NY, NY 2016-2017  REGIONAL STRATEGIC ACCOUNT DIRECTOR VERIZON, NY, NY 2008-2014  EXECUTIVE DIRECTOR FRANKLIN STEET WORKS, STAMFORD, CT 2006-2007  DIRECTOR, NORTHEAST, OUTSOURCING IBM CORPORATION

Volunteer experience (please include dates):

- Gardens on Spring Creek, Fort Collins, CO Garden Ambassador in training, 2022  
 - Aging Clinic of the Rockies, Fort Collins, CO Senior Peer Counselor, 2020-2021  
 - Encore.org, NY, NY Strategy and Fundraising Mentor, 2018-2019  
 - Echoing Green, NY, NY Grant proposal reader, 2015-2016  
 - Ferguson Library, Stamford, CT Fundraising Committee, 2014-2016  
 - Women's Mentoring Network, Fairfield County, CT Board Advisor on the endowment, capital issues, and operations, 2014-2017  
 - Governor's Commission on Arts & Tourism, Hartford, CT, Member, 2015-2016

Are you currently serving on a City board or Commission If so, which one

No

Why do you want to become a member of this particular board or commission

I love living in Fort Collins and want to contribute to the vitality of the city by applying my creativity and skills to the Art in Public Places board. I have a multi-faceted belief in the power of Public Art, the highlights of which are that it can be available to all, it enriches and enlivens citizens' lives, provides professional opportunities for artists, while having the potential to boost the local economy.

My relevant professional and community service experience includes budget management, policy evaluation, and proposal evaluation. As a therapeutic horticulturist, I am trained to work with special populations and can bring my awareness of accessibility issues to the evaluation of public art projects. Coupled with all of this, my passion is art especially public art!

Have you had any exposure to the board or commission you are applying for If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

What is your favorite piece of public art in Fort Collins

My favorite piece of public art, so far, is "In Praise of the Poudre", Andrew Dufford, Chevo Studio's installation at the corner of Willow and Linden Streets. These call to me for several reasons, with its accessibility ranking it at the top of my list. My attraction is further amplified by the multi-faceted appeal of undulating forms that morph in the day to night viewings and the accompanying interpretive art in the adjoining seating areas.

What function do you feel public art serves in the community

Public art adds to the livability and sense of place of our city. It brings streetscapes to life and creates intimate spaces in vast places. This reference to both large and

small flows through the many facets of public art and how it serves the community. Whether it's connecting citizens through dialogue about shared history, opening eyes and minds through a new learning environment, or fostering a shared joy by hearing music wafting through the public streets, public art can bring joy and peace.

Other (please specify)

I reached out to the city's Cultural Services department and staff there were very helpful in explaining where and when to apply for a role on the Art in Public Places Board.

How did you learn of a vacancy on this board or commission

Fort Collins, CO. 80521

[www.linkedin.com/in/nancyzola](http://www.linkedin.com/in/nancyzola)

## NANCY ZOLA

### PROFILE

With feet firmly planted in both corporate and not-for-profit organizations, I have a heartfelt belief in the benefits of art for the public good.

I have worked as an executive director of an arts organization devoted to nurturing early career artists and building audiences for art. Recently returned to school for training in gardening and horticultural therapy at the New York Botanical Garden.

Since moving to Colorado in 2020, I have worked on two farms and then forged a collaboration with the Gardens on Spring Creek to offer a therapeutic horticultural program, Deeply Rooted, for elders with early-stage dementia.

<https://www.fcgov.com/gardens/deeply-rooted>

As an experienced collaborator and leader, I bring a high level of energy and curiosity, coupled with organizational competencies, to initiate projects and see them through to completion.

### EXPERIENCE

#### **GARDENER'S ASSISTANT – CENTRAL PARK CONSERVANCY, NY, NY 2019-2020**

Apprenticeship that offered hands-on experience working in Central Park. Gained an understanding of the demands of maintaining a large public park.

#### **DIRECTOR, SOCIAL VENTURES – PER SCHOLAS, BRONX, NY 2017-2018**

Forged revenue generating relationships for this vocational training non-profit that provides tuition free IT training and job placement for underserved populations.

#### **ENCORE FELLOW – NONTRADITIONAL EMPLOYMENT FOR WOMEN (NEW), NY, NY 2016-2017**

Streamlined grant management process to ensure compliance for NEW, a work force development training organization which prepares women to enter the construction trades.

#### **REGIONAL STRATEGIC ACCOUNT DIRECTOR – VERIZON, NY, NY 2008-2014**

Generated \$28M in annual revenue for underperforming business unit delivering 180% of revenue goals.

#### **EXECUTIVE DIRECTOR – FRANKLIN STEET WORKS, STAMFORD, CT 2006-2007**



Developed and directed start-up, non-profit arts organization. This included creating branding, fundraising, budget management and staffing strategies.

**DIRECTOR, NORTHEAST, OUTSOURCING – IBM CORPORATION, ARMONK, NY  
1996-2005**

Overhauled 35-location business unit, achieved profitability within one year. Attained 150% of sales goals with \$275M in revenue.

Awarded Top Performing Manager in the Americas.

**COMMUNITY LEADERSHIP AND AFFILIATIONS**

**Gardens on Spring Creek, Fort Collins, CO** Garden Ambassador in training , **2022**

**Aging Clinic of the Rockies, Fort Collins, CO** Senior Peer Counselor, **2020-2021**

**Encore.org, NY, NY** Strategy and Fundraising Mentor, **2018-2019**

**Echoing Green, NY, NY** Grant proposal reader, **2015-2016**

**Ferguson Library, Stamford, CT** Fundraising Committee, **2014-2016**

**Women's Mentoring Network, Fairfield County, CT** Board Advisor on endowment, capital issues and operations, **2014-2017**

**Governor's Commission on Arts & Tourism, Hartford, CT**, Member, **2015-2016**

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**EDUCATION**

**New York Botanical Garden, School of Professional Horticulture, Bronx, NY** Horticultural Therapy, Gardening Certificate

**Center for Non-Profit Management, NY, NY** Executive Director Boot Camp

**Inspiring Capital, NY, NY** Social Impact Fellow

**ITIL Foundation** Operations Management Certification

**University of Connecticut, Storrs, CT** , Bachelor of Science, Business and Psychology

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**SKILLS & INTERESTS**

Planting and growing • Bringing new ideas to life • Hiking • Biking • Cooking & entertaining.



November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Marcy Yoder, Neighborhood Services Manager  
John Feyen, Police Assistant Chief  
John Duval, Legal

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### SUBJECT

**First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.**

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### EXECUTIVE SUMMARY

The purpose of this item is to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

#### Introduction

The City adopted in 2000 an ordinance for the abatement of public nuisances (PNO) to address the nuisance issues being experienced at that time with few significant amendments to the PNO since then. Many of the issues were in residential areas and were focused on noise nuisances and other nuisances outlined in the Code Chapter 20, such as tall weeds and grasses, rubbish, inoperable vehicles, etc.

Those issues continue to exist, but we have seen an expansion of nuisance issues that include drug-related activities, gatherings that result in assaults, firearms being discharged, animal control issues, fire code issues including illegal fireworks and outdoor burning, building code violations, abandoned buildings, and obstruction of sidewalks and streets.

The proposed Ordinance would repeal the current PNO and reenact a new PNO which, if adopted, will expand the scope of public nuisances, add new enforcement tools, and simplify the administrative process for utilizing these tools.

## History of Current Public Nuisance Ordinance

Originally developed in early 2000, the purpose of the current PNO was to remedy chronic problems at properties in Fort Collins using a civil abatement process where citing specific, individual nuisance violations of the Code were found to be ineffective in abating the chronic problems that were adversely affecting neighborhoods

The current PNO ordinance in Municipal Code generally provides for the following enforcement steps to be taken before the civil abatement process can be used:

1. The City first identifies a property that might be becoming a public nuisance. This could happen in one of several ways, including complaints from neighbors or a neighborhood group, a large number of nuisance violations (resulting in citations issued) which begin to show a pattern to a staff member, or the police department noticing a chronic problem and calling it to the attention of the Code Compliance staff.
2. The Code Compliance Case Manager then collects data about the potential nuisance property to determine how serious and chronic the problem is in comparison to similar properties in the City. If the property has multiple violations, the City Attorney's Office would also help to decide whether cause exists to file a civil abatement action in Municipal Court. Also, to proceed with a civil abatement action under the current PNO, a citation must be issued for each nuisance.
3. Notice is sent by mail to the property owner and/or tenants when the City begins the process of monitoring a location as a possible public nuisance. This initial letter notifies of the issuance of a nuisance citation that represents the first of a qualifying violation for a civil abatement action under the current PNO and informing the parties that two (2) additional cited violations within 12 months (3 total) or 4 additional cited violations within 24 months (5 total) could result in the filing of a public nuisance action. During this time, the Case Manager would encourage the owner to work with the City, any tenants, and possibly neighbors to develop a voluntary mitigation/abatement plan or agreement to avoid future problems.

The focus of the current PNO has been to work with property owners to voluntarily resolve nuisances; however, if the owner is unwilling to resolve the problem through an abatement plan, the PNO provides the City with only the ability to file a civil abatement action against the owner in Municipal Court. Remedies would then be limited to obtaining a civil abatement order to compel the owner to abate the nuisance and a civil judgment to recover the City's costs in pursuing the civil abatement process.

This might include such things as ordering a particular tenant to be evicted, clean-up the property, or order that a certain person not engage in a certain kind of behavior. The process can also potentially result in a misdemeanor charge if someone knowingly ignored or disobeyed the Court's order. For example, if someone was ordered by the Court to clean up a property and did not follow the order, that person could then be prosecuted in Municipal Court, but only after the City has obtained the civil abatement order.

In practice, the utilization of the current PNO has been limited in recent years. This is partly a result of Code Compliance's focus on and high success rate of achieving voluntary compliance in the correction of most nuisance violations. Most of Code Compliance's cases do not ultimately result in the issuance of citations. However, more recently the scope of nuisance types that can be addressed in the current PNO is not broad enough to address the current community issues. Additionally, the prior case management process for public nuisance actions has proven to be administratively burdensome due to the requirements around tracking and individualized noticing to property owners for each violation that occurred that can form the basis for the current civil abatement action.

City staff has therefore recently analyzed the current PNO and determined that an update to it is necessary in order to address the current nuisance issues and to add new processes and enforcement tools that are more practical from both an enforcement and administrative standpoint. For example, this includes

expanding the proposed PNO to apply to “nuisance activities” that include criminal violations under the City’s Code and state law and building and fire code violations.

## Research

A review of other cities’ public nuisance and chronic nuisance property ordinances was conducted to gain a better understanding of how other jurisdictions are addressing and resolving their public nuisances and chronic nuisance properties. The jurisdictions we contacted in Colorado were Boulder and Parker. The Town of Parker is currently the only other jurisdiction in the state with a chronic nuisance property ordinance. Outside of Colorado, we reviewed the chronic nuisance ordinances in the following cities: Cincinnati, OH; Kansas City, MO; Spokane, WA; Seattle, WA; Portland, OR; Elgin, IL; Springfield, IL; and Milwaukee, WI.

<b>Jurisdiction</b>	<b>Definition of chronic nuisance property</b>
Parker, CO	3 or more occasions where nuisance activity is observed in 60 days or 7 or more in 12 months
Cincinnati, OH	3 or more nuisance activities occurred at the premises in a 30-day period
Kansas City, MO	3 or more police responses to nuisance activity in 30 days, 7 or more in 180 days
Spokane, WA	3 or more nuisance activities observed on a property in 60 days, 7 or more in 12 months
Seattle, WA	3 or more nuisance activities exist or have occurred on a property in 60 days, 7 or more in 12 months
Portland, OR	3 or more nuisance activities exist or have occurred on a property in 30 days
Elgin, IL	3 or more instances of any one or any combination of nuisance activity in 12 months based upon 3 separate factual events that have been independently investigated
Springfield, IL	3 or more separate inspections or incidents w/in 24 months that have been the source of 3 or more violations as determined by an admin hearing officer; OR 2 or more of certain criminal activities in a 60-day period or 3 or more in a 365-day period
Milwaukee, WI	3 or more responses from the police department for "nuisance activities" in 30 days

Based on our findings, we determined the appropriate threshold to establish a chronic nuisance property is 3 or more nuisance activities exist or have occurred on a property within a 90-day period or 7 or more nuisance activities within a one-year period.

## Proposed Public Nuisance Ordinance

- *Public Nuisance, Chronic Nuisance Property, & Nuisance Activity*

The proposed PNO regulates two types of nuisances: (i) a “public nuisance”; and (ii) a “chronic nuisance property”. The existence of each of them depends on the occurrence or existence of multiple or continuing “nuisance activities” on a property.

A “nuisance activity” is defined in the PNO to include 66 categories of various criminal and civil violations happening on the property that individually or in combination result in either a public nuisance or chronic nuisance property. These nuisance activities include:

- civil infractions under the City Code, such as tall weeds and grass, rubbish, and inoperable motor

vehicles;

- minor misdemeanor violations under the City Code, such as unreasonable noise, bodily waste, and nuisance gatherings;
- more serious misdemeanor violations under the City Code, such as resisting arrest, assault, disorderly conduct, and building and fire code violations; and
- misdemeanors and felonies under State law, such as criminal mischief, assault, harassment, arson, firearms offenses, and drug-related offenses.

A “public nuisance” is more generally defined, while the definition of a “chronic nuisance property” is tied to a certain number of nuisance activities occurring on a property within a set period.

A “public nuisance” exists when repeated nuisance activities (meaning more than one) have occurred on the property or a continuing nuisance activity exists on it causing an unreasonable risk of harm or injury to the public health, safety, or welfare. This would include circumstances where the nuisance activities are unreasonably injuring, damaging, annoying, inconveniencing, or disturbing the peace of any member of the public with respect to their: (i) comfort, health, repose, or safety; or (ii) free use and comfortable enjoyment of their property and of sidewalks, streets, or other public spaces near the offending property.

A “chronic nuisance property” exists when:

- 3 or more nuisance activities have occurred on the property within 90 days, or 7 or more nuisance activities have occurred within 1 year, with each activity occurring on a separate day, but not applicable to a property having multiple residential units under common ownership (i.e., apartment complex);
- there are multiple residential units on the property under common ownership and 6 or more nuisance activities have occurred within 90 days or 10 or more nuisance activities have occurred within 1 year, with each activity occurring on a separate day;
- 2 or more nuisance activities involving drug-related activity have occurred on the property within 30 days, with each activity occurring on a separate day; or
- the property is an “abandoned property” and any number of nuisance activities have occurred or exist on it. An “abandoned property” is defined as a property where no one is asserting or claiming any ownership or legal control over it.

#### • *Enforcement Tools*

The proposed PNO is designed to provide the City with alternative tools for enforcement depending on the circumstances.

The most basic of the tools is to provide the property owner and others in possession of the property, such as tenants, with written notice of the existence of the public nuisance or chronic nuisance property. The purpose of the notice is to give the owner and others noticed the opportunity to abate the nuisance activities promptly and voluntarily or to work with the City in coming up with a plan to do so.

If the notice is unsuccessful in getting the cooperation of the person(s) responsible for the property, the next step might be to issue a citation to the noticed persons for a civil infraction. The punishment for the infraction would be a penalty assessment of \$250 for the first offense, \$500 for a second offense within 60 days, \$1,000 for a third offense within 120 days, and \$2,000 for fourth and subsequent offenses within 1 year. If the person cited does not voluntarily pay the penalty assessment stated in the citation, the civil infraction would be tried in Municipal Court.

If the notice and any citations for the penalty assessment civil infraction are unsuccessful in remedying and stopping the nuisance activities, the next step might be to consider issuing a citation to the property

owner or other responsible persons for a misdemeanor offense. This offense would be subject to the City's same maximum penalties it imposes for other misdemeanors, which are a fine and court surcharge not to exceed \$3,000 or 180 days in jail, or both.

Whether the responsible persons are cited for a civil infraction or misdemeanor offense, each separate day a public nuisance occurs or exists on a property, or the property continues to be a chronic nuisance property, is considered a separate infraction or offense.

If the notice and any citations for the civil infraction and misdemeanor offense are unsuccessful, the tool remaining in the PNO would be for the City to file a civil abatement action in Municipal Court against the property owner and any other responsible persons. Under this civil proceeding, the City would be asking the Court to issue temporary and permanent abatement orders requiring the owner and other responsible persons to abate the public nuisance or chronic nuisance property. The Court would be able to enforce its order under its contempt powers. Also, if an abatement order is issued and the person against whom it is directed fails to obey it, that is considered a misdemeanor violation under which the person could be arrested and prosecuted.

The City may also ask for the Court in the civil action to impose a civil penalty of not less than \$100 but not more than \$1,000 for each day the public nuisance or chronic nuisance continued to exist after the City served the initial notice to abate these conditions of the property. The City will then be entitled to a judgment for this civil penalty amount plus all its other costs, including attorney fees, that it incurred in pursuing its remedies under the PNO.

- *Other Significant PNO Provisions*

The proposed PNO continues to include important and significant provisions that exist in the current PNO. These include:

- Preserving for the City's code enforcement officers the legal authority to enter the property to abate nuisances without a warrant when authorized under the Fourth Amendment.
- Preserving for code enforcement officers the legal authority to obtain a search warrant to inspect the property and abate a nuisance consistent with the Fourth Amendment.
- Stating that the PNO is not intended to limit or prohibit the City or anyone else to pursue other remedies to abate a nuisance as are available under any other laws.
- Preserving City's ability to file a lien against the property for the costs the City incurs in abating a nuisance.

The proposed PNO also adds new significant provisions, and these are:

- Describes the proof standards to be applied by the Municipal Court in determining whether an alleged nuisance activity occurred on the property – in criminal proceedings proof beyond a reasonable doubt and in civil proceedings proof by a preponderance of the evidence.
- States that misdemeanor and civil infraction violations under the PNO will be strict liability offenses not requiring proof of culpable mental state, making these offenses easier to prove.
- States the City is not required in proving a nuisance activity to prove that any person was cited, held liable for, or convicted in any court of the civil or criminal charge underlying the nuisance activity. However, the City will still be required to prove that the nuisance activity occurred by other evidence.

- States that if a person is held liable for or convicted in the courts for the charge underlying the nuisance activity and that decision is final, this is to be deemed conclusive evidence by the Municipal Court in proceedings under the PNO that the nuisance activity occurred, but the City will still be required to prove the activity occurred on the property.
- Allows the Municipal Court to consider as a mitigating factor in proceedings under the PNO that the defendant was the victim or person harmed by the nuisance activity or activities forming the basis for the public nuisance or chronic nuisance property, but only if the Court also finds: (i) the defendant or someone acting on their behalf promptly reported the nuisance activity to law enforcement; and (ii) at the time of the activity, the defendant had reasonably effective means in place to prevent nuisance activities occurring on the property or to manage them if prevention not reasonably practicable. These means may include security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities having as their function to prevent nuisance activities from happening on the property.

Under Article VII, Section 1 of the City Charter, any new rules of procedure to be used in Municipal Court can only be adopted by City Council if recommended by the Chief Municipal Judge. Chief Judge Jill Heuser has reviewed the provisions in the PNO pertaining to the rules of procedure to be used in civil abatement actions under the PNO. Judge Heuser is recommending to the Council that it adopt these provisions.

### **Conclusions**

Staff recommends the adoption of the proposed PNO as it will allow the City to more readily address the types of nuisance issues that the community is currently experiencing.

### **CITY FINANCIAL IMPACTS**

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None.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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1. Ordinance for Consideration



ORDINANCE NO. 136, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING AND REENACTING ARTICLE IX OF CITY CODE CHAPTER 20  
CONCERNING PUBLIC NUISANCES  
AND MAKING CONFORMING CHANGES TO CITY CODE SECTION 19-3

WHEREAS, in 2000, the City Council adopted Ordinance No. 28, 2000, to add Article IX to Chapter 20 of the Code (“Article IX”) to establish a process for abating public nuisances by the City filing a civil action in Municipal Court asking the Court to issue civil orders requiring the property owner or others responsible to abate the public nuisance; and

WHEREAS, the aim and focus of Article IX was primarily to add an enforcement tool to those already available to address nuisances on privately-owned properties, such as noise violations, rubbish accumulation, tall weeds and grass, inoperable motor vehicle, and similar activities that affected the health, safety, and welfare of nearby properties and the public in general; and

WHEREAS, the intent was to use this enforcement tool for those properties having chronic-public-nuisance problems that were not being resolved by the then existing enforcement tools; and

WHEREAS, there have not been any significant amendments to Article IX since 2000, so the only tool it currently provides is the civil abatement process: and

WHEREAS, since 2000 the City’s population has grown from just over 118,000 to over 170,000 and with this growth has come increased crime, including a significant increase in the number, severity, and dangerousness of activities on and conditions of privately-owned properties that threaten and harm the health, safety, and welfare of nearby properties, neighborhoods, and the public in general; and

WHEREAS, these more recent problematic activities and conditions have included the occurrence of more serious crimes, such as unlawful drug use, firearm violations, assaults, harassment, human wastes, and similar offenses; and

WHEREAS, Article IX has proven ineffective in preventing or abating these activities and conditions on properties due to its narrow scope, its lack of alternative enforcement tools, and because it has proven difficult to apply and use administratively as an enforcement tool; and

WHEREAS, City staff has researched what other communities experiencing nuisance problems similar to those the City has been experiencing have used as enforcement tools to prevent and abate these newer types of nuisances; and

WHEREAS, based on that research, City staff is recommending this Ordinance to expand the type of enforcement tools the City may use, to expand the type of activities and conditions on

properties that constitute nuisance activities, and to provide enforcement processes that are administratively easier to use; and

WHEREAS, Chief Municipal Judge Jill Hueser has also reviewed the provisions of this Ordinance pertaining to the rules of procedure to be used by the Municipal Court in the civil abatement process and, pursuant to Section 1 of Charter Article VII, she has recommended to City Council that it adopt these provisions; and

WHEREAS, the Council has determined, and now finds, that the adoption of this Ordinance is necessary for the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Article IX of Chapter 20 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

## **ARTICLE IX. PUBLIC NUISANCES**

### **Division 1. General**

#### **Sec. 20-110. Legislative purpose.**

The abatement of local public nuisances for the protection of public health, safety, and welfare is a matter of purely local and municipal concern. The purpose of this Article is to eliminate public nuisances. The remedies provided in this Article are designed to eliminate public nuisances by removing property from a condition or conditions that either create an immediate need for abatement to protect the public health, safety, or welfare, or lead to consistent and repeated violations of state or municipal law. Another purpose of this Article is to require persons owning, leasing, or otherwise in control of property to be vigilant in preventing public nuisances on and in their property, to make them responsible for the use of their property by themselves, occupants, and trespassers, and to otherwise deter public nuisances.

#### **Sec. 20-111. Definitions.**

Unless the context clearly requires otherwise, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Abandoned property* means a property over which the person owning, leasing, or otherwise in control of the property, or the agent of such person, no longer asserts control due to death, incarceration, or any other reason, and which property is either unsecured or subject to occupation by trespassers or other unauthorized individuals.

*Abate* means to bring to a halt, eliminate, prevent, or, where that is not reasonably practicable, to suppress, mitigate, or reduce.

*Abatement agreement* means a written contract between the City and a person owning or leasing a property on which there is a public nuisance or that has become a chronic nuisance property, or the agent of such person, in which contract the person agrees to timely take all corrective actions to abate the public nuisance or chronic nuisance property and to prevent them from reoccurring as agreed in the contract. Such corrective actions may include, without limitation and as applicable:

1. Effective tenant screening, leasing, and rule enforcement;
2. Implementing physical improvements for crime prevention;
3. Providing security for the property;
4. Evicting persons responsible for the nuisance activity;
5. Pursuing other remedies available under any lease or other agreement applicable to the property;
6. Promptly reporting nuisance activities to law enforcement; and
7. Regular cleaning, maintenance, and repair of the property and the buildings located on it.

*Agent* means any person legally authorized to act on behalf of or in place of the owner or lessee of a property, which may include, without limitation, a person providing property management services, a trustee, conservator, and personal representative.

*Building* means a structure with the capacity to contain, and is designed for the shelter of, humans, animals, or personal property of any kind. *Building* shall include, without limitation, any house, office building, store, warehouse, or any other residential or nonresidential structure of any kind, whether or not such structure is permanently affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home, or other vehicle designed or used for occupancy by persons for any purpose.

*Chronic nuisance property* means:

1. A property where three (3) or more nuisance activities have occurred within a ninety (90) day period or seven (7) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day, but this shall not include a property on which is more than one (1) residential unit that are all under common ownership;
2. A property that is more than one (1) residential unit that are all under common ownership where six (6) or more nuisance activities have occurred within a ninety

- (90) period or ten (10) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day.
3. A property where two (2) or more nuisance activities involving drug-related activity have occurred within a thirty (30) day period, with each activity occurring on a separate day; or
  4. Any abandoned property where any number of nuisance activities have occurred or exist.

*Code enforcement officer* means an individual appointed by the chief of police pursuant to Code § 2-503(b)(2) to enforce the provisions of this Article and City police officers authorized to enforce the Code as provided in § 2-503(b)(1).

*Drug-related activity* means any activity at a property which is an offense under Part 4 in Article 18 of C.R.S. Title 18, which offenses include, without limitation, the unlawful manufacture, cultivation, growth, production, delivery, sale, storage, possession, use, or giving away of any controlled substance and possession of drug paraphernalia.

*Lessee* means a person having a possessory interest in a property under an oral or written lease agreement.

*Municipal Court* or *Court* means the Municipal Court of the City as established in Article VII, Section 1 of the Charter.

*Municipal judge* means any judge of the Fort Collins Municipal Court appointed by the City Council as provided in Article VII, Section 1 of the Charter.

*Notice to abate* means a written notice issued by a code enforcement officer as provided in § 20-113.

*Nuisance activity* means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

1. Disorderly conduct - Code § 17-124.
2. Social host and underage use or possession of alcohol or marijuana - Code § 17-168.
3. Unreasonable noise - Code § 17-129.
4. Nuisance gatherings - Code §§ 17-131 and 17-132.
5. Camping on private property - Code § 17-182.
6. Violations of the 2021 International Fire Code – Code §§ 9-1 and 9-2.
7. Marijuana cultivation - Code § 12-142.
8. Dwelling unit occupancy limits - § 3.8.16 of the Fort Collins Land Use Code.
9. Animal violations - Divisions 4 and 5 of Code Chapter 4.
10. Hazardous waste disposal - Code § 12-21.
11. Hemp violations - Code §§ 12-22 and 12-23.
12. Abandoned refrigerators and similar items - Code § 17-81.

13. Discharging weapons - Code § 17-101.
14. Throwing of missiles - Code § 17-102.
15. Bodily waste - Code § 17-103.
16. Disturbing the peace - Code § 17-121.
17. Harassment - Code § 17-126.
18. Open container - Code § 17-141.
19. Public nudity - Code § 17-142.
20. Inhaling toxic vapors - City Code § 17-162.
21. Underage possession or use of alcohol - Code § 17-167.
22. Use and possession of marijuana - City Code § 17-191.
23. Use of alcohol for cannabinoid extraction from marijuana - Code § 17-194.
24. Air pollution nuisances - City Code § 20-1.
25. Noise violations - Article II of Code Chapter 20.
26. Exterior property maintenance nuisances - Article III of Code Chapter 20.
27. Weeds, unmowed grasses, refuse, rubbish, outdoor furniture, and outdoor storage nuisances - Article IV of Code Chapter 20.
28. Inoperable motor vehicle violations - Division 2 in Article VI of Code Chapter 20.
29. Parking and vehicle storage nuisances - Article VIII of Code Chapter 20.
30. Care and protection of trees, shrubs, and other vegetation - Division 3 in Article II of Code Chapter 27.
31. Assault - Code § 17-21.
32. Criminal mischief - Code § 17-39.
33. Littering - Code § 17-41.
34. Interference with public officers - Code § 17-63
35. Resisting arrest - Code § 17-64.
36. Theft – Code § 17-36.
37. Activities on the property causing the obstruction of adjacent highways, streets, sidewalks, or any other public place for the passage of individuals or vehicles so as to violate § 17-128 or §§ 1202, 1203, or 1204 of the Fort Collins Traffic Code as adopted in § 28-16.
38. Violations of Open Fire and Burning Restrictions – Article II of Code Chapter 9.
39. Violations of the 2021 International Building Code – Code §§ 5-26(a) and 5-27.
40. Violations of the 2021 International Residential Code – Code §§ 5-26(c) and 5-30.
41. Violations of the 2021 International Property Maintenance Code – Code §§ 5-46 and 5-47.
42. Violations of the Rental Housing Standards – Article VI, Division 1 of Code Chapter 5.
43. Criminal offenses against persons - Article 3 of Title 18 of the Colorado Revised Statutes (C.R.S.), except not including sexual assault defined in C.R.S. § 18-3-402 and stalking defined in C.R.S. § 18-3-602.
44. Crimes of arson - Part 1 of Article 4 in C.R.S. Title 18.
45. Crimes of robbery - Part 3 of Article 4 in C.R.S. Title 18.
46. Theft - C.R.S. § 18-4-401.
47. Crimes against children - Part 4 of Article 6 in C.R.S. Title 18.
48. Harboring a minor - C.R.S. § 18-6-601.
49. Contributing to the delinquency of a minor - C.R.S. § 18-6-701.

50. Crimes related to prostitution - Part 2 of Article 7 in C.R.S. Title 18.
51. Crime of public indecency - C.R.S. § 18-7-301.
52. Crime of indecent exposure - C.R.S. § 18-7-302.
53. Crimes related to child prostitution - Part 4 of Article 7 in C.R.S. Title 18.
54. Resisting arrest - C.R.S. § 18-8-103.
55. Obstructing a police officer, firefighter, etc. - C.R.S. § 18-8-104.
56. Disorderly conduct - C.R.S. § 18-9-106.
57. Harassment - C.R.S. § 18-9-111.
58. Cruelty to animals - C.R.S. § 18-9-202.
59. Unlawful ownership of dangerous dog - C.R.S. § 18-9-204.5.
60. Crimes related to firearms and weapons - Part 1 of Article 12 in C.R.S. Title 18.
61. Unlawful discarding or abandonment of iceboxes, motor vehicle, and similar items - C.R.S. § 18-13-106.
62. Hazardous waste violations - C.R.S. § 18-13-112.
63. Providing tobacco products to underage persons - C.R.S. § 18-13-121.
64. Underage possession and use of alcohol and marijuana - C.R.S. § 18-13-122.
65. Crimes related to controlled substances, marijuana, and other substances - Part 4 of Article 18 in C.R.S. Title 18.
66. Crimes related to burglary and related offenses – Part 2 of Article 4 in C.R.S. Title 18.

*Occupant* means a person occupying, residing in, or using a property with the consent of the owner or lessee, or of their agent, as applicable, which shall include, without limitation, *invitees*, *licensees*, and *social guests* as these words and term are defined in the Colorado Premises Liability Act.

*Owner* means a person having a fee title ownership interest in a property.

*Person* means any individual, corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, limited partnership, limited liability company, and body politic and corporate, and all other groups and combinations.

*Property* means a contiguous parcel, tract, lot, or other area of land established or described by plat, subdivision, or metes and bounds description in common ownership which is permitted by law to be used, occupied, or designed to be occupied by one (1) or more buildings or uses. *Property* also means any building, or individual residential unit within a building, located on an any such area of land, that is in common ownership, but shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

*Public nuisance* or *nuisance* means any repeated or continuing nuisance activity, or combination of nuisance activities, occurring or existing on a property that creates an unreasonable risk of harm or is injurious to the public health, safety, or welfare, to include, without limitation, a nuisance activity, or combination of nuisance activities, that unreasonably injures, damages, annoys,

inconveniences, or disturbs the peace of any member of the public of normal sensibility with respect to their comfort, health, repose, or safety, or with respect to the free use and comfortable enjoyment of their property or of sidewalks, streets, or other public spaces near and around the offending property.

*Relative* means an individual related by consanguinity within the third degree as determined by common law, a spouse, or an individual related to a spouse within the third degree as so determined and includes an individual in a step or adoptive relationship within the third degree.

*Residential unit* means any building or portion of a building designed, occupied, or intended for occupancy as separate quarters for the exclusive use of one or more individuals for living, sleeping, cooking, and sanitary purposes.

*Trespasser* means a person who enters or remains on the property of another person without that other person's consent.

## **Sec. 20-112. Entry of property and abatement of public nuisance.**

(a) A code enforcement officer with probable cause to believe a public nuisance exists on a property may enter onto it without a warrant to inspect and abate any existing public nuisance and prevent the nuisance from recurring provided the same may be accomplished without entering a building on the property, entering the curtilage of a residential building on the property, or entering an area of the property enclosed by a privacy fence or similar enclosure. If the suspected public nuisance is within a building, the curtilage of a residential building, or enclosed by a privacy fence or similar enclosure, a code enforcement officer may enter such areas only with the consent of the owner, lessee, agent, or occupant, as applicable, or after obtaining a warrant as provided in subsection (c) of this Section.

(b) If entry is refused by the owner, lessee, agent, or occupant, as applicable, or they cannot be located after a reasonable effort, the code enforcement officer shall either personally serve the owner, lessee, agent, or occupant, as applicable, if they are located or, if not located, post on the property in a conspicuous location a written notice of intention to inspect and abate not sooner than twenty-four (24) hours after the time specified in such notice. The notice shall state that the owner, lessee, agent, or occupant, as applicable, has the right to refuse entry, and if such entry is refused, inspection and abatement may be made only upon issuance of a search warrant by a municipal judge, or by a judge of any other court having jurisdiction.

(c) After the expiration of the twenty-four-hour period from the serving or posting of the notice of intent to inspect and abate, the code enforcement officer may appear before a municipal judge or a judge of any other court having jurisdiction and, upon a showing of probable cause by written affidavit, obtain a search warrant entitling the code enforcement officer to enter the building, curtilage area, or fenced area, as applicable, to inspect the property, abate any nuisance, and prevent the nuisance occurring again. Upon presentation of the search warrant and proper credentials to any persons in possession of the property, or possession of the warrant in the case of an unoccupied property, the code enforcement officer may enter the building, the curtilage

area, or fenced area, as applicable, and may use such reasonable force as may be necessary to gain entry to inspect the property, abate any nuisance, and prevent the nuisance occurring again.

(d) It is unlawful for any owner, lessee, agent, or occupant of the building or on the property to deny entry to a code enforcement officer or to resist reasonable force used by such officer acting pursuant to a search warrant issued pursuant to this Section.

(e) Whenever a public nuisance exists on a property that constitutes an emergency immediately threatening the life or safety of any person or other exigent circumstance exists, a code enforcement officer may enter any building on the property or any other portion of the property without a search warrant as reasonably necessary to abate the public nuisance constituting the emergency and prevent it from occurring again, and the code enforcement officer may use such reasonable force as is necessary to enter the building or onto the property to do so.

**Sec. 20-113. Notice to abate.**

(a) Upon discovering a public nuisance, a code enforcement officer may issue and serve a notice to abate on the owner or lessee, as applicable, or their agent, directing them to remove and abate the nuisance from the property within the time specified in the notice as follows:

(1) Within twenty-four (24) hours of the issuance of the notice if the nuisance poses an imminent and substantial risk of damaging other property (including personal property of any other person), injuring any individual, or threatening the public health or safety; or

(2) Within seven (7) days for all other public nuisances, or such longer period of time as the code enforcement officer determines is appropriate if, based on the facts and circumstances, the nuisance could not reasonably be abated within seven (7) days.

(b) If the owner, lessee, or agent, as applicable, fails to abate the nuisance within the time stated in the notice to abate, the code enforcement officer may remove or abate the nuisance from the property without delay as provided in § 20-112 or take such other action or actions as are authorized in this Article.

(c) Except as required for issuing a citation for a misdemeanor offense under § 20-125 and a civil infraction under § 20-130, a code enforcement officer and the City may take enforcement action to abate a public nuisance as authorized in this Article and any other provisions of this Code without first serving or posting a notice to abate.

(d) The code enforcement officer may serve the notice to abate by any of the following methods:

(1) Personal service of the notice to the owner, lessee, or agent, as applicable;

(2) Mail a copy of the notice by first class mail to the last known address of the owner as reflected in the records of the Larimer County Treasurer;



- (3) Mail a copy of the notice by first class mail to the owner, lessee, or agent at their last known address(es) within the City's records or as found in other publicly available records; or
  - (4) Post a copy of the notice in a conspicuous place at the entrance of the property or entrance of any buildings on the property.
- (e) The notice to abate shall include:
- (1) A description of the public nuisance;
  - (2) The date by which the nuisance must be abated;
  - (3) A statement that if the nuisance is not abated within the time specified in the notice, the City may take any enforcement action authorized in this Article;
  - (4) A statement that, if the City abates the nuisance at its cost, it will be entitled to recover its actual internal and external costs plus interest as provided in § 20-118; and
  - (5) A statement that, if the City's cost of abatement is not paid, a lien shall attach to the property as provided in § 20-118 until such cost and accrued interest is paid in full.

**Sec. 20-114. Remedies under other laws unaffected.**

Nothing in this Article shall be construed as limiting or forbidding the City or any other person from pursuing any other remedies available at law or in equity concerning a public nuisance on a property.

**Sec. 20-115. Limitation of actions.**

- (a) Actions under this Article concerning a public nuisance shall be commenced no later than one (1) year after: (i) the public nuisance or the last in a series of acts or omissions, or combination of both, constituting the public nuisance occurs, or (ii) the notice to abate is served or posted as provided in § 20-113, whichever is later.
- (b) Actions under this Article concerning a chronic nuisance property shall be commenced no later than one (1) year after: (i) the last nuisance activity occurs that causes the property to be a chronic nuisance property, or (ii) the notice of chronic nuisance property is served as provided in § 20-135, whichever is later.
- (c) These limitations shall not be construed to limit the introduction of evidence of acts or omissions that occurred more than one (1) year before such limitation period for the purpose of establishing the existence of a public nuisance, existence of a chronic nuisance property, when relevant to show a pattern of conduct, or for any other purpose.

**Sec. 20-116. Effect of property conveyance.**

When fee title to a property is conveyed from one (1) person to another or a property is leased or subleased from one (1) person to another, any nuisance activity that occurred or is existing on the property at the time of the conveyance, lease, or sublease which could be used under this Article to prove that a public nuisance exists regarding such property or that the property is a chronic nuisance property, shall not be so used unless a reason for the conveyance, lease, or sublease was to avoid the property being subject to an enforcement action under this Article. It shall be a rebuttable presumption that a reason for the conveyance, lease, or sublease was to avoid the property being the subject of an enforcement action under this Article if: (1) the property was conveyed, leased, or subleased for less than fair market value; (2) the property was conveyed, leased, or subleased to an entity or entities controlled directly or indirectly by the person conveying, leasing, or subleasing the property; or (3) the property was conveyed, leased, or subleased to a relative(s) of the person making the conveyance, lease, or sublease or to any entity or entities controlled directly or indirectly by a relative(s) of the person making the conveyance, lease, or sublease .

**Sec. 20-117. Municipal Court jurisdiction.**

Pursuant to Article XX, Section 6, and Article VI, Section 1 of the Colorado Constitution, and Article VII, Section 1 of the Charter, the Municipal Court is hereby granted the jurisdiction, duties and powers to hear and decide all causes arising under this Article, and to provide the remedies specified in this Article and in any other applicable provisions of the Code.

**Sec. 20-118. Assessment, collection, and lien for abatement costs.**

(a) If the City acts under § 20-112, an abatement agreement, or Division 5 of this Article to abate a public nuisance, chronic nuisance property, or any nuisance activity on a property, the owner of the property shall be liable to the City for the City's total internal and external costs incurred in the abatement. The City's internal costs shall be set and assessed under a written schedule of fees approved by the City Manager, which fees shall be based on a reasonable estimate of the City's direct and indirect internal costs to abate a nuisance, as amended from time to time. External costs shall include all amounts the City paid a vendor or contractor to assist in the abatement.

(b) After the abatement is completed, the City shall send the owner of the property an invoice itemizing and totaling the City's internal and external costs for the abatement. The invoice shall be mailed by first class mail addressed to the owner at the address of the property abated and to the last known address of the owner as reflected in the records of the Larimer County Treasurer. The invoice shall also be mailed by first class mail to any known agent of the owner at their last known address(es) within the City's records or as found in other publicly available records. The total costs so invoiced shall be paid to the City by the owner or their agent within forty-five (45) days of the date of the invoice. If not paid when due, the total assessed cost shall accrue interest at the rate of eight percent (8%) compounded annually.

(c) The City's assessed total cost of abatement, as stated in the invoice sent under this Section, plus the interest accruing thereon, shall be deemed a perpetual lien imposed upon the property from the date such assessed cost became due until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. The Financial Officer, or their designee, is authorized to thereafter certify to the Larimer County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus interest accrued to that date. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment and interest in the same manner as general property taxes are collected together with any charges as may by law be made by the County Treasurer and all laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments and interest.

(d) If the offending property is not subject to taxation or for any other reason, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of a judicial action at law or in equity, to include, without limitation, commencement of a civil action in Larimer County District Court to judicially foreclose the lien and, after judgment, pursue such remedies as are provided by law.

#### **Sec. 20-119. Presumption and owner responsibility.**

Any person who has possession or control of a property as an owner, lessee, agent, or occupant where any nuisance activity exists or has occurred shall be presumed under this Article to be the person causing or allowing the nuisance activity unless the circumstances and evidence clearly indicate otherwise. Notwithstanding this presumption and any other provision of this Article, nothing herein shall be construed to release the owner of a property on which there is a public nuisance or that has become a chronic nuisance property from the legal obligations and responsibilities they have under this Article and any other laws to prevent their property from becoming a public nuisance or chronic nuisance property and to abate any nuisance activity occurring or existing on their property.

#### **Sec. 20-120. Strict Liability.**

All misdemeanor offenses under this Article and the civil infraction under § 20-130 shall be strict liability offenses requiring no culpable mental state of any type or degree.

#### **Sec. 20-121. Proof of nuisance activities.**

In any criminal proceeding under this Article, the City shall have the burden of proving beyond a reasonable doubt that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as hereafter provided. In any civil proceeding under this Article, the City shall have the burden of proving by a preponderance of the evidence that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as

hereafter provided. However, the City shall not be required in either case to prove that a person was cited, held liable for, or convicted in municipal or any state court for the civil or criminal charge underlying that nuisance activity. If, however, a person is held liable for or convicted of the civil or criminal charge underlying the alleged nuisance activity and such decision is final, that decision shall be deemed by the Municipal Court as conclusive evidence the nuisance activity occurred and the City need only prove the nuisance activity occurred on the property.

**Sec. 20-122. Mitigating factor.**

If the owner, lessee, agent, or occupant who is a party-defendant in an action under this Article was the victim of or person harmed by the nuisance activity or activities that form the basis for the public nuisance on the property or for the property becoming a chronic nuisance property, the court may take this fact into consideration as a mitigating factor in determining such party's liability or guilt in such action, but only if the court also finds that: (i) the party or someone acting on their behalf promptly reported the nuisance activity or activities to the proper law enforcement agency; and (ii) at the time the activity or activities occurred, the party, or owner or lessee of the property, had reasonably effective means in place to prevent such activity or activities from occurring on the property or to manage them if prevention is not reasonably practicable. These means may include, without limitation, security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities that have as their function to prevent, in whole or part, nuisance activities from occurring or existing on the property.

**Reserved Sec. 20-123 through Sec. 20-124**

**Division 2. Criminal Action**

**Sec. 20-125. Misdemeanor Violation.**

(a) It shall be a violation of this Article and a misdemeanor offense subject to the penalties of § 1-15 of this Code for any person to:

- (1) Fail to remove and abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113; or
- (2) Interfere with or prevent, or attempt to interfere with or prevent, a code enforcement officer, other City employee, or City contractor from abating any public nuisance as authorized under this Article.

(b) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate, shall be deemed a separate offense and prosecutable and punishable as a separate offense.

**Reserved Sec. 20-126 through Sec. 20-129**

### **Division 3. Civil Infraction**

#### **Sec. 20-130. Penalty assessment.**

(a) In lieu of issuing a citation for a misdemeanor violation under § 20-125, a code enforcement officer may issue a civil penalty assessment notice for a civil infraction to any person for failing to abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113.

(b) The civil penalty assessment notice shall be a summons and complaint containing identification of the person cited, description of the public nuisance to be abated, and the applicable civil penalty assessment as set forth below in subsection (f), a requirement that the person pay the assessment or appear in Municipal Court to answer the charge as set forth in the summons and complaint and a waiver of the right to a trial on the offense specified on the summons and complaint.

(c) If the person issued a civil penalty assessment notice chooses to acknowledge their liability, they may pay the specified assessment by mail or in person at the Municipal Court within the time specified in the notice. If they choose not to acknowledge their liability, they may appear as required in the notice. Upon trial, if the person is found liable, the civil penalty assessment imposed shall not be less than the amount set forth in the civil penalty assessment notice but not more than three thousand dollars (\$3,000), as determined by the court, and court costs may be assessed in addition to the penalty assessment.

(d) Civil infractions under this Section shall be enforced and tried in Municipal Court in accordance with the Rules for Civil Infractions in Article V of Code Chapter 19.

(e) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate shall be deemed a separate civil infraction and prosecutable and punishable as a separate infraction for a penalty assessment under this Section.

(f) The code enforcement officer shall designate in the penalty assessment notice the amount of the civil penalty assessment according to the following schedule:

- (1) For the first infraction at a property, a penalty assessment of two hundred and fifty dollars (\$250);
- (2) For a second infraction at a property within a sixty (60) day period, a penalty assessment of five hundred dollar (\$500);
- (3) For a third infraction at a property within a one hundred and twenty (120) day period, a penalty assessment of one thousand dollars (\$1,000); and

- (4) For a fourth and any subsequent infraction at a property within a one (1) year period, a penalty assessment of two thousand dollars (\$2,000) for each infraction.

**Reserved Sec. 20-131 through 20-134**

**Division 4. Chronic Nuisance Property**

**Sec. 20-135. Notices for chronic nuisance property.**

(a) Upon discovery that a property will become a chronic nuisance property if one more nuisance activity occurs on the property within the requisite time period, a code enforcement officer may issue and serve a written warning notice in the same manner provided for a notice to abate in § 20-113(d). Issuance of this warning notice shall not be a prerequisite to any proceedings under this Division 4.

(b) Upon discovery that a property has become a chronic nuisance property, a code enforcement officer shall issue and serve a notice of chronic nuisance property as provided in subsection (d) of this Section.

(c) The notice of chronic nuisance property is a lawful order. Each directive in it is a separate lawful order, and failure to obey any directive is subject to the penalties set forth in § 20-137.

(d) The notice of chronic nuisance property shall be deemed properly served if personally served on the owner of the property or sent by first class mail to the owner at the owner's address as stated in the records of the Larimer County Treasurer. If the notice is returned as undeliverable, the notice shall be deemed properly served if it is thereafter posted in a conspicuous place on the property. The notice shall contain the following information:

- (1) the street address or a legal description sufficient for identification of the property;
- (2) a factual description of the nuisance activities that have occurred on the property, including the dates of the nuisance activities;
- (3) a statement that the property owner must respond to the notice within ten (10) days of the date of the owner's receipt of the notice or date of the posting, whichever is later, with a written plan to abate the nuisance activities;
- (4) a statement that the owner's requirement to provide a written plan to abate the nuisance is a lawful order, and that failure to provide a written plan and enter into an abatement agreement as described below in § 20-136 could subject the owner to criminal and civil penalties as provided in § 20-137;
- (5) a warning that, if the owner does not respond, as required, or if the nuisance activity is not voluntarily abated to the satisfaction of the code enforcement officer, the City may

file a civil action to abate the property as a chronic nuisance property under the provisions of Division 5 in this Article; and

(6) a statement that the cost of future enforcement at the property as a result of nuisance activities shall be billed to the property owner and could become a lien against the property if not paid as provided in § 20-118.

**Sec. 20-136. Agreement to abate chronic nuisance property.**

(a) An owner issued a notice of chronic nuisance property pursuant to § 20-135 shall, within ten (10) days of such receipt or date of the posting, whichever is later, contact the code enforcement officer who issued the notice or other contact individual designated in the notice and enter into an abatement agreement with the City to eliminate the conditions, behaviors, or activities which constitute the nuisance activity at the property.

(b) If the owner does not timely respond to the notice under subsection (a) of this Section, or the owner does timely respond but the City and owner are unable to agree to an abatement agreement within thirty (30) days of the date of the notice, the City may proceed to abate the nuisance activities using any of the processes and remedies provided for in this Article or to cite the owner for a misdemeanor violation under § 20-137.

(c) If the owner fails to comply with any of the terms and conditions of the written abatement agreement entered into with the City under this Section, the City may file a civil action in Municipal Court or Larimer County District Court to enforce the abatement agreement in accordance with its terms and conditions.

**Sec. 20-137. Misdemeanor Violation.**

Any property owner who fails to obey any notice of chronic nuisance property issued by the code enforcement officer under § 20-135 to timely abate a chronic nuisance property or to timely enter into an abatement agreement as provided in § 20-136, is guilty of a misdemeanor and subject to the penalties set forth in § 1-15(a) of this Code. Each day's continuation of a violation or failure to comply is a separate offense.

**Reserved Section 20-138 through Section 20-139.**

**Division 5. Civil Abatement Action**

**Sec. 20-140. Civil action to abate a public nuisance or chronic nuisance property.**

If a public nuisance has not been abated within the time period stated in the notice to abate as provided under § 20-113, or if the property owner does not timely respond to the notice of chronic nuisance property as provided in § 20-135, or if the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of

the notice as provided in § 20-136, the City may abate the public nuisance or chronic nuisance property using the following procedures and other provisions of this Division 5:

(a) The City Attorney shall initiate the civil action in Municipal Court to have the public nuisance or chronic nuisance property declared as such by the court and for an order enjoining the public nuisance or chronic nuisance property and authorizing its restraint, removal, termination, or abatement.

(b) The action shall be commenced by filing a verified complaint, which may be accompanied by a motion for a temporary abatement order as provided in § 20-141. The action shall be conducted under and governed by the Colorado Rules of Civil Procedure as provided in § 19-3(b) except as otherwise provided in this Article. The burden shall be upon the City to prove the existence of the public nuisance or chronic nuisance property by a preponderance of the evidence and the party-defendant(s) shall have the burden to establish any affirmative defense by a preponderance of the evidence. The rules for discovery and disclosure in this civil proceeding shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. In addition, no party-defendant may file any counterclaim, cross claim, third-party claim, or set-off of any kind in any action under this Division 5.

(c) The party-defendant(s) to an action commenced under this Section and the person(s) liable for the remedies in this Section may include:

- (1) The property itself;
- (2) Any person owning or claiming any legal or equitable interest in the property;
- (3) All lessees and occupants of the property;
- (4) All managers and agents for any person claiming a legal or equitable interest in the property;
- (5) Any person committing, conducting, promoting, facilitating, or aiding in the commission of the public nuisance or chronic nuisance property; and
- (6) Any other person whose involvement may be useful to abate the public nuisance or chronic nuisance property, prevent it from recurring, or to carry into effect the Municipal Court's orders.

None of these parties shall be deemed necessary or indispensable parties in the action. Any person holding a legal or equitable interest in the property who has not been named as a party-defendant may intervene in the action as a party-defendant. No other person may intervene.

(d) The summons, complaint and, if applicable, the motion for temporary abatement, filed with Municipal Court under this Section may be served by a code enforcement officer.



(e) The civil action under this Division 5 shall be heard by the Municipal Court on all factual and legal issues without a jury.

**Sec. 20-141. Abatement orders.**

(a) *Issuance and effect of temporary and permanent abatement orders.* The issuance of temporary or permanent abatement orders under this Article shall be governed by the provisions of Rule 65 of the Colorado Rules of Civil Procedure, pertaining to temporary restraining orders, preliminary injunctions and permanent injunctions, except to the extent otherwise provided in this Article, in which event the provisions of this Article shall control. Temporary abatement orders provided for in this Article shall go into effect immediately when served upon the property or party against whom they are directed. Permanent abatement orders shall go into effect as determined by the Municipal Court. No bond or other security shall be required of the City upon the issuance of any temporary abatement order or permanent abatement order.

(b) *Form and scope of abatement orders.* Every abatement order under this Article shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required or prohibited; shall be narrowly tailored to address the particular kinds of acts or omissions that form the basis of the public nuisance; and shall be binding upon the property, the parties to the action, their attorneys, agents and employees, and any other person named as a party-defendant in the public nuisance action and served with a copy of the order.

(c) *Substance of abatement orders.* Temporary and permanent abatement orders entered under this Article may include:

- (1) Orders requiring any party-defendant to abate the public nuisance or chronic nuisance property;
- (2) Orders authorizing code enforcement officers to take reasonable steps to abate the public nuisance or chronic nuisance property and prevent it from recurring, considering the nature and extent of acts and omissions causing the public nuisance;
- (3) Orders requiring certain named individuals to stay away from the property at all or specific times;
- (4) Orders reasonably necessary to access, maintain, or safeguard the property; and/or
- (5) Orders reasonably necessary to abate the public nuisance or chronic nuisance property and/or preventing them from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to, or the temporary or permanent closure of a property, or the appointment of a special receiver to protect, possess, maintain, or operate a property.

(d) *Temporary abatement orders.*

(1) The purpose of a temporary abatement order shall be to temporarily abate an alleged public nuisance or chronic nuisance property pending the final determination of a public nuisance or chronic nuisance property. A temporary abatement order may be issued by the Municipal Court pursuant to the provisions of this Section even if the effect of such order is to change, rather than preserve, the status quo.

(2) At any hearing on a motion for a temporary abatement order, the City shall have the burden of proving that there are reasonable grounds to believe that a public nuisance occurred in or on the property or the property is a chronic nuisance property and, in the case of a temporary order granted without notice to the property owner, that such order is reasonably necessary to avoid some immediate, irreparable loss, damage, or injury to the public interest or any other person or property.

(3) At any hearing on a motion for a temporary abatement order or a motion to vacate or modify a temporary abatement order, the Municipal Court shall temper the rules of evidence and admit hearsay evidence unless the court finds that such evidence is not reasonably reliable and trustworthy. The Municipal Court may also consider the facts alleged in the verified complaint.

(e) *Permanent abatement orders.*

(1) At the trial on the merits of a civil action commenced under this Division, the City shall have the burden of proving by a preponderance of the evidence that a public nuisance is occurring or existing on the property, or the property is a chronic nuisance property. The Colorado Rules of Evidence shall govern the introduction of evidence at all such trials.

(2) Where the existence of a public nuisance or chronic nuisance property is established in a civil action under this Division after a trial on the merits, the Municipal Court shall enter a permanent abatement order requiring the party-defendant(s) to abate the public nuisance or chronic nuisance property and take specific steps to prevent the same from occurring or recurring on the property or in using the property.

**Sec. 20-142. Motion to vacate or modify temporary abatement orders.**

(a) *General.* When a temporary abatement order against a property owner is in effect, such property owner may file a motion to vacate or modify said order. Any motion filed under this Subsection (a) shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing. The Municipal Court shall vacate the order if it finds by a preponderance of the evidence that there are no reasonable grounds to believe that a public nuisance was committed in or on the property or that the property is a chronic nuisance property. The court may modify the order if it finds by a preponderance of the evidence that such modification will not be detrimental to the public interest and is appropriate, considering the nature and extent of the alleged public nuisance or chronic nuisance property.

(b) *Continuance of hearing.* Except for good cause shown by any party, the Court shall not grant a continuance of any hearing set under this Section unless all the parties so stipulate.

(c) *Consolidation of hearing with other proceedings.* If all parties so stipulate, the Municipal Court may order the trial on the merits to be advanced and tried with the hearing on these motions.

### **Section 20-143. Civil Penalty.**

(a) The Municipal Court may impose upon the property owner a civil penalty in the amount of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000.00) per day, payable to City, for each day the courts finds that a public nuisance continued to exist on the property after the time period for the required abatement as stated in the notice to abate provided under § 20-113 or for each day the court finds the property continued to exist as a chronic nuisance property after the property owner does not timely respond to the notice of chronic nuisance property as provide in § 20-135, or the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of the notice as provide on § 20-136.

(b) In establishing the amount of any civil penalty requested, the Municipal Court may consider, without limitation, any of the following factors:

- (1) The action or inaction taken by the owner to mitigate or correct the nuisance activities at the property;
- (2) Whether the nuisance activities at the property were repeated or continuous;
- (3) The magnitude or gravity of the nuisance activities;
- (4) The level of cooperation of the owner with the City;
- (5) The cost incurred by the City in investigating and correcting, or attempting to correct, the public nuisance at the property or the chronic nuisance property;
- (6) The disturbance of neighbors; and
- (7) Whether the nuisance activities continued on the property after the City provided the notice to abate under § 20-113 or the notice of chronic nuisance property under § 20-135.

### **Sec. 20-144. Civil judgment.**

In any action under this Division in which a public nuisance or chronic nuisance property is established, in addition to the other remedies provided in this Division, the Municipal Court may impose a separate civil judgment on every party-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the property or for the property to become a chronic nuisance property. This civil judgment shall be for any civil penalties awarded to the City under § 20-143 and to reimburse the City for the City's internal and external costs, as set in the City Manager's approved schedule of fees as provided for

in § 20-118(a), the City has incurred and will incur in pursuing the remedies under this Article against the property, which shall include, without limitation, the City's reasonable attorney fees and costs.

**Sec. 20-145. Misdemeanor violation and entry order.**

(a) The remedies provided in this Division shall be civil and remedial in nature except that, if any person knowingly fails or refuses to abide by a temporary or permanent abatement order issued by the Municipal Court under the provisions of this Division, such person shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalties provided in § 1-15 of this Code.

(b) In any action filed under the provisions of this Division, if any party-defendant fails, neglects, or refuses to comply with an order of the Municipal Court, the court may, upon the motion of the City, in addition to or in the alternative to the remedy of contempt and the possibility of criminal prosecution, permit the City to enter upon the property to abate the public nuisance or chronic nuisance property, take steps to prevent it from occurring again, and perform such other acts required of any party-defendant in the court's orders.

**Sec. 20-146. Stipulated alternative remedies.**

(a) The City and any party-defendant to an action under this Division may voluntarily stipulate to orders and remedies, temporary or permanent, that differ from those provided in this Division.

(b) The Municipal Court may accept such stipulations for alternative remedies and may make such stipulations an order of the court, enforceable as an order of the court.

Section 3. That Section 19-3(b) of the City Code is hereby amended to read as follows:

**Sec. 19-3. Rules of procedure.**

....

(b) The Colorado Rules of Civil Procedure, as amended, shall govern the procedures in Municipal Court in all civil actions for a cause arising under the Charter, Code and City ordinances and as needed for the Municipal Court to determine whether it has jurisdiction over a cause in a civil action, but not for actions for violations, offenses and infractions of the Charter, Code and City ordinances which are to be governed by the procedures established in Subsection (a) of this Section. In addition, the rules for discovery and disclosure in civil abatement actions under Division 5 in Article IX of Code Chapter 20 shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. References to the district court in the Colorado Rules of Civil Procedure and references to the county court in the Colorado Rules of County Court Civil Procedure shall be deemed to refer to the Municipal Court.

- (c) ~~In addition,~~ The Municipal Court shall liberally construe, administer and apply these adopted rules of procedure as applicable in each civil action to secure the just, speedy and inexpensive determination of that civil action. In these civil actions, the Municipal Court shall be vested with the full authority to provide civil remedies, including, without limitation, equitable, injunctive and declaratory relief and to award costs and attorney fees to the full extent permitted by law. It shall also have the power in those actions to compel the attendance of witnesses, to punish for contempt of court and to enforce any award of equitable, declaratory or injunctive relief through its contempt power in accordance with the applicable provisions of the Colorado Rules of Civil Procedure, as amended. This Section is not intended to create any new causes of action in the Municipal Court, nor to provide procedures or relief beyond those contemplated by Rule 106(a)(4) of the Colorado Rules of Civil Procedure to actions undertaken strictly within the sphere of matters that are of the City's local or municipal concern.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Ginny Sawyer, Project and Policy Manager  
DeAngelo Bowden, Sr. Specialist, Environmental Services  
Ted Hewitt, Legal

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### SUBJECT

**First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.**

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### EXECUTIVE SUMMARY

The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.

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### STAFF RECOMMENDATION

Should Council move forward with adoption of a local minimum wage, staff recommends adopting the Ordinance on First Reading with option 2.

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### BACKGROUND / DISCUSSION

In 2019, the Colorado General Assembly passed House Bill 19-1210 allowing municipalities to adopt their own minimum wage. Following the passage of the bill, Council inquired regarding a plan to analyze the possibility of Fort Collins adopting a local minimum wage. The responding memo outlined a thorough plan and resources that were estimated at \$85K-110K and a 6-month process. The effort did not move forward at that time.

In 2021, following the Council election, "Raising the Minimum Wage" was identified as a Council priority and staff outlined a timeline to move forward. The initial RFP seeking both engagement and data analysis work did not garner any responses resulting in separate requests being reissued and a delay to the project.

#### Priorities

Following a mid-cycle check-in with Council, plans for extensive engagement were reconsidered. Much of the engagement with businesses, employees, and community groups was funneled through an on-line survey and the National Business Survey. To provide a number to react to when responding to survey questions, a \$15/hour minimum wage was utilized by the survey. The use of this number may have proved misleading as Council's direction following a September work session was in the \$18-\$19/hour range. Data analysis has shown the local living wage to be \$18.39 for a single adult and \$19.92 for 2 adults (both working) and 1 child.

Other engagement efforts included meetings and correspondence with community members, the Fort Collins Chamber, the Latino Chamber, local labor unions, outreach to health sector organizations, non-profits, and neighboring communities (through a meeting of regional elected officials and the Boulder County Consortium of Cities.)

The survey efforts did receive approximately 1500 responses and yet it has proven difficult to develop data-driven rationale to help identify a local minimum wage where benefits outweigh concerns and perceived or real unintended consequences. In an October memo update, staff attempted to identify ranges based on other communities with higher local wages and the wage as a percent of the living wage. This methodology offers a range of \$14.34 to \$17.79 for Fort Collins.

House Bill 19-1210 limits the number of municipalities that may establish a local minimum wage to 10-percent of all local governments in the state. Currently, only the City and County of Denver has implemented a local minimum wage law. The bill also states that any local wage adjustment must take effect on the same date as the statewide adjustment and that if a local government adopts a wage that is higher than the statewide minimum, the local government can only increase the wage each year by \$1.75 or 15%, whichever is higher until the local wage reaches the amount enacted by the local government.

The Ordinance brought forward includes two options. The first option (**Option 1**) was developed based on Council feedback in September which asked for a wage in the \$18-\$19 range within 3-4 years while offering a slower ramp in the first few years.

Year	CPI	State MW	Annual Salary 40hrs/wk & 2 holidays	Increase	LMW	Annual Salary 40hrs/wk & 2 holidays	Difference
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.50	\$15.15	\$31.3K	\$0.82
2025	3%	\$14.76	\$30.5K	\$1.75	\$16.90	\$34.9K	\$2.14
2026	3%	\$15.21	\$31.4K	\$1.60	\$18.50	\$38.2K	\$3.29
2027	3%	\$15.66	\$32.3K	3%	\$19.06	\$39.3K	\$3.39
2028	3%	\$16.13	\$33.3K	3%	\$19.63	\$40.5K	\$3.50
2029	3%	\$16.62	\$34.3K	3%	\$20.22	\$41.7K	\$3.60
2030	3%	\$17.11	\$35.3K	3%	\$20.82	\$43.0K	\$3.71

The second option (**Option 2**) was developed following more resident and restaurant engagement and results in a slower ramp and an overall lesser wage in the time frame.

Year	CPI	State Minimum Wage	Annual Salary 40hrs/wk & 2 holidays	Increase	LMW	Annual Salary 40hrs/wk & 2 holidays	Difference
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.00	\$14.65	\$30.2K	\$0.32
2025	3%	\$14.76	\$30.5K	\$1.00	\$15.65	\$32.3K	\$0.89
2026	3%	\$15.21	\$31.4K	\$1.00	\$16.65	\$34.4K	\$1.44
2027	3%	\$15.66	\$32.3K	3%	\$17.15	\$35.4K	\$1.49
2028	3%	\$16.13	\$33.3K	3%	\$17.66	\$36.5K	\$1.53
2029	3%	\$16.62	\$34.3K	3%	\$18.19	\$37.6K	\$1.58
2030	3%	\$17.11	\$35.3K	3%	\$18.74	\$38.7K	\$1.63

Each option includes an eventual CPI annual adjustment with a 2% floor (to avoid a wage decrease) and a 5% ceiling (to provide some consistency for employers.)

Staff has confirmed that any wage related complaints can be accepted and investigated by the Colorado Department of Labor and Employment.

### **CITY FINANCIAL IMPACTS**

Regardless of Council action on this Ordinance, the City has committed to paying \$15/hour minimum for all jobs starting in 2023. This is reflected in the Recommended Budget. Should the local minimum wage increase above \$15/hour, the City will experience financial impacts in both starting pay and job compression.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

The Economic Advisory Board discussed this topic in August and provided a memo to Council with their input which included support for a higher wage with concerns to consider.

### **PUBLIC OUTREACH**

Outreach efforts have been discussed above.

Specific meetings and correspondence include:

- BIPOC representatives
- CSU teaching assistant
- CSU community engagement and the Collegian
- Larimer County Economic and Workforce Development



- NoCo Health Sector Partnerships (Care Synergy, UCHealth, & others)
- Downtown Development Authority Hospitality and Retailer groups
- Labor Groups: FOP, PFA, Colorado ALF-CIO, PSD
- Larimer County United Way
- Local restaurant groups

Emails that were not received by all Councilmembers have been included in an attachment

## **ATTACHMENTS**

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1. Ordinance for Consideration
2. Economic Advisory Board Memorandum
3. Written Public Comment
4. Presentation

ORDINANCE NO. 140, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ESTABLISHING A FORT COLLINS MINIMUM WAGE AND ASSOCIATED  
RECORDKEEPING AND ENFORCEMENT PROVISIONS

WHEREAS, despite a statewide minimum wage rate, many working Fort Collins residents struggle to afford the basic necessities of life; and

WHEREAS, the health and welfare of all Fort Collins residents is benefited and advanced when workers are paid a wage that enables them to earn a livable wage and establish self-sufficiency; and

WHEREAS, the City of Fort Collins seeks to confront the issue of wage inequity and cost of living affordability in the community; and

WHEREAS, during the 2019 legislative session, the Colorado General Assembly enacted House Bill 19-1210, which empowered local governments to establish a jurisdiction-wide minimum wage in accordance with certain requirements and restrictions mandated by state law; and

WHEREAS, the Colorado General Assembly found that, while state minimum wage laws can set a useful floor for workers and businesses, local governments should be able to listen to their residents and enact local minimum wage laws that better address their unique needs; and

WHEREAS, the City has consulted with surrounding local governments and engaged with community stakeholders, including workers, chambers of commerce, small and large businesses, businesses that employ tipped workers, labor unions and numerous community groups; and

WHEREAS, the City Council believes it is in the best interest of the people of Fort Collins to enact a higher local minimum wage to ensure that people within the jurisdiction are paid sufficient wages to afford the basic necessities of life; and

WHEREAS, the City Council believes the higher local minimum wage should reach **[insert selected option]** per hour by the year 2026 and thereafter be adjusted annually for inflation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 13 of the Code of the City of Fort Collins is hereby amended to add a new Article III, entitled Fort Collins Minimum Wage, which reads in its entirety as follows:

**ARTICLE III**  
**FORT COLLINS MINIMUM WAGE**

**Sec. 13-26. Definitions.**

For purposes of this Article, the following definitions shall apply:

*“Aggrieved party”* shall mean a worker or other person who suffers tangible or intangible harm due to an employer or other person’s violation of this Article;

*“Employ, employed, or employed by”* shall mean to suffer or permit to work;

*“Employer”* shall mean any corporation, proprietorship, partnership, nonprofit, joint venture, association, individual, limited liability company, business trust, or any person or group of persons, and any of the foregoing acting directly or indirectly in the interest of an employer in relation to a worker, and any successor thereof;

*“Food and beverage worker”* shall mean a worker for any employer that prepares and offers for sale food or beverages for consumption either on or off an employer’s physical premises;

*“Successor”* shall mean any person to whom an employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer’s business, a major part of employer’s property, whether real or personal, tangible or intangible, of the employer’s business;

*“Tips”* shall mean a verifiable sum presented directly and customarily by customers as a gift or gratuity in recognition of some service performed for customers by the person receiving the tip;

*“Unemancipated minor”* shall mean a person less than eighteen (18) years of age who does not maintain sole or primary responsibility for their own support, is not married or domiciled separately from their parents or guardian, and is unable to show that his or her well-being is substantially dependent on being gainfully employed;

*“Work”* shall mean any services performed on behalf of or for the benefit of an employer whether on an hourly, piecework, commission, time, task, or other basis but shall not include services performed as an independent contractor; and

*“Worker”* shall mean a person performing work, and includes, but is not limited to: full time employees, part-time employees, temporary workers, agents, and any other person or

entity performing work on behalf of or for the benefit of an employer. This definition shall not apply to work performed by independent contractors while acting solely in such capacity or by persons providing volunteer services that are uncompensated except for reimbursement of expenses such as meals, parking or transportation.

**Sec. 13-27. Fort Collins minimum wage.**

Every employer in Fort Collins shall ensure its workers are paid not less than the “Fort Collins Minimum Wage” as calculated in § 13-28, subject to the terms of this Article.

**Sec. 13-28. Minimum wage calculation.**

(a) The Fort Collins Minimum Wage, exclusive of fringe benefits and any other deductions or credits, except as described herein, shall be calculated as follows:

**Option 1:**

(1) Beginning January 1, 2024: Fifteen dollars and fifteen cents (\$15.15) per hour;

(2) Beginning January 1, 2025: Sixteen dollars and ninety cents (\$16.90) per hour;

(3) Beginning January 1, 2026: Eighteen dollars and fifty cents (\$18.50) per hour;

(4) Beginning January 1, 2027, and annually thereafter, the Fort Collins Minimum Wage rate shall increase by an amount corresponding to the increase in the Consumer Price Index (Urban Wage Earners and Clerical Workers, Denver-Aurora-Lakewood), or its successor index as published by the U.S. Bureau of Labor Statistics or its successor agency, (“CPI”) by an amount corresponding to the increase in CPI observed between the first half of the year two (2) years prior and the first half of the year prior to the effective date of the increase, as calculated by the Financial Officer; provided however that such increase shall be not less than two percent (2%) and not more than five percent (5%).

**Option 2:**

(1) Beginning January 1, 2024: Fourteen dollars and sixty-five cents (\$14.65) per hour;

(2) Beginning January 1, 2025: Fifteen dollars and sixty-five cents (\$15.65) per hour;

(3) Beginning January 1, 2026: Sixteen dollars and sixty-five cents (\$16.65) per hour;

(4) Beginning January 1, 2027, and annually thereafter, the Fort Collins Minimum Wage rate shall increase by an amount corresponding to the increase in the Consumer Price Index (Urban Wage Earners and Clerical Workers, Denver-Aurora-Lakewood), or its successor index as published by the U.S. Bureau of Labor Statistics or its successor agency, ("CPI") by an amount corresponding to the increase in CPI observed between the first half of the year two (2) years prior and the first half of the year prior to the effective date of the increase, as calculated by the Financial Officer; provided however that such increase shall be not less than two percent (2%) and not more than five percent (5%).

(b) Tips regularly and actually received by a food and beverage worker may be applied to an employer's obligation to pay such food and beverage worker the Fort Collins Minimum Wage. However, no more than three dollars and two cents (\$3.02) per hour in tip income ("tip credit") may be used to partially offset payment of the Fort Collins Minimum Wage.

(c) Employers may pay wages for work performed equal to the then-current Fort Collins Minimum Wage reduced on an hourly basis by up to fifteen percent (15%) when compensating unemancipated minor workers for work performed.

#### **Sec. 13-29. Exclusions.**

(a) The Fort Collins Minimum Wage shall not apply to work that:

- (1) is not performed physically within the geographic boundaries of the City;
- (2) is performed by a worker totaling less than four (4) hours in any given week for a particular employer within the geographic boundaries of the City; or
- (3) occurs in the City solely for the purpose of traveling through Fort Collins from a point of origin outside of the City to a destination outside of Fort Collins, with no employment-related or commercial stops in the City except for refueling or the worker's personal meals or errands.

#### **Sec. 13-30. Recordkeeping Requirements & Inspection.**

(a) All employers shall retain payroll records for each worker sufficient to document and verify work performed by and wages paid to each worker for a period of at least three (3) years after the end of the last calendar year of employment.

(b) Each worker or former worker shall be entitled to and obtain a true copy of the records required to be retained in subsection (a) of this section, regarding said worker, at a reasonable time during normal business hours.

(c) For purposes of adjudicating a claim under §13-31, should an employer not maintain or retain adequate records documenting the manner and amount of wages paid for work performed pursuant to this Article, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this Article for the periods and for each worker for whom adequate records were not retained or access to such records was not timely provided.

**Sec. 13-31. Private right of action.**

(a) The City Council enacts this section pursuant to Colorado Revised Statutes § 8-6-101(3)(b), which authorizes the City to create a private right of action to enforce the Fort Collins Minimum Wage.

(b) Within three (3) years of an alleged violation of this Article, any aggrieved party may bring a civil action in Colorado district or county court, as appropriate, against an employer alleged to have violated this Article, and, upon prevailing, shall be entitled to such legal and equitable relief as may be appropriate to fully remedy the violation including, without limitation:

(1) The payment of any wages unlawfully withheld and any unpaid overtime based on those wages, including amounts that accrued after the filing of the civil action;

(2) Interest on unpaid wages and overtime compensation at a rate of twelve percent (12%) per annum from the date such wages were first due;

(3) The payment of an additional sum as a penalty in the amount of one hundred dollars (\$100.00) to each worker whose rights under this Article were violated for each day that the violation occurred or continued;

(4) Reinstatement of employment, if applicable;

(5) Other appropriate injunctive relief; and

(6) An award of reasonable attorney fees and costs.

**Sec. 13-32. Violations.**

Any employer who knowingly pays a worker less than the Fort Collins Minimum Wage who is entitled to the Fort Collins Minimum Wage as required by this Article commits a civil infraction and is subject to the penalty provisions of § 1-15(f). Penalties under this Section are in addition to any remedy issued under § 13-31.

**Sec. 13-33. Application of this Article to prevailing wage and contract minimum wage.**

Nothing in this Article shall be deemed to lessen any obligations of employers to comply with the Code concerning payment of prevailing wage and/or the contract minimum wage to workers. Should a prevailing wage or contract minimum wage requirement be greater than the Fort Collins Minimum Wage requirement, the greater wage rate shall be paid. If the Fort Collins Minimum Wage requires payment of a higher wage rate than an applicable prevailing wage or contract minimum wage requirement for work, when applicable, the Fort Collins Minimum Wage shall be paid to any worker for such work.

**Sec. 13-34. Relation to other minimum wage laws.**

If a higher minimum wage rate is established by applicable state or federal law or rules than the Fort Collins Minimum Wage, employers shall be bound to the higher minimum wage.

**Sec. 13-35. Recommended changes to the Fort Collins Minimum Wage.**

The City Manager shall regularly monitor the Fort Collins Minimum Wage and its purchasing power, the Colorado statewide minimum wage, the federal minimum wage, and state and federal minimum wage laws. The City Manager shall annually bring to the City Council recommendations regarding any desirable or legally required changes to the Fort Collins Minimum Wage.

Introduced, considered favorably on first reading and ordered published this 15th day of November, A.D. 2022, and to be presented for final passage on the 6th day of December, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 6th day of December, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Mayor**  
City Hall  
300 LaPorte Ave.  
PO Box 580  
Fort Collins, CO 80522  
**970.416.2154**  
970.224.6107 - fax  
[fcgov.com](http://fcgov.com)

Item 24.

September 1, 2022

Economic Advisory Board  
c/o Jillian Fresa  
PO Box 580  
Fort Collins, CO 80522

Dear Chair Renee Walkup and Vice Chair John Parks and Board Members,

Thank you for writing to City Council and me with your support of the Minimum Wage proposal. We appreciate your detailed suggestions.

The Council will be discussing this topic during the September 6, 2022 Work Session and we encourage you view the online session. The meeting link and materials will be posted on: [fcgov.com/cityclerk](http://fcgov.com/cityclerk)

Thank you for your service to the community and the Economic Advisory Board. We really appreciate your dedication and expertise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeni Arndt".

Jeni Arndt  
Mayor

/sek

cc: Kelly DiMartino, City Manager





Economic Health Office

Item 24.

300 LaPorte Avenue  
PO Box 580  
Fort Collins, CO 80522

970.221.6505  
970.224.6107 – fax  
fcgov.com

## MEMORANDUM

Date: August 30, 2022

To: Mayor and City Council Members

CC: Kelly DiMartino, City Manager <sup>DS</sup>  
Tyler Marr, Interim Deputy City Manager <sup>DS</sup>  
SeonAh Kendall, Economic Health Director <sup>DS</sup>

From: Economic Advisory Board for 2022:  
Chair, Renee Walkup  
Vice-Chair, John Parks

Re: Input from the Economic Advisory Board regarding Minimum Wage increase

The purpose of this memorandum is to provide input to the City Council regarding the proposal to increase the local minimum wage beginning January 1, 2023. In general, *the Economic Advisory Board is in favor of a minimum wage increase*. The reasons for our support, along with some concerns to consider as the City Council determines how to implement such an increase, are listed below:

### **Reasons for Support:**

➤ **A minimum wage increase would positively impact approximately 25% of Fort Collins workers**

Data collected by the City of Fort Collins indicate that roughly one-quarter of employees in the Fort Collins area earn less than \$15/hour. Increasing their income would improve their ability to pay for housing, education, health care, entertainment, and other services and necessities

➤ **Minimum wage increases typically do NOT result in job loss or price increases**

Multiple academic studies have analyzed the consequences of minimum wage increases on both medium- and large-sized cities across the United States. The consensus among those studies is that minimum wage increases do not result in slower hiring, increased job loss, or higher prices except for occasional increases in food prices in the restaurant/hospitality sector. In short, the fears typically expressed by the business community regarding minimum wage increases are not borne out in the data.

➤ **Local Support for a Minimum Wage Increase is More Positive Than Negative**



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 300 LaPorte Avenue  
 PO Box 580  
 Fort Collins, CO 80522

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A survey conducted by the City of area businesses found that more business owners were somewhat or strongly supportive of a minimum wage increase than those that were somewhat or strongly opposed.

### **Areas For Consideration:**

#### ➤ **Tying Minimum Wage to CPI Might Present Some Challenges**

There is some concern that attaching annual minimum wage increases to CPI (consumer price index), which can fluctuate significantly from year to year, will make it difficult for businesses to predict labor costs. It may also give the impression that the minimum wage will increase every year without exception. Addressing these concerns should be considered when determining how best to implement a minimum wage increase.

#### ➤ **Some Industries May Be Negatively Impacted By Minimum Wage Increases in Unexpected Ways**

The city of Denver has reported that some home health care companies are experiencing difficulties with absorbing minimum wage increases because their businesses are funded in part by Medicare reimbursements, which are set at the state level and cannot be negotiated. Special consideration may need to be made for businesses whose pricing or revenue models are set according to federal or state standards.

#### ➤ **The City Should Focus Energy on Improving Its Reputation as Business-Friendly**

Relative to surrounding communities, there exists the impression among some business owners that Fort Collins presents a more challenging environment in which to do business. Much of this is related to factors unrelated to wages – political sensibilities, the permitting process, costs of development, complex regulations, etc. However, among those with an already unfavorable attitude toward Fort Collins, increasing the minimum wage may add another factor to tip the scales on where business owners will decide to locate. This is not a reason to forego a minimum wage increase but rather a reminder to look at the business environment from a holistic viewpoint when considering a decision to add an additional business regulation.

#### ➤ **Council Should Clarify the Intention of the Policy**

In conjunction with the review process, Council should rigorously define the objectives of adopting a minimum wage policy. The literature suggests that a majority of the welfare gains that result from minimum wage initiatives arise from redistribution rather than efficiency. If the current distribution of economic rewards is considered suboptimal, then clear reasoning should be offered for why. Moreover, the rationale for how a minimum wage that differs from the state mandated wage may or may not improve outcomes should be provided. Finally, Council should consider the impact on perceptions across



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the broader community a minimum wage policy would have v. the purported economic benefits relative to market outcomes.

The Economic Advisory Board looks forward to offering additional perspective once the City Council has had an opportunity to put forth its initial proposal regarding how much and in what manner to adopt a minimum wage increase.

## Ginny Sawyer

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**From:** Garrison, Michelle [CO] <MGarrison@coloradoea.org>  
**Sent:** Wednesday, October 5, 2022 12:03 PM  
**To:** Ginny Sawyer  
**Subject:** [EXTERNAL] RE: Local Minimum Wage

Hello, Ginny,

From my perspective as a union staffer, I would support this measure, especially in the context of inflation hitting basic needs (food, gas, rent/home costs) very deeply the past year. I would suggest that an effort like this occurs concurrently to an effort to increase state and federal funding for public employers – especially schools. One thing to consider is how this impacts the wages of classified school employees, such as paraprofessionals, office staff, and food service workers, whose current wages are barely above minimum wage. While education unions support these individuals having a living wage, this can have a cascading effect on the wages of all school district employees. To be explicit, as the district must budget more for classified employees, this means that there is less money available for raises for licensed staff (teachers, school psychologists, social workers, speech-language pathologists, etc.). I would encourage the city to explore adding revenue streams, or finding additional ways to reduce the costs of basic needs (ie Attainable Housing, reductions in health care expenses) to help public employers continue to fairly compensate all employees, in tandem with raising minimum wage.

*Michelle Garrison*

UniServ Director, Two Rivers UniServ Unit  
 St. Vrain Education Association and Poudre Education Association

**From:** Ginny Sawyer <GSawyer@fcgov.com>  
**Sent:** Tuesday, October 4, 2022 1:29 PM  
**To:** rrobinson@coloradoea.org; Garrison, Michelle [CO] <MGarrison@coloradoea.org>; Docherty, Fran [CO] <FDocherty@coloradoea.org>  
**Cc:** DeAngelo Bowden <dbowden@fcgov.com>  
**Subject:** Local Minimum Wage

Hello,

I received your contact information as good resources for local union representation.

City Council is considering setting a local minimum wage (higher than the state wage.) For local cities to adopt their own minimum wage they must consult with surrounding local governments and engage stakeholders, including chambers of commerce, small and large businesses, businesses that employ tipped workers, workers, **labor unions**, and community groups.

I'm reaching out to you as labor union representatives to see you have any input, thoughts, concerns on this matter??

Thank you, and please let me know if you have any questions.

ginny



## Ginny Sawyer

**From:** Julie Pignataro  
**Sent:** Thursday, October 13, 2022 4:47 PM  
**To:** Adam Vander Sande; Ginny Sawyer; DeAngelo Bowden  
**Subject:** Re: Minimum Wage Concern

Hi Adam,

I am including staff that is working on this issue on this response to ensure that your comments are included with their research, which also includes survey data from the community, peer reviewed research from other communities via scholarly articles, and more. I appreciate you reaching out,

Julie Pignataro  
 City of Fort Collins  
 Councilmember, District 2

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**From:** Adam Vander Sande <adam@hotcornerconcepts.com>  
**Sent:** Thursday, October 13, 2022 4:27 PM  
**To:** Julie Pignataro <jpignataro@fcgov.com>  
**Subject:** Minimum Wage Concern

Dear Council Member Pignataro,

As an operator of 5 businesses within the City of Fort Collins, I am deeply concerned about the upcoming vote to increase minimum wage to \$19 an hour and how it will affect businesses and our community. I have yet to hear any clear communication on the why, the risk, and the desired outcome for this proposal. Quite frankly, it feels like this decision is being rushed without any proper due diligence being exercised.

The past 3 years has been difficult for all industries to say the least. Restaurant operators have been faced with inflated cost of goods, rising wages, pandemic shutdowns, and supply chain issues. A successful restaurant model operates with a goal of 5% – 15% profit margin. With minimum wage increasing every year from 2016 to 2020, many restaurants had to absorb the wage increase on the bottom line, reduce labor hours, and convert manpower to technology to survive. During those 4 years, the dramatic increase in labor costs outpaced the ability to increase menu prices in our market. It was an extremely difficult time and that was without many of the challenges that we face today. For example, our top 10 ingredients have increased 75% - 400% over the past 18 months along with increased costs on all supplies, utilities, and equipment. Most operators are just trying to take care of their employees and survive now. Many of us are concerned about the looming recession as well and are seeing that pricing power has little room left.

Here are some key numbers to help illustrate what I would face. All tipped employees are at minimum wage currently

- **2021 Total Labor Hours 199,134.24**
  - **\$13.65 an Hour - \$217,056.32 increase**
  - **\$15.45 an Hour - \$575,497.95 increase**
  - **\$19.00 an Hour - \$1,282,424.51 increase**

A common response is that most employers pay above minimum wage already. That is true, but it is irrelevant support the decision. If I pay one of my employees \$20 an hour currently to reflect their performance and skill, it would only be right to reflect the increase for them January 1<sup>st</sup>. And the same would go for all my salaried employees that are not even accounted for in the numbers above. I fear if this proposal passes, it will drive small businesses out of our community.

An entry level entrée at our restaurants such as a cheeseburger is currently \$15.95. If minimum wage goes to \$19 an hour, a cheeseburger is going to cost \$28.50 just to keep us at the current state of survivability and that is only if inflation stops today. I am sure you can imagine what prices like this across our community will do for tourism, small business, childcare, and the cost of living.

Here are some key questions that I have

- What is the desired outcome of raising the minimum wage?
- Where can the economic report that was conducted be viewed? Is it public?
- Was research conducted on the impact to surrounding cities within our county?
- Has research been conducted on a city of our size raising minimum wage?
- How will this effect economic leakage for our city?

Can we get together over a cup of coffee soon to discuss further?

Thank you very much for your time.

Sincerely,

**Adam Vander Sande**

Chief Operating Officer

Hot Corner Concepts

109 North College Ave. #220

Fort Collins, CO 80524

hotcornerconcepts.com

[adam@hotcornerconcepts.com](mailto:adam@hotcornerconcepts.com)

O: 970.266.2612 | C: 714.457.7445

Austin's American Grill | Moot House | Big Al's | Comet Chicken

## Ginny Sawyer

**From:** Julie Pignataro  
**Sent:** Thursday, November 3, 2022 4:12 PM  
**To:** Cookie Shop; Ginny Sawyer; DeAngelo Bowden  
**Subject:** Re: Minimum Wage Increase

Thank you so much for reaching out, Lynette. I am including the staff that are working on this issue on my response so that it can be included with all of the research they have been doing.

Julie Pignataro  
 City of Fort Collins  
 Councilmember, District 2

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**From:** Cookie Shop <infommcookie@gmail.com>  
**Sent:** Thursday, November 3, 2022 3:10 PM  
**To:** Julie Pignataro <jpignataro@fcgov.com>  
**Subject:** Minimum Wage Increase

Dear Council Member Pignataro,

I am writing this letter on behalf of Mary's Mountain Cookies. Mary's has been a staple of Fort Collins since the late 80's. I am very concerned by the minimum wage increase vote that's coming up. I would like to give you an inside look at who I hire for my shop. The average age is 21 and CSU students. Every employee makes more than the minimum wage and with tips on average make \$25/hr. We pride ourselves on excellent customer service and a great product which is why the tips are good. Starting new employees at a lower cost helps to incentivize them to learn more and get raises. If they start off at \$18/hr, the drive to do more and learn more is gone. I feel that turn over rate would also increase which leads to returning customers having to explain their orders over and over again. We all enjoy going to our favorite coffee shops or restaurants and seeing familiar faces who know us and may even know our order.

Another major concern is the Cost of Goods, most of my products have doubled in price. If the minimum wage goes up and Cost of Goods are up, one option would be raising prices. I feel this only hurts the community and may force residents who have lived here their whole lives to not be able to afford items from my business and other local businesses. Our small town vibe is what makes Fort Collins thrive and such a fun place to live and own a business.

We took a huge hit during COVID-19, scrambling to do anything we could to keep the doors open. We even sold cookies out our front window. This would be another blow to our business. We love and care about each of our employees, there are other ways to show appreciation other than monetary. Thank you for taking the time to understand what this would do to my local bakery.

Sincerely,

Lynette Place

Mary's Mountain Cookies - Old Town--  
 Thank you,  
 Your Cookie Specialist  
 Mary's Mountain Cookies - Old Town  
 123 N College Ave., Suite 106  
 970-482-5655





## Ginny Sawyer

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**From:** Julie Pignataro  
**Sent:** Monday, August 8, 2022 2:43 PM  
**To:** David McClelland; DeAngelo Bowden; Ginny Sawyer  
**Subject:** Re: Support Restaurants - No Wage Increase!

Mr. McClelland,

Thank you for reaching out with your opinion. I am including city staff on this response so that they can combine it with other research that has been done thus far.

Julie Pignataro  
 City of Fort Collins  
 Councilmember, District 2

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**From:** David McClelland <David.McClelland.564639115@p2a.co>  
**Sent:** Monday, August 8, 2022 2:39 PM  
**To:** Julie Pignataro <jpignataro@fcgov.com>  
**Subject:** Support Restaurants - No Wage Increase!

Dear Councilmember Pignataro,

I am a restaurateur in Fort Collins asking you to consider the serious consequences to small businesses before voting to increase the local minimum wage.

After two-plus years of reduced operations and pandemic-related restrictions, not to mention skyrocketing food and labor costs, Fort Collins restaurants cannot manage a local wage increase right now. We are working as hard as we can to keep our restaurants afloat, and right now is the worst possible time to be considering a minimum wage increase. Any additional overhead will threaten the viability of my restaurant, and many local restaurants will be forced to close, changing the vibrancy of our City forever.

I urge you to forgo this discussion until we are in a better place and our businesses have had more time to recover.

Regards,  
 David McClelland  
 925 E Harmony Rd  
 Fort Collins, CO 80525



## Ginny Sawyer

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**From:** Michael Wallin <mike@reddynamics.com>  
**Sent:** Tuesday, September 27, 2022 9:57 AM  
**To:** Julie Pignataro; Ginny Sawyer; DeAngelo Bowden  
**Subject:** [EXTERNAL] RE: Minimum wage debate - please vote No

Thank you, Julie. I appreciate the response and for considering my feedback. I absolutely want people in our community to have opportunities to better themselves. However, forcing companies to pay more will unfortunately just have a larger negative effect. Folks that want to work hard and better themselves already have those opportunities due to a thriving job market in our area. People that don't want to work will not be motivated by more money.

Again, thank you so much for considering my point of view.



Mike Wallin  
 Director of Strategic Partnerships

**RedDynamics**

970-232-4051  
[LinkedIn](#)

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**From:** Julie Pignataro <jpignataro@fcgov.com>  
**Sent:** Tuesday, September 27, 2022 9:50 AM  
**To:** Michael Wallin <mike@reddynamics.com>; Ginny Sawyer <GSawyer@fcgov.com>; DeAngelo Bowden <dbowden@fcgov.com>  
**Subject:** Re: Minimum wage debate - please vote No

Michael,

Thank you for sharing this article. I have included some of the staff working on this so that your comments can be incorporated into the overall dialog which includes nationwide data, local surveys and interviews, and local research.

Julie Pignataro  
 City of Fort Collins  
 Councilmember, District 2

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**From:** Michael Wallin <mike@reddynamics.com>  
**Sent:** Tuesday, September 27, 2022 9:47 AM  
**To:** Julie Pignataro <jpignataro@fcgov.com>  
**Subject:** FW: Minimum wage debate - please vote No

This is a follow up to my previous email. Here is an article about one company, Chipotle, already investing in automation (and there are plenty of others) which will completely eliminate jobs. If companies are forced to pay a higher wage they will have no choice but to automate which will only cause more employment issues. Please don't raise the minimum wage. Thank you.

<https://www.cnn.com/2022/07/21/chipotle-announces-investments-in-startups-focusing-on-kitchen-automation-plant-based-alternatives.html>



Mike Wallin  
Director of Strategic Partnerships

**RedDynamics**

970-232-4051

[LinkedIn](#)

**From:** Michael Wallin <mike@reddynamics.com>  
**Sent:** Friday, September 9, 2022 10:39 AM  
**To:** 'jpignataro@fcgov.com' <jpignataro@fcgov.com>  
**Subject:** Minimum wage debate - please vote No

Good morning,

I'm writing as a long time citizen and businessman in Fort Collins. My family has lived in Fort Collins for the last 8 years and in Northern Colorado for the last 14. For a large chunk of that time I worked for a temporary placement agency helping to connect workers to local employers. From my experience raising the minimum wage will not have the intended effect. There are a few reasons for this.

First of all, due to the difficulty in finding a stable workforce, many employers are already paying above minimum wage. If you vote to increase the minimum wage to \$18/hour all this will do will push all the wages and thus cost of goods. Additionally it gives those that are entering into the workforce no incentive to seek more training/experience in order to better themselves. When we have a workforce that is incentivized to better themselves, I believe that is beneficial to all of us.

Think about all the wonderful brands that have started right here in Fort Collins (Otterbox, New Belgium, Odells, Topo Designs, Noosa, etc). All started by people with a vision for a great product and wanting to better themselves. If we just throw imaginary money at people there is less incentive to grow individually.

The second reason I would point to is that the Free Market works when you give it a chance. When CO voted to increase the minimum wage a few years back we were already seeing employers increase their wages in order to attract workers. Businesses recognized they needed to pay more and were paying more. When the minimum wage was raised all that did was setback those employers efforts to pay more.

Additionally this is going to put a strain on small businesses during a time when we are already seeing inflation hammer them. The large employers (I'm looking at you Amazon) are more able to absorb these costs, while local businesses will be forced to raise prices or automate (which we are already seeing). There's a huge push for automation in the manufacturing world which we are already seeing right here in Northern Colorado. When businesses automate it obviously puts people on the margins of society out of a job.

Lastly, I would just say that it's not the government's responsibility to dictate wages. This is troubling to see this effort force businesses to pay an arbitrary wage dictated by elected officials. Please vote No on raising the minimum wage in Fort Collins.

Item 24.

Thank you for your time.

Here is my list summarized:

- Cost of goods go up

- Allow the free market to adjust needed wage increases and it will

- Additional financial strain on small businesses

- Automation (which we're already seeing) will increase locally

- It is not the government's responsibility to dictate what a business pays their employees.



Mike Wallin

Director of Strategic Partnerships

**RedDynamics**

970-232-4051

[LinkedIn](#)





## Local Minimum Wage Consideration

### City Council Regular Meeting



## Consider an ordinance to set a Local Minimum Wage (LMW)

Council Priority:

Raise the Minimum Wage

Milestones:

- Issue RFP and Select Consultant
- Conduct Engagement and Survey
- Council Work Sessions: May 10 (Mid-Cycle check-in), July 12, September 6
- Council Regular Meeting: November 15
- If local wage adopted, effective January 1, 2023

## HB19-1210

- Allows local governments to establish minimum wage laws.
- Only 10% of Colorado municipalities allowed to adopt local wage.
- Local wage must take effect on the same day as the statewide minimum wage increase.
- If wage is higher than the statewide minimum the local wage can only increase each year by \$1.75 or 15%, whichever is higher, until the local wage reaches the amount enacted by the local government.
- Communities considering a local wage must:
  - Engage with stakeholders including chambers of commerce, small and large businesses, businesses that employ tipped workers, workers, labor unions, and community groups, and;
  - Consult with surrounding local governments.

### Meetings with:

- Fort Collins Chamber of Commerce
- Latino Chamber of Commerce
- Restaurant owners, downtown hospitality and retailer groups
- Economic Advisory Board
- Community members

### Correspondence with:

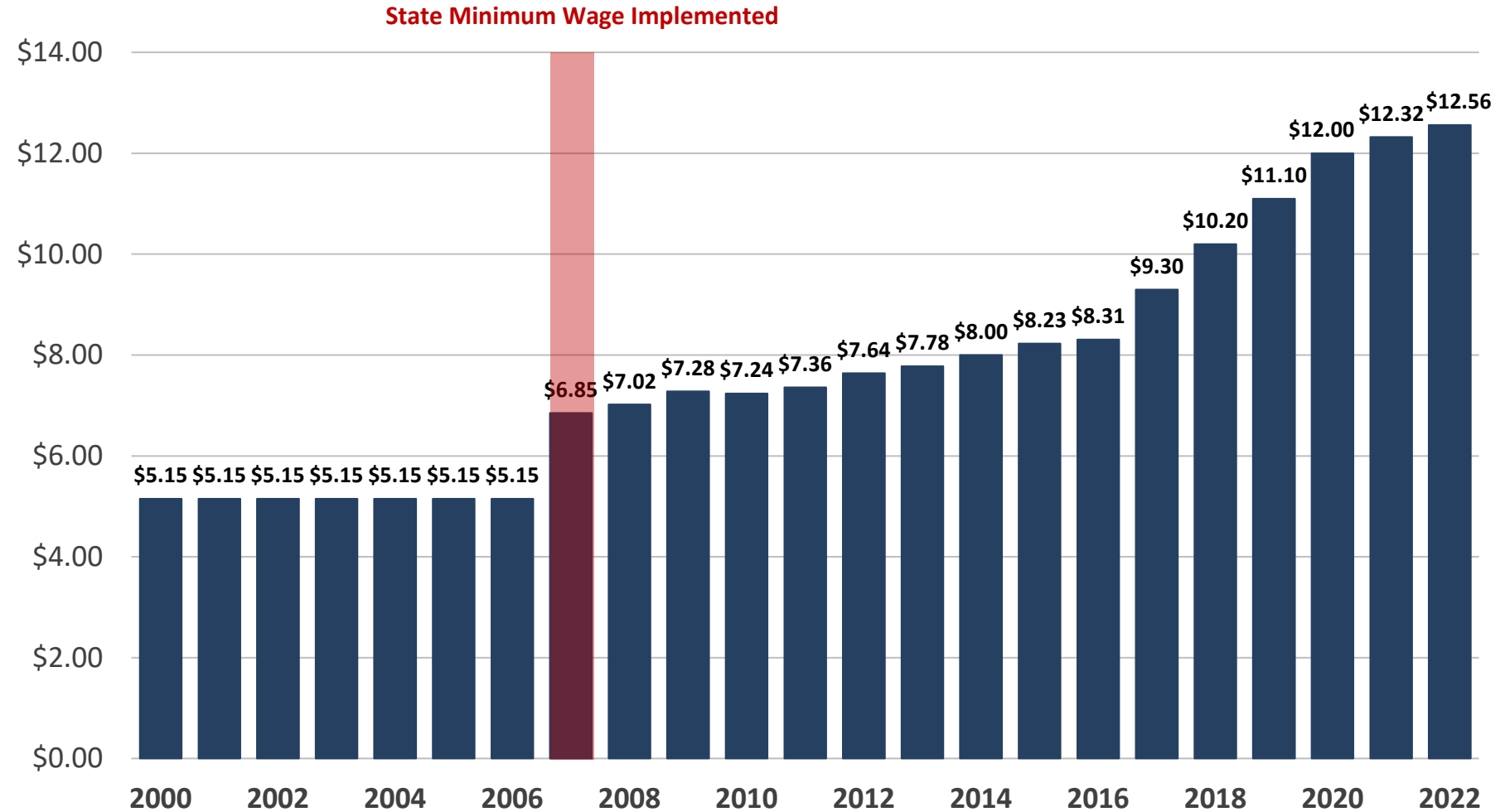
- Healthcare sector
- Non-profit contacts
- Labor union representation
- CSU

Sharing plans for minimum wage considerations through regional electeds meeting and Boulder County Consortium of Cities outreach.

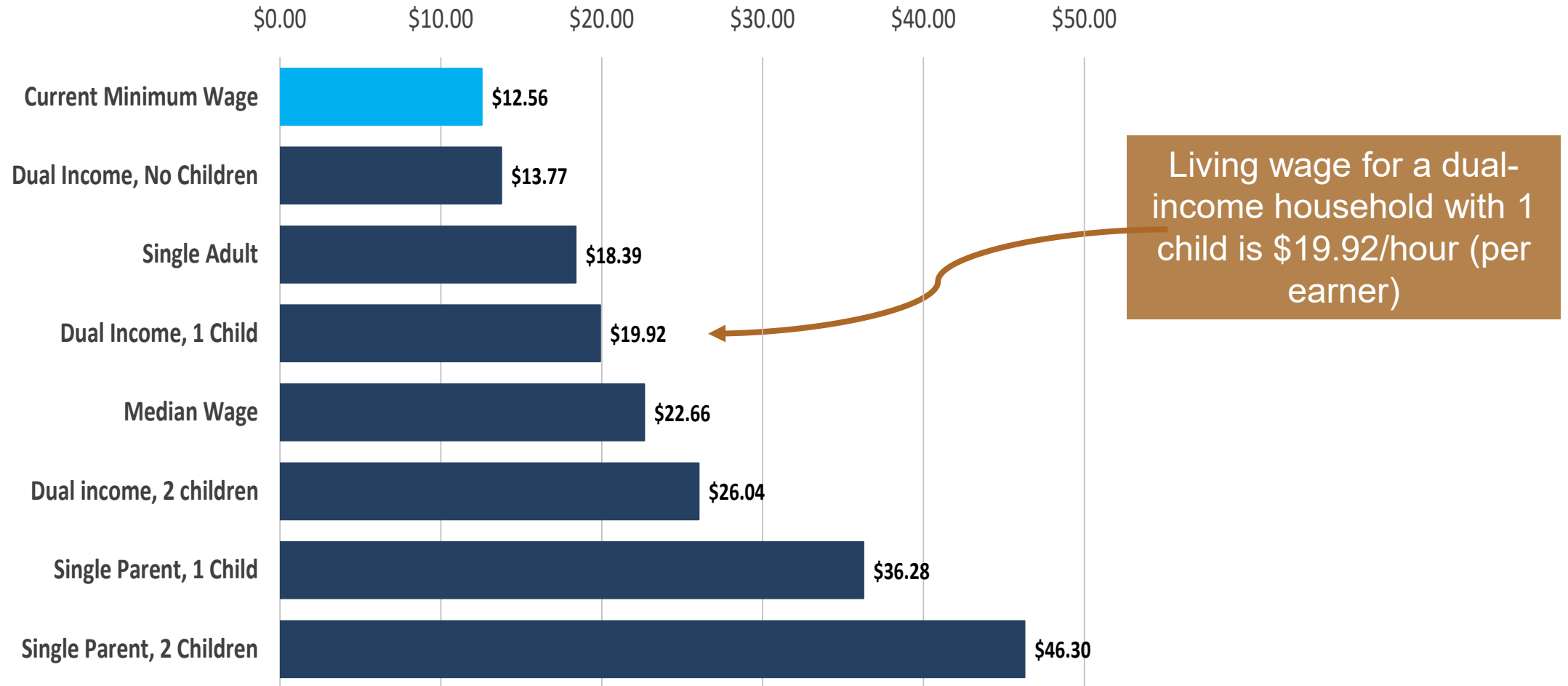
- Utilizing the scheduled National Business Survey to incorporate questions on minimum wage. ( 198 responses)
- Distributing and making available a general questionnaire for anyone interested in participating.
  - 1,159 responses identifying as Employee
  - 267 responses identifying as Employer
  - 193 responses identifying as “Other”

\*Surveys utilized \$15/hour

- 2023 minimum wage will be \$13.65/hour (\$10.63/hour for tipped employees)
- Annual increases since 2016 range from a low of \$0.24 to high of \$1.09



Source: Economic & Planning Systems



Source: MIT Living Wage Calculator; Economic & Planning Systems

Location	2023 MW	2 Adults/ 1 child Living Wage	1 Adult Living Wage
		MW as % LW	MW as % LW
Wash DC	\$16.10	38%	73%
CA	\$15.50	35%	71%
WA	\$15.74	46%	85%
Seattle	\$17.27	48%	87%
CT	\$15.00	40%	79%
MA	\$15.00	34%	69%
Denver	\$17.29	44%	85%
Flagstaff	\$16.80	41%	92%
Palo Alto	\$17.30	31%	59%
<b>Average</b>	<b>\$16.22</b>	<b>40%</b>	<b>78%</b>
<b>Minimum</b>	<b>\$15.00</b>	<b>31%</b>	<b>59%</b>
<b>Maximum</b>	<b>\$17.29</b>	<b>48%</b>	<b>92%</b>

The range of correlating average and maximum LMWs in Fort Collins: \$14.34 - \$17.79

Ordinance includes:

- LMW amounts and schedules.
  - Option 1 meets September Council feedback (\$18.50 by 2026)
  - Option 2 adjusted based on business feedback (\$16.65 by 2026)
  - Both options have zero additional increase in 2023
- CPI adjustments starting in 2027 with a 2% floor and 5% ceiling in adjustment
- Clarity on existing state rules/process
  - Minors can be paid 15% less than adopted wage
  - Tipped employee wage will be \$3.02 less than adopted wage
  - Ability and intent for Colorado State Department of Employee and Labor to receive and investigate complaints
  - Cases would go to District or County court (not municipal court)
- A provision that the City will monitor state and federal minimum wages and bring recommendations to Council as needed



Year	CPI	State MW	Annual Salary	Increase	LMW	Annual Salary	Delta
			40hrs/wk & 2 holidays			40hrs/wk & 2 holidays	
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.50	\$15.15	\$31.3K	\$0.82
2025	3%	\$14.76	\$30.5K	\$1.75	\$16.90	\$34.9K	\$2.14
2026	3%	\$15.21	\$31.4K	\$1.60	\$18.50	\$38.2K	\$3.29
2027	3%	\$15.66	\$32.3K	3%	\$19.06	\$39.3K	\$3.39
2028	3%	\$16.13	\$33.3K	3%	\$19.63	\$40.5K	\$3.50
2029	3%	\$16.62	\$34.3K	3%	\$20.22	\$41.7K	\$3.60
2030	3%	\$17.11	\$35.3K	3%	\$20.82	\$43.0K	\$3.71

Year	CPI	State Minimum Wage	Annual Salary	Increase	LMW	Annual Salary	Delta
			40hrs/wk & 2 holidays			40hrs/wk & 2 holidays	
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.00	\$14.65	\$30.2K	\$0.32
2025	3%	\$14.76	\$30.5K	\$1.00	\$15.65	\$32.3K	\$0.89
2026	3%	\$15.21	\$31.4K	\$1.00	\$16.65	\$34.4K	\$1.44
2027	3%	\$15.66	\$32.3K	3%	\$17.15	\$35.4K	\$1.49
2028	3%	\$16.13	\$33.3K	3%	\$17.66	\$36.5K	\$1.53
2029	3%	\$16.62	\$34.3K	3%	\$18.19	\$37.6K	\$1.58
2030	3%	\$17.11	\$35.3K	3%	\$18.74	\$38.7K	\$1.63

Does Council wish to adopt a Local Minimum Wage?

If yes, Option 1 or 2 or a different amount and schedule?

November 15, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Rupa Venkatesh, Assistant City Manager  
Anissa Hollingshead, City Clerk  
Davina Lau, Public Engagement Specialist  
Carrie Daggett, Legal

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### SUBJECT

**Resolution 2022-122 Creating an Ad Hoc Council Committee on Boards and Commissions to Consider and Make Recommendations Regarding Improved Efficiency and Consistency of Board and Commission Processes and to Reduce Barriers to Participation.**

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### EXECUTIVE SUMMARY

The purpose of this item is to bring forth a Resolution to establish an Ad Hoc committee to discuss and make recommendations to improve the efficiency and consistency of board and commission processes and to reduce barrier to participation on boards and commissions.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

On July 2, 2019, Council adopted a priority to Reimagine Boards and Commissions, outlined as:

*Better structure the board and commission system to set up success into the future, align with Outcome Areas and allow for integrated perspectives. Explore models that allow for greater use of ad hoc meetings, diverse stakeholders, and additional community participation.*

Following adoption of this Council priority, staff had extensive communication with current and former board members on what works and what could be improved. This included engaging 79 board members with a Reimagine Boards and Commissions questionnaire and convening 55 board members at the Boards and Commissions Super Issues Meeting in February of 2020 to discuss this Council Priority in small, facilitated groups.

Momentum in the Reimagine process slowed as the pandemic set in. [Significant shifts](#) did move forward in April of 2021 making changes to the Code provisions governing appointed boards and commissions. **Ordinance No. 049, 2021** included updated provisions addressing:

- Allowing boards and commissions to meet remotely.
- Clarifying naming structure to make quasi-judicial bodies all commissions, and other appointed bodies boards.
- Encouraging collaboration through joint meetings of different boards.
- Adding new and varied term lengths, to allow a shorter-term commitment by appointees.
- Staggering terms manually as a reset to ensure different end dates for appointed members.
- Updating attendance policy for appointees.
- Shifting the residency requirement to eliminate the requirement to reside within the Urban Growth Area for at least a year prior to appointment.

In late 2021, staff engaged Council in a continuing conversation regarding the recruitment process for Boards & Commissions. Councilmembers then expressed interest in treating the annual recruitment in 2021 as a pilot to allow revisiting the workability of different elements of the process before finalizing any ongoing shifts. Filling any remaining or new vacancies was paused at the beginning of 2022 with a plan to return to Council at a work session in quarter 1 of 2022 to allow an opportunity for Council input on an updated process for handling vacancies outside of the annual process and on the recruitment process generally based on the pilot approach.

On April 26, 2022, the City Clerk's Office (CCO) shared with Council a recap of work that was done both in the Reimagine process and in the subsequent work specifically around recruiting. Council discussion at the work session included consensus support for the formation of a Council ad hoc committee to continue working on additional shifts to the boards and commissions program. There was also support for conducting an immediate recruitment cycle to fill existing vacancies prior to the start of annual recruitment this fall.

The off-cycle recruitment and vacancy filling concluded on August 16, 2022. During that recruitment and interview process, staff continued gathering feedback from Councilmembers, boards and commissions members and staff liaisons, and applicants. In response, CCO implemented the following changes to the current annual recruitment process which opened for applications on Monday, September 2 and closed Sunday, September 25 to fill slots expiring on December 31, 2022:

- Applicants can only choose up to three boards and commissions for which to apply.
- Applicants will rank which board they want the most, middle, and least.
- There is at least one board-specific question on the application.
- The application will note the current meeting day and time to help applicants discern their availability more easily.
- Interviews were intended to take place the last two weeks in October with flexibility to go into the first week of November. A lesson learned is to add the general interview time period to the application itself.
- Council will appoint members in November and December. This is intended to allow new members the opportunity to attend a December board meeting where possible as part of orientation.

CCO has also recently hired a new Public Engagement Specialist, Davina Lau, who started on October 10, 2022. Her role will initially focus on coordinating efforts to provide more support to boards and commissions members, staff liaisons, applicants, and provide better transparency with the public. This includes developing and delivering onboarding training for both members and staff liaisons.

The intention is to start the work of the Ad Hoc Committee in December 2022 and conclude by July 2023. This will allow time for the Committee to complete its work, make recommendations to Council and the City Manager regarding the board and commission processes, and for staff to implement changes and communicate to the public prior to the start of the annual recruitment process which typically starts in early September.

Prior to the first committee meeting, ad hoc committee members will receive a compiled list of recommendations that have been submitted from board and commission members, Councilmembers, and the general public.

### **CITY FINANCIAL IMPACTS**

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None.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The City has received formal recommendations from the Senior Advisory Board as well as other board and commission members that will be incorporated into the Ad Hoc Committee's work.

### **PUBLIC OUTREACH**

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The City has received recommendations from the public as to how to improve the process. They will be incorporated into the Ad Hoc Committee's work.

### **ATTACHMENTS**

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1. Resolution for Consideration

RESOLUTION 2022-122  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
CREATING AN AD HOC COMMITTEE ON BOARD AND COMMISSIONS  
TO CONSIDER AND MAKE RECOMMENDATIONS REGARDING IMPROVED  
EFFICIENCY AND CONSISTENCY OF BOARD AND COMMISSION PROCESSES  
AND TO REDUCE BARRIERS TO PARTICIPATION

WHEREAS, in July 2019, Council adopted the priority to Reimagine Boards and Commissions which heightened the goals of continuous improvements that do not require policy change, policies that reduce barriers to participation, and improve efficiency and consistency; and

WHEREAS, on April 26, 2022, the City Clerk's office shared with Council a recap of work that was done and acknowledged that more needs to be done, including the formation of a Council ad hoc committee; and

WHEREAS, the off-cycle recruitment and vacancy filling concluded on August 16, 2022, and staff heard feedback from Councilmembers, boards and commissions, and applicants that the changes to the past annual recruitment process need to be made; and

WHEREAS, the City Clerk's office recently hired a new Public Engagement Specialist, whose role will initially focus on coordinating efforts to provide more support to boards and commissions, staff liaisons, applicants and provide better transparency with the public, which includes onboarding training for both members and staff liaisons; and

WHEREAS, it is the intention that the Ad Hoc Committee begin its work in December 2022 and complete its work and make recommendations by July 2023, to allow time for Council to take action on the recommendations, if needed, and for staff to implement changes and communicate to the public prior to the start of the annual recruitment process in September; and

WHEREAS, prior to the first Ad Hoc Committee meeting, ad hoc committee members will receive a compiled list of recommendations that have been submitted from board and commission members, Councilmembers, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. The City Council hereby establishes an Ad Hoc Committee the purpose of which will be to consider and make recommendations to the City Council and the City Manager to improve the efficiency and consistency of board and commission processes and reduce barriers to participation on boards and commissions.

Section 3. The City Council hereby appoints \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to serve as the Ad Hoc Boards and Commissions Committee.

Section 4. The foregoing Committee appointments and the Ad Hoc Boards and Commissions Committee shall extend through July 2023, unless sooner terminated by Council action or vacation of office, or unless the Committee completes its work prior to that time.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk