



**City Manager's Office**  
City Hall  
300 LaPorte Ave.  
PO Box 580  
Fort Collins, CO 80522  
**970.221.6505**  
970.224.6107 - fax  
fcgov.com

## **Legislative Review Committee Meeting Minutes**

August 6, 2012, 4:30 p.m.

City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Wade Troxell, Councilmember; Lisa Poppaw, Councilmember; Steve Roy, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Mayor Pro Tem Ohlson called the meeting to order at 4:28 pm.

Adoption of the minutes from the July 10<sup>th</sup> meeting were moved for approval by Councilmember Poppaw and seconded by Mayor Pro Tem Ohlson. Minutes were adopted without amendment.

Dan Weinheimer discussed the August 7<sup>th</sup> train horn noise meeting that will be held at City Hall. The meeting will include participation from the Regional Administrator for the Federal Railroad Administration (FRA) the Deputy Regional Administrator and the Chief Inspector. Dan noted that the Regional officials will come from Kansas City to participate in the meeting. He also pointed out that staff will meet with the FRA officials prior to this meeting to discuss actions taken to date, possible steps to quiet the horns in Fort Collins and to tour the Mason Street construction zone.

Dan also mentioned that he is assisting the staff group working on mitigation and remediation costs from the High Park Fire. Mayor Pro Tem Ohlson asked about the timetable for recovery as well as the estimated costs. He noted that he had not seen a final total and that because there were options he was not clear of the actual mitigation costs for mitigating fire impacts to drinking water supply. Dan said that he's aware of a \$2 million per year cost for mitigation over a possible ten year timeframe but not sure of the costs or need to construct a treatment facility.

The LRC then began to review a redlined version of the Legislative Policy Agenda and consider modifications to prepare for the 2013 legislative session. Beginning with an alphabetical list of subject areas several general statements were expressed and affirmed by the entire LRC – that the agenda should look at legislation from a positive angle (“support” instead of “oppose” where possible) and that home rule authority must be preserved.

Mayor Pro Tem Ohlson recommended adding a general provision to the introduction that would assure staff that despite the fact that the statements are

worded in the positive that staff could also assume that there was flexibility for situations that ran contrary to the positions of the Council. Councilmember Troxell recommended that the Policy Agenda be modified to align with the outcome areas or to possibly reflect to which outcome area each section or policy conforms.

Dan asked the LRC whether having a separate section for economic health rather than listing positions under Finance might be useful. Councilmember Troxell supported this concept. Councilmember Poppaw thought its current placement under Finance worked well. Mayor Pro Tem Ohlson thought that there needed to be a balance between supporting business and other areas like the environment. He further noted that there are situations where supporting one industry – like local craft breweries – could put the City at odds with supporting other businesses or funding community improvements. Councilmember Troxell agreed with this statement of potential conflict and further noted that within industries businesses compete so that what’s good for one does not always favor another. Staff was directed to further refine this concept.

On the subject of urban renewal authority (URA) Mayor Pro Tem Ohlson noted that this is an area where Council is divided. Councilmember Poppaw suggested that the Council is concerned about eliminating abuses that have occurred in the past and improving the tool without losing it entirely. Steve Roy mentioned that the URA issue has been a frequent topic in the Legislature and that there were bills rumored to be offered in the 2012 session so preparing language might be a wise course of action. Councilmember Troxell noted that perhaps putting quotes on the word blight could address this concern since the application of a blight standard can be subjective. Mayor Pro Tem Ohlson stated his desire to improve URA but also his support for both retaining the community development tool and addressing the issue in the Policy Agenda.

Under fire protection the LRC debated how best to add language to address wildfires and recovery efforts and costs to ensure enough flexibility to address the topic in 2013. Councilmember Poppaw sought clarity on whether the City of Fort Collins should address topics impacting the Poudre Fire Authority area that are not incorporated to Fort Collins. Consensus was that fires and recovery drain resources from the City. Staff was directed to broaden the draft statement.

Mayor Pro Tem Ohlson expressed concern with including a position on asbestos containing soils (ACS) because he did not want to erode environmental and public health protections. Dan noted that this is more of a reasonableness issue – that dealing with the current presumption of ACS rather than the actual presence of ACS causes unnecessary costs for construction and operations/maintenance of sites within the City. Councilmember Troxell suggested changing the wording to instead read “such as” to suggest that the City Council supports reasonableness and verifiable public health protections. Mayor Pro Tem Ohlson supported the

concept of common sense regulation and Steve Roy suggested making the statement clearly directed at publicly-owned sites.

Great Outdoors Colorado (GOCO) funding was discussed and again Councilmember Troxell recommended that this statement be made positive and also consider balancing other City priorities. Mayor Pro Tem Ohlson also noted that voters have twice voted to approve these funds to the specific purposes and he favors honoring the voters' will.

There was a debate about an existing provision in the Policy Agenda regarding medical marijuana. Steve Roy noted that we may wish to retain the provision which supports regulation of manufacture, distribution and dispensaries on the grounds that the City wants the state to maintain its position.

The LRC directed staff to come back with edits and recommended language on a number of provisions. Dan noted that each department and liaison has been asked to comment by August 31<sup>st</sup> and so the next version would include those comments. Councilmember Troxell again suggested linking to outcome areas.

Other business discussed included a rundown of the next three scheduled meeting dates and times and a reminder of the end of year legislative breakfast. Mayor Pro Tem Ohlson noted that the Senior Center is not as nice a location as the Lincoln Center conference room location and that perhaps in planning for future breakfasts that rather than rotating that staff focus on a hosting in a nice space.

The meeting was adjourned 5:35 pm.