

May 16, 2023

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

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. **Declaring the Week of May 7-13, 2023 as Public Service Recognition Week.**

Mayor Jeni Arndt presented the above proclamation at 5:00 p.m.

**REGULAR MEETING**

**6:00 PM**

**B) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the regular 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 Julie Pignataro  
Councilmember Tricia Canonico  
Councilmember Shirley Peel  
Councilmember Kelly Ohlson

**STAFF PRESENT**

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
Deputy City Clerk Heather Walls

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

City Manager Kelly DiMartino and the interpreter outlined Spanish interpretation options for the meeting.

City Manager Kelly DiMartino provided an overview of the agenda, including:

- Noting there were no changes to the published agenda.
- Recommending adoption of the consent calendar as presented.
- Noting there are three items for discussion on the agenda.

## **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.)*

Karla Wagoner, retired Fort Collins resident, spoke in favor of the minimum wage ordinance and spoke of the need to supplement social security, discussed working in the health care industry and requested Council consider adopting the ordinance to provide residents a livable wage.

Sophie Mariam (remote), analyst at Colorado Fiscal Institute (CFI), spoke in favor of the minimum wage ordinance stating it will support consumer spending, reduce income inequality without reducing employment, will support a stronger local economy, reduce crime, improve infant health, and reduce child abuse and teen pregnancy. Additionally, an increase of minimum wage will positively affect workers in essential jobs.

Erik Cornell, union representative for United Food and Commercial Workers, who represents over 900 grocery workers in northern Colorado, spoke in favor of the minimum wage ordinance, provided background on how a union position improved his family's life, and stated increasing the minimum wage will stimulate economic growth and increase quality of life.

Madeleine Grigg, Fort Collins resident, expressed major concern with the cost of living in Fort Collins and stated the bar needs to be raised to improve quality of life.

Adam Eggleston, District 2 resident, requested a pause on adopting the minimum wage ordinance stating that raising the minimum wage would cause employers to shift to automation and part time employees and other earners could lose benefits because they earn too much, and cost increases will be felt by middle class workers.

Kaori Keyser, District 2 resident, spoke in favor of increasing the minimum wage stating the cost of living and housing have increased and we need to be doing what we can to keep up. Additionally, putting more money in the hands of employees would lead to more money being spent in the community.

Lauren Storeby, business owner, spoke on behalf of hospitality sector businesses and expressed support for paying employees well. However, she questioned what the problem was and who are we trying to help, noting all business expenses are increasing and raising the minimum wage will increase costs and cause employee benefits to be reduced.

Shawn Storeby, Fort Collins resident, opposed the minimum wage ordinance stating restaurants operate under a small profit margin, many small and medium sized restaurants will close or raise menu prices. Rather than focusing on a broad minimum wage increase, work should be done to find solutions that benefit both workers and businesses.

Teresa Edloe (remote), retired Air Force member, speaking on behalf of Together Colorado, a faith-based organization, spoke in favor of adopting the minimum wage ordinance stating Together Colorado addresses and resolves issues at local, state and national levels. Additionally, higher paid employees are more motivated and switch jobs less frequently resulting in a lower cost of training new employees and local minimum wage laws have proven to be effective in driving consumer spending and creating jobs.

Ann Hutchison, District 6 resident and President & CEO of Fort Collins Area Chamber of Commerce, strongly encouraged Council to postpone the minimum wage ordinance indefinitely, opposed actions on 1041 regulations, and stated the City is not ready to act on water adequacy. She thanked Mayor Pro Tem Francis for hosting 'how to testify', Mayor Arndt and City Manager Kelly DiMartino for starting a conversation about a community event to help people to grow the ability to talk in regular

conversation, and special thanks to Councilmember Peel for engagement on the 'Everywhere, Every Time' train.

Christinia Eala, Fort Collins resident and psychiatric technician, commented on struggling to pay for housing, food, transportation, and reliance on food stamps, and supported adoption of the minimum wage ordinance.

Adam Vander Sande, owner of 5 locally owned restaurants, opposed the minimum wage ordinance noting the cost of living is at an all-time high and stated businesses must pass increased expenses on to consumers thereby pushing customers to other nearby municipalities.

Eric Sutherland, Fort Collins resident, opposed Item 7, relating to expansion of Connexion services into a new territory outside the city limits stating there is no business plan or cost benefit analysis and Connexion is losing money. Additionally, electric utility ratepayers will be required to backfill the Connexion losses.

Arpi Miller, Fort Collins resident, spoke on behalf of ISAAC (Interfaith Solidarity & Accompaniment Coalition), in favor of minimum wage increase stating many workers are afraid to speak up for fear of employer retribution and workers are leaving to live in other communities because Fort Collins is not affordable.

Alvaro Acevedo (via Spanish interpreter), Fort Collins resident, spoke on behalf of workers who are afraid to speak or could not be here because they are working, stating current incomes do not allow for any discretionary income and people cannot be home with their children because they are working two jobs which has led to mental health issues for children. He encouraged Council to adopt the minimum wage ordinance and provided a document signed by several workers.

Daniela Gonzalez, Fort Collins resident, spoke in favor of a minimum wage increase stating higher wages will help businesses reduce turnover and lower costs and will prevent evictions and stabilize the lives of workers.

Ross Cuniff (remote), Fort Collins resident and Land Conservation and Stewardship Board (LCSB) Chair, thanked Council for passing 1041 regulations on first reading and encouraged Council to adopt the ordinance on second reading. He encouraged Council to consider other areas to be included.

David Rout (remote), District 4 resident and Executive Director of Homeward Alliance, spoke in favor of a minimum wage increase and commented on Homeward Alliance implementing a living wage policy four years ago which has benefitted the organization and noting current local wages are not nearly enough to work and live in Fort Collins.

Jennifer Brooks (remote), Fort Collins resident, stated the U+2 policy has had significant unintended consequences, and has not solved the issues it was meant to solve. The housing crisis impacts students and results in housing discrimination. She encouraged ending the enforcement of the regulation stating it has increased housing costs.

Jesus Castro, Sr. (via Spanish interpretation), Fort Collins resident, spoke in support of an increased minimum wage stating it should at least be at par with the cost of basic needs, which it has not been for many years hindering consumer purchasing ability. In conversations with other workers, many voiced concerns that actions would be taken against them if they spoke up.

Maria Gonzalez (via Spanish interpretation), Fort Collins resident, expressed surprise this topic is still being discussed given the current cost of living. She acknowledged the impact of increasing the minimum wage on business owners, including herself, and commented on the lack of Latino food at the Food Bank.

Zoe Roberts (remote), spoke in support of a minimum wage increase stating many residents are being forced out of the community or cannot move into the community due to the current cost of living and stated having a local minimum wage will require businesses to pay employees appropriately.

Gerard Boyle, Fort Collins resident, owns two restaurants in Fort Collins, commented on the impact of raising the minimum wage on restaurants stating it would be difficult to offset the effect without raising prices and thereby sending customers to other communities.

Jeffrey Noffsinger, former restaurant owner in Fort Collins, spoke on behalf of the Northern Colorado Hospitality Sector Partnership, and stated regionalism is needed to reduce the impact of a minimum wage increase given many workers will not want to work outside Fort Collins because wages are higher. Additionally, small businesses will not be able to compete with national chains.

Sabrina (no last name given) spoke in favor of the minimum wage ordinance citing the need to support the workers who provide the backbone of the community.

Beth (no last name given) spoke in favor of the minimum wage ordinance.

Jennifer Johnson, Fort Collins business owner and employer of 28 employees, stated the timing of this item will create an imbalance to the community economy and expressed concern about unintended consequences of the ordinance.

Gary Wockner, Save the Poudre, thanked Council for moving forward on 1041 regulations on first reading, advocated for stronger regulations related to projects outside the city and supported Council having a work session to discuss those stronger regulations.

Larson Ross, District 2 resident and union organizer, supported adoption of the minimum wage ordinance citing his experience working minimum wage jobs and noting the current state of labor laws allows retribution if workers fight for higher wages.

Greg Zoda, graduate teaching instructor at CSU, spoke in favor of a minimum wage increase and quoted several studies related to the positive effect of increasing the minimum wage.

No name provided (via Spanish interpretation), Fort Collins resident, stated a \$14 an hour wage provides no option but to hold two jobs and not spend time with children and questioned whether that is a fair trade off.

George Grossman, Happy Lucky's Tea House, commented on the importance of a living lifestyle, not solely a living wage, noting the State has a plan for raising the minimum wage and stating an increase in Fort Collins will negatively impact small businesses. Additionally, he encouraged Council to also consider what landlords are charging for rent.

Cristyn (no last name given), Fort Collins resident, expressed support for option 1 of the minimum wage ordinance stating she would not be able to support herself without doing freelance work to supplement her income. She stated an increase will show how the City values all residents and will align with Neighborhood Livability and Social Health strategic outcome principles.

Melanie Potyondy, District 4 resident, stated raising the minimum wage is an area over which the City has direct control, has shown to be effective, and needs to be addressed now. She requested Council read Emily Gallichotte's comments provided.

Public comment concluded at 7:50 p.m.

## H) PUBLIC COMMENT FOLLOW-UP

Councilmember Julie Pignataro thanked the speakers and requested staff input regarding Item No. 7, *Items Relating to Connexion Service in Larimer County*. Chad Crager, Connexion Executive Director, replied staff has had numerous conversations with the County about providing service to its residents given the digital disparity between those who live outside the city limits and those who live in areas with municipal broadband. He noted the funding for this specific service expansion will be provided 100% from the County for design through installation and Connexion will be sharing 25% of the revenue back to the County until that amount is paid. Additionally, a construction management consultant will be utilized therefore services to current customers will not be impacted. He noted any property damage caused by technicians is corrected as soon as possible.

Mayor Jeni Arndt thanked the speakers.

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

None.

## J) CONSENT CALENDAR

### 1. Consideration and Approval of the Minutes of the May 2, 2023 Regular Meeting.

*The purpose of this item is to approve the minutes of the May 2, 2023 regular meeting.*

**Approved.**

### 2. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership (HOME) Program Funds.

*A. Second Reading of Ordinance No. 066, 2023, Making Supplemental Appropriations in the Community Development Block Grant Fund.*

*B. Second Reading of Ordinance No. 067, 2023, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.*

*These Ordinances, unanimously adopted on First Reading on May 2, 2023, appropriate the City's FY2023 Community Development Block Grant (CDBG) Entitlement Grant and Fiscal Year (FY) 2023 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2021 and FY2022 and HOME Program Income from FY2021 and FY2022.*

**Adopted Both Ordinances on Second Reading.**

### 3. Second Reading of Ordinance No. 068, 2023, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the North College Mobile Home Park Rezoning.

*This Ordinance, unanimously adopted on First Reading on May 2, 2023, amends the Zoning Map and rezones the North College Mobile Home Park (the "Property") from the Service Commercial (CS) and Low Density Mixed-Use Neighborhood (LMN) zone districts to the Manufactured Housing (MH) zone district. Half the Property is the CS zone district, and the other half is the LMN zone district. With the proposed rezoning both of those would change to the MH zone district, which would cover the entirety of the property. The 33-acre Property is located southwest of the North College Avenue and Willox Lane intersection. The proposed rezoning was initiated by the City and continues a series of rezonings begun in 2020 to rezone existing mobile home parks to the MH zone district to promote the preservation of existing manufactured housing communities.*

*The rezoning request is subject to Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission voted 5 to 1 at their March 23, 2023, hearing to recommend approval of the rezoning.*

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

***Adopted on Second Reading.***

4. **Second Reading of Ordinance No. 069, 2023, Making Supplemental Appropriations, Appropriating Prior Year Reserves, and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.**

*This Ordinance, unanimously adopted on First Reading on May 2, 2023, appropriates local match funds and enables the City to receive and expend Federal and Colorado Department of Transportation (CDOT) funds to proceed forward with the Project. The funds will be used for the final 100% design and outreach regarding improvements along West Elizabeth Street from Mason Street and the Colorado State University (CSU) campus to Overland Drive. If adopted, the following amounts will be appropriated: (1) \$651,628 from Transportation Capital Expansion Fee and unanticipated revenue from Transfort funds; (2) \$616,124 of matching CSU-provided funds; and (3) \$1,232,248 of Multi-Modal Options Funding grant funds for the Project. The amount of \$6,516 will be appropriated to the Art in Public Places Program.*

***Adopted on Second Reading.***

5. **Second Reading of Ordinance No. 070, 2023, Vacating a Portion of Impala Circle Right-of-Way.**

*This Ordinance, unanimously adopted on First Reading on May 2, 2023, approves the vacation of Impala Circle right-of-way 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 to provide continued access for the neighboring properties.*

***Adopted on Second Reading.***

6. **First Reading of Ordinance No. 072, 2023, Authorizing the Disposition of a Portion of a Shared Parking Easement and the Execution of an Amendment to the Shared Parking and Access Easement Deed and Agreement.**

*The purpose of this item is to approve the reduction of a shared parking and access easement previously dedicated to the City and to authorize the execution of an amendment to the agreement that granted such easement. City Code Section 23-111 requires City Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City. The original agreement was to allow for shared parking and access on the property located at the northwest corner of Drake Road and College Avenue for users of the MAX bus line. The goal for amending the shared parking space is to add an additional area for shared parking and additional parking spaces and to revise the original boundary so that it better conforms with proposed development's parking lot layout.*

***Adopted on First Reading.***

**7. Items Relating to Connexion Service in Larimer County.**

*A. Resolution 2023-045 Authorizing the Execution of an Intergovernmental Agreement Between the City and Larimer County for Extension of Broadband Utility Services into Unincorporated Larimer County Beginning with Areas Near the Harmony Road and Taft Hill Road Intersection.*

*B. First Reading of Ordinance No. 073, 2023, Appropriating Unanticipated Revenue from Larimer County and Authorizing Transfers of Appropriations for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony Road and Taft Hill Road Intersection and Related Art in Public Places.*

*The purpose of this item is to enter into an Intergovernmental Agreement (IGA) to enable the City and Larimer County to collaborate to provide Connexion broadband communication service within unincorporated Larimer County, including within the City's Growth Management Area. The initial project under the IGA to provide service to an area near the intersection of Harmony Road and Taft Hill Road will establish a cost- and revenue-sharing relationship through which the County will provide \$3.58M to fund the design and construction of the expansion of Connexion service on behalf of the County. Upon appropriation of these funds and completion of this work, approximately 1,000 premises will be connected to Connexion service, and Connexion will thereafter share with the County a portion of the service revenue from these areas, subject to annual appropriation. Subsequent projects will be authorized through similar work orders executed pursuant to the IGA.*

***Adopted Resolution and Ordinance on First Reading.***

**8. Resolution 2023-046 Appointing Two Board Members to the Boxelder Basin Regional Stormwater Authority Board of Directors Being One Selected by the City and One Jointly Selected by the City and Larimer County.**

*The purpose of this item is to consider making two appointments to the Board of Directors of the Boxelder Basin Regional Stormwater Authority.*

***Adopted.***

**END OF CONSENT CALENDAR**

***Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-8 on the Consent Calendar.***

***The motion carried 7-0.***

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

Mayor Arndt noted a name spelling correction in the May 2, 2023 minutes.

**L) STAFF REPORTS**

None.

**M) COUNCILMEMBER REPORTS**

Councilmember Shirley Peel

- Attended Community Foundation Celebration of Philanthropy.

- Attended a Fox Meadow Creek walking tour with staff who did a great job with dialogue with the neighborhood regarding the current Land Use Code and what would have been allowed under the Land Development Code.
- Noted the Old Town trolley is back in service, and she participated in the inaugural ride with Mayor Arndt.
- Congratulated the City employees who were recognized at the City Employee Recognition breakfast.
- Attended the wreath laying with Mayor Arndt for Peace Officer Memorial Day and recognized this week as Peace Officer Memorial Week.

Councilmember Susan Gutowsky

- Congratulated the City employees who were recognized at the City Employee Recognition breakfast.
- Participated in the VIP inaugural trolley ride.
- Attended Arbor Day festivities at Irish Elementary School and noted the Forestry Department planted ten trees at the school.
- Attended the Homeward Alliance Un-gala at Lory Student Center.
- Recognized National Tourist Week and an associated Visit Fort Collins event at the former Macy's.
- Participated in land use walking tours in Parkwood and on Smith Street.
- Reported on the Land Use Code open house at the Lincoln Center.

Councilmember Tricia Canonico

- Thanked the attendees of the Land Use Code open house.
- Attended the unveiling of the Visit Fort Collins new Promise for Fort Collins brand.

Councilmember Kelly Ohlson

- Commented on the controversial return of the trolley years ago noting Councilmembers were sued personally and punitively.
- Commented on other controversial issues from the past including natural areas and the Fort Collins Loveland corridor.

Mayor Jeni Arndt

- Invited to participate in the National Security Forum in Montgomery, Alabama at the Maxwell Air Force Base.
- Acknowledged those who serve in the armed forces.
- Acknowledged Peace Officers who protect the rule of law.
- Acknowledged CSU students who have participated in the civic process and have worked to build bridges between the city and CSU.
- Attended the CSU Student Association's inaugural ball of its new cabinet.

***Clerk's Note: Mayor Arndt called for a break at 8:06 p.m. The meeting resumed at 8:25 p.m.***

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

None.

## O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

### 9. **Second Reading of Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest.**

*This Ordinance, adopted on First Reading on May 2, 2023, by a vote of 6-1 (Nay: Peel), amends the Fort Collins Land Use Code to include 1041 regulations. The 1041 powers give local governments the ability to regulate particular development projects occurring within their jurisdiction, even when the project has broader impacts. The 1041 regulations would allow for reviewing and permitting of two designated areas and activities of statewide interest: (1) major domestic water, sewage treatment; and (2) highway projects. Staff has amended the Ordinance to reflect the motion adopted by Council on first reading on May 2, 2023.*

Planning, Development and Transportation Deputy Director Paul Sizemore introduced the item before turning the presentation over to Senior Environmental Planner Kirk Longstein who presented as set forth in the slide deck in the agenda packet, including the amendments made as part of the first reading and two additional changes that are being recommended by staff.

#### PUBLIC COMMENT

Joe Rowan, District 5, expressed concern the City cannot manage the program and explained potential issues given decisions would be made by third party consultants, not members of City staff.

#### COUNCIL DISCUSSION

Mayor Arndt thanked staff for the overview and asked staff to address Mr. Rowan's concern regarding consultant selection. Longstein replied the City will be using third-party contractors, selected through a request for proposal process, to get the program set up in the first year and stated staff will be involved in the program administration and project review.

Councilmember Peel asked if the financial guarantees that are included are standard in other processes. Longstein replied it is common when development permits related to environmental protections are being reviewed and financial security to ensure performance is required if the development application is reviewing mitigation plans.

Mayor Arndt asked about estimated costs of obtaining a 1041 permit. Longstein replied permit fees would be approximately \$24,000 for the full permit application plus any third-party consultant fees, though analysis is still being completed. He stated the total timeframe for a full permit will be around six to nine months.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on second reading Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest.***

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to amend the motion on the floor amending the ordinance to include Amendment #1 as included in the Council materials.***

***Motion carried 7-0.***

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to amend the motion on the floor amending the ordinance to include Amendment #2 as included in the Council materials.***

Councilmember Peel asked if additional mitigation is required if there is other development review on top of the 1041 review. Longstein replied the security at the FONSI level is only related to a mitigation plan. Sizemore noted no additional permitting with the City would be required for a project that is issued a FONSI.

***Motion carried 7-0.***

Mayor Arndt requested a report in a year regarding the effectiveness of the regulations and monitoring the financial performance of the program.

Councilmember Ohlson stated this proposal is toned down from other communities in the state and is not dramatic but is very cautious. He noted the County has far more comprehensive 1041 regulations than this proposal.

Mayor Pro Tem Francis stated she would support the item and concurred with the request for a report in a year.

***The motion on the amended motion carried 6-1.***

***Ayes: Councilmembers Ohlson, Canonico, Pignataro, Gutowsky, Mayor Arndt, Mayor Pro Tem Francis.***

***Nay: Councilmember Peel.***

**10. 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.*

Ginny Sawyer, Senior Policy and Project Manager, provided information on the public outreach efforts which have occurred since the item was first discussed in November of 2022. She noted the implementation date for these regulations would be January 1, 2024 thereby providing an adequate timeframe for businesses to adjust and prepare. She noted the regulations would apply to all businesses in Fort Collins.

Sawyer outlined the state minimum wage numbers and stated this ordinance includes two options for timing of a local minimum wage increase.

**PUBLIC COMMENT**

Nathan Hoffman, United Food Workers union steward, supported adoption of the minimum wage ordinance stating workers cannot make ends meet given rising inflation and wages remaining the same.

Charles Brennan, Colorado Center on Law and Policy, commented on the Self Sufficiency Standard report which analyzes the income needs and requirements for households by examining the costs they face in a range of budget areas, including housing, transportation, health care, and childcare. In addition to raising the minimum wage, municipalities can look at addressing housing and childcare costs.

Kendal Stevenson, PhD student at CSU in Economics, spoke in favor of the minimum wage ordinance and offered statistics related to the New York City minimum wage increase which showed the restaurant industry thrived after the increase.

Kevin Caffrey stated the Central Labor Council has yet to be contacted by staff despite representing over 35,000 workers in the area and expressed support for the minimum wage increase.

Joe Rowan, Fort Collins resident, stated wages do not account for many expenses and Council has not discussed the financial consequences of this action. He provided arguments against raising the minimum wage.

## COUNCIL DISCUSSION

Councilmember Tricia Canonico referenced studies for larger cities and asked about studies on smaller cities. Sawyer replied there are few comparable studies for smaller cities and noted direct cause and effect comparisons are difficult to come by.

Mayor Jeni Arndt stated she voted in favor of the minimum wage increase at the state level and concurred with all of the speakers; however, she stated the issue is complicated given businesses could relocate to nearby cities and tipped employees cannot be exempted. She stated Fort Collins businesses treat their employees well and small businesses would be lost or move with this change. She stated she will not be supporting the ordinance.

Mayor Pro Tem Francis asked if work that is performed within the geographic boundaries of Fort Collins would need to abide by the local minimum wage. Sawyer replied in the affirmative.

Mayor Pro Tem Francis stated allowing municipalities to set their own local minimum wage acknowledges that the cost of living varies throughout the state, and it has increased dramatically in Fort Collins. She commented on the importance of supporting local families and students and stated Council does have control over a local minimum wage. She noted much of the Fort Collins workforce commutes in from neighboring communities and stated this ordinance will help alleviate disparities.

Councilmember Pignataro concurred with Mayor Pro Tem Francis' comments regarding the cost of living differing throughout the state. She commented on the history of the topic and expressed support for option B.

Councilmember Canonico stated she can see both sides of this topic and acknowledged it is a tough issue. She noted there are six states with a higher minimum wage than Colorado and fifteen states that include a mechanism for annual minimum wage increases, including Colorado. She stated that Fort Collins is better than most areas of the country despite its high cost of living. She suggested increasing minimum wage by 2.5% over CPI to help alleviate the impacts on businesses.

Councilmember Gutowsky commented on the market driving wages rather than Council imposing a mandated minimum wage. Additionally, she stated many businesses are thriving and care very much for their employees noting 85% of Fort Collins businesses have less than 50 employees and the business owners also need to take home paychecks. She stated she will not be supporting the ordinance.

Councilmember Ohlson stated he felt the staff report should have included all original options and commented on the importance of siding with workers who deserve a fair wage. He stated the worst case scenarios do not usually happen and giving workers more money increases spending at small businesses in the community. He stated this vote is one of the most important of the tenure of this Council and expressed support for the largest minimum wage increase. He noted businesses with fewer than 20 employees and tipped workers cannot be excluded based on state requirements.

Councilmember Peel noted this issue has so many variables and stated regulations drive up costs, which she would prefer to examine to ease the cost of living burden. She stated small businesses drive the Fort Collins economy and the businesses and non-profits she has communicated with have indicated they cannot handle much more regulation.

Mayor Pro Tem Francis commented on the importance of giving people control of their own economy.

Mayor Arndt noted Council would not have any skin in the game if it mandated a minimum wage increase and she commented on governmental enhanced income programs.

Councilmember Canonico suggested adding an item to the legislative agenda regarding amending the minimum wage law at the state level to exclude tipped workers and smaller businesses.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on first reading Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.***

***The motion failed 3-4.***

***Nays: Councilmembers Gutowsky, Peel, Canonico, Mayor Arndt***

***Ayes: Councilmembers Pignataro, Ohlson, Mayor Pro Tem Francis***

Councilmember Canonico stated she believes this is a regional conversation and staff should continue to reach out to regional partners; therefore, she suggested continuing outreach with the Boulder Consortium of Cities. Mayor Arndt suggested bringing it up under Other Business.

**11. First Reading of Ordinance No. 074, 2023, Amending the Land Use Code to Include Regulations for Making Water Adequacy Determinations.**

*The purpose of this ordinance is to amend the Fort Collins Land Use Code to include water adequacy determinations for new development and redevelopment. The regulations are divided into three different categories: one for established potable water supply entities, one for new potable water supply entities, and one for non-potable water supply entities. The goal is to comply City of Fort Collins Page 6 of 7 with Colorado state statute (Section 29-20-301, et seq., C.R.S.) and to make sure development has the necessary water supply.*

*Water is a crucial and constrained resource, and the City strives to ensure that development meets the community's vision and expectations for responsible resource management. City Plan includes policies to ensure water is used wisely and our community is prepared for a changing climate. Currently, development within the City only occurs within the boundaries of existing City (Fort Collins Utilities) and special district potable water supply entities, such as Fort Collins Loveland Water District and East Larimer County Water District. A project is determined to have an adequate water supply through the issuance of a "will serve" letter from the established potable water supply entity at the time of development plan or building permit approval.*

*The necessity for an updated water adequacy review program stems from the limited supply and high cost of water resources, which have resulted in developers pursuing more creative ways to provide both potable and non-potable water to their proposed developments, particularly projects striving to provide affordable housing or the denser development patterns called for in City Plan.*

Deputy Director of Planning, Development, and Transportation Paul Sizemore stated this item would create a new water adequacy determination process for development projects and it includes three distinct policy decision points that would impact the way the process functions.

Jenny Axmacher, Principal Planner, noted the requirement for this process stems from a Colorado statute requiring development applications to satisfactorily demonstrate that the proposed water supply will be adequate. Axmacher outlined the current process of 'will serve' letters and detailed the proposed water adequacy evaluation process. She noted that the technical nature of the determinations led staff to believe they should not be appealable as it would be more appropriate for the court to weigh in through a rule 106 action.

Axmacher provided a summary of feedback received from providers and stated staff has identified three decision points for Council consideration: one dealing with the determination timing, one dealing with established provider review, and one dealing with a provision that new providers gain consent from the existing service area provider, which is the most polarizing issue of the three. Axmacher noted the Planning and Zoning Commission recommended that Council not adopt the proposed Code and allow for additional time to consider the impacts of the timing of determination and to further understand implications of appealing the decision of a special district. She stated staff is recommending approval of the proposed changes.

#### PUBLIC COMMENT

Tim Goddard, Council for ELCO, noted the discussion on decision point three at the Planning and Zoning Commission was contentious and commented on the process an existing provider is required to follow if an applicant requests to be removed from its service area.

Joe Rowan stated this item is an example of poor planning creating an emergency and commented on the lack of dialogue early in the process. He commented on the history of the creation of water districts and stated the best option would be for Council to postpone consideration of the item.

Max Moss, Montava developer, stated the City must control its own growth, which is dictated by the cost and availability of water supplies, and expressed concern ELCO does not plan to relinquish its right to provide water to the Montava project. He suggested the City does not need to require the consent of existing service providers.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that the City Council go into executive session for the purpose of meeting with the City's attorneys and City management staff to discuss the following matters as permitted under City Charter Article Two, Section Eleven (Two), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):***

- 1. Specific legal questions related to water court litigation affected by the proposed Land Use Code regulations for making water adequacy determinations; and***
- 2. The manner in which the proposed Land Use Code regulations for making water adequacy determinations may be affected by existing or proposed provisions of federal, state or local law.***

***The motion carried 6-1.***

***Ayes: Councilmembers Gutowsky, Peel, Canonico, Pignataro, Mayor Pro Tem Francis, Mayor Arndt***

***Nay: Councilmember Ohlson***

Mayor Arndt called meeting back to order at 10:57 p.m.

#### COUNCIL DISCUSSION

Councilmember Peel stated that while a water adequacy policy is necessary, she is not comfortable making a decision on this item tonight and will vote no until she can do additional research.

Mayor Pro Tem Francis stated she would be in favor of postponing the item and having a work session prior to considering the item for a vote. Councilmember Pignataro concurred.

**Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to postpone indefinitely Ordinance No. 074, 2023, Amending the Land Use Code to Include Regulations for Making Water Adequacy Determinations.**

**The motion carried 6-1.**

**Ayes: Councilmembers Peel, Canonico, Pignataro, Gutowsky, Mayor Pro Tem Francis, Mayor Arndt.**

**Nay: Councilmember Ohlson**

## **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.)*

Councilmember Canonico requested support to continue discussions with the Boulder Consortium of Cities regarding a minimum wage increase and to reach out to other communities to ask them to join as well.

Councilmember Pignataro suggested forming our own regional consortium for resuming work to try to develop a more regional solution to the local minimum wage issue.

Ginny Sawyer, Senior Policy and Project Manager, stated she is engaged with the Boulder Consortium and will continue efforts to work more regionally and will provide reports to Council on progress as it occurs.

Councilmember Canonico requested support to bring the topic to the legislative agenda. Sawyer replied it will be added to the Legislative Review Committee agenda.

### **OB 2. Consideration of a Request to Extend the Time for the Ziegler/Corbett Appeals.**

*City Code Section 2-52(c) authorizes the City Manager at any time prior to the expiration of the time for Council to hear an appeal, to request that Council approve the extension of time for hearing an appeal in the event of scheduling difficulties or notice defects.*

*Two appeals have been filed regarding the Planning and Zoning Commission's March 23, 2023, decision approving the Ziegler/Corbett Overall Development Plan Major Amendment, MJA220004. Questions have arisen regarding the scheduling of the hearing on these appeals. As a result, the City Manager has requested that Council approve the extension of time for hearing these appeals from June 22 to September 5, 2023. Here is the requested motion:*

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that Council extend the time for the hearing of the appeals filed regarding the Planning and Zoning Commission's March 23, 2023, decision approving the Ziegler/Corbett Overall Development Plan Major Amendment, MJA220004, to September 5, 2023.**

**The motion carried 7-0.**

OB 3. Motion to Adjourn this meeting to 6:00 pm on May 23, 2023:

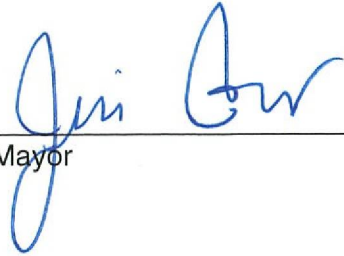
*Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, that Council adjourn this meeting to 6:00 p.m. on Tuesday, May 23, 2023, in order to select a second alternate to the North Front Range Metropolitan Planning Council for the June meeting.*

*The motion carried 7-0.*

**Q) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 11:07 p.m.



  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Chief Deputy City Clerk