



FLORENCE CITY COUNCIL
Regular Meeting Agenda
Monday, March 3, 2025, 6:30 PM

Watch this meeting live on the City's YouTube channel at
<https://www.youtube.com/@CityofFlorenceCO>

1) CALL TO ORDER & PLEDGE OF ALLEGIANCE

City Council Chambers, 600 W. 3rd Street, Florence, CO 81226

2) ROLL CALL:

Mayor Wolfe
Councilman Vanhoutan
Councilman Stiefel
Councilwoman Stone
Councilman Mergelman
Councilwoman Gardner
Councilwoman MacKinnon

3) PUBLIC COMMENTS

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion (three minutes).

4) CONSENT AGENDA

- a) Consider approving the minutes as written for the Regular City Council Meeting on February 18, 2025
- b) Consider approving City expenditures prepared on February 20, 2025, in the amount of \$20,108.90 and February 28, 2025, in the amount of \$119,990.03
- c) Consider approving the Temporary Use Permit for the Florence Brewing Company
- d) Consider approving the temporary Modification of Premises for the Florence Brewing Company

5) NEW BUSINESS

- a) Consider adopting an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code
- b) Consider adopting an Ordinance amending Florence, Colorado Municipal Code Chapter 2.04.010, City Council – City Council Rules of Procedure
- c) Consider adopting a Resolution providing for the adoption of the Fifth Addendum of the Agreement on Water Fees of the Regional Water Agreement

6) COUNCIL REPORTS

- a) City Council Reports
- b) City Manager Reports

7) EXECUTIVE SESSION(S): IF NECESSARY

Pursuant to C.R.S. §24-6-402(4)(b), an executive session for the purpose of conferencing with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions pertaining to any item listed on the agenda herein and/or any related discussion that may arise thereto. Such executive session may be entered into at any time or at any point on the agenda, if necessary and with the requisite Council approval.

8) ADJOURNMENT: Adjournment until the next regular City Council Meeting
Monday, March 3, 2025



FLORENCE CITY COUNCIL
Regular Meeting Minutes
Tuesday, February 18, 2025, 6:30 PM

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<https://www.youtube.com/@CityofFlorenceCO>

1) CALL TO ORDER & PLEDGE OF ALLEGIANCE

City Council Chambers, 600 W. 3rd Street, Florence, CO 81226

Mayor Wolfe called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

2) ROLL CALL:

Mayor Wolfe	Present
Councilman Vanhoutan	Present
Councilman Stiefel	Present
Councilwoman Stone	Absent
Councilman Mergelman	Present
Councilwoman Gardner	Present
Councilwoman MacKinnon	Absent

OTHERS PRESENT: City Clerk Cortlyne Huppe, City Manager Amy Nasta, and City Attorney Dan Findlay.

3) PUBLIC COMMENTS

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion (three minutes).

Joel Elliot- Florence Chamber of Commerce President
Invited the City Council to the business after-hours event.

Cathey Young- 220 East 6th Street
Distributed a handout to the City Council and presented the 2024 year-end report from the Tree Board. She recited the board's accomplishments, research projects, and community engagement initiatives.

Sun Kinzer- 302 Wilson Avenue
Reported the Triangle Park playground equipment needed attention and requested more City Council discussion on agenda items.

4) CONSENT AGENDA

- a) Consider approving the minutes as written for the Regular City Council Meeting on February 3, 2025
- b) Consider approving City expenditures prepared on February 6, 2025, in the amount of \$83,623.55 and February 13, 2025, in the amount of \$84,512.67
- c) Consider approving the annual liquor license renewal for Oak Creek Grill & Tavern
- d) Consider approving the Temporary Use Permit for the Florence Chamber of Commerce
- e) Consider approving the Special Events Permit for the Florence Chamber of Commerce

Mayor Wolfe requested item 4d be removed from the Consent Agenda.

Councilor Gardner motioned to approve the Consent Agenda, excluding item 4d. Councilor Mergelman seconded. With the Councilmembers voting in favor of the motion, the motion carried.

City Clerk Cortlyne Huppe elaborated on the new Temporary Use Permit application. The application is a more intensive and updated version of the City's former Street Closure application. The Temporary Use Permit would be used for street closures or large park events and requires more accountability from community event-holders.

Councilor Mergelman motioned to approve the Temporary Use Permit for the Florence Chamber of Commerce. Councilor Vanhoutan seconded. With the Councilmembers voting in favor of the motion, the motion carried.

5) OLD BUSINESS

- a) Consider approving the second reading of Ordinance No. 1-2025, an Ordinance declaring, establishing, amending, and creating codes, procedures, and policies for administration and personnel, including the City Council, City Manager, City Attorney, Municipal Courts, purchase of City property, and salaries, amending chapters 2.04, 2.08, 2.12, 2.16, 2.40, and 2.44, and repealing chapters 2.22, 2.28, 2.32, 2.34, 2.36, 2.48, 2.50, 2.51, and 2.52 of Title 2 – Administration and Personnel of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith.

City Manager Amy Nasta stated this is the statutorily required second reading of the ordinance. The City Council would see the City Council Rules and Procedure at the next meeting.

City Attorney Dan Findlay noted a typo in the ordinance's original reading, but clarified it was not part of the City Council's motion.

Motion to Approve the second reading of Ordinance No. 1-2025, an Ordinance declaring, establishing, amending and creating codes, procedures and policies for administration and personnel, including the City Council, City Manager, City Attorney, Municipal Courts, purchase of City property, and salaries, amending chapters 2.04, 2.08, 2.12, 2.16, 2.40, and 2.44, and repealing chapters 2.22, 2.28, 2.32, 2.34, 2.36, 2.48, 2.50, 2.51, and 2.52 of Title 2 – Administration and Personnel of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith: Councilor Stiefel
Seconded by: Councilor Mergelman

5 Ayes

Motion passed: 5 – 0

6) NEW BUSINESS

- a) Consider accepting Street Rankings based on the Street Needs Assessment as the Basis of a Pavement Management Plan for the City of Florence

City Manager Nasta referenced the City Council's 5:30 p.m. work session. This Pavement Management Plan was based on the Street Needs Assessment from 3 Rocks Engineering. It will serve as part of the City's Capital Improvement Plan. The intent is to approve and prioritize the top twelve streets, and then coordinate budgeted projects from the rankings.

Mayor Wolfe inquired about a general timeframe for publishing the RFPs.

City Manager Nasta stated Public Works Director Sam Elstun would put an RFP together by the end of the week or early next week for publishing. The process normally takes about a month.

She also clarified this Pavement Management Plan was for major street projects, not including mandatory maintenance or disastrous events.

Sue Kinzer inquired when the projects would start.

City Manager Nasta stated project starts are unknown until the RFP process concludes.

Councilor Mergelman noted the projects would have to be coordinated around the community events.

Kevin Mahmalij questioned when the City Council would solicit input from the public.

Mayor Wolfe stated the reason for the street analysis from 3 Rocks Engineering was to provide an unbiased report on the streets and their condition.

Motion to Accept the Street Needs Assessment Suggested Street Rankings based on the Street Needs Assessment (Street Pavement Assessment) for the City of Florence, Colorado as conducted by 3 Rocks Engineering and Surveying as the Basis of a Pavement Management Plan for the City of Florence: Councilor Gardner

Seconded by: Councilor Vanhoutan

5 Ayes

Motion passed: 5 – 0

7) COUNCIL REPORTS

a) City Council Reports

Councilor Mergelman attended the Fremont County Planning Commission, Mayor's Round Table, and the Florence Arts Council meeting.

Councilor Gardner expressed excitement for the Florence Merchant's new downtown benches.

Mayor Wolfe attended the Senior Coffee Chat, Florence Merchant's meeting, the Tree Board, and the Colorado Mayoral Leadership Function in Canon City. He also met with Holcim and announced their new quarry re-location.

b) City Manager Reports

City Manager Nasta clarified the article presented by the Tree Board which was denied by the City Manager, was a press release, and was almost duplicative of a Daily Record article previously published. The City reserves press releases for items with immediate urgency. It was suggested the Tree Board pursue a follow-up article or supplemental piece with the newspaper. She announced the Personnel Policies and City Council Rules & Procedures would be on the next meeting's agenda.

City Attorney Findlay stated the Black Hills Rate Case deliberations had started, but no formal decision was made. The Public Utilities Commission received and considered Florence's testimony. He also noted the surge of CORA requests that City Hall had been processing in the past couple of weeks, and how processing these requests resulted in a delay of the previously stated policies for the agenda. City Attorney Findlay then announced a governance refresher workshop for the City Council before the next meeting.

8) EXECUTIVE SESSION(S): IF NECESSARY

Pursuant to C.R.S. §24-6-402(4)(b), an executive session for the purpose of conferencing with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions pertaining to any item listed on the agenda herein and/or any related discussion that may arise thereto. Such executive session may be entered into at any time or at any point on the agenda, if necessary and with the requisite Council approval.

9) ADJOURNMENT: Adjournment until the next regular City Council Meeting
Monday, March 3, 2025

Councilor Gardner motioned to adjourn the meeting. Councilor Vanhoutan seconded. With all of the Councilmembers voting in favor of the motion, the motion carried.
Mayor Wolfe adjourned the City Council Meeting at 7:03 p.m.

CITY OF FLORENCE, CO

BY: _____
Steve Wolfe, Mayor

RESPECTFULLY SUBMITTED: _____
Cortlyne Huppe, City Clerk

Report Criteria:

Detail report type printed

Vendor Number	Name	Invoice Number	GL Account	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
201	ATMOS ENERGY	3016435394	0140608751	MUNI CENTER	1	02/06/2025	1,160.26	.00	1,160.26	20252007	02/20/2025
		3016936816	0243607710	Filtration Plant	1	02/10/2025	1,233.52	.00	1,233.52	20252008	02/20/2025
		3017912536	0444151900	pool	1	02/07/2025	187.19	.00	187.19	20252005	02/20/2025
Total 201:							2,580.97	.00	2,580.97		
332	Pueblo Dept of Public Heal	14000	0243707810	WATER TESTING	1	02/06/2025	84.00	.00	84.00	45843	02/20/2025
		14186	0243707810	WATER TESTING	1	01/21/2025	84.00	.00	84.00	45843	02/20/2025
Total 332:							168.00	.00	168.00		
861	CIRSA	INV1000984	0141106700	PC Deductible	1	01/28/2025	4.96	.00	4.96	45839	02/20/2025
		WINVI10021	0142101960	DEDUCTIBLE WC	1	02/20/2025	15.10	.00	15.10	20252006	02/20/2025
Total 861:							20.06	.00	20.06		
916	MARTIN AND WOOD	28105	0243707890	ENG fees	1	01/31/2025	1,195.00	.00	1,195.00	45841	02/20/2025
		28106	0243707890	ENG fees	1	01/31/2025	1,261.50	.00	1,261.50	45841	02/20/2025
		28107	0243707890	ENG fees	1	01/31/2025	1,708.50	.00	1,708.50	45841	02/20/2025
		28108	0243707890	ENG fees	1	01/31/2025	484.00	.00	484.00	45841	02/20/2025
Total 916:							4,649.00	.00	4,649.00		
923	ALSCO	LDEN307069	0143102000	UNIFORM RENTAL-Street	1	02/19/2025	188.82	.00	188.82	45837	02/20/2025
Total 923:							188.82	.00	188.82		
1253	AT & T MOBILITY	2872703950	0241505000	Water Tower	1	02/06/2025	84.96	.00	84.96	45838	02/20/2025
Total 1253:							84.96	.00	84.96		
2219	CHARTER COMMUNICATI	1726308010	0141505000	CITY HALL	1	02/07/2025	139.98	.00	139.98	20252001	02/20/2025
		1726308010	0444152000	pool	2	02/07/2025	139.98	.00	139.98	20252001	02/20/2025
		1726308010	0143105000	shop	3	02/07/2025	239.95	.00	239.95	20252001	02/20/2025
Total 2219:							519.91	.00	519.91		

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2467	Century Link	300805105 0	0241505000	SOUTH PLANT fax	1	02/08/2025	171.20	.00	171.20	20252002	02/20/2025
		334006856 2	0241505000	SOUTH PLANT fax	1	02/13/2025	123.88	.00	123.88	20252004	02/20/2025
		334009996	0241505000	SOUTH PLANT	1	02/13/2025	287.28	.00	287.28	20252003	02/20/2025
Total 2467:							582.36	.00	582.36		
3110	Old School Concrete & Re	ADD- ON SE	1743107570	West 1st Intersection of Lo	1	02/11/2025	1,100.00	.00	1,100.00	45842	02/20/2025
		WEST 1ST A	1743107570	West 1st Intersection of Lo	1	02/11/2025	10,000.00	.00	10,000.00	45842	02/20/2025
Total 3110:							11,100.00	.00	11,100.00		
3115	Rocco F. Meconi, PC	JANUARY 20	0141203700	Jan 2025 Prosecutor	1	01/31/2025	35.50	.00	35.50	45844	02/20/2025
Total 3115:							35.50	.00	35.50		
3243	Jason Angel	UNLCAIMED	0120002400	Unclaimed Payroll Check #	1	02/19/2025	179.32	.00	179.32	45840	02/20/2025
Total 3243:							179.32	.00	179.32		
Grand Totals:							20,108.90	.00	20,108.90		

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Report Criteria:

Detail report type printed

COUNCIL ACTION FORM

MEETING DATE: MARCH 3, 2025

STAFF CONTACT: CORTLYNE HUPPE, CITY CLERK

Agenda Item: Consider approving the Temporary Use Permit for the Florence Brewing Company

Department: Administration

Staff Recommendation:

Approve the Temporary Use Permit for the Florence Brewing Company, as presented.

Background/Description of Item:

The Florence Brewing Company has submit a Temporary Use Permit requesting to close specific streets within the City of Florence.

The Temporary Use Permit lists the following dates/times:

- April 26, 2025, 7 AM to 10 PM
- May 10, 2025, 7 AM to 10 PM
- July 4, 2025, 7 AM to 10 PM
- July 26, 2025, 7 AM to 10 PM
- September 27, 2025, 7 AM to 10 PM

The temporary street closures would take place solely on the 200 block of South Pikes Peak. This Temporary Use Permit coincides with the brewery's Report of Changes application required by the Colorado Department of Revenue. Specifics regarding these modifications can be found on the attached map.

Upon approval, street closure maps and details will be shared with the Colorado State Patrol, Florence Police Department, and Florence Fire Protection District.

Financial Impact:

None

Attachments:

- Temporary Use Permit
- Proposed Street Closure Maps

Suggested Motion:

Approve the Temporary Use Permit for the Florence Brewing Company, as presented.



TEMPORARY USE PERMIT APPLICATION

City of Florence
600 W. Third Street
Florence, CO 81226
www.cityofflorenceco.gov

REQUEST TO USE PUBLIC RIGHT-OF-WAY OR REQUEST FOR SPECIAL EVENT ON PUBLIC PROPERTY

All applications require City Council approval and must be submitted 30 days prior to the event date.

Fee _____
Permit No. _____

APPLICANT INFORMATION

Name(s) Florence Brewing Company
Contact Michael Ryan Hogge II
Address 200 S. Pikes Peak Ave
City Florence State CO Zip 81226
Phone 719-784-7441 (Brewery) Email maretta@florencebrewing.com

EVENT COORDINATOR INFORMATION (If different from applicant, contact must be reachable on event day.)

Name(s) Maretta Beel
Contact _____
Address 200 S. Pikes Peak Ave
City Florence State CO Zip 81226
Phone 719-242-3761 (cell) Email maretta@florencebrewing.com

SITE INFORMATION

Facilities to be utilized South Pikes Peak Ave Between Railroad St. + Front Street
Property Address _____ Current Land Use street

USE SPECIFICATIONS

Type of Use/Activities to Take Place Block Party
Name of Event Block Party
Days and Hours of Operation 4/26/25, 5/10/25, 7/4/25, 7/26/25, 9/27/25
Starting Date/Time 7am Ending Date/Time 10pm
Include time needed for setup and cleanup
Anticipated # of attendees 300 Anticipated # of workers/volunteers _____
Cost of attendance - Free - Anticipated # of vendors 3-5



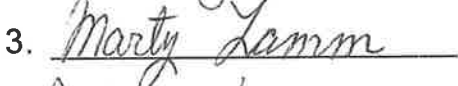
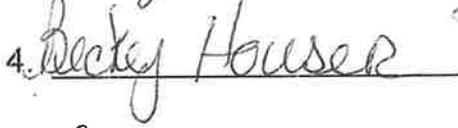
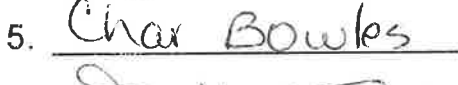
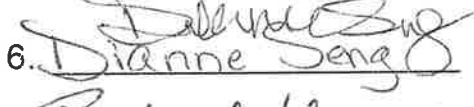
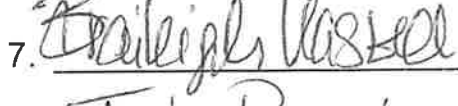
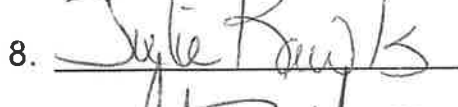

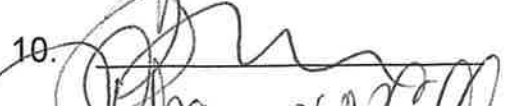
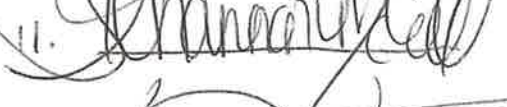

SIGNATURE

I/We, am/are the applicant for use of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a temporary use permit as indicated above.

Signature: Michael Ryan Hogge II Date 1/29/25

PETITION FOR TEMPORARY USE APPLICATION

I, _____, do hereby state that I am an adjacent property owner or tenant of the subject location, and support the application submitted by the applicant below:

	Signature	Printed Name of owner or tenant	Address
1.		Harriet Stevenson	100 Railroad St
2.		Amy Byrd	200 S. Pikes Peak
3.		Marty Lamm	100 E. Front St.
4.		Becky Houser	123 S. Pikes Peak Ave
5.		Char Bowles	105 W. Front St.
6.		Dianne Seng	124 S. Pikes Peak
7.		Braleigh Hosken	200 S. Pikes Peak
8.		Julie Rawls	113 S. Pikes Peak Ave
9.		Cody Bennett	200 S. Pikes Peak #8
10.		Brooklyn Dugger	103. Main Street
11.		Shannon McCall	113 S. Pikes Peak
12.		Roy Farris	107 W Front St



We wanted to let you know that we are applying with the City of Florence to host block parties at Florence Brewing Company that would involve street closures (on South Pikes Peak Avenue between Front and Railroad Streets) on the following dates (of course we hope you are able to come out for the fun):

April 26, 2025

May 10, 2025

July 4, 2025

July 26, 2025

September 27, 2025

The street closure will include our premises and South Pikes Peak Ave between Railroad Street and Front Street. The Fundraiser for the Pioneer Museum on April 26th will also include their premises. We will make sure that the sidewalk on the east side of Railroad Street is open for use.

Thank you,

Maretta Beel

Florence Brewing Company





AFFIDAVIT OF APPLICATION

I, Michael Ryan Hogge II am authorized to represent and bind the above listed applicant, and certify as follows:

1. That the information contained in this Special Event Application is true and correct to the best of my knowledge.
2. That the applicant, has read, understands and agrees to comply with the rules and regulations governing the proposed special event as set forth by the City of Florence..
3. To comply with all other laws, rules, regulations and requirements of the City, County, State, and Federal governments, and any other applicable entity which may pertain to or govern the use of the event venue and the overall conduct of the special event.
4. The applicant acknowledges that the acceptance of any plans required as a part of the Special Event Application does not constitute an approval or an acknowledgment by the City or the adequacy of the information contained in the plans.
5. To pay all applicable fees and/or taxes, and understands that the payment of any such taxes shall not reduce any consideration paid to the City pursuant to this special event or any other related permit.
6. I/We acknowledge that special events are required to meet all listed regulations and are the responsibility of the applicant.
7. Cancellations requested less than 15 days prior to the event will lose 50% of the deposit. Cancellations requested less than 7 days prior to the event will not receive a refund. The requests for refunds will be considered on an individual basis. Refunds will not be issued due to weather conditions existing on your event date.

SIGNATURE

I/We, am/are the applicant for use of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a temporary use permit as indicated above.

Signature:  Date 1/29/25

Print Name of organization contact: Michael Ryan Hogge II



Mohr's Wood Items

R & R Trophies

Current
License
(Green)

Florence Brewing
Company

Barricades

Barricades

Proposed
Changes
(Red)

W Front St

S Pine

Front St

E Front St

Railroad St

Railroad St

Florence Senior

COUNCIL ACTION FORM

MEETING DATE: MARCH 3, 2025

STAFF CONTACT: CORTLYNE HUPPE, CITY CLERK

Agenda Item: Consider approving the temporary Modification of Premises for the Florence Brewing Company, LLC.

Department: Administration

Staff Recommendation:

Approve the temporary Modification of Premises for the Florence Brewing Company LLC, contingent upon receipt of Special Event coverage.

Background/Description of Item:

Liquor Regulations 47-302(A): "Without the prior written consent of the local and state licensing authorities, a licensee may not make any "physical change, alteration or modification of the licensed premises..."

The Florence Brewery, located at 200 South Pikes Peak Avenue, is requesting a temporary modification of premises on the following days:

- April 26, 2025, 7 AM to 10 PM
- May 10, 2025, 7 AM to 10 PM
- July 4, 2025, 7 AM to 10 PM
- July 26, 2025, 7 AM to 10 PM
- September 27, 2025, 7 AM to 10 PM

The temporary modifications would take place on South Pikes Peak Avenue, and extend to the adjacent streets, Railroad Avenue and Front Street. The April 26 event would also extend across the Florence Pioneer Museum's floorplan as well. Specifics regarding these modifications can be found on the attached map.

The modification of premises application requires the applicant to obtain Special Event Insurance as a provision for the expanded liquor boundary. It should be noted that Special Event coverage is typically granted to an applicant by their insurer approximately 30-45 prior to the event. As such, Staff suggests making approval contingent upon receipt of proof of Special Event coverage.

With the City Council's approval, this item will also need to be processed by the Colorado Department of Revenue Liquor Enforcement Division.

Attachments:

- DR 8442: Report of Changes Application
- Proposed liquor boundary modification

Suggested Motion:

Approve the temporary modification of premises for the Florence Brewing Company LLC, contingent upon receipt of Special Event coverage.

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

Applicant is a ☐ Corporation ☐ Individual ☐ Partnership ☒ Limited Liability Company

License Number

03-14619

Name of Licensee

Florence Brewing Company LLC

Trade Name of Establishment (DBA)

Florence Brewing Company

Address of Premises (specify exact location of premises)

200 S. Pikes Peak Ave.

City	County	State	ZIP Code
Florence	Fremont	CO	81226

Business Email Address

info@florencebrewing.com

Business Phone Number

719-784-7441

Select the Appropriate Section Below and Reference the Instructions on Page 1.

Section A – Manager

- ☐ Manager's Registration (Hotel & Restaurant)..... \$30.00
- ☐ Manager's Registration (Tavern)..... \$30.00
- ☐ Manager's Registration (Lodging & Entertainment)..... \$30.00
- ☐ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.)..... No Fee

Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authority as well. Please reach out to local licensing authorities directly regarding local processing and fees.

Section B – Duplicate License

- ☐ Duplicate License \$50.00

Section C

<input type="checkbox"/>	Retail Warehouse Storage Permit (each).....	\$100.00		
<input type="checkbox"/>	Wholesale Branch House Permit (each).....	\$100.00		
<input type="checkbox"/>	Change Corporation or Trade Name Permit (each).....	\$50.00		
<input type="checkbox"/>	Change Location Permit (each).....	\$150.00		
<input type="checkbox"/>	Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change.....	\$150.00		
<input checked="" type="checkbox"/>	Change, Alter or Modify Premises.....	\$150.00 x	2	Total Fee: 300.00
<input type="checkbox"/>	Addition of Optional Premises to Existing Hotel/Restaurant	\$100.00 x		Total Fee:
<input type="checkbox"/>	Addition of Related Facility to an Existing Resort or Campus Liquor Complex.....	\$160.00 x		Total Fee:
<input type="checkbox"/>	Campus Liquor Complex Designation.....			No Fee
<input type="checkbox"/>	Sidewalk Service Area.....			\$75.00

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

Total Amount Due..... \$ 00

Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area

Note: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed

Temporary modification of premises for outdoor events. The street will be closed from 7am - 11pm on the following dates:
4/26/25, 5/10/25, 7/4/25, 7/26/25, 9/27/25

(b) If the modification is temporary, when will the proposed change:

Start (month/day/year)

End (month/day/year)

See above

See above

Note: The total state fee for temporary modification is \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?.....



Yes



No

(If yes, explain in detail and describe any exemptions that apply)

(d) Is the proposed change in compliance with local building and zoning laws?..... ☒ Yes ☐ No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?..... ☐ Yes ☒ No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Campus Liquor Complex Designation

An institution of higher education or a person who contracts with the institution to provide food services
I wish to designate my existing:

Liquor License Type

Liquor License Number

to a Campus Liquor Complex..... ☐ Yes ☐ No

Additional Related Facility

To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.

Address of Related Facility

Address

City

State

ZIP Code

Outlined diagram provided..... ☐ Yes ☐ No

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Print Name

Title

Michael Ryan Hogge II

Owner

Signature

Date (MM/DD/YY)

Michael Ryan Hogge II

01/14/25

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.

Local Licensing Authority (City or County)

Date filed with Local Authority

Signature

Title

Date (MM/DD/YY)

Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.

Signature

Title

Date (MM/DD/YY)



Mohr's Wood Items

R & R Trophies

Current
License
(Green)

Florence Brewing
Company

Barricades

Barricades

Proposed
Changes
(Red)

W Front St

S Pine

Front St

E Front St

Railroad St

Railroad St

Florence Senior



Mohr's Wood Items

R & R Trophies

Current
License
(Green)

**FBC
CURRENT
LIQUOR
LICENSE**

Barricades

**PIONEER
MUSEUM**

**LIQUOR LICENSE
MAP FOR
EVENTS ON
*4/26/25***

Barricades

Proposed
Changes
(Red)

Railroad St

Florence Senior

W Front St

Front St

E Front St

S Pi

COUNCIL ACTION FORM

MEETING DATE: March 3, 2025

STAFF CONTACT: AMY NASTA, CITY MANAGER

Agenda Item: Consider adopting an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith.

Department: Administration

Staff Recommendation:

Adopt an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith.

Background/Description of Item:

At the February 18, 2025, Regular City Council meeting, the Florence City Council adopted Ordinance 1-2025, an Ordinance providing a holistic Code revision of Title 2 of the Florence, Colorado Municipal Code (FMC).

As part of this revision, Council adopted FMC 2.04.050(C) – City Council – Term of Office – Commencement of Term, with the following language (italics added):

2.04.050 – Term of Office

Commencement of Term. Following the regular municipal election, the term of all newly elected members of the city council shall commence on the first Monday after the first Tuesday in January following their election. (CRS 31-4-105).

This language was based on Colorado Statute, specifically CRS 31-4-105, which states the following (in pertinent part; italics added):

“...The officers shall hold their respective offices for terms of two years, commencing at the first meeting of the governing body following the survey of election returns, unless the governing body provides by ordinance or resolution that terms shall commence on the first Monday after the first Tuesday in January following their election.”

Ordinance 1-2025 was intended to fulfill this function, changing the seating of the Council to the “first Monday after the first Tuesday in January following their election”. This change was recommended for several reasons included in the list of detailed changes for Title 2, included as part of the Title 2 item in the Agenda packet for both the February 3, 2025, and February 18, 2025 City Council meetings. This recommendation was as follows (in pertinent part; italics added):

“...Changed the commencement of term from following the certification of election results to January. Both are allowed under statute, but the move to January allows for the provision of a date certain for commencement of term. This is also more efficient, as the certification of election results can be delayed for reasons outside of the City’s control (this occurred during the 2023 Municipal Election). Finally, this better aligns with the statutory budget calendar by maintaining continuity of the Governing Body as a whole throughout the entirety of the budgeting process.”

As is evident, the focus was on (1) providing a date certain for seating; (2) allowing for delay in certification of election results, which is wholly outside of the City's control; and (3) to provide continuity throughout the budget process, which is substantially complete when seating occurs following certification of results, with only final approvals remaining.

While Staff was working on the edits to citations and other portions of the City Council Rules of Procedure (CCROP), specifically with regard to the selection of the Mayor Pro Tem, Staff discovered a lack of continuity and alignment between CRS 31-4-105, and CRS 31-4-207(2), where it appears the Statutory provisions for the seating of the Mayor in the Council-Manager form of Government, with a Mayor elected from the City at large (rather than chosen by and from the members of the City Council) still required to be seated immediately following the survey of election results. City Attorney Findlay reached out to several legal partners and CML with regard to this inconsistency, and it appears this is simply an inconsistency within the Statutes, with no mitigating Statutory avenue for rectification. To the best of our knowledge, Florence is the first municipality to identify this inconsistency.

Note: the selection of the Mayor Pro Tem is included in CCROP only, and is not a part of the FMC.

As this inconsistency exists, and as the Mayor in Florence's form of government must be seated following the survey of election results, an amendment to FMC 2.04.050(C) is necessary. This amendment may take the following forms:

- (1) Add language specifying the Mayor is to be seated following the survey of election results while the balance of the Council is to be seated in January, as Council has changed the seating with Ordinance 1-2025; or
- (2) Revert the language to seat all Councilmembers, including the Mayor, following the certification of election results.

The attached Ordinance is based on the selection of Option 1, which offers a compromise between following the statutory inconsistency requiring the seating of the Mayor following the survey of election results, and allowing for the sound reasoning for delaying seating of the balance of the newly elected Council members ((1) providing a date certain for seating; (2) allowing for delay in certification of election results, which is wholly outside of the City's control; and (3) to provide continuity throughout the budget process, which is substantially complete when seating occurs following certification of results, with only final approvals remaining.)

Should the Council prefer Option 2, appropriate language to the effect has been included in the "Suggested Motion" section of this CAF.

Attachments:

- Ordinance No. 2-2025

Suggested Motion:

Adopt Ordinance No. 2-2025, an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith.

Alternative Motion:

Adopt Ordinance No. 2-2025, an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith, changing the language in Section One of the proposed Ordinance as follows: "Following the regular municipal election, the term of all newly elected members of the city council, including the Mayor, shall commence at the first meeting of the governing body immediately following the survey of election returns. (CRS 31-4-105)"

ORDINANCE NO. 2-2025

AN ORDINANCE AMENDING SECTION 2.05.050(C), TERM OF OFFICE – COMMENCEMENT OF TERM, OF CHAPTER 2.04, CITY COUNCIL, OF THE FLORENCE, COLORADO MUNICIPAL CODE, AND AMENDING OR REPEALING ALL ORDINANCES OR REGULATIONS NOT IN CONFORMITY HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, COLORADO:

SECTION ONE: Chapter 2.04.050, Term of Office – Commencement of Term, is hereby amended to read as follows:

2.04.050 – Term of Office

(C) Commencement of Term. Following the regular municipal election, the term of all newly elected members of the city council shall commence on the first Monday after the first Tuesday in January following their election. (CRS 31-4-105). The Mayor shall assume office at the next regularly scheduled meeting of the City Council following the Mayor’s election (CRS 31-4-207(2)).

SECTION TWO: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

Introduced as an Ordinance, passed on its first reading, and ordered published in full in the City’s official newspaper this _____ day of _____, 2025

(SEAL)

CITY OF FLORENCE, COLORADO

Steve Wolfe, Mayor

Attest:

Cortlyne Huppe, City Clerk

Passed on its second reading and ordered published by title in the City’s official newspaper this _____ day of _____, 2025

(SEAL)

CITY OF FLORENCE, COLORADO

Steve Wolfe, Mayor

Attest:

Cortlyne Huppe, City Clerk

COUNCIL ACTION FORM

MEETING DATE: MARCH 3, 2025

STAFF CONTACT: AMY NASTA, CITY MANAGER

Agenda Item: Consider adopting an ordinance amending Florence, Colorado Municipal Code Chapter 2.04.010, City Council – City Council Rules of Procedure

Department: Administration

Staff Recommendation:

Adopt an ordinance amending Chapter 2.04.010, City Council – City Council Rules of Procedure, of the Florence, Colorado Municipal Code to incorporate, by reference, the *City Council Rules of Procedure* document.

Background/Description of Item:

At the February 18, 2025, Regular City Council Meeting, the City Council approved the second reading of Ordinance 1-2025, an Ordinance which provided a holistic edit of Title 2.

Following the approval of Ordinance 1-2025, it is necessary to further amend Chapter 2.04.010, City Council Rules of Procedure of Chapter 2.04, City Council, of the Florence, Colorado Municipal Code (FMC), as Ordinance 1-2025 changed multiple sections of the FMC, several of which were cited in City Council Rules of Procedure (CCROP), necessitating its update, which also must be done by Ordinance. Since CCROP is incorporated into the FMC by reference, and as a specific version, this reference must be updated in the FMC.

The *City Council Rules of Procedure* (CCRP) document provides the necessary guidelines for the conduct of orderly meetings of the Florence City Council. It contains rules and procedures found in City ordinances and includes best practices used by a wide variety of municipal governments.

The CCROP consists of five (5) chapters, each covering a variety of topics related to the efficient and orderly conduct of City Council meetings:

- **Authority of Rules**
 - Covers the process for the establishment of the rules contained within CCRP and their applicability;
- **Council Organization and Duties**
 - Covers how the City Council is organized; the duties of Councilmembers, the Mayor, and the Mayor Pro Tem; and succession in office;
- **Conduct of the City Council**
 - Covers how the Council is generally expected to conduct themselves both in general and with various groups including one another, the City Manager and City Staff, the public, other agencies, boards, committees, and commissions, and the media; and information on expectations regarding litigation, confidentiality, and ethics;
- **City Council Meetings and Schedules**

- Covers time and location of regular City Council meetings; and information on how and when to call other types of meetings or parts of meetings such as special meetings, work sessions, emergency meetings, executive sessions, and public hearings;
- **Meeting Guidelines and Procedures**
 - Covers general information regarding the conduct of meetings; requirements for submitting agenda items; agenda packet preparation guidelines; and information regarding the format of the City Council agenda

A detailed list of suggested changes to CCROP is attached. Many of these changes are for the purpose of aligning the CCROP with the recent updates to Title 2 of the Florence, Colorado Municipal Code (FMC), as the CCROP, while incorporated by reference into the FMC is also heavily based upon and references both Colorado State Statutes and the FMC. Some other minor changes are intended to provide clarification on items that have proven to be ambiguous over the past one year plus since the CCROP was adopted; and are intended to better align with practicality and practice.

Please note that the suggested language in Chapter 2(B) – Council Organization and Duties, Newly Elected Members, is dependent upon Council’s direction from a previous item in the March 3, 2025, Regular City Council meeting regarding the seating of Councilmembers (“Consider adopting an Ordinance amending Section 2.04.050(C), Term of Office – Commencement of Term of Chapter 2.04, City Council of the Florence, Colorado Municipal Code, and amending or repealing all ordinances or regulations not in conformity herewith.”). Staff and Legal Council will be able to provide appropriate guidance and suggested language as needed, as the language selected for both items will need to align.

The CCROP has been attached in its entirety for the Council’s review. This document has been fully reviewed by both Staff and Legal Counsel.

Should the Council elect to pass this proposed Ordinance, the CCROP will remain incorporated into the Florence Municipal Code by reference.

Attachments:

- Ordinance No. 3-2025
- *City Council Rules of Procedure*
- List of suggested changes to City Council Rules of Procedure

Suggested Motion:

Adopt Ordinance No. 3-2025, an ordinance amending Florence, Colorado Municipal Code Chapter 2.04.010, City Council – City Council Rules of Procedure

ORDINANCE NO. 3-2025

AN ORDINANCE AMENDING SECTION 2.04.010, CITY COUNCIL RULES OF PROCEDURE, OF CHAPTER 2.04, CITY COUNCIL, OF THE FLORENCE, COLORADO MUNICIPAL CODE, AND AMENDING OR REPEALING ALL ORDINANCES OR REGULATIONS NOT IN CONFORMITY HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, COLORADO:

SECTION ONE: Chapter 2.04.010, City Council Rules of Procedure, is hereby amended to read as follows:

2.04.010 – City Council Rules of Procedure

The City Council Rules of Procedure, March 3, 2025, adopted document is hereby incorporated by reference. The City Council Rules of Procedure, March 3, 2025, document provides the approved guidelines for the conduct of orderly meetings of the City Council of the City of Florence, Colorado.

SECTION TWO: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

Introduced as an Ordinance, passed on its first reading, and ordered published in full in the City's official newspaper this _____ day of _____, 2025

(SEAL)

CITY OF FLORENCE, COLORADO

Steve Wolfe, Mayor

Attest:

Cortlyne Huppe, City Clerk

Passed on its second reading and ordered published by title in the City's official newspaper this _____ day of _____, 2025

(SEAL)

CITY OF FLORENCE, COLORADO

Steve Wolfe, Mayor

Attest:

Cortlyne Huppe, City Clerk



City Council Rules of Procedure

2025 Edition

Passed on **DATE**

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CHAPTER 1 – AUTHORITY OF RULES

A. AUTHORITY

The City Council shall hereby establish its own Rules of Procedure in a clear and concise manner to assist it in the general conduct of City business. For those matters not covered by these rules, the procedure shall be decided by a majority vote of the City Council. These rules may be altered, amended or repealed by ordinance at any time by a majority vote of the City Council. Until such time as they are amended or new rules adopted by ordinance, these rules shall prevail to govern the order and conduct of business of the City Council. The rules may not be suspended by the City Council during any meeting.

During City Council discussions, deliberations, and proceedings, the Mayor has been designated with the primary responsibility to ensure that the City Council and members of the public adhere to the Council's norms and procedures.

B. APPLICATION

These procedures shall be applicable to all members of the City Council.

C. DEFINITIONS

Chair: When the term Chair is referred to in this publication, it is understood to mean the Mayor or the Mayor Pro Tem~~ma~~, in the event the Mayor is not in attendance.

City Council: The six (6) elected Council Members and Mayor, collectively.

CHAPTER 2 – COUNCIL ORGANIZATION AND DUTIES

A. CITY COUNCIL

The City Council shall consist of seven (7) members, which number shall include the Mayor and two (2) members from each ward in the City. *(F.M.C. 2.04.020)*

There shall be two (2) Councilmembers elected from each ward, each of which shall serve a four (4) year term. The terms of office shall be staggered so that one (1) Councilmember from each ward is elected every two (2) years in odd-numbered years. In the event that a vacancy in office occurs which requires the election of two (2) Councilmembers from a ward in the same election, the candidate receiving the highest number of votes shall be elected to serve a four (4) year term, and the candidate receiving the next highest number of votes shall be elected to serve a two (2) year term. At the next regular municipal election, and at each subsequent election thereafter, the Councilmembers to be elected shall serve four (4) year terms. *(F.M.C. 2.04.050(A))*

The Mayor shall be elected from the City at large, by a plurality of votes cast for that office, at the regular municipal election held in November of odd-numbered years. The Mayor shall serve for a term of two (2) years. *(F.M.C. 2.04.050(B))*

The officers elected hereunder shall be qualified pursuant to the laws of the State of Colorado. The removal from the City of any officer elected hereunder, who is required to be a qualified elector thereof, shall occasion a vacancy in such office. *(C.R.S. 31-4-101 et seq.)*

B. NEWLY ELECTED MEMBERS

Following the regular municipal election, the term of all newly elected members of the City Council shall commence on the first Monday after the first Tuesday in January following their election *(F.M.C. 2.04.050(C))*. Newly elected councilmembers shall be sworn in at a Special Meeting or Regular Meeting on this date.

The Mayor shall assume office at the next regularly scheduled meeting of the City Council following the Mayor's election *(C.R.S. 31-4-207(2)); F.M.C. 2.04.050(C))*. The Mayor shall be sworn in at a Special Meeting or Regular Meeting on this date.

C. DUTIES OF THE CITY COUNCIL

The City Council shall conduct the business of the City of Florence:

- Recognizing that the stewardship of the public interest must be of primary concern; and
- Working for the common good of the people of Florence; and

- Ensuring fair and equal treatment of all persons, claims and transactions coming before the City Council.

D. DUTIES OF THE MAYOR

The Mayor shall:

- Be the presiding officer of the City Council and shall have the same voting powers as any Council Member (*F.M.C. 2.04.030(A)(1)*);
 - Be responsible for the control, debate and order of speakers;
 - Decide all questions of order, subject to an appeal pursuant to Bob's Rules of Order by any Member to the City Council;
 - Confine debate to matters under discussion;
 - Put to a vote all matters properly presented before the City Council and to declare the result thereof for the record; and
 - Have the authority necessary to enforce the rules and prevent the misuse of motions or established procedure, the abuse of privileges, or obstruction of the business of the City Council, subject to the appeal by any Member to the City Council;
- Be considered a member of the City Council and shall be recognized as the head of the City government for all ceremonial purposes (*FMC 2.04.030(A)(2)*);
- Execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the City, as the Council members or any statutes or ordinances may require (*FMC 2.04.030(A)(3)*); and
- Exercise all powers and perform such other duties as are conferred upon him or her by state statutes and this Code (*FMC 2.04.030(A)(4)*)

E. DUTIES OF THE MAYOR PRO TEM

- Be appointed from members of the City Council by a majority vote at the first regular City Council meeting immediately following the survey certification of election results (*C.R.S. 31-4-207(2)*)
- In the absence of the Mayor, preside at City Council meetings. (*C.R.S.31-4-207(2)*)

F. SUCCESSION IN OFFICE

If any vacancy occurs in the office of a Councilmember because of death, resignation, removal, or for any other reason, the City Council shall declare a vacancy in the office, and shall fill the vacancy by a majority vote of the City Council within sixty (60) days from the declaration of the vacancy, or by special election, as provided in C.R.S. 31-4-108(b). A successor so appointed or elected shall serve until the term of a successor elected at the next regular municipal election has commenced. (*F.M.C. 2.04.060(A); C.R.S. 31-4-106; C.R.S. 31-4-108(b)*)

In case of the Mayor's death, disability, resignation, or other vacation of office, the City Council shall declare a vacancy in the office of Mayor, and, upon such declaration, the City Council may order a special election as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular municipal election has commenced, as provided in C.R.S. 31-4-105, and the City Council may appoint a registered elector in the City of Florence to act as Mayor until such special election. If the City Council does not call a special election, it shall, within sixty (60) days of the declaration of vacancy, fill the vacancy by appointment until the term of the successor elected at the next regular municipal election has commenced. (F.M.C. 2.04.060(B); C.R.S. 31-4-103; C.R.S. 31-4-105)

Appointment Process

The City Clerk will attempt, if practicable, as determined by the City, to coordinate the appointment process, if so declared by Council, beginning with the notification to the general public of the vacancy(s) on the City Council. Openings will, if possible and so long as to be in the presumed best interests of the City, be advertised for two weeks via the City's official newspaper, the City's website (<https://cityofflorence.colorado.gov/>), and/or other social media outlets.

Appointments to the City Council shall be based upon applications filed in the City Clerk's Office. Public Service Applications are always welcomed by the City Clerk and shall be kept for a period of one calendar year. The City Clerk will call upon the City Council to submit the names of potential candidates as well.

After the City Council opening has been advertised for two weeks or as otherwise deemed in the best interests of the City, the City Clerk shall provide to the City Council a list of the applicants who are qualified pursuant to the laws of the State of Colorado. The Council will then be given one week to advise the City Clerk of any potential issues with any of the candidates.

The applicants will then be invited to the next regularly scheduled City Council Meeting for an interview with the City Council. The City Council will interview the applicants at the City Council Meeting and vote to appoint one of the applicants to fill the vacant City Council position until the next election. The City Council may conduct second interviews or start the appointment process over if they believe none of the applicants are qualified. A copy of the nominee's Public Service Application will be included in the Council packet for the meeting at which the interviews will be conducted.

CHAPTER 3 – CONDUCT OF THE CITY COUNCIL

A. GENERAL CONDUCT

These rules are intended to facilitate, and not obstruct, the orderly conduct of meetings of the Florence City Council. The purpose of these rules is to provide an orderly and consistent procedure for conducting such meetings. These rules should be followed as necessary to conduct the meetings of the Florence City Council.

All Members have and share equal rights, privileges, responsibilities and obligations, which include but are not limited to the following:

- All Members present and participating in meetings have the right to make, second, or amend motions;
- All Members present and participating have the right to participate in debate when discussion is permitted;
- All Members have the right to make inquiries and seek clarification or further information on pending matters;
- All Members present for meetings have the right to vote on all matters. City Council members are strongly and legally encouraged to recuse themselves from participating in discussion about or voting on matters relating to items for which they have a conflict of interest. Conflict of interest shall be defined as having substantial interest in a topic being considered by the City Council. Substantial interest shall include the following:
 - A City Council member and/or their family or other direct beneficiaries with clear pecuniary interest (individually or collectively)
- It is important that all Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Council Members, and staff that attend the meetings. Members expecting to be absent from a meeting should notify the City Clerk prior to the meeting, who will be responsible for notifying the Mayor and/or City Manager prior to the start of any meeting, ideally with as much advance notice as possible. Proper attendance shall be defined as the following:
 - Not missing two consecutive meetings without an excuse approved by the City Manager
 - "Excuse" shall mean more than inconvenience and includes illness or family emergency, in which case the count is tolled for each and every legitimate instance, as determined by City Manager upon documentation provided.
 - Failing to attend a minimum of 2/3 of regular meetings in a rolling 12 month period.
- While in-person attendance is very strongly preferred, and potentially, if circumstances require, may be mandated, City Council members or any other essential or non-essential members needing to attend the meeting via

telephone or other technological medium shall contact the City Clerk in advance of the meeting to make arrangements to do so. Attendance via alternate channels is limited to as many members as can properly justify needing to be a remote participant of the City Council, and shall be determined on practicable basis, by the City Clerk, in consultation with the City Manager and/or City Attorney. It is the responsibility of the City Council member(s) attending via telephone or other technological means to notify the City Clerk immediately if the connection is lost in order to ensure accurate record keeping. While the City will always strive to conduct its meetings in the utmost compliance of Open Meetings Law, certain technological contingencies are unavoidable and the City will endeavor, as is best possible under the circumstances, to operate with or without any remote members, as the motion, vote, or law may require.

B. CONDUCT WITH MEMBERS

Members shall conduct themselves in a proper, businesslike manner during all proceedings of the City Council, and shall respect and follow the rules. Each Member shall demonstrate courtesy and respect for the Council, for the public, for staff and for other Members. No Member shall conduct themselves in a manner that is unbecoming of a Member of the City Council.

City Council Members shall:

- Value each other's time;
- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Preserve order and decorum during the meeting;
- Support the laws and rules established by the City Council;
- Abide by the *City Council Rules of Procedure* in conducting the business of the City of Florence;
- Govern themselves as to the length of their comments;
- Limit their comments to the subject matter, item, or motion being currently considered;
- Not delay or interrupt the proceedings or the peace of City Council meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council or the presiding officer, except as otherwise herein provided;
- Attempt to build consensus on an item through an opportunity for dialogue, but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority and vice versa;
- Have the right to dissent from, protest, or comment upon any action of the City Council;
- Respect each other's opportunity to speak and, if necessary, agree to disagree;

- Avoid offensive negative comments and shall practice civility
- Assist the Mayor's exercise of duty to maintain order.

C. CONDUCT WITH CITY MANAGER AND STAFF

City Council Members shall:

- Communicate with the City Manager directly on issues and concerns, requests for information or research on a given topic, and questions on City Council agenda item, including with an extreme preference that such communications occur in advance of any public meetings, so that all known variables and/or priorities can be discussed. Responses will be copied to all City Council members;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study without the approval of the City Manager;
- Direct the City Manager to implement City Council's policy decisions through the administrative functions of the City;
- Treat staff professionally and refrain from publicly criticizing individual employees, work units, or departments;
- Avoid involvement and any degree of public discussion or comment in personnel issues except and only during City Council executive or otherwise public sessions regarding City Council appointed staff such as the City Manager, including hiring, firing, promoting, disciplining and other personnel matters;
- Discuss directly with the City Manager privately, as appropriate, any displeasure over work or behavior with a department or staff member;
- Present citizen complaints to the City Manager so the complaint and request for information can be disseminated to staff for appropriate action.

D. CONDUCT WITH THE PUBLIC

City Council Members shall:

- Make the public feel welcome;
- Be impartial, respectful and without prejudice toward the public;
- Listen courteously and attentively to public comments;
- Not respond, even to direct questions, unless absolutely required (and subject to City Attorney recommending/interrupting to advise otherwise)
- Represent official policies or positions of the City Council first and foremost;
- Explicitly state, in any and all occasions, when their opinions and positions do not represent the City Council when representing their individual opinions and positions, including on social media;
- Make no promises, predictions, or other prognostications to the public on behalf of the Council, including on social media.

E. CONDUCT WITH OTHER AGENCIES

City Council Members shall:

- Project a positive image of the City when dealing with other agencies or otherwise discussing City business;
- Show tolerance and respect for other agencies', communities', and entities' opinions and issues and, if ultimately necessary, agree to disagree;
- Represent official policies or positions of the City Council first and clearly/officially when designated as delegates of a legislative body;
- Explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions;
- Have the ability to lobby, debate, or discuss issues that have been adopted by the legislative bodies or are standing policies of the legislative body with other legislators, government officials or developers.

F. CONDUCT WITH COMMISSIONS, BOARDS, AND COMMITTEES

City Council Members shall:

- Treat all members of boards, committees and commissions with appreciation and respect;
- Refrain from participation in committee and commission meetings for the purpose of influencing the outcome of said meetings.

G. CONDUCT WITH THE MEDIA

City Council Members shall:

- Not discuss or go "off the record" with the media to discuss confidential or privileged information pertaining to executive sessions, attorney-client privileged or attorney work product communications, including, without limitation, personnel, litigation or real property negotiations;
- In conjunction with the City Manager, provide non-confidential, non-privileged background information when acceptable.
 - Press releases shall always be prepared by City Staff and routed to the City Manager for approval before release to the media.
 - Police responses and/or press releases regarding emergencies may be reported directly to the media by the Police Chief, or as otherwise designated by the City Manager, but the City Council, or any member thereof, shall not issue any public statement, unless clearly personally stated in words and intent in their own personal capacity.

H. LITIGATION AND CONFIDENTIAL INFORMATION

City Council Members shall:

- Keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City's position is not compromised;
- Not disclose or mention any information in these materials to anyone other than City Council Members, the City Manager or City Attorney.

I. ETHICAL CONDUCT

City Council Members shall:

- Receive at least two hours of training in ethics, conflicts of interest, open meeting laws, bias prohibitions, etc., every year to be coordinated through the City Clerk's Office;
- Conduct themselves in accordance with such training.

CHAPTER 4 – CITY COUNCIL MEETINGS AND SCHEDULES

A. REGULAR MEETINGS

Regular meetings of the Council shall generally be held on the first and third Mondays of each month at the hour of six thirty (6:30) P.M., at the Florence City Hall, 600 West Third Street, Florence, Colorado, or at such other locations within the City as determined by a majority of the council members.

In the event the first or third Monday is a legal holiday, the regular meeting shall be held on the next day thereafter that is not a legal holiday.

Any alternate location or change in meeting time shall be specified in the notice for the meeting. All meeting notices are to be posted by the City Clerk on the City's website and in the public notice case outside the front doors of City Hall 72 hours prior to the meeting.

B. SPECIAL MEETING

All meetings that are not required as set forth in ordinance or otherwise legally required are considered "special meetings." Only the unique and/or special business for which the special meeting is called may be considered and acted upon by the City Council.

Special meetings may be called by the Mayor or acting Mayor, or on the request of any two (2) members of the Council, not including the Mayor, specifying the object and purpose of such meeting. The City Manager may also request a Special Meeting

The process to request a special meeting will be as follows:

- The Council Member seeking a special meeting shall contact, preferably by email or otherwise in a documentable manner, the Mayor or acting Mayor requesting such meeting, specifying the object and purpose.
- The Mayor or acting Mayor will then, as soon as is reasonably practicable, inform the City Manager and the City Clerk of the special meeting request
- The City Clerk, shall then, as soon as is reasonably practicable, initiate an email or other appropriate contact, to the entire City Council explaining that a Council Member would like to call a special meeting to discuss a specific topic. The email or other contact shall, if required or prudent, will instruct the Council Members to reply only to the City Clerk with a "Yes" or a "No" answer as to whether they are in agreement with holding a special meeting

No other business shall be transacted except that mentioned in the pertinent communications or otherwise related thereto.

Special meetings shall be held at Florence City Hall or at such other locations as determined by a quorum of the Council Members and noticed accordingly.

If the triggering events require it, the City Clerk shall provide written notice to all Members, local news media and to any person having requested in writing notification of such meetings pursuant to state law. The notice shall include the date, time, and location of the special meeting. All special meeting notices are to be sent via the City's email communication channels, posted on the City's website and posted in the public notice case outside the front doors of City Hall.

C. WORKSESSIONS

Work sessions are scheduled on an as-needed basis and can be scheduled at any time during the day or evening. No official action may be taken during a work session.

Work sessions may be requested by any Council Member by submitting a request to the City Manager or the Mayor. The City Manager may also request a work session.

Upon receiving the request for a work session, the City Clerk will initiate an email to the entire City Council explaining that a work session has been requested for a specific topic. The email will instruct the Council Members to reply only to the City Clerk with a "Yes" or a "No" answer as to whether they are in agreement with holding a work session.

Work sessions shall be held at Florence City Hall or at such other locations as determined by a quorum of the Council Members.

The City Clerk shall provide written notice to all Members, local news media and to any person having requested in writing notification of such meetings pursuant to state law. The notice shall include the date, time, and location of the work session. All work session notices are to be sent via email communication channels, posted on the City's website and posted in the public notice case outside the front doors of City Hall.

D. EMERGENCY MEETINGS

In the event of an emergency, potentially involving injury or damage to persons or property or which impacts the service or operation of the City, or however so determined by the City Manager if circumstances warrant or at their own discretion, an emergency special meeting may be called, if justified, with less than 24 hours' notice provided.

Also, best efforts shall attempted to be made for notice and publication, as circumstances permit, for regular and special meetings, but shall otherwise comply with the Colorado Open Meetings Act procedures.

This notice shall be, to the extent the City may be able, given by email or telephone, and all email and addresses or telephone numbers provided in the most recent request for notification of special meetings shall be used.

The minutes of an emergency special meeting, a list of persons whom the City Clerk notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

E. EXECUTIVE SESSIONS

Executive sessions shall generally be conducted only as legally or practically needed. In accordance with the Colorado Open Meetings Law, an executive session may only take place once an open meeting is convened. A formal motion must be made, seconded and carried by a two-thirds majority vote of the quorum present to recess into the executive session. The motion must contain two (2) parts: (1) a statement describing the topic(s) to be discussed with as much specificity as is possible during the closed or executive meeting; and (2) the justification(s) listed in C.R.S. 24-6-402(4) for closing the meeting.

The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency.

Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion and recorded or preserved, as required by law or not, in accordance with governing law.

Pursuant to law, certain defined executive sessions shall be recorded and said recordings shall be retained for a period of not less than ninety (90) days. Executive session recordings are not generally open for inspection by the public.

Except under extraordinary circumstances, at the determination of the City Council, no executive session will be held without the presence of the City Attorney. Attendance for executive session, at the discretion of the City Council, may be conducted via telephone or electronic means pursuant to applicable law, but in-person attendance is the general expectation and preference for all Council Members and City Staff. No binding action may be taken during an executive session. However, entities covered by the Colorado Sunshine Law may generally discuss certain issues during an executive session in ways that may help inform members how they may choose to vote in open session, if applicable. (C.R.S. 24-6-402 et seq.)

F. PUBLIC HEARINGS

At its regular or special meetings, the City Council shall hold public hearings when required by federal, state or municipal law, or otherwise. Public hearings are officially opened and closed by the Chair.

The City Clerk will set City Council public hearing dates and notify the City Council via the agenda on all matters that require a notice and public hearing before the City Council. Scheduled public hearings may be withdrawn or continued at the request of the City Council, staff, and/or applicant if, at the time and place for which notice originally was given, the Chair specifies the time and place where the hearing will reconvene.

It is a requirement that either one (1) applicant or a representative be present at the public hearing. The general procedure for a public hearing shall be as follows:

- Opening of the Public Hearing: The Chair opens the public hearing;
- Presentations: Staff presents its report; Council Members may ask questions of staff. The applicant has the opportunity to present his/her comments, testimony, or arguments;
- Public Testimony: Members of the public may present their comments. Proponents of the item shall be heard first, followed by opponents of the item, as best as can be anticipated or accommodated. Comments from the public will be limited to three (3) minutes per speaker.
 - No proponent or opponent of an item shall be permitted to speak more than once with the following exceptions:
 - The rebuttal allowed the petitioner(s); and
 - In response to direct questions from the City Council.
 - Responses shall be limited to answers to the question as stated
- Staff may provide additional comments for clarification or in response to new evidence or questions from the City Council.
- The petitioner(s) may respond, but only to rebut new evidence.
- Questions from the City Council may be directed at any time to the applicant, Staff, or the public to clarify evidence presented in the hearing;
- The City Council may recess the hearing in order to obtain additional information pertaining to the petition;
- Close of the Public Hearing: The Chair shall always have the option to close, if and when appropriate, and at their sole discretion, the public hearing after everyone potentially or reasonably ascertained to be wishing to speak has had the opportunity to do so or has been reasonably been presented that opportunity.
- Action: Council proceeds with discussion and takes action, if decided or otherwise determined.

CHAPTER 5 – MEETING GUIDELINES AND PROCEDURES

A. GENERAL

Authority

The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in exercise thereof. (FMC 2.04.030)

The City Council acts as a body and policy is established by majority vote. A decision of the majority binds the Council to a course of action. No Council Member has any extraordinary powers beyond those of other members and all members have equal votes.

Meetings to be Public

All meetings of the City Council are required to be open to the public with the potential exception of legally-authorized executive sessions. All meeting notices will be posted by the City Clerk on the City's website and in the public notice case on the exterior of City Hall 72 hours prior to the meeting, unless circumstances otherwise prohibit, in which case the City will make its best efforts to provide timely notice. Notice shall also be provided to those persons having requested, in writing, notification of such meetings.

Quorum

A majority of the total number of members is necessary to constitute a quorum for the transaction of business (generally four (4) members, unless a vacancy or vacancies exist), but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such a manner and under such penalties as the Council by ordinance may have previously prescribed.

Location

All public meetings shall be held at Florence City Hall, or at such other locations as determined by a majority of the Council Members or as otherwise practically determined. Any alternate location or change in meeting time shall be specified in the notice for the meeting.

Action

Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority as a body or unit. The City

Clerk shall call the roll of votes for ordinances and resolutions only, unless a roll call vote for any other item is requested by any member of the Council.

Public actions of the City Council will be recorded in the minutes of all regular meetings of the Council. Resolutions may also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Ordinances shall also be separately recorded, serially numbered, codified in the Municipal Code, and so remain until amended or voided.

The City Council, unless in extreme and special emergency circumstances, may not take action on items not included on the posted agenda.

Sequence of Agenda Items

At any time during the meeting, the Chair may direct a change in the sequence of discussion of items on the agenda, to the extent it is not reasonably unfair to any potential parties or is not otherwise outweighed by prudence. This exception is particularly used when a large crowd is in attendance for a particular item.

Minutes

It is the responsibility of the City Clerk or designated recording secretary secured by the City Clerk to keep and enter a written account of all Council meetings in the official City record books. Audio recordings will be destroyed after the minutes have been approved by the City Council. Video recordings will be retained for 6 months. The official record of the meeting is the minutes after they have been approved by the City Council.

It is the policy of the City Council that only the Council Members have the authority to make material and non-administrative revisions to the minutes subject to a majority vote of the City Council. City Council members having only typographical or other immaterial corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting.

Right of Floor

The Chair will recognize members of the Council, staff or audience desiring to speak, and confine such remarks to the subject under consideration. At no time may anyone approach the dais without first being recognized by the Chair. Approaching the dais is defined as stepping into the space in front of the podium. This includes media or others who may not be wishing to speak or participate.

City Manager

The City Manager or designee attends, as possible and unless without express permission otherwise, all Council meetings and work sessions and may make recommendations to the City Council.

City Attorney

The City Attorney or designee may attend all Council meetings, in person, by phone, virtual media, or otherwise, and may give written or oral opinions on questions of law. The City Attorney acts as the City Council's parliamentarian.

City Clerk

The City Clerk or designee shall attend all Council meetings, keep the official minutes, call the roll of votes, and perform other duties as requested by the City Council.

Department Directors and Staff

The Director or their representative shall be required to attend meetings at the direction of the City Manager. This requirement will typically occur when a Department Director has an item on the agenda to present.

B. REQUIREMENTS FOR AGENDA ITEM SUBMISSION

The Mayor and/or City Manager may add items to the agenda. Any two Council Members together may submit items for inclusion by submitting a written request to the City Manager and the Mayor. All items should be submitted by noon five (5) calendar days in advance of the City Council meeting for which they are to be included on the agenda. Any time-sensitive or urgent items that cannot be submitted prior to this deadline should be submitted for inclusion as soon as possible in order to avoid changes to a published agenda.

C. AGENDA PACKET PREPERATION

The City Manager or designee will review and approve all items for the Council agenda and will submit to the Mayor and City Council a proposed agenda for each Council meeting at least 72 hours, or as otherwise practicable, in advance of the regular Council meeting.

The agenda and agenda packets will be compiled and distributed through the Administration Department. Packet information that is unable to be electronically transferred will be provided in paper form or will be on file in the City Clerk's office, as best as the City is able to promptly provide.

The City Council is encouraged to contact the City Manager with questions and clarifications prior to any meeting.

D. AGENDA FORMAT

Call to Order

The Mayor, or lawful replacement, shall open each regular meeting at the appointed time.

Pledge of Allegiance

The Mayor shall lead the recitation of the Pledge of Allegiance. The Mayor may invite or designate others to perform this duty.

Presentations

This time may be used as necessary to present awards, proclamations, other honors or to receive remarks by distinguished guests.

Public Hearings

The Public Hearings portion of the meeting is reserved for any and all items requiring a formal public hearing.

Public Comments

Time may be set aside, but is not required to be, at every regular meeting to allow the public to address the City Council on matters that may or may not be reasonably associated with those items on the printed agenda, but which relate to the business of the City. Those wishing to speak may do so during the "Public Comments" period at the beginning of the meeting.

Interested persons may also, at the will of the Council, and as specified herein, speak to individual new business agenda items (other than the consideration of minutes and appointments), not part of a public hearing, and may be allowed to do so, at Council's discretion, following staff's presentation and preceding the Council's discussion of any given item. In both cases, public comments will be limited to three (3) minutes. No speaker will be allowed additional time without the consent of the Council. Speakers will not be allowed to concede any part of their allotted time to another speaker.

No person other than the applicant or individual directly involved with an agenda item will be permitted to address any single item before the City Council more than once during the same meeting, and shall limit their comments to no more than three (3) minutes each time. In rare and exceptional circumstances, and only if City Council so directs or has additional follow-up questions for the public or certain member(s) thereof, City Council may, at the behest of the Mayor, request and allow additional comment.

Each person addressing the City Council must approach the podium when recognized by the Mayor, communicate his or her name and address and, if acting as spokesperson for a group, must name such group for the record. Lobbyists must identify themselves and their client(s), business, or organization they represent before speaking to the Council.

Any individual wishing to use the City's audiovisual equipment to display content as part of his or her public comments must make arrangements with the City Clerk to do so by no later than 12:00 noon on the day of the meeting. The City will generally work to accommodate reasonable and relevant requests, but reserves the right to deny usage of the City's audio visual equipment to anyone at any time and for any reason.

The City Council may not deliberate or take action on any request/item brought before them during the Public Comments period, as these requests/items were typically not part of the published agenda. The Council may ask clarifying questions and refer the request/item to staff for follow-up or they may request that it be added to a future meeting agenda, or, potentially, if part of a rationally subsequent and related agenda item, they may, or may not, with zero obligation, pursue deliberation or action at that point.

Members of the City Council are discouraged from engaging in debate with a member of the public in general and at any City meetings since these debates seldom resolve concerns and may inflame feelings at a public meeting or put the City otherwise at legal risk.

Consent Agenda

Those items on the Council agenda which are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the consent agenda. These items shall generally be acted upon collectively under a single motion. A member of the City Council may remove any item from the consent agenda for discussion. Any item removed will be heard immediately following action on the remaining consent agenda items.

Planning and Zoning Consent Agenda

Those items on the Council agenda which have already received a recommendation from the Planning Commission and do not require a roll call vote shall be listed on the Planning and Zoning consent agenda. These items shall generally be acted upon collectively under a single motion. A member of the City Council may remove any item from the Planning and Zoning consent agenda for discussion.

Any item removed will be heard immediately following action on the remaining planning and zoning consent agenda items.

Committee Recommendations

Committee Recommendations contain items being brought forward for consideration by recommendation from a City board, commission or committee.

Old Business

Old Business contains items which have been previously discussed at a prior City Council meeting. Any items the Council has previously discussed but not yet

brought forward for vote, and if properly noticed, may be re-visited and potentially acted on at the next regular City Council meeting or at a date determined by majority vote of the City Council.

New Business

New Business contains items which may not have been previously discussed, require City Council direction, or are considered controversial.

Council Updates

The Council Updates portion of the meeting is reserved for updates to the Council on City business, operations, projects, and other items of Council interest. It is also a time to allow Council Members to comment on matters related to the business and operation of the City.

Executive Session

The Executive Session portion of the meeting is reserved for times when the Council, upon a legally valid vote, and/or potentially at the recommendation of City Staff, including the City Attorney, determines it appropriate to enter into Executive Session as allowed by state statute. Nothing precludes the Council from entering into Executive Session at any point during an open meeting as the Council deems necessary pursuant to law.

Adjournment

Before there can be an adjournment, the Council must, by proper action, move and vote for adjournment. Upon adjournment, the meeting is ended and no further business can be conducted.

Chapter 2 – Council Organization and Duties

suggested changes:

(A) City Council

Current:

The Mayor and six Council Members shall constitute the City Council of the City. Two (2) Council Members shall be elected from each ward for staggered four-year terms or until their successors are qualified. The Mayor shall be elected at large for a two-year term. *(F.M.C. 2.08.020)*

The officers elected hereunder shall be qualified pursuant to the laws of the State of Colorado. The removal from the City of any officer elected hereunder, who is required to be a qualified elector thereof, shall occasion a vacancy in such office. *(C.R.S 31-4-101 et seq.)*

Proposed:

~~The Mayor and six Council Members shall constitute the City Council of the City.~~ The City Council shall consist of seven (7) members, which number shall include the Mayor and two (2) members from each ward in the City. *(FMC 2.04.020)*

~~There shall be two (2) Councilmembers shall be elected from each ward, for staggered each of which shall serve a four (4) year terms or until their successors are qualified. The terms of office shall be staggered so that one (1) Councilmember from each ward is elected every two (2) years in odd-numbered years. In the event that a vacancy in office occurs which requires the election of two (2) Councilmembers from a ward in the same election, the candidate receiving the highest number of votes shall be elected to serve a four (4) year term, and the candidate receiving the next highest number of votes shall be elected to serve a two (2) year term. At the next regular municipal election, and at each subsequent election thereafter, the Councilmembers to be elected shall serve four (4) year terms. (FMC 2.04.050(A))~~

The Mayor shall be elected ~~from the City~~ at large, ~~by a plurality of votes cast for that office, at the regular municipal election held in November of odd-numbered years. The Mayor shall serve for a two-year term of two (2) years.~~ *(FMC 2.04.050(B))*

The officers elected hereunder shall be qualified pursuant to the laws of the State of Colorado. The removal from the City of any officer elected hereunder, who is required to be a qualified elector thereof, shall occasion a vacancy in such office. *(C.R.S 31-4-101 et seq.)*

What Changed?

Language in this section was revised and expanded upon to match the newly updated language in F.M.C. 2.04.020 regarding the constitution of the Council, F.M.C. 2.04.050(A) regarding the election and terms of Councilmembers, and F.M.C. 2.04.050(B) regarding the election and term of the Mayor.

Tell me more...

This change mirrors the language changes each of these cited sections, which replaced the sections of the F.M.C. previously cited in Chapter 2(A) during the recent Title 2 updates approved by the Florence City Council upon their second reading at the February 18, 2025 Regular City Council Meeting. The change is necessary as the CCROP, while incorporated into the F.M.C. by reference, is based in part on F.M.C. citations. To leave previous F.M.C. language that has been altered or removed results in a document which is inherently incongruous with the F.M.C.

(B) Newly Elected Members

Current:

Newly elected Council Members, including the Mayor, are sworn into office at the first regular meeting of the City Council immediately following the survey of election results (F.M.C. 2.08.040)

Proposed :

Following the regular municipal election, the term of all newly elected members of the City Council, shall commence on the first Monday after the first Tuesday in January following their election (F.M.C. 2.04.050(C)). Newly elected councilmembers shall be sworn in at a Special Meeting or Regular Meeting on this date.

The Mayor shall assume office at the next regularly scheduled meeting of the City Council following the Mayor's election (C.R.S. 31-4-207(2)); F.M.C. 2.04.050(C)). The Mayor shall be sworn in at a Special Meeting or Regular Meeting on this date.

What Changed?

- Changed the seating of Councilmembers to be in January following the election.
- Clarified that only the Mayor will be seated and sworn in following a November election.

Tell me more...

- Changed the seating of Councilmembers to be in January following the election to match the recent Title 2 updates approved by the Florence City Council upon their second reading at the February 18, 2025 Regular City Council Meeting, as outlined in section F.M.C. 2.04.050(C).
- Clarified that only the Mayor will be seated and sworn in following a November election, as Statute appears to not have been changed in all necessary places to facilitate the seating of the Mayor in January with the rest of the Council.

(C) Duties of the City Council

Current:

"The City Council and City staff shall conduct the business of the City of Florence:..."

Proposed:

"The City Council ~~and City staff~~ shall conduct the business of the City of Florence:..."

What Changed?

Removed the phrase "and City staff".

Tell me more...

This section of the CCROP is for discussion of the duties of the City Council. As no member of Staff is or can be part of the City Council, there should not be a reference to Staff in this section. Staff responsibilities with regard to the business of the City of Florence are outlined in the City's Personnel Policies, by contract, and by Statute, Ordinance, and/or Policy.

(D) Duties of the Mayor

Current:

The Mayor shall:

- Preside at all meetings of the Council and shall have a vote on all matters presented before the Council. *(C.R.S. 31-4-207.5)*
- Be responsible for the control, debate and order of speakers; and
- Decide all questions of order, subject to an appeal pursuant to Bob's Rules of Order by any Member to the City Council;
- Confine debate to matters under discussion; and
- Put to a vote all matters properly presented before the City Council and to declare the result thereof for the record; and.
- Authenticate by signature all acts made by the authority of the City Council; and
- Have the authority necessary to enforce the rules and prevent the misuse of motions or established procedure, the abuse of privileges, or obstruction of the business of the City Council, subject to the appeal by any Member to the City Council;
- Serve as the representative of the City Council at ceremonial functions and may, at their own discretion, ask another Council Member to represent the Council at the function.

Proposed:

The Mayor shall:

- ~~Preside at all meetings~~ Be the presiding officer of the City Council and shall have ~~a vote on all matters presented before the Council.~~ the same voting powers as any Council Member *(F.M.C. 2.04.030(A)(1))*;
 - Be responsible for the control, debate and order of speakers; ~~and~~
 - Decide all questions of order, subject to an appeal pursuant to Bob's Rules of Order by any Member to the City Council;
 - Confine debate to matters under discussion; ~~and~~
 - Put to a vote all matters properly presented before the City Council and to declare the result thereof for the record; ~~and.~~
 - Have the authority necessary to enforce the rules and prevent the misuse of motions or established procedure, the abuse of privileges, or obstruction of the business of the City Council, subject to the appeal by any Member to the City Council;
- ~~Serve as the representative~~ Be considered a member of the City Council ~~at ceremonial functions and may, at their own discretion, ask another Council Member to represent the Council at the function.~~ and shall be recognized as the head of the City government for all ceremonial purposes *(FMC 2.04.030(A)(2))*;
- Execute and ~~A~~authenticate by his or her signature all ~~acts made by the authority of the City Council; and~~ bonds, warrants, contracts and instruments of and concerning the business of

the City, as the Council members or any statutes or ordinances may require *(FMC 2.04.030(A)(3))*; and

- Exercise all powers and perform such other duties as are conferred upon him or her by state statutes and this Code *(FMC 2.04.030(A)(4))*

What Changed?

- Update language regarding the status of the Mayor as the presiding officer and regarding the equivalency of voting powers of all members of the Council, including the Mayor.
- Group all items related to the responsibilities of the presiding officer under and single subsection, removing superfluous instances of “and”.
- Update language regarding ceremonial responsibilities.
- Update language regarding authentication by signature.
- Update language to reference balance of general powers and duties not specifically covered in previous bullet points.

Tell me more...

- The update to the language in the section regarding the Mayor’s responsibilities as the presiding officer and equivalency of voting powers reflects language in C.R.S 31-4-207.5 as well as language in F.M.C. 2.04.030(A)(1) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.
- Items were grouped for improved order and ease of review by readers.
- The updated language regarding ceremonial responsibilities reflects language in C.R.S 31-4-207.5 as well as language in F.M.C. 2.04.030(A)(2) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.
- The updated language regarding authentication by signature reflects language in F.M.C. 2.04.030(A)(3) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.
- Information regarding the Mayor’s specific authority has been added and reflects language in C.R.S 31-4-207.5 as well as language in F.M.C. 2.04.030(A)(4) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.

(E) Succession in Office

Current:

In case of a vacancy in the Council occurring by reason of resignation, death, or removal, or for any other reason, the City Council shall declare a vacancy in the office, and shall fill the vacancy by a majority vote of the City Council within sixty (60) days from the declaration of the vacancy, or by special election, as provided in C.R.S. 31-4-108(b). A successor so appointed or elected shall serve until the term of a successor elected at the next regular municipal election has commenced. *(F.M.C. 2.08.030; C.R.S. 31-4-106; C.R.S. 31-4-108(b))*

In case of a vacancy in the office of Mayor occurring by reason of death, disability, resignation, or other vacation of office, the City Council shall declare a vacancy in the office of Mayor, and, upon such declaration, the City Council may order a special election as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular municipal election has commenced, as

provided in C.R.S. 31-4-105, and the City Council may appoint a registered elector in the City of Florence to act as Mayor until such special election. If the City Council does not call a special election, it shall, within sixty (60) days of the declaration of vacancy, fill the vacancy by appointment until the term of the successor elected at the next regular municipal election has commenced (*F.M.C. 2.08.030; C.R.S. 31-4-103; C.R.S. 31-4-105*)

Proposed:

~~In case of a~~ If any vacancy occurs in the office of a Councilmember ~~occurring by reason because of resignation, death, resignation, or~~ removal, or for any other reason, the City Council shall declare a vacancy in the office, and shall fill the vacancy by a majority vote of the City Council within sixty (60) days from the declaration of the vacancy, or by special election, as provided in C.R.S. 31-4-108(b). A successor so appointed or elected shall serve until the term of a successor elected at the next regular municipal election has commenced. (*F.M.C. 2.04.060(A); C.R.S. 31-4-106; C.R.S. 31-4-108(b)*)

In case of ~~a vacancy in the office of~~ Mayor's ~~occurring by reason of~~ death, disability, resignation, or other vacation of office, the City Council shall declare a vacancy in the office of Mayor, and, upon such declaration, the City Council may order a special election as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular municipal election has commenced, as provided in C.R.S. 31-4-105, and the City Council may appoint a registered elector in the City of Florence to act as Mayor until such special election. If the City Council does not call a special election, it shall, within sixty (60) days of the declaration of vacancy, fill the vacancy by appointment until the term of the successor elected at the next regular municipal election has commenced. (*F.M.C. 2.04.060(B); C.R.S. 31-4-103; C.R.S. 31-4-105*)

What Changed?

- Updated language regarding Councilmember vacancies
- Updated language regarding a Mayoral vacancy

Tell me more...

- The update to the language in the section regarding Council vacancies reflects language in C.R.S. 31-4-106, and C.R.S. 31-4-108(B) as well as language in F.M.C. 2.04.060(A) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.
- The update to the language in the section regarding Mayoral vacancies reflects language in C.R.S. 31-4-106, and C.R.S. 31-4-108(B) as well as language in F.M.C. 2.04.060(B) as updated during the February, 2025 Title 2 updates approved by the Florence City Council.

(F) Succession in Office – *Appointment Process* (Paragraph 2)

Current:

Appointments to the City Council shall be based upon applications filed in the City Clerk's Office. Public Service Applications are always welcomed by the City Clerk and shall be kept for a period of one calendar year. The City Clerk will call upon the City Council to submit the names of potential candidates should there be no applications for appointment on file.

Proposed:

Appointments to the City Council shall be based upon applications filed in the City Clerk's Office. Public Service Applications are always welcomed by the City Clerk and shall be kept for a period of one calendar year. The City Clerk will call upon the City Council to submit the names of potential candidates ~~should there be no applications for appointment on file~~ as well.

What Changed?

Altered language regarding when the City Council may submit names of potential candidates

Tell me more...

This change allows the City Council to submit names of potential candidates regardless of if applications for the vacancy have been received or not. The voting requirements for candidate selection for the Council as a body are unchanged. This change is intended to improve efficiency should the process even need to be utilized.

Chapter 3 – Conduct of the City Council

suggested changes:

(A) General Conduct (Bulleted List)

Current:

- All Members present and participating in meetings have the right to make, second, or amend motions;
- All Members present and participating have the right to participate in debate when discussion is permitted;
- All Members have the right to make inquiries and seek clarification or further information on pending matters;
- All Members present for meetings have the right to vote on all matters, unless prevented by a conflict of interest. City Council members are strongly and legally encouraged to recuse themselves from participating in discussion about or voting on matters relating to items for which they have a conflict of interest. Conflict of interest shall be defined as having substantial interest in a topic being considered by the City Council. Substantial interest shall include the following:
 - A City Council member and/or their family or other direct beneficiaries with clear pecuniary interest (individually or collectively)
- It is important that all Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Council Members, and staff that attend the meetings. Members expecting to be absent from a meeting should notify the City Clerk prior to the meeting, who will be responsible for notifying the Mayor and/or City Manager prior to the start of any meeting, ideally with as much advance notice as possible. Proper attendance shall be defined as the following:
 - Not missing two consecutive meetings without an excuse.

- "Excuse" shall mean more than inconvenience and includes illness or family emergency, in which case the count is tolled for each and every legitimate instance, as determined by City Manager upon documentation provided.
 - Failing to attend a minimum of 2/3 of regular meetings in a rolling 12 month period.
- While in-person attendance is very strongly preferred, and potentially, if circumstances require, may be mandated, City Council members or any other essential or non-essential members needing to attend the meeting via telephone or other technological medium shall contact the City Clerk in advance of the meeting to make arrangements to do so. Attendance via alternate channels is limited to as many members as can properly justify needing to be a remote participant of the City Council, and shall be determined on practicable basis, by the City Clerk, in consultation with the City Manager and/or City Attorney. It is the responsibility of the City Council member(s) attending via telephone or other technological means to notify the City Clerk immediately if the connection is lost in order to ensure accurate record keeping. While the City will always strive to conduct its meetings in the utmost compliance of Open Meetings Law, certain technological contingencies are unavoidable and the City will operate, as is best possible under the circumstances, to operate with or without any remote members, as the motion, vote, or law may require.

Proposed:

- All Members present and participating in meetings have the right to make, second, or amend motions;
- All Members present and participating have the right to participate in debate when discussion is permitted;
- All Members have the right to make inquiries and seek clarification or further information on pending matters;
- All Members present for meetings have the right to vote on all matters, ~~unless prevented by a conflict of interest~~. City Council members are strongly and legally encouraged to recuse themselves from participating in discussion about or voting on matters relating to items for which they have a conflict of interest. Conflict of interest shall be defined as having substantial interest in a topic being considered by the City Council. Substantial interest shall include the following:
 - A City Council member and/or their family or other direct beneficiaries with clear pecuniary interest (individually or collectively)
- It is important that all Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Council Members, and staff that attend the meetings. Members expecting to be absent from a meeting should notify the City Clerk prior to the meeting, who will be responsible for notifying the Mayor and/or City Manager prior to the start of any meeting, ideally with as much advance notice as possible. Proper attendance shall be defined as the following:
 - Not missing two consecutive meetings without an excuse **approved by the City Manager**
 - "Excuse" shall mean more than inconvenience and includes illness or family emergency, in which case the count is tolled for each and every legitimate instance, as determined by City Manager upon documentation provided.

- Failing to attend a minimum of 2/3 of regular meetings in a rolling 12 month period.
- While in-person attendance is very strongly preferred, and potentially, if circumstances require, may be mandated, City Council members or any other essential or non-essential members needing to attend the meeting via telephone or other technological medium shall contact the City Clerk in advance of the meeting to make arrangements to do so. Attendance via alternate channels is limited to as many members as can properly justify needing to be a remote participant of the City Council, and shall be determined on practicable basis, by the City Clerk, in consultation with the City Manager and/or City Attorney. It is the responsibility of the City Council member(s) attending via telephone or other technological means to notify the City Clerk immediately if the connection is lost in order to ensure accurate record keeping. While the City will always strive to conduct its meetings in the utmost compliance of Open Meetings Law, certain technological contingencies are unavoidable and the City will ~~operate~~ **endeavor**, as is best possible under the circumstances, to operate with or without any remote members, as the motion, vote, or law may require.

What Changed?

- Removed language stating a conflict of interest prevents a Councilmember from voting
- Added language clarifying absence excuse approval
- Changed the word “operate” to “endeavor”.

Tell me more...

- While Councilmembers are discouraged from voting when there is a conflict of interest present (as defined in this document and legally), Statute does not prohibit them from voting under these circumstances. Therefore, the term “unless prevented by a conflict of interest” was removed to better reflect that this is a strong preference rather than a mandate.
- “Approved by the City Manager” was added for additional clarification regarding absence approval. This is congruous with the existing language in the sub-bullet below.
- Changed “operate” to “endeavor, as operate was both redundant and incorrect terminology in the removed instance.

Chapter 4 – City Council Meetings and Schedules

suggested changes:

(B) Special Meetings (Paragraph 2)

Current:

Special meetings may be called by the Mayor or acting Mayor on the written request of any two (2) members of the Council, not including the Mayor, specifying the object and purpose of such meeting, which request shall be read at the meeting.

Proposed:

Special meetings may be called by the Mayor or acting Mayor, ~~or on the written~~ request of any two (2) members of the Council, not including the Mayor, specifying the object and purpose of such meeting, ~~which request shall be read at the meeting.~~ The City Manager may also request a Special Meeting.

What Changed?

- The process for calling a Special Meeting was clarified, to allow the Mayor or City Manager to request a Special Meeting as well.
- The requirements that the request be in writing and read aloud at the Special Meeting were removed.

Tell me more...

- This process was updated to better reflect practical needs and practices for calling a Special Meeting, and to allow the Mayor and/or the City Manager to request a Special Meeting, in addition to Councilmembers.
- The requirement that the request be in writing was removed, as this is an unnecessary step. The reason for the meeting is included in the polling for Councilmembers regarding the meeting as well as in the Special Meeting's agenda.

(C) Special Meetings (Paragraph 2)

Current:

Work sessions may be requested by any Council Member by submitting a written request to the City Manager or the Mayor. The City Manager may also request a work session.

Proposed:

Work sessions may be requested by any Council Member by submitting a ~~written~~ request to the City Manager or the Mayor. The City Manager may also request a work session.

What Changed?

The requirement that the request be in writing was removed.

Tell me more...

The requirement that the request be in writing was removed, as this is an unnecessary step.

(D) Emergency Meetings

Current:

In the event of an emergency, potentially involving injury or damage to persons or property or which impacts the service or operation of the City, or however so determined by the City Manager if circumstances warrant or at their own discretion, a special meeting may be called, if justified, with less than 24 hours' notice provided. Also, best efforts shall attempted to be made for notice and publication, as circumstances permit, for regular and special meetings, but shall otherwise comply with the Colorado Open Meetings Act procedures.

This notice shall be, to the extent the City may be able, given by email or telephone, and all email and addresses or telephone numbers provided in the most recent request for notification of special meetings shall be used.

The minutes of an emergency meeting, a list of persons whom the City Clerk notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

Proposed:

In the event of an emergency, potentially involving injury or damage to persons or property or which impacts the service or operation of the City, or however so determined by the City Manager if circumstances warrant or at their own discretion, an emergency special meeting may be called, if justified, with less than 24 hours' notice provided.

Also, best efforts shall attempted to be made for notice and publication, as circumstances permit, for regular and special meetings, but shall otherwise comply with the Colorado Open Meetings Act procedures.

This notice shall be, to the extent the City may be able, given by email or telephone, and all email and addresses or telephone numbers provided in the most recent request for notification of special meetings shall be used.

The minutes of an emergency special meeting, a list of persons whom the City Clerk notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

What Changed?

- Add “emergency” before “special meeting” in the first paragraph.
- Split the original first paragraph into two (2) separate paragraphs.
- Add “special” after “emergency” in the last paragraph

Tell me more...

- Added “emergency” to ensure consistency of phrasing and to better distinguish this as a specific type of meeting with different parameters than other special meetings
- Split this portion of the section into two paragraphs for improved readability and ease of review.
- Added “special” after “emergency” to ensure consistency of phrasing.

(E) Executive Sessions

Current:

Executive sessions shall generally be conducted only as legally or practically needed. In accordance with the Colorado Open Meetings Law, an executive session may only take place once an open meeting is convened. A formal motion must be made, seconded and carried by a two-thirds majority vote of the quorum present to recess into the executive session. The motion must contain two (2) parts: (1) a statement describing the topic to be discussed with as much specificity as is possible during the closed or executive meeting; and (2) the justification listed in C.R.S. 24-6-402(4) for closing the meeting.

The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion and recorded or preserved, as required by law or not, in accordance with governing law.

Certain defined executive sessions shall be recorded and said recordings shall be retained for a period of not less than ninety (90) days. Executive session recordings are not generally open for inspection by the public.

Except under extraordinary circumstances, at the determination of the City Council, no executive session will be held without the presence of the City attorney. Attendance for executive session, at the discretion of the City Council, may be conducted via telephone or electronic means pursuant to applicable law, but in-person attendance is the general expectation and preference for all Council Members and City Staff. No binding action may be taken during an executive session. However, entities covered by the Colorado Sunshine Law may generally discuss certain issues during an executive session in ways that may help inform members how they may choose to vote in open session, if applicable. *(See C.R.S 24-6-402 et seq.)*

Proposed:

Executive sessions shall generally be conducted only as legally or practically needed. In accordance with the Colorado Open Meetings Law, an executive session may only take place once an open meeting is convened. A formal motion must be made, seconded and carried by a two-thirds majority vote of the quorum present to recess into the executive session. The motion must contain two (2) parts: (1) a statement describing the topic(s) to be discussed with as much specificity as is possible during the closed or executive meeting; and (2) the justification(s) listed in C.R.S. 24-6-402(4) for closing the meeting.

The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency.

Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion and recorded or preserved, as required by law or not, in accordance with governing law.

Pursuant to law, ~~C~~certain defined executive sessions shall be recorded and said recordings shall be retained for a period of not less than ninety (90) days. Executive session recordings are not generally open for inspection by the public.

Except under extraordinary circumstances, at the determination of the City Council, no executive session will be held without the presence of the City ~~a~~Attorney. Attendance for executive session, at the discretion of the City Council, may be conducted via telephone or electronic means pursuant to applicable law, but in-person attendance is the general expectation and preference for all Council Members and City Staff. No binding action may be taken during an executive session. However, entities covered by the Colorado Sunshine Law may generally discuss certain issues during an executive session

in ways that may help inform members how they may choose to vote in open session, if applicable. (~~See~~
C.R.S 24-6-402 et seq.)

What Changed?

- Added a parenthetical “s” (“(s)”) to the terms “topic” and Justification”.
- Split the original second paragraph into two (2) separate paragraphs.
- Added the phrase “Pursuant to law” regarding the recording of Executive Sessions.
- Corrected a capitalization error for the title “City Attorney”
- Removed the word “See” in a parenthetical citation.

Tell me more...

- The parenthetical “s” (“(s)”) was added to the terms “topic” and Justification” in recognition that an Executive Session may be called for more than one topic and/or under more than one justification.
- Split this portion of the section into two paragraphs for improved readability and ease of review.
- Added the phrase “Pursuant to law” to clarify that whether or not an Executive Session is recorded is governed by Colorado State Law.
- Corrected a capitalization error in the title “City Attorney” to ensure appropriate grammar usage.
- Removed the word “See” in a parenthetical citation as it is redundant.

(F) Public Hearings (Paragraph 1)

Current:

The City Council shall hold public hearings when required by federal, state or municipal law, or otherwise. Public hearings are officially opened and closed by the Chair.

Proposed:

~~At its regular or special meetings, T~~he City Council shall hold public hearings when required by federal, state or municipal law, or otherwise. Public hearings are officially opened and closed by the Chair.

What Changed?

Added language clarifying during what types of meetings Public Hearings may be held at.

Tell me more...

Added language clarifying the Public Hearings may be held during Regular or Special Meetings.

Chapter 5 – Meeting Guidelines and Procedures

suggested changes:

(A) General - *Authority*

Current:

The City Council acts as a body and policy is established by majority vote. A decision of the majority binds the Council to a course of action. No Council Member has any extraordinary powers beyond those of other members and all members have equal votes.

Proposed:

The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in exercise thereof. (FMC 2.04.030)

The City Council acts as a body and policy is established by majority vote. A decision of the majority binds the Council to a course of action. No Council Member has any extraordinary powers beyond those of other members and all members have equal votes.

What Changed?

Added language regarding the powers and authorities of the City Council.

Tell me more...

The update to the language in the section regarding powers and authority of the Council reflects language in Colorado Statute as well as language in F.M.C. 2.04.030 as updated during the February, 2025 Title 2 updates approved by the Florence City Council.

(A) General – *Meetings to be Public*

Current:

All meetings of the City Council are required to be open to the public with the potential exception of legally-authorized executive sessions. All meeting notices will be posted by the City Clerk on the City's website and in the public notice case on the exterior of City Hall 72 hours prior to the meeting. Notice shall also be provided to those persons having requested, in writing, notification of such meetings.

Proposed:

All meetings of the City Council are required to be open to the public with the potential exception of legally-authorized executive sessions. All meeting notices will be posted by the City Clerk on the City's website and in the public notice case on the exterior of City Hall 72 hours prior to the meeting, unless circumstances otherwise prohibit, in which case the City will make its best efforts to provide timely notice. Notice shall also be provided to those persons having requested, in writing, notification of such meetings.

What Changed?

Added language clarifying procedures if timely notice of a meeting cannot be provided.

Tell me more...

The update to the language in the section recognizes that circumstances may exist where seventy-two (72) hours' notice may not be able to be provided, however, the City may still be in compliance with Colorado law, which requires only twenty-four (24) hours' notice.

(A) General – Action (*Last Paragraph*)

Current:

The City Council, unless in extreme and special emergency circumstances, may not take action on items not included on the posted agenda except in the case of emergency meetings where urgent items will be discussed.

Proposed:

The City Council, unless in extreme and special emergency circumstances, may not take action on items not included on the posted agenda ~~except in the case of emergency meetings where urgent items will be discussed.~~

What Changed?

Removed redundant language regarding emergency circumstances.

Tell me more...

The language regarding emergency meetings was removed as it is redundant to the previous clause allowing for action in “extreme and special emergency circumstances”. All emergency meetings would take place only under “extreme and special emergency circumstances”.

(A) General – Right of Floor

Current:

The Chair will recognize members of the Council, staff or audience desiring to speak, and confine such remarks to the subject under consideration.

Proposed:

The Chair will recognize members of the Council, staff or audience desiring to speak, and confine such remarks to the subject under consideration. ~~At no time may anyone approach the dais without first being recognized by the Chair. Approaching the dais is defined as stepping into the space in front of the podium. This includes media or others who may not be wishing to speak or participate.~~

What Changed?

Added language specifying when the dais may be approached and what constitutes an approach.

Tell me more...

The language regarding when the dais may be approached and what constitutes an approach was added for safety reasons as there is no practical purpose or reason for individuals to approach the dais without waiting for recognition from the Chair prior to doing so.

(D) Agenda Format – Public Comments

Current:

Time may be set aside, but is not required to be, at every regular meeting to allow the public to address the City Council on matters that may not be reasonably associated with those items on the printed agenda, but which relate to the business of the City. Those wishing to speak may do so during the "Public Comments" period at the beginning of the meeting.

Interested persons may also, at the will of the Council, and as specified herein, speak to individual new business agenda items (other than the consideration of minutes and appointments), not part of a public hearing, and may be allowed to do so, at Council's discretion, following staff's presentation and preceding the Council's discussion of any given item. In both cases, public comments will be limited to three (3) minutes. Speakers will not be allowed to concede any part of their allotted time to another speaker.

No person other than the applicant or individual directly involved with an agenda item will be permitted to address any single item before the City Council more than once during the same meeting, and shall limit their comments to no more than three minutes each time. In rare and exceptional circumstances, and only if City Council so directs or has additional follow-up questions for the public or certain member(s) thereof, City Council may, at the behest of the Mayor, request and allow additional comment.

Each person addressing the City Council must approach the podium when recognized by the Mayor, communicate his or her name and address and, if acting as spokesperson for a group, must name such group for the record. Lobbyists must identify themselves and their client(s), business, or organization they represent before speaking to the Council.

Any individual wishing to use the City's audiovisual equipment to display content as part of his or her public comments must make arrangements with the City Clerk to do so by no later than 12:00 noon on the day of the meeting. The City will generally work to accommodate reasonable and relevant requests, but reserves the right to deny usage of the City's audio visual equipment to anyone at any time and for any reason.

The City Council may not deliberate or take action on any request/item brought before them during the Public Comments period. The Council may ask clarifying questions and refer the request/item to staff for follow-up or they may request that it be added to a future meeting agenda, or, potentially, if part of a rationally subsequent and related agenda item, they may, or may not, with zero obligation, pursue deliberation or action at that point.

Members of the City Council are discouraged from engaging in debate with a member of the public in general and at any City meetings since these debates seldom resolve concerns and may inflame feelings at a public meeting.

Proposed:

Time may be set aside, but is not required to be, at every regular meeting to allow the public to address the City Council on matters that **may or** may not be reasonably associated with those items on the printed agenda, but which relate to the business of the City. Those wishing to speak may do so during the "Public Comments" period at the beginning of the meeting.

Interested persons may also, at the will of the Council, and as specified herein, speak to individual new business agenda items (other than the consideration of minutes and appointments), not part of a public hearing, and may be allowed to do so, at Council's discretion, following staff's presentation and preceding the Council's discussion of any given item. In both cases, public comments will be limited to three (3) minutes. **No speaker will be allowed additional time without the consent of the Council.** Speakers will not be allowed to concede any part of their allotted time to another speaker.

No person other than the applicant or individual directly involved with an agenda item will be permitted to address any single item before the City Council more than once during the same meeting, and shall limit their comments to no more than three (3) minutes each time. In rare and exceptional circumstances, and only if City Council so directs or has additional follow-up questions for the public or certain member(s) thereof, City Council may, at the behest of the Mayor, request and allow additional comment.

Each person addressing the City Council must approach the podium when recognized by the Mayor, communicate his or her name and address and, if acting as spokesperson for a group, must name such group for the record. Lobbyists must identify themselves and their client(s), business, or organization they represent before speaking to the Council.

Any individual wishing to use the City's audiovisual equipment to display content as part of his or her public comments must make arrangements with the City Clerk to do so by no later than 12:00 noon on the day of the meeting. The City will generally work to accommodate reasonable and relevant requests, but reserves the right to deny usage of the City's audio visual equipment to anyone at any time and for any reason.

The City Council may not deliberate or take action on any request/item brought before them during the Public Comments period, **as these requests/items were typically not part of the published agenda.** The Council may ask clarifying questions and refer the request/item to staff for follow-up or they may request that it be added to a future meeting agenda, or, potentially, if part of a rationally subsequent and related agenda item, they may, or may not, with zero obligation, pursue deliberation or action at that point.

Members of the City Council are discouraged from engaging in debate with a member of the public in general and at any City meetings since these debates seldom resolve concerns and may inflame feelings at a public meeting **or put the City otherwise at legal risk.**

What Changed?

- Added language recognizing that Public Comments may relate to agenda items in some way.
- Clarified the process for adding time for speakers.
- Added “(3)” following the written word “three”.
- Added language clarifying why deliberation and/or action on requests/items presented during the Public Comment period is discouraged.
- Added language regarding potential legal risks to the City.

Tell me more...

- Added language recognizing that Public Comments may relate to agenda items in some way, ensuring that current practices align with the written CCROP.
- Clarified the process for adding time for speakers, as this topic has come up multiple times and a clear process for how to handle the situation, while used in practice, was not previously recorded in CCROP. Requiring the consent of the Council helps to better ensure equity and fairness.
- Added “(3)” following the written word “three” for consistency with the balance of the document.
- Added language clarifying why deliberation and/or action on requests/items presented during the Public Comment period is discouraged in order to clarify the purpose behind this stance for all readers.
- Added language regarding potential legal risks to the City in recognition of the existence of said risks when engaging in unprepared debate on unknown topics while acting in an official capacity.

(D) Agenda Format – *Old Business*

Current:

Old Business contains items which have been previously discussed at a previous City Council meeting. Any items the Council has previously discussed but not yet brought forward for vote, and if properly noticed, may be re-visited and potentially acted on at the next regular City Council meeting or at a date determined by majority vote of the City Council.

Proposed:

Old Business contains items which have been previously discussed at a ~~previous~~ prior City Council meeting. Any items the Council has previously discussed but not yet brought forward for vote, and if properly noticed, may be re-visited and potentially acted on at the next regular City Council meeting or at a date determined by majority vote of the City Council.

What Changed?

Changed “previous” to “prior”.

Tell me more...

“Previous” was changed to “prior” in order to reduce repetition and make this section easier to read and review.

COUNCIL ACTION FORM

MEETING DATE: March 3, 2025

STAFF CONTACT: AMY NASTA, FLORENCE CITY MANAGER

Agenda Item: Consider adopting a Resolution providing for the adoption of the Fifth Addendum of the Agreement on Water Fees of the Regional Water Agreement

Staff Recommendation:

Adopt the Fifth Addendum to the Agreement on Water Fees.

Background/Description of Item:

On May 1, 2023, the Regional Water Board approved the Fourth Addendum to the Agreement on Water Fees as part of the Regional Water Agreement. The purpose of this addendum was to provide the option for outside users and projects or re-subdivisions that would increase the number of water taps to pay cash in lieu of providing the Union Ditch shares typically required in addition to water tap fees. The cash value of each share was estimated at approximately \$2,500.

While this change had tremendous value in terms of flexibility, there was significant opportunity for unintentional abuse or misuse of the program, as few guardrails were included as part of the original process. Theoretically, a developer could require a significant number of taps for a re-subdivision into multifamily housing, which equates to requiring the provision of a significant number of Union Ditch shares to bolster the regional water system and support the anticipated water usage such a development would bring. However, were the developer willing to pay cash in lieu of shares for the entirety of their share requirement there would be little the system could do to prevent this under the Fourth Addendum.

While a large influx of funding may appear inherently positive, the sustainability and future viability of the regional water system is predicated on maintaining enough water shares to provide water for all entities and all taps allocated to each entity. While a large cash influx may provide a significant investment towards the purchase of Union Ditch shares, Union Ditch shares are not typically available in large quantities, meaning the availability may be insufficient to replace the number of Union Ditch Shares converted to cash in lieu of shares. The Union Ditch has a finite amount of shares in total, and significantly fewer that are anticipated to become available in the short or even medium term.

Additionally, as members of the Regional Water System, were an entity to unilaterally choose to accept said cash in lieu funds, said entity would be depleting water from the overall system without the consent of other entities, and at a potential detriment to other entities as well.

The Fifth Addendum to the Regional Water agreement, adopted by the Regional Water Board at their Tuesday, February 25, 2025 meeting, incorporates language implementing a procedure for the approval of cash in lieu of shares which is intended to prevent misuse, including unintentional misuse, of the cash in lieu system.

The Fifth Addendum removes the provision for cash in lieu of shares from Schedule B and creates a separate Schedule C for cash in lieu of shares. Schedule C includes language

clarifying this process is not automatic and requires the consideration of factors including impact on the regional water system and sustainability considerations.

The process for accepting cash in lieu of shares includes four (4) components, each of which is intended to ensure sustainability and responsible use of the cash in lieu of shares program. These steps are as follows:

1. Regional Water Board Review
2. Municipality Approval
3. Annual Cap on Cash in Lieu Transactions
4. Developer Contribution Limits

Should the City Council choose to approve the Fifth addendum, a proposal detailing an annual cap on the number of cash in lieu of shares will be brought forward for consideration at a future meeting.

Please note this addendum did not change the monetary tap fees included in the fourth addendum.

Attachments:

- Resolution No. 1 - 2025
- Fifth Addendum to the Agreement on Water Fees

Suggested Motion:

Adopt Resolution 1-2025, a Resolution providing for the adoption of the Fifth Addendum of the Agreement on Water Fees of the Regional Water Agreement by the City of Florence, Colorado.

RESOLUTION NO. 1-2025

A RESOLUTION PROVIDING FOR THE ADOPTION OF THE FIFTH ADDENDUM OF THE AGREEMENT ON WATER FEES OF THE REGIONAL WATER AGREEMENT BY THE CITY OF FLORENCE, COLORADO.

WHEREAS, the City of Florence, as part of the Regional Water Authority, has determined it necessary to adopt the Fifth Addendum to the Agreement on Water Fees of the Regional Water Agreement to address evolving water management needs and ensure the long-term sustainability of the regional water system; and

WHEREAS, the City of Florence recognizes that the acceptance of cash in lieu of shares as part of outside water tap fees provides flexibility for development; and

WHEREAS, the City of Florence has deemed it advisable to adopt a uniform process for approving the acceptance of cash in lieu of shares as part of outside water tap fees in order to ensure the continued integrity and sustainability of the regional water system; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, COLORADO, AS FOLLOWS:

SECTION ONE: The Fifth Addendum of the Agreement on Water Fees of the Regional Water Agreement is adopted as written in the attached Program Overview Document.

SECTION TWO: This Fifth Addendum of the Agreement on Water Fees of the Regional Water Agreement supersedes any rules, regulations or policies in conflict herewith; and

SECTION THREE: The Resolution shall take effect and be in full force from and after its adoption by the City Council of the City of Florence on March 3, 2025.

ADOPTED By the City Council of the City of Florence, Colorado, this 3RD day of March, 2025.

SIGNED by the Mayor on this 3rd day of March, 2025.

CITY OF FLORENCE, COLORADO

(SEAL)

Steve Wolfe, Mayor

Attest:

Cortlyne Huppe, City Clerk

Approved as to form: _____

Dan Findlay, City Attorney

THIS AGREEMENT, IN TRIPLICATE, ENTERED THIS 25TH DAY OF FEBRUARY, 2025, BETWEEN THE TOWN OF COAL CREEK, COLORADO, THE TOWN OF WILLIAMSBURG, COLORADO, THE TOWN OF ROCKVALE, COLORADO, AND THE CITY OF FLORENCE, COLORADO, IS AN ADDENDUM TO THE AGREEMENT ON WATER FEES ENTERED AMONG THE SAID PARTIES DATED NOVEMBER 9, 1982.

The said "AGREEMENT ON WATER FEES" is hereby modified as follows and repeals the Addendum dated May 1, 2023.

SCHEDULE A (water tap fees)

Tap Size	Inside Fee	Outside Fee
5/8" or 3/4"	\$6,720	\$13,440
1"	\$11,941.20	\$23,882.40

All tap fees for water taps larger than one inch (1") in size shall be negotiable with the respective City Council or Town Board where the tap is applied for.

SCHEDULE B (water share requirements)

Union Ditch water share requirements for outside users and for projects or re-subdivisions that increase the number of taps, increase tap size, and/or increase the approved quantity of water usage for existing Town or City subdivisions.

Tap Size	Water Shares in Union Ditch
5/8" or 3/4"	1
1"	2

All water shares in Union Ditch for outside users for tap sizes larger than one inch will be negotiable with respect to the City Council or Town Board where the tap is applied for.

SCHEDULE C (cash in lieu of shares)

Under extraordinary circumstances and when appropriate, Cash in Lieu of Water Shares may be considered at an exchange rate of \$2,500 per Union Ditch share (subject to annual increases per the Denver/Boulder CPI Index increase). There should be no expectation that the Regional Water Board shall recommend in favor of cash in lieu of shares.

The process for accepting Cash in Lieu of Shares shall be as follows:

1. Regional Water Board Review:

- Any proposal for Cash in Lieu of Shares must be presented to the Regional Water Board for review.
- The Regional Water Board will provide a recommendation based on the impact on the regional water system and sustainability considerations.
- The recommendation, whether in favor or against, must include a detailed rationale and will be recorded in the meeting minutes.

2. Municipality Approval:

- Following presentation of the Cash in Lieu proposal to the Regional Water Board and a Board recommendation, whether in favor or against, final approval of Cash in Lieu of Shares proposals will rest with the City Council or Town Board where the tap is applied for.
- The decision will take into account the Regional Water Board's recommendation and the potential impact on the local water infrastructure.

3. Annual Cap on Cash in Lieu Transactions:

- Each municipality may set an annual cap on the number of taps or the total value of Cash in Lieu transactions to prevent over-reliance on financial compensation instead of water shares.
- It is recommended that this cap be reviewed and adjusted annually based on the previous year's water usage and regional water availability, as well as projected availability, both current and future, of Union Ditch shares for purchase.

4. Developer Contribution Limits:

- Developers proposing large-scale projects (e.g., more than 10 taps) must provide a minimum percentage of water shares (e.g., 50%) as part of their proposal.
 1. The percentage for each development shall be considered as part of the recommendation, whether for or against, to the respective Town of City Council by the Regional Water Board, but shall take into account the previous year's water usage and regional water availability, as well as projected availability, both current and future, of Union Ditch shares for purchase.
- The remaining requirement may be met through Cash in Lieu, subject to approval and the established annual cap.



CITY OF FLORENCE

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City Manager Report

February 14, 2025 – February 27, 2025

Meetings with agencies, boards, and committees:

- ***Union Ditch Board Meeting (Tuesday, February 18, 2025)***
 - Union Ditch Board meeting to approve 2025 Union Ditch projects and expenditures.
- ***Regional Water Board (Tuesday, February 25, 2025)***
 - Quarterly Regional Water Board meeting.

Internal Meetings/Discussion/Projects

- Updates to the Personnel Policies are undergoing final legal review. These will be provided to Council when complete to ensure extra time for review in advance of their inclusion on an upcoming agenda.
- An updated compensation schedule for employees is in the final stages of development. This proposed schedule provides a more modern approach to the City's compensation structure, while keeping all employees within their current pay range, meaning no compensation adjustments will be required should council elect to adopt the plan at a future Council meeting.
- Staff is nearing the final stage of completing comprehensive fee updates (excluding utility rates) and expects to present them to Council early in the second quarter of 2025. These updates involve significant Code revisions as well in order to make future updates more efficient and streamlined.
- The RFQ for the City of Florence's Master Plan (RFQ 2025-001) has been released. The deadline for submitting questions on the RFQ is February 13, 2025; the original submittal deadline for the RFQ itself was February 27, 2025, however, Staff has elected to extend the deadline by two (2) weeks in order to allow more time for submittals. Proper notifications have been issued.
- The previously discussed community engagement program allowing citizens the opportunity to better understand how government works has been tentatively scheduled to begin in May. We will begin providing notifications and sign-ups by early April.
- Staff will be sending out notifications to all those who received Outside Agency Funding for 2024 to attend a year-end review Worksession immediately prior to the April 7, 2025 Regular City Council meeting. Applications for 2025 funding opportunities will be opened immediately thereafter, with applications subsequently closing in early May. Exact dates will be based on the City Council meetings calendar and will be communicated in advance of the application period.