

September 2, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Month of September 2025 as National Preparedness Month.**

PP 2. **Declaring the Month of September 2025 as Hunger Action Month.**

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

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

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

- Six protests were received prior to the deadline regarding Item No. 21, *Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025*, and the agenda has been updated accordingly.
- Items 1-19 on the Consent Calendar are recommended for adoption.
- Two discussion items related to the Civic Assembly recommendations.

F) COMMUNITY REPORTS – None.**G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**
(Including requests for removal of items from Consent Calendar for individual discussion.)

Kathryn Dubiel commented on Charter language that requires all ballot initiatives to include the words yes and no and expressed concern that the citizen-initiated initiative that will be put before voters does not include that language. She requested Council make the necessary correction.

Cory Carroll commented on advocating for his patients related to the environment in which they live, which included his participation in the Poudre Canyon Group of the Colorado Sierra Club. He stated the Group disbanded due to the intentional manipulation of its election last year by the Fort Collins YIMBY group, which was done ostensibly to seek political endorsement for one of the leaders of YIMBY who is currently a candidate for Council District 1. He stated it was unfortunate that the 30-year activism of the Poudre Canyon Group has now ended and added he would send additional information to Council via email.

Quinn Necker spoke about his passion for flags and suggested the Fort Collins flag should be redesigned to remove text and add symbolism. He showed a rendering of a flag he designed.

Michelle Haefele stated the City frequently uses surveys that utilize a question format called a Likert scale. She commented on the importance of symmetrical response options and stated there have been two recent City surveys that included non-symmetrical response options making the outcomes biased, one related to the Civic Assembly, and one related to Sound in the City. She requested the City use professional resources to design surveys or stop using them altogether.

Kirk Fieseler opposed the LMN zoning recommendation for the Moor annexation and suggested it should be zoned Urban Estate or Low-Density Residential to bring it in line with the character of the area. He noted conceptual review plans show a 78,000 square foot four-story building on the property, which is in direct opposition to the Northwest Subarea Plan. Additionally, he stated the site is in the floodplain and the area is already highly susceptible to flooding without additional impervious space. He also opposed a proposed Laporte Avenue access for the property and stated the project would decrease his quality of life with increased traffic, lights, noise, and trespassers. He suggested looking at the two-story apartment buildings to the east of his property for an example of how to properly build apartments in the area.

Brian Tracey commented on his history as a bike mechanic at CSU and other locations. He stated he likes the idea of kids learning and having fun on bikes and expressed support for raptor rescue. However, he stated the original intent of the 2021 Hughes Stadium ballot language was to protect the land from development and have it be open land with low-impact use. He opposed the Civic Assembly recommendation ballot item stating it lacks specificity.

Andrew Fricina discussed the Monte Carlo and McMurray Avenue intersection and related safety issues. He stated there are issues with speeding and people not stopping at 4-way stop signs and noted there are five schools within a one-mile radius of the intersection which means there are hundreds of children walking and biking in the area. He urged Council to station a police office in the area to watch for violations.

Judy Castro expressed appreciation to Council for its work. She expressed concern about mosquito spraying and impacts on her property. She suggested additional research occur on the topic and urged Council to be open to that.

Carin Avila, Rocky Mountain Raptor Program Director, expressed her support for the Hughes for Everyone issue committee and Civic Assembly recommendations regarding the Hughes property. She urged Council to adopt Resolution 2025-082 and stated the property can be restored to help create habitat and provide education, create space for expanded recreation, and create space for wildlife rehabilitation. She stated the land can be a place to connect, conserve, and recreate, which are all community values.

Dianna Murphy requested clarification related to the ordinance for the large-scale development of the Hughes Stadium site and the ballot language as it relates to non-disclosed taxpayer obligations and the CCIP tax renewal. She commented on the overlap between ballot items and questioned whether the funding for the bike park is coming exclusively from CCIP funding and asked if bike park funding would go toward another location if both the item preserving Hughes as a Natural Area and the CCIP renewal are approved.

Valerie Vogeler opposed the Moor annexation and zoning and provided context about the semi-rural nature of the neighborhood. She discussed the Northwest Subarea Plan and a recent ruling that it is regulatory in nature. She stated she does not believe a 78,000 square foot four-story building with surface parking is in compliance with the Subarea Plan and expressed concern about pedestrian safety and the floodplain.

Rich Stave commented on witnessing a local business assisting an individual until medical assistance arrived. He opposed Item No. 9, *Second Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project*, and questioned why the City should fund something that benefits CSU. Additionally, he stated it appears to be a research project which should be on CSU property rather than being the responsibility of Fort Collins ratepayers.

Joe Rowan commented on a letter sent to Council urging the use of excess tax collections from the 2015 CCIP for affordable housing. He stated a response letter was sent from Community Services regarding the low original estimate of the cost of the Southeast Community Center. He urged Council to use the funds for housing, the number one issue in Fort Collins, versus another recreation center, to better address community priorities.

Kimberly Connor provided information about the genocide that is occurring in Gaza and urged Council to adopt a ceasefire resolution. She stated silence supports what is occurring.

Adam Hirschhorn noted he is running for Mayor and wanted to acknowledge the help he received to get him on the ballot. He mentioned several groups who had been involved. He stated one of the best moments of his campaign was when he was on campus and someone asked him where he stood on Palestine. He also acknowledged Jacob Castillo for recognizing the sustainability campus he proposed.

Blaine (no last name provided) noted he was a volunteer recognized as part of the National Preparedness Month proclamation. He expressed support for a ceasefire resolution and provided a

story about a young girl who was murdered along with her family and the two first responders who were trying to find them. He stated the genocide that was happening a year ago continues today and commented on the staggering number of people who have been murdered and intentionally targeted by Israeli soldiers. He stated we can help by boycotting products that fund genocide and divest from companies in the community whose products have been found in bomb fragments in destroyed communities.

Claire (no last name provided) commented on the Hughes Stadium site and reminded Council that one of the most prominent recommendations from the flawed Civic Assembly survey was to include Indigenous voices in every aspect of the project and to set aside sacred and ceremonial space. She expressed concern those voices are being diminished as the process moves forward. She noted she was one of the women who glued her hand to the wall in Chambers in protest of the lack of Council action on a ceasefire resolution and to honor her ancestors who have been erased from history. She stated it has been acknowledged that Fort Collins land was stolen and stated much healing is needed. She urged Council to ensure Indigenous oppressed voices are heard.

Tammy VerCauteren, Bird Conservancy of the Rockies Executive Director, spoke in support of the recommendations of the Civic Assembly process for multiple uses of the Hughes property. She stated the recommendations offer opportunities for people of all ages and abilities to be able to engage with nature. She noted they envision restoration, developing habitat and providing education and conservation efforts. She also supported activities related to bike trails, a bike park, sledding and frisbee golf and stated they want to honor Indigenous voices by including a place to honor and celebrate them as part of the process.

Eric Sutherland spoke about addressing affordability in the city stating affordable housing is the most important issue impacting the community. He stated the largest contribution Fort Collins taxpayers make to housing is to subsidize Timnath housing by backfilling funds that would otherwise be lost to tax increment financing, in the amount of \$8 million this year. He noted Timnath is not building affordable housing and stated the problem could be easily solved by directing the money appropriately.

Miranda Spindel spoke in opposition to the Moor annexation and expressed concern that any project allowed with the proposed LMN zoning would not fit with the character of the existing area. She also discussed a recent ruling that the Northwest Subarea Plan is regulatory in nature. She commented on a conceptual review for a project on the site stating it is completely out of compliance with the Subarea Plan.

Bill Bertschy commented on the Spring Creek flood and resulting floodway and floodplain work. He stated the proposed LMN zoning for the Moor property is inconsistent with the recent conceptual review for the site. He discussed flooding issues in the area and noted mitigation for any project would need to occur to ensure floodway requirements are met.

Public comment concluded at 7:04 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson agreed that the way the City conducts surveys is a concern and suggested Council may need to intervene to ensure symmetrical options are provided. He also concurred with the comments related to the lack of validity of online opinion polls which he stated provide worthless information.

Councilmember Pignataro requested follow-up on the intersection of Monte Carlo and McMurray that was discussed. Dana Hornkohl, Engineering Department, replied the FC Moves Department is currently doing safety audits for Kruse Elementary, which would include that intersection, and the

concerns mentioned by Mr. Fricina will be addressed as part of that process. He stated he would be able to provide additional details shortly.

Councilmember Pignataro asked Assistant City Attorney Rupa Venkatesh to forward a previous memo to Claire regarding the Indigenous engagement related to the Civic Assembly process.

Mayor Arndt thanked Quinn for his recommendations related to the City flag and thanked Mr. Fricina for his comments regarding the Monte Carlo and McMurray intersection.

Councilmember Potyondy asked about the Moor annexation and what subsequent opportunities would be available for people to provide input as development occurs. Arlo Schumann, City Planner, stated the applicants have submitted a conceptual plan, though it is not official. He clarified that when any development proposal comes forward, it will go through multiple rounds of review by City staff as part of the development review process, and depending on the project, there are various potential hearings or decision letters that are provided.

Councilmember Ohlson asked about the recommended zoning for the Moor property. Mr. Schumann replied the LMN zoning is in alignment with the City's Structure Plan and the Northwest Subarea Plan.

Councilmember Potyondy asked about the types of structures that are allowable in the LMN zone. Mr. Schumann replied it is a primarily single-family detached zone, though it does allow for townhomes and apartment buildings of a certain size with bonuses allowed if they are affordable housing projects.

Councilmember Gutowsky asked about the ballot language question related to yes and no wording. City Attorney Daggett replied in reviewing the language to provide it to the County Clerk, it was identified that yes and no needed to be included; therefore, the language on the ballot question as it is being submitted does follow the Charter requirements.

COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

- 1. Consideration and Approval of the Minutes of the August 12, 2025, Special Meeting and August 19, 2025, Regular meeting.**

The purpose of this item is to approve the minutes of the August 12, 2025, Special Meeting and the August 19, 2025, Regular meeting.

Approved.

- 2. Second Reading of Ordinance No. 127, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends an appropriation of \$22,050 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 128, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves in the Water Utility Fund for the Lemay Water Line Replacement Project and to Supplement the 2025 Water Main Operating Budget and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests a supplemental appropriation of \$3,400,000 in the Water Utility Fund to fund the Lemay Water Line Replacement Project, and to supplement the 2025 water main operating budget, in addition to an appropriation of \$32,000 for Art in Public Places.

The Lemay Water Line Replacement Project is the result of unanticipated and continuous water leaks occurring since spring 2025. Based on the number and frequency of leaks, approximately \$200,000 has been spent to date on responding to leaks. Considering the condition of the water line and risk to City staff and the public, the water line needs to be replaced. The \$3,432,000 supplemental appropriation serves to: 1) supplement the 2025 water main repairs operating budget by \$200,000 for unanticipated costs incurred to respond to numerous leaks; 2) fund \$3,200,000 for design and construction of a new water line, as well as removal of the existing water line; and 3) contribute \$32,000 for Art in Public Places per Code.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 129, 2025, Appropriating Prior Year Reserves in the Wastewater Utility Fund for the Blower Replacement Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests additional appropriation of \$1,700,000 in the Wastewater Utility Fund to fund the Blower Replacement Project, in addition to appropriation of \$17,000 for Art in Public Places.

The Blower Replacement Project at the Drake Water Reclamation Facility (DWRF) has undergone design, up to sixty percent, for replacing two blowers. An additional \$1,700,000 from Wastewater Utility Fund reserves is needed to supplement the existing appropriated budget for preliminary design. The requested \$1,700,000 additional appropriation will fund final design and installation of both blowers, having a minor contingency to fund unanticipated costs for the blowers to be placed into service.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 130, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating \$54,200 of unanticipated grant revenue awarded by the Colorado State Patrol Department of Public Safety.

In July 2025, the Colorado State Patrol awarded Fort Collins Police Services \$54,200 as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The \$54,200 award is under the BATTLE program's FY26 cycle. These state funds will be used for Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on Second Reading.

6. Second Reading of Ordinance No. 131, 2025, Making Supplemental Appropriations of Grant Funds From Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Project.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Natural Areas Department (“NAD”) in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex.*
- Create seven pools using beaver dam analog wood structures to support amphibian habitat.*
- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing.*
- Include Native and Indigenous community members in restoration planting activities.*

NAD was awarded \$25,500 through the Colorado Parks and Wildlife (“CPW”) Wetlands for Wildlife grant (Attachment 1). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This ordinance will enable the Natural Areas Department to complete the Soapstone Prairie Headwaters Restoration Project and fulfill final monitoring and reporting obligations under the CPW grant.

Adopted on Second Reading.

7. Second Reading of Ordinance No. 132, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Power Trail and Harmony Grade Separated Crossing Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates Transportation Capital Expansion Fee (TCEF) funds to the Power Trail and Harmony Grade Separated Crossing project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate \$1,500,000 in TCEF funds to the Project; and 2) appropriate \$15,000 (1%) of the TCEF funds to the Art in Public Places (APP) program.

Adopted on Second Reading.

8. Second Reading of Ordinance No. 133, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Epic Pool Ice Center Chiller Replacement and Rink Renovation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates \$2,000,000 from 2050 Parks & Recreation tax reserves and \$1,000,000 from the Recreation Fund reserves to replace the EPIC Ice Chiller system and modernize key rink infrastructure, including dasher boards, tempered safety glass, protective netting, painting and rink flooring.

Adopted on Second Reading.

9. Second Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, approves a lease agreement between the City and Platte River Power Authority (PRPA) to lease 27,351 square feet of real property at 401 South Overland Trail within the existing site parcel. The agreement, which will require only a nominal annual rental payment by Platte River, allows the parties to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to Light & Power's distribution system. Platte River and Light & Power are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid, with energy storage playing a crucial role in achieving those goals.

Adopted on Second Reading.

10. Second Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, authorizes the use of eminent domain to acquire right-of-way needed for constructing the Cordova Road – North of Duff Drive project (Project).

Adopted on Second Reading.

11. Items Relating to Amendments and Updates to Tax Provisions in City Code.

A. Second Reading of Ordinance No. 136, 2025, Amending Article III of Chapter 3 of the Code of Fort Collins Relating to Liquor Occupation Tax.

B. Second Reading of Ordinance No. 137, 2025, Amending Articles II and III of Chapter 25 of the Code of Fort Collins Relating to Sales and Use Tax

C. Second Reading of Ordinance No. 138, 2025, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins to Increase the Threshold to Require a Written Settlement Agreement for Lodging Tax.

These Ordinances, unanimously adopted on First Reading on August 19, 2025, recommend amendments to the Liquor Occupation Tax, the Sales and Use Tax, and Lodging Tax as part of the regular housekeeping and necessary updates to promote the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

The changes to the second reading of Ordinance No. 137, 2025 (found at the top of page 14 of the ordinance) remove an outdated statutory reference in Code Sec. 25-216 (Review of decisions of Financial Officer) by deleting the citation in that Section to Colorado Revised Statutes (C.R.S.) § 29-2-106., which was updated and relocated to C.R.S. § 29-2-203 in the omnibus 2024 housekeeping legislation, Senate Bill 24-025 (SB24-025). SB24-025 revised, modernized, and harmonized separate state statutes pertaining to sales and use tax administration.

All Ordinances Adopted on Second Reading.

12. Second Reading of Ordinance No. 139, 2025, Amending Section 15-383 of the Code of the City of Fort Collins Regarding the Licensing of Outdoor Vendors.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amending the Outdoor Vendors Code to adopt an annual expiration date of the license issued by the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

Adopted on Second Reading.

13. Second Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amendments and updates to the City's regulation of door-to-door solicitors.

Adopted on Second Reading.

14. First Reading of Ordinance No. 142, 2025, Appropriating Philanthropic Revenue Received through City Give for The Gardens on Spring Creek as Designated by the Donor.

The purpose of this item is to appropriate \$326,351 in philanthropic revenue received through City Give to benefit the Gardens on Spring Creek (the "Gardens"). These estate gifts to the Gardens align with both the City's strategic priorities and the respective donors' designation.

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

Adopted on First Reading.

15. First Reading of Ordinance No. 143, 2025, Vacating a Portion of the Right-of-Way of Giddings Road.

The purpose of this item is to vacate a portion of the public right-of-way (ROW) at Giddings Road between Mountain Vista Drive and Richards Lake Road. The outside 8-ft of ROW on either side of the existing road can be vacated, and the road will still meet the minimum Larimer County Urban Area Street Standards for a 2-lane arterial street.

Adopted on First Reading.

16. Items relating to the Moor Annexation.

A. Resolution 2025-079 Setting Forth Findings of Fact and Determinations Regarding the Moor Annexation.

B. Public Hearing and First Reading of Ordinance No. 144, 2025, Annexing the Property Known as the Moor Annexation to the City of Fort Collins, Colorado.

The purpose of these items is to annex a 3.368-acre property located northeast of the intersection of North Taft Hill Road and Laporte Avenue. The Initiating Resolution was adopted July 15, 2025. A related item to zone the annexed property is presented on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

Resolution Adopted and Ordinance Adopted on First Reading.

17. **Public Hearing and First Reading of Ordinance No. 145, 2025, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Moor Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

The purpose of this item is to zone the property included in the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) and place the property into the Residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Adopted on First Reading.

18. **Resolution 2025-080 Adopting the 2025 Fort Collins Utilities Water Efficiency Plan.**

The purpose of this item is to adopt the 2025 Fort Collins Utilities Water Efficiency Plan.

The 2025 Fort Collins Utilities Water Efficiency Plan (WEP) sets water efficiency goals and identifies strategies (such as voluntary incentives, policy, infrastructure tools, and education) to meet the goals, with a focus on treated water use within the Fort Collins Utilities (Utilities) water service area. The WEP update followed State guidelines and involved extensive public and staff engagement, quantitative analyses, and an equity evaluation.

The State of Colorado requires that retail water providers have a State-approved water efficiency plan that is updated periodically. Following Council adoption, staff will submit the 2025 WEP to the Colorado Water Conservation Board for final approval.

Adopted.

19. **Resolution 2025-081 Approving Participation in the Settlement with An Additional Opioid Defendant, Purdue, and a Related Waiver of Claims.**

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Purdue by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Emily Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-19 on the Consent Calendar.

The motion carried 7-0.

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

Councilmember Potyondy celebrated the generous gift made to the Gardens on Spring Creek through the City Give program.

Mayor Arndt stated the battery storage project is part of the move toward a clean energy future.

L) STAFF REPORTS – Access Fort Collins Demonstration

Amanda King, Chief Communication and Engagement Officer, provided an update on the City's new and improved Access Fort Collins, which is the quickest and easiest way for community members to submit questions, service requests, or comments that are then routed directly to the City staff person who can best respond. She noted the platform can be accessed from the City's website in several locations and there are also Apple and Android phone applications available. She provided a tutorial of how to submit a request on the new site and discussed how requests are handled internally.

M) COUNCILMEMBER REPORTS

None.

Clerk's Note: *Mayor Arndt called for a break at 7:20 p.m., noting the meeting would resume at 7:30 p.m.*

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. Second Reading of Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.

This Ordinance, adopted on First Reading on August 19th, 2025, by a vote of 6-1 (Nay: Gutowsky), supports the Civic Assembly's recommendations presented to Council on May 27, 2025, and adds additional specification to those recommendations.

Mayor Arndt noted this item is on Discussion as the vote was not unanimous on First Reading.

PUBLIC COMMENT

Rich Stave noted he wasn't clear about whether Items #20 and #21 were in the correct order and questioned why another taxpayer funded bike park is needed when there is another one a mile away. He commented on E-bikes and stated very few Fort Collins residents will benefit from a bike park. He suggested funds should instead go toward repair and improvement of existing parks.

COUNCIL QUESTIONS/COMMENTS

Councilmember Ohlson requested clarification regarding references to the life cycles of features. Ginny Sawyer, Senior Policy and Project Manager, replied that language was included given the stewardship of the site will be ongoing in perpetuity. She stated it will be important to manage features respective of their life cycles as the community may desire changes in the future.

Councilmember Potyondy asked about a possible mismatch between the ordinance and ballot initiative in the language around involvement and engagement with the Indigenous community. She suggested changing the language in the ordinance to properly communicate the commitment to requiring that involvement and consultation.

Councilmember Ohlson concurred with the change and suggested 'including Indigenous/Native American consultation,' but stated he would also support 'require.'

Councilmember Potyondy supported the symmetry of having the language in the ordinance and ballot align. She suggested a friendly amendment to use the language from the ballot initiative in the ordinance.

City Manager DiMartino suggested a wording change to replace 'endeavor to engage in ongoing consultations' with 'consult.'

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 121, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site, on Second Reading, with language edits outlined by the City Manager in Section F, 2.

Councilmember Gutowsky noted she opposed the ordinance on First Reading because she felt there was a discrepancy in the super majority vote and felt that the decision of the Civic Assembly was diminished by not honoring the vote.

The motion carried 6-1.

Ayes: Councilmembers Potyondy, Canonico, Pignataro, Arndt, Francis, and Ohlson.

Nays: Councilmember Gutowsky.

Councilmember Gutowsky stated she wanted to remind the community that the original initiative that passed in 2021 was approved by 69% of the voters and she believes the Civic Assembly recommendation moves away from that original intent. She commented on constituents' concerns regarding the bike park feasibility study which has not been shared in a transparent fashion. She stated she would like to see the details of the site evaluation criteria and cost estimates for each location. She stated it is important to see how the Hughes site compares with others and stated she was going to propose that a regional bike park be considered for the northeast part of the city.

21. **Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025.**

This item has been amended to include 6 protests received on September 1, 2025, before the noon deadline

The purpose of this item is to refer Ordinance No. 141, 2025, relating to the recommendations of the Civic Assembly for the use and management of the Hughes Stadium Site, to the November 2025 ballot.

Pursuant to Section 7-156 of the City Code, any registered elector desiring to protest the proposed ballot title or submission clause for this item, must file such protest with the City Clerk no later than noon on Monday, September 1, 2025. The form and additional information on how to file a protest is located at this link: fcgov.com/elections/ballot-title-protest.

Because this date falls on a holiday:

By Email: *Protests may be emailed to cityclerk@fcgov.com by the noon deadline on September 1.*

In Person: *Protests intended for in-person delivery may be submitted by 5:00 p.m. on Friday, August 29 or an appointment may be scheduled for the September 1 holiday by contacting 970-221-6515 before 5:00 p.m. on August 29.*

If a protest is filed, a hearing on the protest will be added to the agenda item and will take place before City Council adopts the Resolution setting the ballot title and submission clause.

The Mayor noted six protests were received and explained the process that would be used.

STAFF PRESENTATION

Assistant City Manager Rupa Venkatesh provided the question that was to be answered as part of the Civic Assembly process and provided the language of the adopted 2021 ballot measure to rezone the Hughes site as Public Open Lands, which is defined as parks, recreation, open lands, natural areas, and wildlife rescue and restoration. She also provided the language of the proposed 2025 ballot initiative.

PROTEST PRESENTATIONS

The Mayor allotted 5 minutes for each protest presentation.

Patricia Babbit commented on the suggested acreage for various uses of the site and noted a great deal of unaccounted for land remains. She expressed concern that the parcel measurements were not exact and expressed her opposition to the recommendation citing ambiguity.

Tom Farnsworth protested the sufficiency of the ballot language specifically citing a June 2024 work session during which Council went to great lengths to clearly define recreation, wildlife rescue and restoration, natural areas, and parks on the 2021 ballot item as a way to show precise intent. He then noted Council discussed Civic Assembly super majority items and the recommendation that a bike park be included on the list of ballot items despite not having super majority status. He stated the clear and concise recommendations of the Civic Assembly are being skirted and stated the ballot language should include the exact terminology of the super majority items.

Paul Patterson noted his protest was related to the permanent easement given for a detention pond and stated this use should be included in the submission clause. He provided suggestions for how to do this and pointed out the location and size of the easement. He noted the disc golf course easement exists within this area and provided additional details related to this.

Kathryn Dubiel stated the Indigenous community has again been marginalized by the local government, administrators, and staff. She stated the resolution language marginalizes the involvement of the Indigenous community despite the Civic Assembly recommendations highly regarding Indigenous involvement. She also commented on the difference between the enacting clause of the ordinance and the ballot submission clause.

Melissa Rosas stated the proposed ballot language and underlying ordinance leave voters with the impression that Council is only accepting the recommendations of the Civic Assembly; however, in comparing the Civic Assembly's final report to the Council's underlying ordinance, it is clear that impression is false and misleading. She stated the Civic Assembly did not

recommend a bike park or stand-alone wildlife conservation rescue and rehabilitation space and the ballot language around the dedicated space and facilities is exceedingly vague and could allow massive built infrastructure. Additionally, she stated there are no site plans or planning documents and only vague concepts with no guarantees on size or use. She stated she would like to see Council stand by the recommendations as provided in the Civic Assembly's final report.

Kathryn Dubiel stated this protest deals with the fact that there are elements of the presentation of the information that voters will see which is not clear and is misleading. She commented on a confusing comparison between the Council-referred ordinance and the citizen-initiated ordinance and stated the submission clause is required to be a clear statement of the enacting clause of the ordinance. She also commented on the order of the new amenities in the ballot language which she stated does not give the voter a vision of what will be significant changes and urged Council to change the list order.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy requested clarification regarding the permanent easement question that was raised. Ginny Sawyer, Senior Project and Policy Manager, replied the easement came with the property when it was purchased and noted the detention pond is necessary on the property. She stated she was unsure about the disc golf course easement; however, the City has stated its commitment to retaining and maintaining a disc golf course.

Councilmember Pignataro asked if the City needs to have an easement on land it owns. City Attorney Daggett replied the City acquired a substantial easement from CSU several years ago, and when the City became the owner of the property, easements that were for the benefit of the City essentially merged with the title.

Councilmember Ohlson stated he cannot yet support this item without some additional clarification. He noted the detention pond could be moved on the site or resized. He asked how staff would address the idea of being specific about parcel sizes for the bike park, conservation campus, and space that remains undesignated. Sawyer replied a connected trail system is anticipated throughout the site and noted this parcel will be unique and different from anything else in the city. She noted consultation work with the Indigenous community has not yet occurred and there may be some buffering between uses for which the undesignated space could be used.

City Attorney Daggett noted the ordinance calls out the remainder of the site as park, aside from the specified uses.

Councilmember Ohlson stated he would have liked the resolution to state something other than 'expressing support for the recommendations of the Civic Assembly,' stating he never supported that process. He stated he would have preferred language related to expressing support for multiple uses of the Hughes Stadium site. He requested clarification as to why staff did not list the uses from largest to smallest. He also commented on some ballot language that is confusing regarding the citizen-initiated ordinance.

Mayor Pro Tem Francis supported updating the language and updating the language to match the updates that were made as part of the previous item. She suggested the cleanest way to do that would be to deny all protests and then make the changes under the resolution item.

Councilmember Gutowsky expressed her appreciation for the time the protestors took to engage in what they thought was flawed about the resolution and ballot language. She expressed concern that so many community members were worried about the Civic Assembly process being flawed and about the ballot language being misleading. She recommended consideration of the specific

suggestions to clean up the language. She also thought more specificity should be provided around the acreages.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that Council deny each of the six protests based on consideration of the ballot title and submission clause and the information presented in the protest hearing, finding the ballot title and submission clause to meet the applicable standards.

The motion carried 6-1.

Ayes: Councilmembers Potyondy, Canonico, Pignataro, Arndt, Francis, and Ohlson.

Nays: Councilmember Gutowsky.

PUBLIC COMMENTED ON RESOLUTION 2025-082

Kathryn Dubiel stated Councilmember Pignataro noted the City is not required to provide an easement for itself; however, she noted there is a canal importation basin with components that were designed and sized to prevent flooding, which is a responsibility of the City. She stated she would like to know the cost impacts of moving the detention pond and questioned whether that would be a good use of taxpayer dollars.

Tom Farnsworth stated this ballot is the product of Council and stated it is important to realize all members have used the words credibility, trustworthy, and transparency. He stated this ballot issue should not be included on the ballot and suggested the citizen-initiated item should be allowed to fail or pass.

Melissa Rosas stated Council and staff have excluded Indigenous perspectives around preserving and protecting the Hughes site as a natural area for all.

Elena Lopez concurred with Melissa Rosas' statements and stated icing out the Indigenous and Bipoc people who want to protect the land for everyone is particularly disturbing. She stated they will fight to protect the land as long as they can and thanked the allies in the community.

Lucy Lee stated she served as a delegate on the Civic Assembly and thanked Council for the opportunity to serve the City and collaborate with fellow residents on recommendations. She stated it is disheartening that there has been misinformation related to the recommendations and commended Council for turning the issue over to the delegates. She expressed support for the placement of the item on the ballot.

COUNCIL QUESTIONS/COMMENTS

Councilmember Gutowsky noted Council had a long discussion about how much they appreciated the work of the Civic Assembly and she stated she had nothing but praise for the work. She stated that Council's job should be to pass a resolution accepting the recommendations of the Civic Assembly. She then commented on the petitioners who have taken countless hours to collect signatures and got their item on the ballot. She stated the citizen-initiated item should stand alone without placing the Civic Assembly item on the ballot. She stated placing both items on the ballot will cause confusion.

Councilmember Ohlson requested clarification regarding language indicating that certain uses such as disc golf and sledding 'may' continue in the ordinance and differing wording in the ballot language. Assistant City Manager Venkatesh replied Council's direction was that the language in the ordinance should be closely matched to the Civic Assembly recommendations, which clearly included uses such as a bike park, natural area, and park amenities, but were neutral on the disc golf course and sledding hill, which is why those are separate from the required uses.

Councilmember Ohlson reiterated the language difference regarding 'may continue' and 'will continue' existing uses and suggested the resolution should include 'may.' Assistant City Manager Venkatesh replied that change could be made.

Councilmember Ohlson expressed concern about the reference to the citizen initiative in the ballot language.

City Manager DiMartino suggested 'allowing continuing uses.' Council did not support that change.

Councilmember Potyondy expressed support for striking the language related to the reference to the citizen initiative.

Mayor Arndt also expressed support for striking the language and stated she would be supporting the resolution. She expressed support for the Civic Assembly process and related recommendations and stated it was done in a supportive and inclusive manner. She stated she was excited the recommendations would be placed before the voters.

Clerk's Note: Mayor Arndt called for a break at 8:56 p.m., noting the meeting would resume at 9:56 p.m.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025, with the following amendments: page 3, section F number 2 should read 'The City will consult with' and striking out 'endeavor to,' page 4, the number 11 should be removed and number 12 should become 11, under Council referred ordinance, the language 'differs from the citizens' initiative ordinance on the November 2025 ballot which would require 100% of the Hughes site to be designated as a City natural area' should be stricken and replaced with 'provides for the following City action:,' and the fourth bullet should read 'may include existing uses such as disc golf and winter sledding.'

The motion carried 6-1.

Ayes: Councilmembers Potyondy, Canonico, Pignataro, Arndt, Francis, and Ohlson.

Nays: Councilmember Gutowsky.

P) RESUMED PUBLIC COMMENT

Q) OTHER BUSINESS

Mayor Arndt offered birthday wishes to Councilmember Ohlson tomorrow.

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

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

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:04 p.m.

Mayor

ATTEST:

City Clerk

DRAFT