

May 6, 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 Week of May 11-17, 2025 as National Police Week.**

PP 2. **Declaring the Week of May 12-17, 2025 as Armed Forces Week.**

PP 3. **Declaring the Week of May 4-10, 2025 as Small Business Week.**

PP 4. **Declaring the Month of May 2025 as Wildfire Awareness Month.**

Mayor Jeni Arndt presented the above proclamations 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:

- Items 1-15 on the Consent Calendar are recommended for adoption.
- No Discussion Agenda.
- Consideration of an Executive Session to discuss telecommunication facilities and services.
- No consideration of an Executive Session regarding the Comcast Franchise as issues have been resolved.

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.)*

Kevin Cross, Fort Collins Sustainability Group, spoke in support of a large methane user fee and noted the City would need to take additional measures beyond those outlined in the road map that was presented by staff in October of 2022 to meet the 2026 and 2030 climate pollution reduction goals. He noted the large methane user fee would apply to approximately 730 facilities in the city and stated the fee would complement and strengthen the Building Performance Standards policy. Cross provided additional information on the benefits of a large methane user fee and electrification.

Ed Behan, Larimer Alliance for Health, Safety, and the Environment, spoke in support of a large methane user fee. He stated the City has taken important steps that represent progress toward the greenhouse gas emissions reduction goals; however, they do not apply to large industrial complexes or institutional structures such as hospitals and schools. He requested Council direct staff to study the ramifications of a large methane user fee, including analysis of how such a fee could serve to compliment Building Performance Standards in Fort Collins. He urged Council to do what it can to continue to protect our health and environment.

Peggy La Point, League of Women Voters of Larimer County, spoke in support of a large methane user fee and the use of the fee dollars for incentive grants to subsidize building improvements. She stated the League is requesting assurance that small business owners would be competitive in any process employed for awarding those grants. Additionally, she stated the use of a large methane user fee is a better alternative for raising revenues than requiring an across-the-board increase in residents' franchise fees.

Geoff Taylor stated the trash hauling contract has a negative impact on his HOA's streets and maintenance budget as they maintain their own streets. He stated the trash hauler contract was written with an overriding policy that negated the ability of the HOA to manage traffic on its own private roads. He requested a formal review of the City's policy and the return of control to HOA's that have privately maintained streets.

Chloe Williams noted she is a resident of a Housing Catalyst project and is disabled. She stated she has been bullied, intimidated, and harassed by the management company for Oak 140 and discussed abuse she suffered from maintenance staff four years ago at a different Housing Catalyst project. She stated management staff is attempting to retaliate against her with an eviction, and she is begging to be heard.

Christina Swope stated she is a member of the Air Quality Advisory Board but is not speaking on its behalf. She spoke in support of implementing a large methane user fee and stated it would help with the City's climate goals. She noted the City is not on track to meet its current goals and stated this fee would complement the Building Performance Standards. She urged Council to move forward with the study and implementation of the fee.

Adam Hirschhorn stated there is a problem in the City and the rate of living things dying on earth has outpaced our ability to grow food. He discussed fish kills, degrading coral reefs, U.S. forests dying, livestock (chicken and cattle) reducing in numbers, and pollinators in downturn. He requested a pilot program along the Meridian/Centre corridor to help with these items. He stated Council must empower youth engagement programs and have plans for food, water and necessities.

Elizabeth Hudetz noted we have air quality issues in the city and the world and spoke in support of the large methane user fee. She stated it is a carrot to encourage businesses using exceeding amounts to make changes to encourage smarter use of energy. She stated using the fees to make building improvements will generate construction jobs and the fee would be a good complement to other City efforts addressing greenhouse gas emissions and energy use. She encouraged the City to use the money generated by the fee for air quality items only.

Julie Rowan-Zoch spoke in support of the large user methane fee and stated it could help companies who are already willing to change. She also spoke in support of Ms. Williams, who spoke earlier, and hoped the City could do something to help. Lastly, she spoke about the war in the Middle East and urged Council to sign a ceasefire resolution.

Public comment concluded at 6:28 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy received assurance that a member of staff is working with Ms. Williams.

Councilmember Ohlson discussed the World Wildlife Fund study referenced by Mr. Hirschhorn regarding the decline of global wildlife populations due to habitat destruction. He stated he will be requesting Council support for initiating the study of a large methane user fee during Other Business.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the April 15, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the April 15, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 070, 2025, Modifying Ordinance No. 023, 2025 with Regard to Fund Identification for College Avenue-Trilby Road Capital Improvements.

This Ordinance, unanimously adopted on First Reading on April 15, 2025, modifies a previous appropriation to expense the Stormwater Utility's share of the capital project in the Storm Drainage Fund, as opposed to transferring stormwater funds to the Capital Project Fund as detailed in Ordinance No. 023, 2025.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 071, 2025, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

This Ordinance, unanimously adopted on First Reading on April 15, 2025, appropriates \$424,224, of which \$296,957 is proposed for Convention and Visitors Bureau, \$106,056 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$21,211 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2024 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2024, total Lodging tax revenues collected came in \$424,224 above projected collections.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 072, 2025, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the Purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities not included in the 2025 Adopted City Budget.**

This Ordinance, unanimously adopted on First Reading on April 15, 2025, appropriates \$6,066,078 in prior year reserves in the Natural Areas Fund and \$112,957 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, visitor amenities and restoration of wildlife habitat, as well as other Natural Areas Department stewardship activities to benefit the residents of Fort Collins.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 073, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Oak Street Stormwater Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on April 15, 2025, appropriates an additional \$1,515,000 appropriation from the Stormwater Utility Reserve Fund to supplement the existing appropriated budget, including \$15,000 for Art in Public Places. The Oak Street Stormwater Project is currently under construction and progressing as planned. The additional appropriation will fund remaining project support services as well as a minor contingency for unanticipated costs to complete the project.

An Art in Public Places contribution, per Code, has been added to the total project supplemental appropriation amount.

Adopted on Second Reading.

6. **First Reading of Ordinance No. 074, 2025, Appropriating Unanticipated Philanthropic Revenue, Appropriating Prior Year Reserves and Authorizing Transfer of Appropriations for Various Gifts Received Through City Give.**

The purpose of this item is to request an appropriation of \$42,325 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 First Reading.

7. **First Reading of Ordinance No. 075, 2025, Making a Supplemental Appropriation of Colorado Department of Transportation Colorado Highway Safety Office Click It or Ticket Grant Funds for the Fort Collins Police Services Traffic Enforcement Unit.**

The purpose of this item is to appropriate \$20,000 of unplanned revenue from the Colorado Department of Transportation (CDOT) for Police Services to conduct the Click It Or Ticket program.

Adopted on First Reading.

8. **Items Relating to the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.**

A. Resolution 2025-049 Authorizing the Execution of an Intergovernmental Grant Agreement Between the City of Fort Collins and the Colorado Department of Public Safety for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

B. First Reading of Ordinance No. 076, 2025, Making a Supplemental Appropriation of Federal Emergency Management Administration's Building Resilient Infrastructure and Communities Program Grant Funds and Authorizing Transfers for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

The purpose of these items is to enable the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (Project). The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety (CDPS), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project. This award is part of the Federal Emergency Management Administration's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) 2023 program, with the \$398,431 awarded to the City being federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will utilize budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

Grant funds will enable the City in developing plans to support developers who seek to utilize nature-based solutions and natural habitat design standards in their neighborhood developments in Fort Collins. The purpose of this item is to support development of the Project by:

- Appropriating \$398,431 of unanticipated revenue awarded through FEMA's BRIC program;*
- Utilizing matching funds in the amount of \$85,378 from existing 2025 appropriations in the Community Development and Neighborhood Services operating budget in the General fund into this grant Project for staff time;*
- Utilizing matching funds in the amount of \$11,841 from existing 2025 appropriations in the Stormwater Engineering operating budget in the Stormwater fund into this grant Project for staff time.*
- Utilizing matching funds in the amount of \$5,957 from existing 2025 appropriations in the Communications and Public Involvement operating budget in the General Fund into this grant Project for staff time.*

This item authorizes the Mayor to accept the grant funds and to commit the City to comply with the terms and conditions of the intergovernmental grant agreement.

Resolution Adopted.

Ordinance Adopted on First Reading.

9. **First Reading of Ordinance No. 077, 2025, Replacing Ordinance No. 040, 2025, and Approving the Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins, Colorado, Downtown Development Authority Governing the Use of a Line of Credit for the Financing of Downtown Development Authority Projects and Programs and Delegating to the Downtown Development Authority Thereunder the Power to Incur Debt in Relation Thereto as Authorized by State Law.**

*The purpose of this item is to approve an ordinance to authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million. **This item was previously approved by Ordinance No. 040, 2025; however, the Exhibits A, B, and C-1 to C-5 attached to and part of the intergovernmental agreement were not included in the meeting packet on March 18, 2025, for the second reading of the Ordinance. The only changes on this item for its approval and replacement of Ordinance No. 040, 2025, other than updating the dates, are the inclusion of the intergovernmental agreement attachments.***

The current Line of Credit (LOC) established in 2012 and renewed in 2018 by the City on behalf of the DDA expired at the end of 2024. The City and DDA began taking steps in early 2024 to renew this debt instrument with First National Bank of Omaha (FNBO) for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2025 and continuing through 2030. The renewal of the bank authorized Line of Credit is needed by the DDA to satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II).

On November 6, 2024, the Council Finance Committee reviewed the purpose and approach for bringing forth a third IGA to accommodate the DDA's authorization to use a Line of Credit and satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II). The Council Finance Committee was supportive of advancement of the IGA to Council.

On February 13, 2025, the DDA Board adopted Resolution 2025-02 authorizing the DDA's approval of the IGA and the line of credit promissory note from First National Bank of Omaha. The IGA is now advanced to Council and pursuant to the DDA Act requires adoption by ordinance.

Adopted on First Reading.

10. **Resolution 2025-050 Authorizing the Mayor to Execute a License Agreement with BNSF Railway Company for Railroad Crossing Signal Equipment within the Public Right-of-Way for North Timberline Road.**

The purpose of this item is to authorize the execution of a License Agreement (the "License Agreement") for Railroad Signal Equipment covering 600 square feet (the "License Area") located within the boundaries of North Timberline Road at the intersection of Timberline and Vine for BNSF Railway Company to install and operate railroad crossing signal equipment, controls, and related infrastructure.

Adopted.

11. Resolution 2025-051 Supporting the City's Renewal as a Certified Bird City.

The purpose of this item is to renew Fort Collins' designation as a Bird City. Renewal requires a Council resolution, a public celebration of World Migratory Bird Day, and a submission of an updated application documenting the City's actions to support bird populations.

Adopted.

12. Resolution 2025-052 Concerning the Fort Collins Urban Renewal Authority and its Tax Increment Revenue Refunding and Improvement Bonds (North College Tax Increment Urban Renewal Area), Series 2025; Declaring the City Council's Present Intent to Appropriate Funds to Replenish the Reserve Fund Securing Such Bonds, if Necessary; and Authorizing a Cooperation Agreement and Other Actions Taken in Connection Therewith.

The purpose of this item is for the Council to consider a Replenishment Resolution, which both provides a "Moral Obligation Pledge" to the Fort Collins Urban Renewal Authority (the "Authority") and approves a Cooperation Agreement between the City and Authority in connection with the revenue bond issuance approved by the URA Board at its April 24, 2025, meeting.

The Authority will be issuing additional bonds against the North College projected tax increment revenues. The bond proceeds will be used to fund the acquisition of blighted properties, support blight remediation through redevelopment of the same properties, and invest in additional public infrastructure. All proceeds will be expended by direction and with the approval of the Authority board. As part of this bond issuance, the Authority is seeking a "Moral Obligation Pledge" from the City of Fort Collins (the "City"). The pledge would result in improved bond ratings and reduced debt service costs to the Authority.

Adopted.

13. Items Relating to Phase 2 of the Michigan Ditch Pre-Fire Mitigation Project (Grant Award and Services Agreement).

A. Resolution 2025-053 Authorizing the City Manager to Accept Grant Funds for Phase 2 of the Michigan Ditch Pre-Fire Mitigation Project.

B. Resolution 2025-054 Authorizing the City Manager to Enter into an Agreement with the Colorado State Forest Service for Phase 2 of the Michigan Ditch Pre-Fire Mitigation Project.

The purpose of these items is for Council to authorize the City Manager to: 1) accept grant funds awarded in a grant award letter from the State of Colorado, Department of Natural Resources, through Colorado Department of Natural Resource's Colorado Strategic Wildfire Action Program ("COSWAP") ("Grant Award Letter") and; 2) enter into an agreement with the Colorado State Forest Service ("CSFS") to perform certain forest health and pre-fire mitigation work ("Services Agreement").

Both Resolutions Adopted.

14. Resolution 2025-055 Supporting the Grant Application for Funding for Front Range Passenger Rail Project Planning.

The purpose of this item is to obtain support for the City in applying for funding under the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund program.

Adopted.

15. Resolution 2025-056 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one vacancy on the Board of Directors of Housing Catalyst that has existed since December 31, 2024.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-15 on the Consent Calendar.

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP

Councilmember Ohlson stated he was going to withdraw Item No. 8, *Items Relating to the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project* but instead opted to make comments. He stated he believes the City has a historic lack of awareness, understanding, and concern for natural surroundings and non-human habitat and is therefore skeptical of the proposal related to this item.

Regarding Item No. 11, *Resolution 2025-051 Supporting the City's Renewal as a Certified Bird City*, Councilmember Ohlson noted bird species was a Council priority in 2021 and commented on the number one reason for deterioration of songbird species being domestic cats. He suggested there should be additional educational efforts regarding the impact of domestic cats and requested a staff response. City Manager DiMartino replied the discussions have occurred several times and there has been limited success in working with partners such as the Larimer County Humane Society. She suggested the topic could be discussed as part of social media efforts but acknowledged there is no organized communication campaign at this point. She stated she would regroup with the team on the level of resourcing and options and will follow up with a memo.

Councilmember Gutowsky commented on Item No. 12, *Resolution 2025-052 Concerning the Fort Collins Urban Renewal Authority and its Tax Increment Revenue Refunding and Improvement Bonds (North College Tax Increment Urban Renewal Area), Series 2025; Declaring the City Council's Present Intent to Appropriate Funds to Replenish the Reserve Fund Securing Such Bonds, if Necessary; and Authorizing a Cooperation Agreement and Other Actions Taken in Connection Therewith*, and commended the work of the Urban Renewal Authority (URA) to help mitigate blight in the areas served by the URA, particularly along North College.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Thanked those who recently participated in the city's first civic assembly discussing the future of the Hughes Stadium property. She stated the reflections were thoughtful and touching and stated the process was a meaningful way to get a sense of the desires of the greater community.

Councilmember Tricia Canonico

- Visit to Zach Elementary's 4th graders.

- Thanked those involved with the emergency management training with the County and other partners.
- Commended the Historic Preservation Commission on hosting the 2025 Friend of Preservation awards and congratulated the four award winners.

City Manager DiMartino introduced Caleb Weitz, the City's new Chief Financial Officer.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION – None.

P) RESUMED PUBLIC COMMENT (Since public comment did not exceed 90 minutes, this section was not necessary at this meeting.)

Q) OTHER BUSINESS

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

Councilmember Ohlson requested Council support directing staff to initiate a study of the potential of a large methane user fee.

Mayor Pro Tem Francis questioned the depth of a study.

City Manager DiMartino suggested the prioritization of that work could be discussed at the next work session given a full study would likely require some staff and funding resources.

Councilmember Ohlson stated he would wait until after the work session to request support for initiating a study.

OB 2. Consideration of a motion to go into Executive Session:

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, that City Council go into executive session:

1. to consider matters pertaining to issues of competition in providing telecommunication facilities and services, including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other related matters allowed under Colorado Law, as permitted under Article Twelve, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.

The motion carried 7-0.

Executive session ended at 7:20 p.m.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:20 p.m.

Mayor

ATTEST:

City Clerk

DRAFT