

October 7, 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 October 5-11, 2025, as Fire Prevention Week.**

PP 2. **Declaring the Month of October, 2025, as Conflict Resolution Month.**

PP 3. **Declaring the Month of October, 2025, as American Archives Month.**

PP 4. **Declaring the Month of October, 2025, as Cybersecurity Awareness 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:

- Items 1-17 on the Consent Calendar are recommended for adoption.
- Following consideration of a motion to adjourn the regular meeting until after completion of the Electric Utility Enterprise Board meeting, Council will consider a motion to adjourn into Executive Session to discuss the capital expansion fees with no further action following that.

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.)

Kimberly Connor spoke on the genocide occurring in Gaza and urged Council to take a stand. She noted an all-day march is occurring on Saturday related to this and encouraged people to join. She concluded with a poem from a Palestinian writer.

Jerry Gavaldon shared concerns about the emergency exit at EPIC that staff want to open. He referred Council to an Ordinance from 1985 and noted concerns the neighborhood has related to this. He urged Council to ensure the roadway remains an emergency exit only.

Claire Kopp spoke on the genocide occurring in Gaza and noted Fort Collins exists due to genocide. She commented on instances wherein people have tried to quiet her due to pressure from Israeli supporters. She stated people buy the security of the American government stated she will continue speaking the truth.

Barbara Krupnik-Goldman spoke on the Platte River Power Authority (PRPA) organic contract and power supply agreement. She commented on a meeting she had with Councilmember Ohlson and Deputy City Manager Tyler Marr regarding additional questions. She stated a restriction should be added to ensure that PRPA does not burn gas on high ozone days beyond what is needed for the four member cities. She urged Council to get definitive answers on this topic.

Jamie Blanchard-Poling, Compost Queen, announced that her company and the City of Fort Collins are launching a new composting pilot program this month. She noted the program is open and is already over 50% full. She urged interested parties to reach out and provided some related specifics. She requested assistance in getting the word out about the new program.

Margit Hentschel spoke about issues related to wood smoke. She thanked all fire responders and provided information about fire prevention. She provided information about health impacts from fire and wood smoke and commented on the need to restrict outdoor/backyard burning. She discussed the importance of creating healthy neighborhoods and requested a ban on recreational burning.

Madeleine Grigg urged Council to support efforts to eliminate the genocide in Gaza and commented on an example when Council took a position on apartheid in South Africa. She recommended passage of a cease fire resolution stating it would send a message to all community members that Council takes these issues seriously.

Sterling spoke about the genocide occurring in Gaza and provided some statistics on the number of people who have died. He noted that Israel has been found guilty of genocide, and stated all governments are required to take action. He urged Council to not do business with companies such as Woodward. He also expressed concern about continuing to criminalize the poor and the current

state of our federal government. He asked what plan the City has to resist President Trump and his regime.

Rich Stave asked questions about the PRPA organic contract and power supply agreement. He noted he was unsure about the item because he could not find the Electric Utility Enterprise agenda online. He also expressed concern about the battery storage that is being suggested and discussed the issue of PRPA not being responsible for related maintenance. He stated he is not comfortable with the contract and believes the City is pushing too hard to achieve too little at too high a cost.

Hope Lightner spoke representing the Jewish community members who could not be present due to the holiday and memorials that are occurring. She spoke about her knowledge of the agitators that would be addressing Council tonight and provided an alternative perspective related to this. She stated divestment from local companies send the wrong message and risks the City's investment portfolio. She urged Council to oppose that request. She encouraged unity and respect for all community members and for people to pray for those who have been hurt and have lost loved ones. She encouraged Council to stay focused on the local community.

Laura stated Fort Collins stole this land and continues not to address giving the land back. She spoke about the Gaza genocide and noted similarities to things that are occurring here. She urged Council to pull money out of companies that are involved and stated that if we want justice here, we must demand it everywhere. She urged Council not to be war criminals.

Patricia Babbitt commented on wondering two years ago how she might address the war locally if she were Mayor. She stated she is saddened that Council has not taken action in the way constituents expected. She spoke of division that has been created in the community and provided Hughes as an example with the City providing a competing ballot measure. She urged voters to vote yes on 303 and no on 2H.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Arndt thanked the Compost Queen and the City for the new partnership. She also acknowledged outdoor wood burning and suggested more work should be done related to this. She encouraged Mr. Stave to reach out to Tyler Marr or Travis Walker with his questions.

Councilmember Gutowsky requested the City work to address the issue raised by Mr. Gavaldon regarding the EPIC emergency exit onto Stuart.

Councilmember Ohlson asked if there was any issue with posting the EUE agenda. City Clerk Coldiron replied the agenda was posted at the same time the Council agenda was posted and has been available.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the September 16, 2025, Regular meeting.

The purpose of this item is to approve the minutes of the September 16, 2025, Regular meeting.

Approved.

2. **Second Reading of Ordinance No. 146, 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 September 16, 2025, requests an appropriation of \$152,669.11 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. 147, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the William Neal and Ziegler Intersection Improvements Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, appropriates and transfers additional funds for the William Neal and Ziegler Intersection Improvements project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate \$388,773 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 2) appropriate \$77 in Transportation Services funds to the Project; 3) transfer \$85,000 in Conservation Trust funds to the Project; 4) transfer \$45,000 in Community Capital Improvement Program (CCIP) Pedestrian Sidewalk funds to the Project; and transfer \$3,850 of Project funds to the Art in Public Places (APP) program.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 148, 2025, Making Supplemental Appropriation of Colorado Office of Economic Development and International Trade for the Colorado CHIPS Community Support Program Marketing Grant Funds in the General Fund.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, appropriates \$25,000 of unanticipated revenue from the Colorado Office of Economic Development and International Trade for the Colorado Creating Helpful Incentives to Produce Semiconductors (CHIPS) Community Support Program Marketing grant. This grant provides funding to the Economic Health Office for marketing and promotional activities targeted at semiconductor ecosystem companies and advanced industries.

Adopted on Second Reading.

5. **Items Related to Appropriating Additional Funds for 2025.**

A. Second Reading of Ordinance No. 149, 2025, Making Supplemental Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 150, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Various City Funds.

These Ordinances, unanimously adopted on First Reading on September 16, 2025, combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2025 annual budget appropriation. The unanticipated revenue is primarily from fees, charges,

rents, contributions and grants that have been paid to City departments to offset specific expenses.

Both Ordinances Adopted on Second Reading.

6. **Second Reading of Ordinance No. 151, 2025, Amending Sections 26-148 and 26-149 of the Code of the City of Fort Collins Regarding Water Supply Requirement Credits for Water Services.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, ensures that City Code (Code) more comprehensively addresses how Fort Collins Utilities (Utilities) credits existing water services when they are changed, typically during redevelopment. Code currently addresses how Utilities credits nonresidential services when they are redeveloped and replaced with a new nonresidential service. However, Code does not currently address how Utilities should credit residential services that are redeveloped into nonresidential services, or when nonresidential services are redeveloped into residential services. This item would fill those gaps.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 152, 2025, Amending Chapter 24 Article IV of the Code of the City of Fort Collins Relating to Portable Signs.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, updates the City Code (Code) pertaining to portable signs. This ordinance updates the areas where portable signs are allowed to more accurately reflect the designated downtown areas as well as the timeframe of when a portable sign permit is valid and the requirements to obtain a permit.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 153, 2025, Creating a New Article VI in Chapter 24 of the Code of the City of Fort Collins Relating to Electric Vehicle Charging by Temporary Cord Draping.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, secures and promotes the public health, safety, and general welfare of persons using City sidewalks by regulating the placement, covering over, use, and removal of electric vehicle charging cords located upon certain public sidewalks within the City. To expand charging opportunities for electric vehicles for persons without dedicated off-street parking at their residence, this proposed new City Code (Code) regulates the safe draping of an electric vehicle charging cord across a sidewalk or other public right-of-way at the person's residence for the purpose of providing a charge to a curbside vehicle at the person's residence.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 154, 2025, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority.**

This Ordinance, unanimously adopted on First Reading on September 16, 2025, expands the boundaries of the Fort Collins Downtown Development Authority (the "DDA") and amends the Plan of Development of the Authority to include a property at 313 North Meldrum Street and adjacent street right-of-way on North Meldrum Street. The property is a commercially zoned lot in the Old Town District and is the location of the historic Emma Malaby Grocery building. The right-

of-way is being added as a housekeeping step to more efficiently describe the overall DDA boundary. There is no impact to the City from the inclusion of this right-of-way.

Adopted on Second Reading.

10. Items Relating to Platte River Power Authority Organic Contract and Power Supply Contract.

A. Second Reading of Ordinance No. 155, 2025, Authorizing an Amended and Restated Organic Contract for Platte River Power Authority.

B. Second Reading of Ordinance No. 156, 2025, Authorizing an Amended and Restated Contract with Platte River Power Authority for the Supply of Electric Power and Energy.

These Ordinances, unanimously adopted on First Reading on September 16, 2025, extend and amend the Organic Contract between Estes Park, Longmont and Loveland (the member cities) that is the basis for Platte River Power Authority's ("Platte River") existence and purposes and to extend and make modifications to the Power Supply Agreement ("PSA") with Platte River.

Both Ordinances Adopted on Second Reading.

11. Second Reading of Ordinance No. 157, 2025, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Relating to the Gift Acceptance Restrictions and the Definitions Section of the City's Ethics Rules.

This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to gift acceptance restrictions recommended by the Ethics Review Board. Corresponding changes to the definitions section of the ethics rules will also be considered.

Adopted on Second Reading.

12. Second Reading of Ordinance No. 158, 2025, Amending Chapter 2, Article VIII, Division 2 of the Code of the City of Fort Collins Relating to Financial Disclosure Requirements.

This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to financial disclosure requirements recommended by the Ethics Review Board.

Adopted on Second Reading.

13. Second Reading of Ordinance No. 159, 2025, Amending Chapter 2, Article VIII, Division 3 of the Code of the City of Fort Collins Relating to Gift Reporting Requirements of the City's Financial Disclosure Rules.

This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to gift reporting requirements recommended by the Ethics Review Board.

Adopted on Second Reading.

14. First Reading of Ordinance No. 160, 2025, Authorizing a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. and its

Successors and Assigns for the Right to Make Reasonable Use of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Residents Within the City.

The purpose of this item is to renew the Cable Franchise Agreement from the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. LLC. The current agreement will expire on October 31, 2025. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast.

Adopted on First Reading.

15. **First Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.**

The purpose of this item is to repeal Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.

Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

Adopted on First Reading.

16. **First Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of “Construction Project”.**

The purpose of this item is to amend the definition of “Construction Project” in Code. The City’s Art in Public Places ordinance currently includes language that requires a 1% allocation from construction projects that will cost more than \$250,000 to fund the acquisition and maintenance of public art. “Construction project” is defined as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.” Staff seeks to amend this definition to expressly exclude maintenance from the definition of “construction project”.

Adopted on First Reading.

17. **Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools.**

The purpose of this item is to authorize the City Manager to execute an Agreement which memorializes the methods and processes the Poudre School District R-1 (“PSD”) and the Parks Department (“Parks”) operate and pay for repairs/replacement of current shared-site irrigation systems. This Agreement also transfers the use of water from two shares of water that PSD currently owns in the New Mercer Company to Parks.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-17 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 Ohlson commented on Item No. 10, *Items Relating to Platte River Power Authority Organic Contract and Power Supply Contract*, and asked if a memo was sent out regarding the ozone issue. Deputy City Manager Tyler Marr replied in the negative.

Councilmember Ohlson requested some follow-up regarding the ozone issue. Deputy City Manager Marr replied that when one looks at PRPA's energy curves, they are indicative of what the future will look like minus coal and with increased solar and wind, and on days when there is no wind, that gap needs to be filled, and high ozone days tend to lack wind. Additionally, it relates to what the market allows.

Councilmember Pignataro asked why Item No. 17, *Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools*, did not go to the Water Board. Deputy City Manager Marr replied the Water Board has not typically been involved as it pertains to Parks management of its own raw water, though that could change moving forward if desired.

Councilmember Ohlson asked if Item No. 17, *Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools*, went to the Parks and Recreation Board. Deputy City Manager Marr replied in the affirmative.

Mayor Arndt requested additional information regarding Item No. 16, *First Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of "Construction Project."* Deputy City Manager Marr replied it is not a wholesale shift to the Art in Public Places Program, but is simply a definitional clarification related to large asset replacement not triggering an Art in Public Places contribution.

L) STAFF REPORTS – None.

M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Attended the air show
- Attended the architectural awards at the Drake Center

Councilmember Melanie Potyondy

- Commended Clay Frickey on emceeding the architectural awards
- Attended the NoCo Down Syndrome Walk

Councilmember Tricia Canonico

- Toured the Syphon overpass south of Harmony and thanked those involved
- Walked on the new Mail Creek Trail – ribbon cutting for Tail Winds Park on the 15th
- Encouraged residents and businesses to get involved in the Compost Queen pilot program
- Attended The Family Center's annual fiesta at The Lyric

Mayor Jeni Arndt

- Represented Fort Collins on the ICHLI Board related to Climate Week

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION - No items planned for discussion.

P) RESUMED PUBLIC COMMENT

Q) OTHER BUSINESS

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

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

OB 2. Consideration of a motion to adjourn this meeting until after the completion of the Electric Utility Enterprise Board business:

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that Council adjourn this meeting until after the completion of the Electric Utility Enterprise Board business.

The motion carried 7-0.

OB 3. Consideration of Motion for Executive Session for Legal Advice related to Capital Expansion Fees:

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2)

- City Code Section 2-31(a)(2) and

- Colorado Revised Statutes Section 24-6-402(4)(b) for the purpose of discussing with the City's attorneys and appropriate management staff the following:

1. specific legal questions related to potential litigation related to current or proposed capital expansion fees; and

2. the manner in which current or proposed capital expansion fees may be affected by existing or proposed provisions of federal, state or local law.

The motion carried 7-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:49 p.m.

Mayor

ATTEST:

City Clerk