

October 21, 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 October 22, 2025, as Community Media Day.**

PP 2. **Declaring October 16, 2025, as Imagine a Day without Water Day.**

PP 3. **Declaring the Month of October 2025 as Arts and Humanities Month.**

PP 4. **Declaring the Month of October 2025 as Narconon Colorado - A Life Worth Saving 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 Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Councilmember Julie Pignataro

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Items 1-10 on the Consent Calendar are recommended for adoption.
- Four discussion items.
- Possible Executive Session relating to the potential acquisition and sale of real property for affordable housing projects in the Downtown area.

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.)

Adam Hirschhorn noted he is running for Mayor and read a proclamation he developed affirming the dignity of Palestinians as human beings.

Joe Rowan stated silos are still evident in the City organization and cited the discussion of funding for the Southeast Community Center as an example, stating Parks siloed use of the CCIP tax revenues.

Juno Elliott and Addie stated they are 3rd grade students at Riffenburgh and spoke in opposition of opening the EPIC access along Stuart Street discussing the dangers this would create for students who are walking or biking in the area.

Sylvie Elliott and Cree stated they are students at Riffenburgh and spoke in opposition of opening the EPIC access along Stuart Street. She discussed the dangers this would create for walking and biking students.

Ryan James spoke in opposition to opening EPIC access along Stuart Street. He urged Council to get involved and prevent the Recreation Department from doing this. He stated this would add a third point of traffic flow in an area where there is currently a dead-end street and it is likely it would not be used solely for exiting. He commented on some concerning incidents that occurred when the exit was previously temporarily open during a construction project and urged community participation early in this discussion.

Vauhini Vara spoke in opposition to opening the EPIC access along Stuart Street and commented on the danger for commuters in the area. She noted the importance of being bicycle friendly in Fort Collins and also urged community participation early in the discussion.

Teri Evans spoke in opposition to opening the EPIC access along Stuart Street and discussed the negative impact this would have on nearby neighborhoods. She also noted the danger this would create for students. She suggested using Police Services assistance to help with traffic flow during large events.

Annie Elliott spoke in opposition to opening the EPIC access along Stuart Street. She discussed numerous near misses that have occurred in existing crosswalks with students and vehicles. She spoke about the increased danger this would create.

Delia James and her brother JP spoke in opposition to opening the EPIC access along Stuart Street. She discussed safety concerns getting to and from school and to nearby friends' houses.

Kavi Altschul spoke in opposition to opening the EPIC access along Stuart Street noting the safety concerns this would create for walking and biking students.

Peter Erickson discussed the Land Use Code and arbitrary parking requirements in various communities. He noted excessive requirements make walking and biking difficult and dangerous and necessitate driving. He expressed support for eliminating parking minimum requirements for commercial development.

Matthew Behunin discussed smart land use policies and encouraged Council to eliminate required minimum parking requirements for commercial developments citywide. He stated land is precious, expensive, and permanent, and how we use it shapes the community for years to come. He also stated it is strange to require parking for bars which seems to encourage drunk or impaired driving. He also supported using the remaining CCIP dollars for affordable housing.

Carolyn Dalbow spoke in opposition to opening the EPIC access along Stuart Street. She shared concerns about the safety of students and noted she sees near misses every day. She also discussed her experiences with the EPIC access being opened for short times and explained the negative impacts this has had on her neighborhood. She shared frustration with not being told about this project although she lives adjacent to the access point.

Susan Klibbe spoke in opposition to opening the EPIC access along Stuart Street. She noted safety concerns for bikers, walkers, runners, and skateboarders, and stated there are already issues with vehicles and speeding. She stated this would have extremely negative impacts for the area neighborhoods and encouraged the City to implement solutions for the few hours needed to help get cars out of the parking lot after events. She also shared frustration that neighbors have not heard anything about this.

Tatiana (no last name provided) spoke in opposition to opening the EPIC access along Stuart Street and noted neighbors were told this would not occur. She discussed safety concerns for all in the surrounding neighborhoods and schools, as well as those using the Power Trail. She expressed concern about the wellbeing of her community and stated the City should find other solutions.

Russell Brown discussed the need for a recreational adult softball league for people over 50 citing examples from Overland Park, Kansas where this occurs. He stated Fort Collins is an active community and stated having a non-competitive league for older adults would be valuable.

Mark Morehouse spoke in support of opening the EPIC access along Stuart Street. He stated traffic congestion on the Riverside access is currently a problem and having one egress is a safety issue. He also spoke in support of funding the Southeast Community Center with the inclusion of ten lap lanes.

Wren Ryder, a student at Riffenburgh, spoke in opposition to opening the EPIC access along Stuart Street. She requested Council consider the students who walk and bike to school every day and commented on a friend who was almost hit.

Ezriah Shteir commended Police Services for accommodating a recent peaceful protest. He also thanked fellow protestors for treating officers with respect and noted the Police enabled people to

participate in the event. He opposed the arrest of one person for attaching a sign to a light pole and expressed concern that the City is open to free speech only for some.

Meghan Reusser spoke in opposition to opening the EPIC access along Stuart Street. She discussed the dangers this would create for pedestrians and cyclists and noted the lack of safety infrastructure that exists in the area. She provided an example of an accident she was involved in even though safety infrastructure was in place.

Andrew Elliott spoke in opposition to opening the EPIC access along Stuart Street and noted Fort Collins was recently named as one of the most peaceful places in the United States due to low noise, thoughtful design, and access to nature. He stated opening the access would undercut the qualities that earned the City this distinction and requested the access not be opened.

Kelly McGregor spoke in opposition to opening the EPIC access along Stuart Street and encouraged Council to listen to the students who spoke about issues in the area without the additional traffic. He urged Council to not allow the access.

Public comment concluded at 6:54 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Pro Tem Francis requested follow up on the EPIC access onto Stuart Street. City Manager DiMartino replied the City is evaluating options, though there are no recommendations at this time. She noted one assessment was completed in the spring, and one will begin in November. After the results of that second assessment, meetings will occur with neighbors.

Mayor Pro Tem Francis asked if any decision would go before Council. City Manager DiMartino replied that could occur and stated an update will definitely be provided after conversations with neighbors occur. She also noted Safe Routes to School will be involved in any recommendations that go forward.

Councilmember Potyondy stated she looks forward to Council hearing more about the EPIC access issue once assessments and neighborhood meetings have occurred. She thanked the speakers, particularly the Riffenburgh students.

Councilmember Potyondy noted the Recreation Director is present and heard the request for an adult softball league for people over fifty. City Manager DiMartino stated that league will be starting in the spring of 2026.

Councilmember Potyondy commended Police Services for their assistance at the No Kings Rally. She also requested follow-up related to the arrest made regarding signage.

Councilmember Potyondy noted she has been hearing from families that people are driving too fast throughout the city and encouraged drivers to slow down.

Councilmember Gutowsky thanked those who spoke regarding the EPIC access issue. She expressed concern that there was not more communication to the neighbors from the City. Additionally, she noted there was an ordinance passed in 1985 which promised the access would remain for emergencies only and suggested that be examined. She also encouraged more outreach to the community now rather than waiting until after the results of the next assessment.

Councilmember Canonico thanked those who spoke, particularly the Riffenburgh students.

Councilmember Ohlson thanked those who spoke, particularly the Riffenburgh students. He noted he was part of the 1985 Council that made the decision to prevent the permanent egress onto Stuart and urged the future Council to keep that in place.

Councilmember Ohlson asked about the placement of signage on poles. City Manager DiMartino replied there are no content-based decisions and when an active, in progress situation is observed, tickets are issued.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the October 7, 2025, Regular meeting.

The purpose of this item is to approve the minutes of the October 7, 2025, Regular meeting.

Approved.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on October 7, 2025, renews the Cable Franchise Agreement from the City 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 Second Reading.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on October 7, 2025, repeals 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 Second Reading.

4. Second 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".

This Ordinance, unanimously adopted on First Reading on October 7, 2025, amends 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 Second Reading.

5. First Reading of Ordinance No. 163, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.

The purpose of this item is to request an appropriation of \$16,325 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.

6. First Reading of Ordinance No. 164, 2025, Making a Supplemental Appropriation for 2025 Transfort Operational Expenses.

The post-pandemic Transit industry has experienced unprecedented levels of cost increases resulting in estimated operating cost increases of 50%-70% across the industry for 2025. Transfort is experiencing similar expense impacts with significant cost increases across the three largest segments of its budget: personnel, vehicle repair services, and contracted transportation services. Compounding the impact of Transfort specific expense overruns are citywide fiscal pressures that require a reduction in the previously allocated General Fund support of the Transit Fund. As a result, Transfort is requesting a supplemental appropriation of \$2.8M from the 2050 Tax Parks Rec Transit OCF Fund ("2050 Transit Tax") to support Transfort's 2025 operational expenses.

Adopted on First Reading.

7. First Reading of Ordinance No. 165, 2025, Declaring Certain City-Owned Property at Fossil Creek Wetlands Natural Area as Right-of-Way.

The purpose of this item is to declare approximately 0.2 acres of Fossil Creek Wetlands Natural Area as Right-of-Way for the Trilby Road Bridge Replacement project.

The Trilby Road Bridge Replacement project is one element of Utilities' comprehensive stream rehabilitation along Fossil and Stanton Creeks. This portion of the project will facilitate the installation of a replacement bridge and culvert and permit future bicycle and pedestrian infrastructure. The existing culvert is structurally deficient and blocks fish passage and stream habitat connectivity. The bridge replacement will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years. This portion of the project will also support future bicycle and pedestrian infrastructure. The additional right-of-way proposed for the bridge replacement encompasses 8,890.61 square feet or 0.2 acres.

Adopted on First Reading.

8. Resolution 2025-087 Approving Fort Fund Program Support Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Program Support Grant – August Deadline category, based upon the recommendations of the Cultural Resources Board.

Adopted.

9. Resolution 2025-088 Making Extensions to Youth Advisory Board Member Terms.

The purpose of this item is to extend the terms of three members of the Youth Advisory Board through their graduation year.

Adopted.

10. Resolution 2025-089 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one vacancy that has existed due to the resignation of Heather Clemenshaw.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-10 on the Consent Calendar.

The motion carried 6-0.

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

Councilmember Ohlson thanked Carson Hamlin and others in the City organization who worked on Item No. 2, Second 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.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Commended the Disability Advisory Board award ceremony which was held last night.

Councilmember Tricia Canonico

- Attended the ribbon cutting for Trail Winds Park, the City's first park with a fenced playground to make it safer for autistic children.

Councilmember Susan Gutowsky

- Attended the groundbreaking for a new middle-income housing project at 302 Conifer in which the Urban Renewal Authority participated.

Mayor Jeni Arndt

- Participated in a Police ride along Friday and commended Police Services on the work they do to keep the community safe.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

11. Resolution 2025-090 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.

The purpose of this item is to consider a Resolution updating the current Intergovernmental Agreement ("IGA") regarding the Loveland/Fort Collins Airport, eliminating the Airport Commission and reverting to the pre-2015 model in furtherance of the goals of continuing to successfully jointly operate the airport while working towards the formation of an airport authority.

Ginny Sawyer, Senior Project and Policy Manager, stated this item relates to an update to the current Intergovernmental Agreement (IGA) with the City of Loveland for the Loveland/Fort Collins Airport. She stated the update would eliminate the Airport Commission and provide a transitional IGA toward the ultimate goal of an airport authority.

Sawyer noted there are currently five different entities involved in decision-making at the airport, and this IGA will reduce that number to four with an ultimate goal of having three decision-making entities.

PUBLIC COMMENT

Adam Hirschhorn discussed a potential per gallon fuel fee that could be applied based on type of use which could help with airport expansion and other expenses.

Ann Hutchinson stated the Chamber of Commerce is thrilled with movement towards an authority model. She stated the airport has been left behind and should be an economic driver that returns to this area.

COUNCIL DISCUSSION

Mayor Pro Tem Francis thanked staff, Mayor Arndt, and Councilmember Pignataro for their work on moving this forward.

Mayor Arndt thanked staff and the legal teams for Fort Collins and Loveland and noted the cities have been working well together. She commented on the fact that the FAA drives many of the decisions at the airport. She also noted the Councils retain policy-making decision authority over the airport and will be taking public comment on any airport items at regular Council meetings.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2025-090 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.

The motion carried 6-0.

Clerk's Note: Mayor Arndt called for a break at 7:20 p.m., noting the meeting would resume at 7:31 p.m.

12. Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

- A. First Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.*
- B. First Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.*

The purpose of this item is to seek Council approval of the proposed code changes. These code changes are intended to:

- Enable more housing and mixed-use buildings, especially near existing and future transit.*
- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.*
- Create clearer building and site design standards to promote transit use and pedestrian access.*
- Improve predictability of the Land Use Code, especially to support small business owners.*
- Align the Harmony Corridor plan to the proposed Land Use Code changes.*

Staff is proposing second reading of this Ordinance to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

Clay Frickey, Senior Planning Manager, stated this item is the culmination of a few years' worth of work to modernize and update the Land Use Code to be more consistent with adopted policy plans and guiding documents. He noted there are some amendments to the Harmony Corridor Plan that are new based on some comments from the last work session related to ensuring the updates are consistent with all adopted subarea plans.

Sylvia Tatman-Burruss, Policy and Project Manager, stated the Future of Commercial Corridors and Centers updates are focused on advancing the City's 15-Minute City goals, aligning the Code with existing City policy plans, balancing desired outcomes, and adding clarity to the City's development review process. She noted the updates are meant to enable more housing and mixed-use, create more resilient commercial areas, update building and site design standards, and improve predictability. She discussed the proposed updates to the Transit Oriented Development Overlay, including allowing five-story stand-alone residential within the General Commercial District, and potentially the Community Commercial District, limiting certain uses such as gas stations, enclosed mini-storage, and boat sales, and eliminating parking minimums.

Tatman-Burruss outlined proposed changes to the Harmony Corridor and Employment zones, including adjusting the primary/secondary use split in the Harmony Corridor to 50/50, allowing stand alone residential to replace existing parking lots, codifying the primary/secondary use split calculation methodology, allowing primary use exceptions for mixed-use buildings, allowing residential buildings to be a maximum of six stories in the Harmony Corridor zone, and allowing affordable housing projects to be exempt from the primary/secondary use split requirement.

Megan Keith, Senior Planner, stated another area of focus for this work was to consolidate, clarify, and update building standards. Additionally, other updates added new building types for non-residential buildings: general and shop front, and made progress toward converting text standards into illustrations, tables, and other more digestible ways to depict information. Another portion of work focused on the Change of Use Process to help improve predictability of the Land Use Code, especially to support small business owners. She noted proposed changes now correspond to an amendment type and associated applicable site improvements.

Keith outlined additional Land Use Code changes by article and discussed the proposed updates to the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines to ensure they are consistent with the updated Land Use Code. Those updates include changes related to the primary/secondary use split, changes to mixed-use buildings, and changes to the gateway area that were approved by Council in 2020.

Keith discussed the engagement timeline for the project and noted events included six neighborhood visits, a business kick-off event, a community forum event, focus groups, and open houses. Additionally, there were monthly newsletter updates distributed to subscribers and content was maintained on the project website. She noted the draft Code was released at the beginning of September and was available for public review through the first week of October.

Keith noted Council has asked about next steps following this work, and stated some of those could include looking at consolidating some commercial zone districts, examining areas designated as employment zoning, particularly as related to outdoor storage, extending the TOD overlay to North College and West Elizabeth, and continuing clean-up and reorganization of Article Five.

PUBLIC COMMENT

Joe Rowan thanked staff for their engagement and for distilling complex information into a more simplified format. He stated there may not have been enough internal discussion on some of the items that deserve additional attention from Council, including the definition of textures, materials, and colors that are allowed. He suggested developers should be allowed to present their ideas rather than having to fit into a predetermined boundary. Additionally, he suggested it does not appear much discussion was had with Economic Health from the standpoint that boat sales were specifically called out as being banned in the TOD. Additionally, he opposed banning gas stations in the TOD.

Jamie Thorpe, Hartford Homes, gave credit to staff and consultants for this work and specifically expressed support for the 50/50 primary/secondary change.

COUNCIL DISCUSSION

Mayor Pro Tem Francis requested clarification about the TOD overlay. Keith replied the recommendation is to increase the baseline allowed height to five stories without needing to deploy any incentives; however, additional stories could be added if a mixed-use component, affordable housing, or structured parking is provided.

Mayor Pro Tem Francis asked if the five-story height for stand-alone residential was added to other districts. Tatman-Burruss replied the original proposal was for the General Commercial zone district; however, public comment urged inclusion of Community Commercial as well, and much of that zone district is within the TOD. She stated Council could make that change prior to Second Reading.

Mayor Pro Tem Francis requested input as to the textures, materials, and colors comment from Mr. Rowan. Frickey replied many of the references to color, textures, and materials within the TOD are being removed, though some of the language still exists in Article Five that would apply to projects outside the TOD, which could be considered as part of the next phase of work.

Mayor Pro Tem Francis asked why the elimination of commercial parking minimums citywide was not part of the First Reading. Tatman-Burruss replied outreach was done only on eliminating those minimums within the TOD as it fits the overlay district.

Mayor Pro Tem Francis asked if that change could be made. Frickey replied this phase of updates was just focused on commercial areas, and staff would want to do more specific outreach about making a change that applied to the entire city, though Council could direct staff to look into that change prior to Second Reading.

Councilmember Potyondy supported looking at removing commercial parking minimums citywide as a next step. She asked if the boat sales language has been refined. Keith replied the idea is to prohibit the sales of larger boats on larger lots that are stored outdoors. She stated the language would not apply to smaller watercraft. Councilmember Potyondy suggested including additional specificity in the language.

Councilmember Potyondy complimented staff on their work and specifically commended the Change of Use process modifications.

Councilmember Gutowsky asked if the elimination of parking minimums is based on the assumption that fewer vehicles will be needed in the future. Frickey replied it is not the assumption that there will be no cars; however, there is an assumption that businesses will provide enough parking to serve their customers. Additionally, financial institutions that provide loans also generally require a certain amount of parking.

Councilmember Gutowsky commented on a parking feasibility study that showed an increase in the demand for parking and asked how that can be reconciled with the recommendation. Frickey replied parking ratios have been adjusted over time and they are subject to change based on what is observed in the community.

Mayor Arndt supported additional examination of the parking minimum issue as a stand-alone item. She also commended staff work on the updates.

Councilmember Ohlson supported careful consideration of the elimination of parking minimums, particularly citing situations wherein housing projects do not include enough parking, thereby creating spillover problems in nearby neighborhoods.

Councilmember Canonico also supported a further examination of parking minimums and thanked staff for their work and outreach efforts.

Mayor Pro Tem Francis expressed support for eliminating commercial parking minimums citywide and stated she would bring the topic forward with the new Council. She asked if there is support for expanding the five-story stand-alone residential allotment into the Community Commercial zone district. Councilmembers expressed general support.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers, including expanding the allowance for five-story stand-alone residential buildings to the Community Commercial zone district, on First Reading.

The motion carried 6-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines, on First Reading.

The motion carried 6-0.

13. First Reading of Ordinance No. 168, 2025, Amending Chapter 7.5 of the Code of the City of Fort Collins to Update the Capital Expansion Fees and the Transportation Expansion Fees. (Option #1 or Option #2)

The purpose of this item is to propose revisions to the methodologies of calculating the capital expansion fees for updated fees that are set in better alignment with City land use laws and policy. Studies conducted in 2023 for Code updates were not adopted and inflationary-only fee adjustments were implemented in 2024 and 2025. At Council's request, staff has brought forward four options for adoption of the revised fees to be effective January 1, 2026:

- 1. Fees with continued, inflation-only adjustments ("Status Quo Option" or "Option #1");*
- 2. Fees as proposed September 9, 2025 ("Proposed Option" or "Option #2");*
- 3. Fees that are a phased-in implementation of the Proposed Option – two versions ("Phased-In Option" or "Option #3"); and*
- 4. Fees that are a fractional implementation of the Proposed Option – three versions ("Fractional Option" or "Option #4").*

Josh Birks, Sustainability Services Deputy Director, stated this ordinance would revise impact fees effective January 1, 2026. He noted a number of options are proposed: keep the same current five categories with inflation taken into account, fees as proposed at the September 9 work session, a phased option, and a fractional option. Birks noted impact fees exist based on the concept that growth needs to pay its own way and the fees support the cost of providing public services. He stated capital expansion fees are primarily for parks, public safety, and general government and the transportation expansion fees are used to fund infrastructure associated with transportation.

Birks stated staff has looked at best practices that are recommended to have an impact fee system designed for a housing-friendly approach, and of the seventeen best practices, ten are already being fully used, five partially, and two not at all. He outlined the three main changes that are included in the proposed package: moving from the current five categories of square foot bands to a broader range of categories that are consistent with the County's categories, including a differentiation for the housing type, and splitting the general government capital expansion fee into two pieces, facilities and capital equipment.

Jennifer Posnonovich, Finance, further detailed the four options being presented.

PUBLIC COMMENT

Victoria Hall, Home Builders Association of Northern Colorado, requested Council delay this item and commented on the detrimental impact the proposed fee increases would have on housing attainability. She stated the fees would dramatically increase home prices at a time when more housing options are needed and stated increases in material and labor costs, together with higher development costs, could increase home prices to an untenable level. She requested more meaningful dialogue to help identify other solutions.

Pat McMeekin, Harford Homes, opposed fee increases for single-family housing. He expressed support for the expansion of categories, however. He cited the Bloom development and noted the fees that will be collected by the City for that project total over \$40 million. He expressed support for option one should Council chose to take action.

Joe Rowan suggested postponement of the adjustments stating the methodology being used to calculate the fees is inappropriate for Fort Collins. He stated the fees increase the price of housing and suggested what is being done with the fees is not consistent with State Statute. He also shared concerns about housing being built near CSU with no parks being built in those areas.

Jamie Thorpe, Hartford Homes, provided information related to the Bloom development noting its metropolitan district is providing a neighborhood park; however, capital expansion fees are still being paid for neighborhood parks. He stated this results in residents of the neighborhood being charged twice and suggested there be a more nuanced fee structure for situations of that sort.

Adam Hirschhorn stated Fort Collins needs to grow quickly to accommodate projected population growth and stated the traditional wisdom of development paying its own way may not be viable moving forward. He challenged home builders to be more innovative in terms of materials to reduce costs.

COUNCIL DISCUSSION

Councilmember Potyondy thanked staff for the presentation and asked about the practical impacts of postponing this decision. Birks replied staff would need to understand the length of the postponement and what Council would like staff to take up as work in that time. He stated if the decision is to not adopt updated fees for 2026, the current fees would stand, and the revenues would remain flat. He stated that would not be consistent with the best practices considered important to having a housing forward set of impact fees. He reiterated that the math uses our historic construction to generate a per person factor that is applied to current household sizes by unit type and square footage. He also noted fees are collected and used based on adopted master plans.

Councilmember Potyondy commended the further stratification of the housing types; however, she noted the study was done with the same assumptions that have always been used and stated it is important for the City to determine how that can be different next time to look at things like infill and adjusting levels of service.

Mayor Arndt thanked staff for providing options. She stated that she understands the concerns about 'business as usual; however, she noted that has gotten us to where we are today, which is a city with a great deal of amenities and a high quality of life. She stated changes will need to be made based on what the future looks like. She asked if the increased rates assume the same level of building. Birks replied there are no predictions for how much revenue the fees will create because we do not know what is going to be built. He stated staff looked at the most recent full year of construction activity and assumed what would happen if the same level of construction occurs now. He noted there are some changes in the proposed approach that will likely make some builders look more closely at different kinds of housing types because there will be cost

savings. He stated the goal was to bring forward a system that aligns with the Land Use Code in looking for greater variability in housing type.

Mayor Arndt expressed support for the third option that would phase the fees in to provide time to adjust if needed. She cited the number of things out of the City's control such as tariffs and regional issues. She stated the City should remain as nimble and flexible as possible.

Mayor Pro Tem Francis asked if adopting the phased approach would delay alignment with the Land Use Code updates. Birks replied adopting the full fees creates the full alignment with the impacts seen based on different unit sizes. He stated adopting the proposed fees is the closest form of alignment with the Land Use Code because that would reflect the full cost of impact of each kind of unit.

Mayor Pro Tem Francis asked about the timeline for the phased approach. Birks replied staff would anticipate moving forward with the operational cadence of using three years to phase in, a year of straight inflation adjustments, and then update based on a new study; however, Council could make adjustments to that cadence with the next update in 2030.

Mayor Pro Tem Francis asked how long the studies usually take should there be a desire to move forward with different assumptions. Birks replied the study itself would not take more time to complete; however, it would take time to ensure adequate capital improvement planning and cost estimating exist to provide a solid basis to shift to a plan-based approach, for example.

Mayor Pro Tem Francis requested staff provide a time estimate prior to Second Reading.

Councilmember Ohlson stated there is some validity to looking at a different way of doing things, which could be done in 2028 and 2029 to prepare for a 2030 study. Birks concurred and added staff will bring back an estimate of the minimum amount of time needed to get the correct data for a study prior to Second Reading.

Mayor Pro Tem Francis stated she does not agree with the current approach to impact fees and is having a difficult time supporting increasing the fees when she does not believe they are reflective of the levels of service and potential impacts on affordability. She added that this is a lever over which the City has control.

Councilmember Ohlson expressed support for the staff recommendation with the potential of accelerating the next study to look at different methodologies. He stated he could also support a two-year phased approach and added that he believes the fees have little to do with the cost of housing stating that it is more of a market issue.

Councilmember Canonico thanked staff for their work and expressed concern about having used the same methodology for determining fees for over thirty years. She supported changing the methodology and perhaps including geographic targeting. She also expressed support for the two-year phased approach.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 168, 2025, Amending Chapter 7.5 of the Code of the City of Fort Collins to Update the Capital Expansion Fees and the Transportation Expansion Fees, Option 3A, on First Reading.

Mayor Arndt stated this option is a good compromise. She noted it is difficult to raise fees; however, she would support the motion.

The motion carried 5-1.

Ayes: Councilmembers Ohlson, Potyondy, Canonico, Gutowsky, and Mayor Arndt.

Nays: Mayor Pro Tem Francis.

Clerk's Note: Mayor Arndt called for a break at 8:59 p.m., noting the meeting would resume at 9:04 p.m.

14. Items Relating to Tree Policy.

A. Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

B. Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

C. Ordinance No. 171, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction.

D. Ordinance No. 172, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Establishing a Three-Year Establishment Period for Street Trees.

E. Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions.

F. Ordinance No. 174, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation.

G. Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance.

The purpose of this item is to present seven ordinances that provide five tree policies for potential adoption in City Municipal and Land Use Codes, including an ordinance for tree spacing and Code maintenance. The five policies intend to update best management practices around tree preservation and mitigation, thus improving predictability and simplification of the current code.

Dean Klingner, Community Services Director, stated these tree policies originated in the Urban Forest Strategic Plan with the clear direction to improve tree policies with careful consideration of other Council priorities, including housing. He stated the recommendations are based on a broad community outreach process and best practices in the industry. He commented on the benefits of trees in the community, including shade, stormwater improvements, benefits to residents and businesses, and wildlife habitat. Klingner stated the goals of the policies are predictability and a shift toward larger, more valuable trees for mitigation.

Sylvia Tatman-Burruss, Policy and Project Manager, stated staff has tried to balance the mitigation requirements while supporting mixed-use and affordable housing development with increased simplicity and predictability of the policy requirements. She noted an attempt was made to align the policies with Council priorities.

Kendra Boot, City Forester, reviewed the five policies. First, establishing a commercial tree removal permit for trees 15 inches and larger in caliper. This policy is aimed at having additional conversation around saving some of the more valuable trees in the community. Boot stated the second policy is enhancing measures for tree protection during construction, which is essentially an update to best management practices. The third policy creates a three-year establishment period for street trees which provides a more predictable approach. The fourth policy relates to

tree mitigation and helps simplify the Code and provides an opportunity to reduce some of the undesirable tree species in the community. Boot stated the final policy relates to tree mitigation of canopy loss.

PUBLIC COMMENT

Jamie Thorpe, Hartford Homes, supported the stratification of tree types but expressed concern that the data is misleading. He stated hundreds of trees have been planted in Bloom; however, the map shows a loss of 25%. He stated the City has not proven there is a problem with commercial tree loss and noted the development community does not agree with the statement that it is supportive of the three-year warranty. Additionally, he expressed concern about the planting in phases requirement and fire apparatus access.

Joe Rowan disagreed affordability is being taken into account. He noted infill development is ideal for the 15-Minute City concept; however, the tree policies will create issues for infill development. He suggested this is another impact fee and questioned whether the Affordable Housing Board provided input.

Adam Hirschhorn stated tree policies are necessary and noted that if there are concerns with fire apparatus access, those issues need to be addressed.

Fred Haberecht advocated for the policies and stated trees are being removed from commercial properties in the community. He stated there should be greater accountability on the part of property owners to maintain trees.

COUNCIL DISCUSSION

Councilmember Potyondy commented on the recent removal of trees from a private property and asked about the diameter of the trees that were removed. Boot replied the seven trees that were removed were between 15 and 22 inches in diameter.

Councilmember Potyondy asked if the tree canopy would be similar if the seven trees were each replaced with two young trees. Boot replied in the negative.

Mayor Arndt commented on a tree recently removed at City Park Lake and asked how the City responds to tree mitigation policies on its own property. Boot replied that tree was starting to fail and noted the City tries to plant several trees for every tree it removes; however, that has been difficult with funding.

Mayor Arndt asked if the City is sympathetic to the private sector if they also do not have the resources to replace trees. Klingner stated all capital projects are subject to the same tree mitigation requirements; however, the Forestry Department does not always have the resources to follow the mitigation requirements when it removes a tree for safety reasons. Boot noted a failing tree on private property would also not have to be mitigated.

Mayor Pro Tem Francis requested staff address Jamie Thorpe's questions. Boot replied the City does not transfer trees with ownership changes in the public right of way. She noted the three-year establishment period starts with the beginning of each phase of development and the developer would be responsible for replacing trees within that time frame per phase. In terms of double tree planting conflicting with fire apparatus access, Boot stated they would follow up prior to Second Reading. She stated the double tree planting is not a minimum requirement but is an opportunity for a development to reduce its payment in lieu fee.

Councilmember Gutowsky asked how it is determined where mitigation trees are to be planted if not at the development site. Boot replied the newly adopted Urban Forest Strategic Plan identifies areas where canopy is needed most in the community. She stated the focus is on areas where tree sites have been vacant for the longest amount of time, particularly along arterials where there is a great deal of urban heat.

Councilmember Gutowsky asked if replacing dead trees is also an area of opportunity for the use of payment in lieu funds. Boot replied in the affirmative.

Councilmember Canonico asked about the landscape escrow accounts. Boot replied there are no proposed changes to the landscape escrow requirements in the Land Use Code. She noted it is frequently used if a certificate of occupancy is issued at a time of year when tree planting is not ideal and allows for a temporary certificate of occupancy to be issued with funds placed in escrow.

Councilmember Ohlson asked why a developer is responsible for tree replacement when an area is turned over to an HOA. Klingner replied the idea is that the trees are established over a certain period of time and the causes for why a tree might need to be replaced could predate the turnover to an HOA. He noted there is no perfect policy.

Councilmember Ohlson asked why the goal related to tree canopy coverage was not more aspirational in terms of increasing the canopy. Boot replied there are goals around increasing canopy, and there has been an increase over the last ten years. She noted there are other things that impact tree health in terms of climate, more extreme temperature fluctuations, early or late freezes, heavy, wet snows, and the Emerald Ash Borer. She stated canopy maintenance is the goal.

Councilmember Ohlson asked if a development would have to replace a tree if it needed to come down due to health and safety issues. Boot replied the tree would need to be replaced because it is part of the approved landscape plan; however, it could be replaced with just one young tree.

Councilmember Ohlson stated the City needs to be required to meet the same policy and requested staff put that in writing prior to Second Reading.

Councilmember Ohlson disagreed that Ash trees of 11 inches or smaller in diameter do not have value and should not be replaced. He also noted all trees provide benefits to wildlife. He thought density should not be the only value considered. He thanked staff for their work and stated he hopes Council will trust the work that has been done.

Mayor Arndt stated she would not support any items that create conflicts between codes nor any policy that the City does not follow in the same manner as other entities. She stated she would like those issues to be addressed prior to Second Reading.

Mayor Pro Tem Francis stated she would not support Ordinance Nos. 172, 2025 or 174, 2025 so they will come back before Council on Discussion.

Councilmember Ohlson moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 171, 2025 Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 172, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Establishing a Three-Year Establishment Period for Street Trees, on First Reading.

The motion carried 4-2.

Ayes: Councilmembers Gutowsky, Ohlson, Potyondy, and Canonico.

Nays: Mayor Arndt and Mayor Pro Tem Francis.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 174, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation, on First Reading.

The motion carried 4-2.

Ayes: Councilmembers Gutowsky, Ohlson, Potyondy, and Canonico.

Nays: Mayor Arndt and Mayor Pro Tem Francis.

Councilmember Ohlson moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance, on First Reading.

The motion carried 6-0

P) RESUMED PUBLIC COMMENT

None.

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 Motion for Executive Session for potential acquisition and sale of real property for potential affordable housing projects in the downtown area:

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, that Council go into executive session to discuss with appropriate City staff potential acquisition and sale of real property for potential affordable housing projects in the downtown area, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),***
- City Code Section 2-31(a)(3) and***
- Colorado Revised Statutes Section 24-6-402(4)(a).***

The motion carried 6-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:25 p.m.

Mayor

ATTEST:

City Clerk