

Monday, November 3, 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 Day of November 8, 2025, as the 30th Anniversary of Art in Public Places.**

PP 2. **Declaring the Day of November 10, 2025, as the United States Marine Corps' 250th Anniversary.**

PP 3. **Declaring the Day of November 11, 2025, as Veteran's Day.**

PP 4. **Declaring the Week of November 2-8, 2025, as Law Enforcement Records Personnel Week.**

Mayor Pro Tem Emily Francis presented the above proclamation at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Pro Tem Emily Francis 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 Pro Tem Emily Francis led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Mayor Jeni Arndt
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 Kelly DiMartino provided an overview of the agenda, including:

- No changes to the published agenda.
- Items 1-15 on the Consent Calendar are recommended for adoption.
- Six discussion items.

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.)

Garrett Putman, member of the Youth Advisory Board and FAST swim team, spoke in support of the new Southeast Community Center. He encouraged Council fully fund the project with ten swim lanes.

Sam Marsh spoke about genocide in Gaza and commented on the City's involvement in this through supplies that are provided to Israel. He urged Council to divest from all organizations who are contributing to the genocide.

Ann Hutchison, CEO and President of Fort Collins Chamber, noted this is Small Business Month and commented on the importance of small businesses to the community. She noted the Shop Local icon is being reintroduced. Additionally, she thanked City staff for hosting a Bioscience pitch competition at CSU. She urged Council to oppose capital expansion fees, delay the tree mitigation program, and rely on incentives as opposed to regulation in terms of Building Performance Standards given concerns about affordability in Fort Collins.

Sandra Hicks expressed support for the new Southeast Community Center and encouraged Council to approve all ten lanes. She commented on the difficulty her swim team has finding time to practice given the number of members of FAST and high school swim teams. She also discussed the benefits of swimming as a lifetime sport.

Rebecca Schulz thanked Council for its support of the Southeast Community Center and stated it will make a positive impact on the community. She commented on the importance of increased indoor swim space and noted the difficulty for all who are swimming to find pool space.

Ezriah Shteir stated he spent the weekend violating City Code by posting signs on City property which are similar to garage sale signs that include phone numbers and addresses; therefore, those offenders should be easy to track down. He stated the sign posting ordinance has not been enforced for years and urged Council to remove it from the Code.

Emily Petty, student at Fossil Ridge High School and FAST swimmer, expressed support for the Southeast Community Center and all ten swim lanes. She noted the difficulty all schools have in finding pool space. She thanked Council for their time and for listening.

Aaron Million, CEO and Chairman of WaterWorks Resources, which is a new water supply project out of the Green River basin. He stated the intent of the project is to bring in a new water supply for agriculture, environmental instream flows, some municipal use, and hydropower. He stated the project will bring water into the North Fork of the Poudre River and noted they have been looking at a potential

opportunity to partner with CSU and the City to support a new irrigation research project on Meadow Springs Ranch.

Rich Stave spoke about climate change being an oxymoron and stated we could benefit from a change in climate. He discussed the proposed utility rate increases and stated those increases are due to construction projects with unproven technologies, monopolized delivery and pricing, and limited choices. He stated choices are removed at a local level for political reasons and cited electric vehicle incentives as an example.

Kristin Candella, director of Habitat for Humanity, spoke about the need for safety and security for homeowners and cited the benefits of having stable and affordable housing costs. She noted affordable housing is the number one concern in the community and urged Council to utilize \$5 million of the increased CCIP funds for affordable housing.

Jaime Thorpe requested Council pull Item No. 5, *Items Relating to Tree Policy*, from the Consent Calendar.

Steven Yurash noted he attended the Council work session last week and expressed concern that Council was surprised with staff's lack of progress on Our Climate Future and Building Performance Standards and now Council wants to rush into new ordinances prepared by staff as soon as possible. He stated these issues need additional public outreach and Council dialogue.

Christy Coughlan thanked Council for supporting swimming and recreation in Fort Collins and spoke in support of the Southeast Community Center with ten swim lanes. She discussed the lack of capacity at current pools and the difficulty in finding pool space. She commented on the benefits of swimming and stated the City has only one chance to build the community center properly.

Ella Thiele, Fossil Ridge High School student and FAST swimmer, spoke in support of the Southeast Community Center with ten lanes. She discussed the difficulty in finding pool space in Fort Collins.

Public comment concluded at 6:36 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked the speakers, particularly the youth who spoke.

Councilmember Ohlson asked if the recommended Southeast Community Center proposal includes ten lanes per Council direction. City Manager DiMartino replied in the affirmative.

Councilmember Gutowsky noted there have been requests for a new community pool for years and commended the Southeast Community Center project moving forward.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Mayor Pro Tem Francis withdrew Item No. 5, *Items Relating to Tree Policy*, as requested, and asked Council to suspend the rules to combine it with Item No. 17, *Items Relating to Tree Policy*, on Discussion. Councilmembers concurred.

J) CONSENT CALENDAR**1. Consideration and Approval of the Minutes of the October 21, 2025, Regular meeting.**

The purpose of this item is to approve the minutes of the October 21, 2025, Regular meeting.

Approved.

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

This Ordinance, unanimously adopted on First Reading on October 21, 2025, requests 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 Second Reading.

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

This Ordinance, unanimously adopted on First Reading on October 21, 2025, makes 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 Second Reading.

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

This Ordinance, unanimously adopted on First Reading on October 21, 2025, declares 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 Second Reading.

5. **Items Relating to Tree Policy.**

A. Second Reading of 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. Second Reading of 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. Second Reading of 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. Second Reading of 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.

E. Second Reading of 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.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, 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.

Associated Ordinances Nos. 172 and 174 are on Discussion due to a split vote.

Moved to Discussion, combined with Item No. 17 Under “Consideration of Items for Discussion.”

6. **First Reading of Ordinance No. 176, 2025, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2026 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2026.**

The purpose of this item is to set the Downtown Development Authority (“DDA”) Budget.

The following amounts will be appropriated:

- *DDA Public/Private Investments & Programs: \$14,170,326*
- *DDA Operations & Maintenance: \$1,659,200*
- *Revolving Line of Credit Draws: \$11,000,000*
- *DDA Debt Service Fund: \$11,431,611*

The Ordinance sets the 2026 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2026.

Adopted on First Reading.

7. Items Related to 2026 Utility Rates & Fees.

A. First Reading of Ordinance No. 177, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.

B. First Reading of Ordinance No. 178, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. First Reading of Ordinance No. 179, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. First Reading of Ordinance No. 180, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

The purpose of this item is to propose 2026 Utility Rates for Council consideration, which align with the 2026 City Manager's Recommended Budget. Monthly utility rates are proposed to increase 6% for electric customers, 9% for water customers, 8% for wastewater customers, and 6% for stormwater customers.

Staff attended the October 14 Council Work Session to discuss 2026 Rates and Fees prior to bringing forward the following rate ordinances for adoption.

All Ordinances Adopted on First Reading.

8. First Reading of Ordinance No. 181, 2025, Adopting the 2026 Classified Employee Pay Plan.

The purpose of this item is to recommend the 2026 Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a Classified Employee Pay Plan which sets the minimum, midpoint and maximum pay ranges for the level within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

Adopted on First Reading.

9. First Reading of Ordinance No. 182, 2025, Adopting the 2026 Larimer County Regional Transportation Capital Expansion Fee Schedule.

The purpose of this item is to adopt the 2026 Larimer County Regional Transportation Capital Expansion Fee Schedule.

Adopted on First Reading.

10. First Reading of Ordinance No. 183, 2025, Amending Section 26-149 of the Code of the City of Fort Collins Regarding Annual Water Allotments for Nonresidential Water Services with Permits Issued Before March 1, 1984.

The purpose of this item is to seek approval for revising the methodology for how annual water allotments for nonresidential customers with permits issued before March 1, 1984, are calculated prior to applying excess water use surcharges (surcharges) for these customers on December 1, 2025. Annual water allotments (allotments) are a volume of water measured from December 1 to November 30 each year.

Nonresidential customers that received a tap prior to March 1, 1984, were not initially assigned an allotment, even after the City began assigning new nonresidential customers with allotments on March 1, 1984. Per Ordinance 152, 2024, allotments were assigned to these customers on December 1, 2024, using a hybrid methodology that assigned the greater of either the tap credit or average annual water use (based on historical use from years 2019 through 2023). Surcharges were not to be applied until December 1, 2025, allowing affected customers time to adjust water use to their allotment, if needed. It also allowed time for customers to ask questions and provide input to staff. After receiving and discussing feedback, staff is recommending revising the hybrid methodology in City Code Section 26-149 (e) to assign allotments based on the greater of the tap credit or average historical use increased by one-half of a standard deviation to account for variability in weather, patronage, revolving tenants, or other factors.

Adopted on First Reading.

11. Items Relating to E-Ticket and E-Crash Systems Projects Grant.

A. First Reading of Ordinance No. 184, 2025, Making Supplemental Appropriations and Authorizing the Transfer of Appropriations for the Colorado Department of Transportation E-Ticket and E-Crash Systems Projects Grant.

B. Resolution 2025-091 Approving an Exception to the Competitive Process for the Purchase of an Enhanced E-Ticket and E-Crash System from Tyler Technologies.

The purpose of this item is to appropriate \$171,613 of unanticipated grant revenue from the Colorado Department of Transportation's Section 405C Grant Program and \$45,737 from Police Admin General Funds for the Enhancing E-Ticket and E-Crash Systems Project.

This item also requests an exception to the competitive bid process for the purchase of an enhanced E-ticket and E-crash system from Tyler Technologies. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of Software as a Service (SaaS) and related services from Tyler Technologies without further Council approval. This additional work would be added to an existing contract and would expand on an existing system, using compatible technology available from the current vendor.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(c). A particular material or service is required to maintain interchangeability or compatibility as part of an existing integrated system.

Ordinance Adopted on First Reading.

Resolution Adopted.

12. Items Relating to the Front Range Passenger Rail Planning Study.

A. Resolution 2025-092 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the City of Loveland for the Front Range Passenger Rail Planning Study.

B. Resolution 2025-093, Authorizing Acceptance of an Intergovernmental Grant Agreement Between the City of Fort Collins and the Colorado Department of Local Affairs for the Front Range Passenger Rail Planning Study.

- C. *First Reading of Ordinance No. 185, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund to Support the Front Range Passenger Rail Planning Study.*

The purpose of this item is to enable the City to receive and expend Energy/Mineral Impact Assistance Fund (EIAF) Grant funds through the Colorado Department of Local Affairs (DOLA) for the Front Range Passenger Rail Planning Study.

The funds will be used to conduct a planning study for a proposed Front Range Passenger Rail system in alignment with the Service Plan Development work being conducted by the Front Range Passenger Rail District. If approved, the two resolutions and ordinance will: 1) authorize the City Manager to execute an intergovernmental agreement for the planning study with the City of Loveland, 2) authorize City staff to accept an intergovernmental grant agreement from the State of Colorado Department of Local Affairs, and 3) appropriate \$200,000 in EIAF grant funds, \$125,000 in City of Fort Collins match, and \$75,000 in City of Loveland match for a total of \$400,000 to the project.

Both Resolutions Adopted.

Ordinance Adopted on First Reading.

13. **Resolution 2025-094 Approving Revised Fees for Fort Collins Police Services' Criminal Justice Records.**

The purpose of this item is to request an increase in fees for criminal justice records for Police Services. The current fee schedule has been in effect since 2017, and the proposed adjustments are necessary to keep up with the change in technology and staff expenses. Pursuant to C.R.S. Section 24-72-306(1), fees proposed by the criminal justice agency shall be established by the governing body of the municipality.

Adopted.

14. **Resolution 2025-095 Authorizing the Mayor to Execute City-Sponsored 401(a) and 457(b) Restated Adoption Agreements.**

The purpose of this item is to authorize the Mayor to execute restated adoption agreements for City-sponsored 401(a), Police 401(a) and 457(b) plans inclusive of the changes detailed below.

Adopted.

15. **Items Relating to Appointments to Various Boards and Commissions.**

A. Resolution 2025-096 Making Appointments to the Historic Preservation Commission.

B. Resolution 2025-097 Making an Appointment to the Land Conservation and Stewardship Board.

C. Resolution 2025-098 Making Appointments to the Senior Advisory Board.

D. Resolution 2025-099 Making an Appointment to the Women and Gender Equity Advisory Board.

The purpose of this item is to fill vacancies on various Boards and Commissions.

All Resolutions Adopted.

END OF CONSENT CALENDAR

Councilmember Potyondy moved, seconded by Councilmember Ohlson, to approve the recommended actions on items 1-15, minus Item 5, on the Consent Calendar.

The motion carried 5-0.

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

Councilmember Ohlson asked about the source of funds for the Fort Collins local match related to Item No. 12, *Items Relating to the Front Range Passenger Rail Planning Study*. Chief Financial Officer Caleb Weitz replied the funds are intended to come from the climate portion of the 2050 tax.

L) STAFF REPORTS – None.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Commended school psychologists and noted it is National School Psychology Week.
- Commended City and County Clerks on election efforts.

Councilmember Susan Gutowsky

- Attended the Mobile Home Park Resource Fair put on by the City and commended staff work on the event.

Councilmember Kelly Ohlson

- Provided a reminder to those involved in election campaigns that the City has arranged to collect election signage and noted they can also be recycled at the City facility's hard to recycle area for a \$5 entry fee. City Manager DiMartino noted that information will be published on the City's website.

Councilmember Tricia Canonico

- Attended the Routes to Change event put on by the White Line Foundation.

Clerk's Note: Mayor Pro Tem Francis called for a break at 6:45 p.m., noting the meeting would resume at 6:52 p.m.

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

16. **Second 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.**

This Ordinance, adopted on First Reading on October 21, 2025, by 5-1 (Nay: Francis), proposes 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, phasing in fee increases over a two-year period. This implements an updated study based on studies conducted in 2023. (Inflationary-only fee adjustments were implemented in 2024 and 2025.)

At Council's request, staff brought forward for consideration on First Reading 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").*

One additional change has been made to Ordinance No. 168, 2025, for Second Reading:

- ***Recital "I" has been updated to provide Council determinations relating to the two-year phase-in. In the clean copy of the second reading ordinance, recital "I." is highlighted to indicate this change.***

PUBLIC PARTICIPATION

Jamie Thorpe, Hartford Homes, stated the City will collect about \$5.6 million from Bloom residential areas for neighborhood parks under the current Capital Expansion Fee policy. Bloom residents will also pay for a neighborhood park to be built by the metropolitan district. Thorpe stated single-family detached units are projected to increase 20% under this proposal with neighborhood parks being the largest portion of that increase and requested Council create a meaningful carve out so Bloom residents are not double-paying for parks.

COUNCIL QUESTIONS/COMMENTS

Mayor Pro Tem Francis requested staff follow-up with Thorpe.

Councilmember Ohlson requested additional information. Josh Birks, Social Sustainability Deputy Director, replied Bloom, as part of its Planned Unit Development (PUD) Master Plan, is constructing additional park space; however, just as the Metro District Policy requires public benefits be delivered, the Planned Unit Development Master Planning process also requires that development achieve exceptional outcomes in order to be able to access that alternative process. He noted the Hartford Homes application that justifies the use of the PUD process and the Metro District, calls out additional park space as being part of achieving those standards. He stated that Bloom's Metro District is funding parks that go beyond the base level of service that is used to calculate the capital expansion fees in order to be able to access those two development tools which are not part of the standard process.

Councilmember Potyondy moved, seconded by Councilmember Ohlson, 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, on Second Reading.

The motion carried 4-1.

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

Nays: Mayor Pro Tem Francis.

17. Items Relating to Tree Policy.

A. Second Reading of 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. Second Reading of 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. Second Reading of 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. Second Reading of 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.

E. Second Reading of 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.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, 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.

A. Second Reading of 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.

B. Second Reading of 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.

These Ordinances, adopted on First Reading on October 21, 2025, by 4-2 (Nays: Arndt, Francis), amend 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, and amend Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation

These items 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.

Staff reviewed the concern that had been raised at first reading about conflicts with fire access considerations, and to address this, language has been added to Section 3 of Ordinance No. 174, 2025, limiting the use of a double row of street trees to only situations where compatible with emergency access.

PUBLIC PARTICIPATION

Jamie Thorpe, Hartford Homes, expressed concern regarding the escrow policy and tree warranty responsibility element of the Code. Thorpe suggested the responsibility for tree maintenance should lie with the person responsible for the adjacent landscaping and stated the details of these changes were not provided early enough for adequate public response.

Rich Stave stated he lives in a Planned Unit Development that was developed in the County and questioned how the tree policies will apply to tree management. He also questioned how the new policy will play out in his area and expressed concern it could become an expensive issue.

COUNCIL QUESTIONS/COMMENTS

Councilmember Ohlson requested a staff response regarding the three-year tree warranty issue and the escrow policy. Dean Klingner, Community Services Director, stated the proposed policy does not transfer ownership of trees to homeowners until after the three-year establishment period. However, he stated developers could work with homeowners should a tree be damaged by a homeowner. Kendra Boot, City Forester, replied nothing is changing with the escrow policy and the same language exists in the Code today.

Councilmember Ohlson asked about the reasoning for the escrow policy. Klingner replied developers are required to install infrastructure that is accepted and completed prior to the issuance of a building permit. He stated escrow exists in general to allow building permits to be pulled while still protecting the City to address situations wherein that infrastructure cannot be completed. He stated it is a commonly used flexibility tool for landscaping due to the limitations on when planting can occur.

Mayor Pro Tem Francis stated the escrow policy in the Code is not very clear as it does not allow a lot-by-lot escrow and it is unclear when reimbursement occurs. She suggested more time be taken to ensure clarity in the policy and spoke in favor of postponing the item to work with those who have expressed concerns.

Councilmember Ohlson suggested postponement could be done specific to the escrow issue without delaying the remainder of the tree policy. He stated he views the tree policy as a metaphor for the affordable housing discussion and stated the borderline obsession with affordable housing at the expense of everything else has grown tiresome to him. He stated the tree policies will have no discernable impact whatsoever on affordable housing and stated it seems the tactics being used are delay, dilute, and defeat. Additionally, he stated that many of the policies that have led to the high quality of life in Fort Collins would not get passed now, which is frustrating. He expressed support for working with Housing Catalyst and others to find affordable housing opportunities; however, he opposed weakening policies to try to get there.

Councilmember Potyondy supported a postponement to ensure Councilmembers are comfortable with what they are considering. She concurred with Councilmember Ohlson that the intention should not be to dilute the policy; however, she commented on the importance of ensuring the clarity of the policies. She asked about a recommended date for postponement. Klingner replied the escrow policy is not within the tree policy and is separate in the Code; therefore, it would not be realistic to rethink the entire policy and do outreach by the end of the year. However, if the issue is more a conversation to help gain clarity or discuss how the escrow can work, staff could return in two to four weeks.

Councilmember Ohlson stated he would support a monthlong delay for the escrow piece as it relates to tree policy and a complete look at the escrow policy in the future which does not conflict with the timetable of the tree policy.

City Attorney Daggett noted Ordinance Nos. 169, 2025 and 170, 2025 are dependent upon one another and the remainder could be considered individually.

City Manager DiMartino suggested staff could return December 2nd or December 16th with additional tree policy information and a more fully vetted scope of examining a broader change regarding the escrow policy. Mayor Pro Tem Francis suggested December 16th.

Klingner noted the concerns discussed during First Reading related to whether the City follows its own mitigation policies and Code conflicts, particularly with Poudre Fire Authority. He noted the responses to those issues were addressed in a read-before memo and clarified the City does follow its own tree mitigation policy for all Land Use Code projects. Additionally, he noted the double tree planting is an option, not a requirement; therefore, there are no Code conflicts.

Councilmember Potyondy moved, seconded by Councilmember Ohlson, 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 Second Reading.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Ohlson, 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 Second Reading.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Ohlson, 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 Second Reading.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Canonico, to postpone consideration of the Second Reading of 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, to December 16, 2025.

Councilmember Ohlson stated he would support the motion given the date certain.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Ohlson, 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 Second Reading.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Canonico, to postpone consideration of the Second Reading of 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, to December 16th, 2025.

Councilmember Ohlson stated he would support the motion given the date certain.

The motion carried 5-0.

Councilmember Potyondy moved, seconded by Councilmember Gutowsky, 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 Second Reading.

The motion carried 5-0.

18. **First Reading of Ordinance No. 186, 2025, Being the Annual Appropriations Ordinance Relating to the Annual Appropriations, and Amending the Budget, for the Fiscal Year Beginning January 1, 2026, and Ending December 31, 2026; and Fixing the Mill Levy for Property Taxes Payable in 2026.**

The purpose of this item is to amend the adopted 2026 Budget. This Ordinance sets the amount of \$843,306,077 to be appropriated for fiscal year 2026. This appropriated amount does not include what is also being separately appropriated pursuant to Council/Board of Director actions to adopt the 2026 budgets for the General Improvement District (GID) No. 1 of \$381,296, the 2026 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2026 budget of \$7,166,316 and the Downtown Development Authority 2026 budget of \$38,261,137. The sum of all of these Ordinances results in City-related total appropriations of \$889,115,826 for 2026. This Ordinance also sets the property tax year 2025 City mill levy, to be collected in 2026, at 9.797 mills; this mill levy rate has not changed since 1991.

Chief Financial Officer Caleb Weitz stated the 2026 budget revisions were originally discussed with the Council Finance Committee in early September, then at two full Council work sessions. He stated this item would adopt the 2026 Appropriations Ordinance which combines the already planned second year of the 2025-2026 two-year budget with adjustments needed to balance the budget for this year. Weitz noted that between increased expenditure pressures and forecasted revenue decreases, there was an approximate \$15.4 million deficit to address in the General Fund. Weitz outlined the revisions that were needed to address the deficit, including a reduction in the merit increases for staff from 3% to 2%, using a number of mechanisms to be able to gain some savings out of some strong performance in the benefits fund, and creating some additional one-time savings through a temporary hiring freeze. Weitz also outlined service area reductions and noted no involuntary layoffs or reductions in force of classified staff are planned, though a number of vacant positions are being eliminated in the budget. Additionally, Weitz noted the digital equity reserve is being used in lieu of any impacts to the eviction and immigration legal defense funds, per Council direction.

Weitz stated there are a few small enhancements to the 2026 budget, including the addition of a new sales tax auditor that will generate more revenue than the direct cost of the position, the cost pressures being seen in the grocery tax rebate program are being addressed, significant operational expenditures for Transfort are addressed, and there are two significant enhancements to the Enterprise Funds: the Halligan Project mitigation credits and funds for operating the legacy Utilities Customer Information System through May of 2026.

PUBLIC PARTICIPATION

Rich Stave noted the Halligan Reservoir project was mentioned and stated it only serves certain water district customers. He noted hard decisions will need to be made about trimming the budget.

COUNCIL QUESTIONS/COMMENTS

Councilmember Ohlson referenced an October 30th memo related to the Environmental Services budget. He asked about the impacts of the reassignment of a lead specialist and reduction of one FTE. Josh Birks, Social Sustainability Deputy Director, replied there was a position in Environmental Services that was originally funded with General Fund dollars, and the individual within that position was reassigned to take on the work of the anticipated position that is now funded by the 2050 tax, and it will be scoped to comply with the focus of the new tax and new work. As a result, the positions that were funded through General Fund and available for things not complying with the 2050 tax will be reduced.

Councilmember Ohlson asked if there was another reduction of one FTE resulting in a 25% reduction in project management capabilities. Birks replied there are several moving bodies that result in the elimination of a lead specialist position funded by General Fund which does project management for things that are General Fund focused.

Councilmember Ohlson stated he would like the next Council to address inflation factors to ensure the base does not get whittled away. Weitz replied staff is committed to ensuring the inflationary factor information is transparent and available in future budget processes.

Councilmember Ohlson noted Council unanimously agreed on the intent and asked if the original ordinances are being followed to ensure budgets are whole. City Manager DiMartino provided assurance that Council's intent and the ordinance language is being followed.

Councilmember Ohlson stated he was not going to support this item, but will now given that assurance.

Mayor Pro Tem Francis thanked staff for the thoughtful work.

Councilmember Potyondy moved, seconded by Councilmember Canonico, to adopt Ordinance No. 186, 2025, Being the Annual Appropriations Ordinance Relating to the Annual Appropriations, and Amending the Budget, for the Fiscal Year Beginning January 1, 2026, and Ending December 31, 2026; and Fixing the Mill Levy for Property Taxes Payable in 2026, on First Reading.

The motion carried 5-0.

Clerk's Note: Mayor Pro Tem Francis called for a break at 7:40 p.m., noting the meeting would resume at 7:50 p.m. Councilmember Canonico left during break.

19. Public Hearing and Resolution 2025-100 Approving a First Amendment to the Consolidated Service Plan for Montava Metropolitan District Nos. 1 through 7.

The purpose of this item is to consider approval of an amendment to the existing Consolidated Service Plan for the Montava Metropolitan District Nos. 1 through 7, requested by the board of the Montava Metropolitan District, after conducting a hearing on the application, pursuant to City policy (explained in the Background/Discussion section below). The amendment alters the maximum debt authorization and authorizes the District to create Special Improvement Districts to facilitate equitable and efficient financing flexibility. Neither proposed change impacts the underlying Public Benefits of the proposed project.

Mayor Pro Tem Francis outlined the public hearing process.

Zachary White introduced himself as General Counsel to the Montava Metro Districts Nos. 1-7 and stated Max Moss, Montava developer, will also be speaking.

STAFF PRESENTATION

Josh Birks, Sustainability Services Deputy Director, stated this item relates to the first amendment to the Montava Metro District Consolidated Service Plan, which would increase the maximum debt authorization and authorize creation of special improvement districts. He stated staff is recommending adoption of the resolution as it is consistent with City policy and State Statutes. Additionally, it enhances financing flexibility and maintains the consistent public improvements to be financed.

Birks stated Montava is a planned development in the northeast corner of the community with approximately 2,000 single-family and 2,400 multi-family residential units and just under 500,000 square feet of office space and some retail space. He noted 15% of the residential units are planned to be affordable up to 120% of AMI. Birks stated the Consolidated Service Plan was originally adopted in 2018 and noted the Public Benefits Agreement stipulates how the 15% of affordable housing is to be allocated: half between 30% and 80% AMI and half for up to 120% AMI.

Birks stated this amendment would increase the maximum debt authorization from \$163 million to \$297 million, primarily to offset increases in construction costs since 2018 when the Service Plan was originally adopted. The amendment would also grant the authority to create special improvement districts. He noted the proposed amendment does not impact the underlying public benefits. Birks further detailed the special improvement district (SID) component noting an SID is a legal subarea where property owners can be assessed for specific public improvements from which they benefit. The SIDs must be limited to a strict benefit nexus and either 100% of property owners or the majority of the eligible electors must consent. Birks noted this amendment further limits how SIDs can be used and clearly states that any assessment done through an SID must be satisfied and cleared prior to the issuance of a certificate of occupancy.

Mayor Pro Tem Francis noted Councilmember Canonico left the meeting during the previous break.

APPLICANT PRESENTATION

Zachary White, General Counsel to the Montava Metro Districts Nos. 1-7, stated this amendment will help the Metro Districts work with the development team to schedule the delivery of public improvements in the most efficient and effective way possible.

PUBLIC PARTICIPATION

Rich Stave asked if there was another amendment in the past and stated it seems tens of thousands of dollars per unit are being added. He stated he thought the mill levy was passed to help developers provide infrastructure and those costs would be passed on to homeowners. He also stated special improvement districts create extra work for City staff.

APPLICANT REBUTTAL

Max Moss, Montava developer, stated the increase in the debt cap is intended to keep up with rising costs eight years after the original Consolidated Service Plan was adopted. He stated the SIDs are pre-homeowner financing tools which allow the developer to have some flexibility to use the Metro District as a financing mechanism as opposed to a bank, which is less expensive and therefore lowers the costs for homeowners. He noted the liens must be eliminated prior to the homes being purchased.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy requested assurance the SIDs will not pass on additional costs or encumbrances to homeowners. Birks replied that is correct and noted any lien will need to be cleared before a certificate of occupancy is issued. He stated the cost of constructing a home, which will include whatever is financed with an SID, could be passed on in the cost of the house, but it will not be an additional burden or assessment for the homeowners.

Councilmember Potyondy asked if homeowners will be aware of how much they will be paying with the mill levy and any other funding mechanisms. Birks replied the model service plan requires that there be notice and disclosure of the fact that the property is within a Metro District, as well as an estimate of what the potential property tax liability could be. He noted the actual property tax amount is ultimately based on the home's assessed value as determined by the County Assessor.

Councilmember Gutowsky requested additional clarification regarding the additional debt encumbered by the special improvement district and how this would be paid off. Max Moss replied the debt will be necessary for development and reiterated the use of the SID will lower the cost of financing as compared to using a bank. He stated the debt gets relieved by what builders pay for lots and ensured that the debt would be paid prior to a homeowner purchasing the property.

Councilmember Ohlson stated this amendment makes sense.

Mayor Pro Tem Francis stated her questions were answered at Council Finance Committee.

Councilmember Potyondy moved, seconded by Councilmember Gutowsky, to approve Resolution 2025-100 Approving a First Amendment to the Consolidated Service Plan for Montava Metropolitan District Nos. 1 through 7.

The motion carried 4-0.

20. **Resolution 2025-101, Directing Staff to Take Such Efforts and Actions which may be Required for the Funding, Financing, and Construction of the Southeast Community Center.**

The purpose of this item is direct City staff to move forward with the work necessary to prepare and ultimately present to Council for approval the actions needed to fund, finance, and construct the Southeast Community Center (SECC) based on the project scope, estimated project cost, and the proposed sources of funding of Option 1.A. in the Funding Options.

City Manager DiMartino noted the Staff Presentation will cover both Item Nos. 20 and 21.

Dean Klingner, Community Services Director, noted this project is a partnership between Poudre School District, Poudre Libraries, and the City of Fort Collins. He noted the Resolution being considered defines the scope of the project and the budget and the Ordinance makes one of a series of related appropriations.

LeAnn Williams, Community Services Deputy Director, noted the proposed Southeast Community Center (SECC) project includes an outdoor leisure pool, ten indoor lap lanes, a gymnasium with two middle-school sized courts, an indoor elevated track, two levels of weights and fitness equipment, drop-in child watch, staff offices, locker rooms, innovation and community rooms, and a full-service library. She noted the project will be LEED Gold certified and will help to advance 15-Minute City goals.

Klingner stated the 2050 funding for this project is being separated into two categories: bonding against the tax and cash on hand that has already been collected. He noted the Community Capital Improvement Program (CCIP) already has \$18 million appropriated in the current budget and tonight's action would involve an appropriation of \$9.5 additional revenue in the CCIP. Additionally, a State grant is part of the funding. Klingner clarified \$5 million of additional revenue from the CCIP is available to be appropriated for another purpose. He stated the total budget for the project is \$76.5 million.

PUBLIC PARTICIPATION

Rich Stave stated there has been a large community push for this project, but questioned what Poudre School District is paying for the project and stated Fort Collins taxpayers will be paying for the facility twice. He also stated there are no facilities such as this on the southwest side of town.

Councilmember Ohlson asked about the proposed running track size and number of lanes. Klingner replied the original design showed a three-lane track around two larger gyms; however, it has been reduced to a two-lane track around two smaller gyms. He noted the ADA standards are still being met.

Councilmember Ohlson asked how many innovation and community rooms remain in the plan. Klingner replied the number was reduced from six to four, and those four can all be combined.

Councilmember Ohlson noted Poudre School District has not built any of its own pools; therefore, had eight swim lanes been necessary, the City would not be the bad player. He stated he would support the proposal for ten lanes. He asked if the interest on the bonding comes from the 20% of the 80/20 split. Klingner replied in the affirmative.

Mayor Pro Tem Francis asked how the remaining CCIP funds will be earmarked for affordable housing. City Manager DiMartino replied no formal action has been taken as the funds will only be available once this project is complete; however, Council's intent has been very clear, and formal action will be taken to appropriate the funds as they are available.

City Attorney Daggett noted the CCIP ballot language allows for two different ways to address excess funding, one is to spend more on the projects listed in the measure and the other is to use the excess for projects that are not on the list once the ones on the list are funded.

Councilmember Ohlson suggested this Council may like some type of resolution, despite it not being binding for a future Council, that the intent is for that additional \$5 million to go to affordable housing.

Mayor Pro Tem Francis concurred she would feel more comfortable with a formal action in that regard and asked if it could come as part of the Second Reading. City Manager DiMartino replied staff will bring a resolution forward as part of Second Reading.

Mayor Pro Tem Francis stated she would support the items, but expressed concern with inequities between this facility and the other City facilities.

Councilmember Potyondy moved, seconded by Councilmember Gutowsky, to adopt Resolution 2025-101, Directing Staff to Take Such Efforts and Actions which may be Required for the Funding, Financing, and Construction of the Southeast Community Center.

The motion carried 5-0.

21. First Reading of Ordinance No. 187, 2025, Making a Supplemental Appropriation and Appropriating Prior Year Reserves for the Construction of the Southeast Community Center and Related Art in Public Places.

The purpose of this item is to appropriate \$9.5M from the Community Capital Improvement Project (CCIP) Fund to the Capital Project Fund for the Southeast Community Center (SECC) Project and for the Art in Public Places (APP) Program. This appropriation provides funding to the Recreation Department for the design and construction of a LEED Gold Community Recreation Center in southeast Fort Collins.

Councilmember Potyondy moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 187, 2025, Making a Supplemental Appropriation and Appropriating Prior Year Reserves for the Construction of the Southeast Community Center and Related Art in Public Places, on First Reading.

The motion carried 4-0.

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.)

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:30 p.m.

Clerk's Note: The GID #1 Meeting immediately followed the adjournment of the regular meeting.

Mayor Pro Tem

ATTEST:

City Clerk

