

# Fort Collins City Council Agenda

## Regular Meeting

6:00 p.m., Tuesday, May 20, 2025

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

### NOTICE:

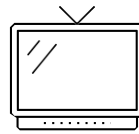
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

### How to view this Meeting:



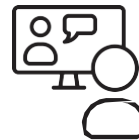
Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, [fcgov.com/fctv](https://fcgov.com/fctv)

*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.*

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## There are in person and remote options for members of the public who would like to participate in Council meetings:

### Comment in real time:

*During the public comment portion of the meeting and discussion items:*



In person attendees can address the Council in the Chambers.  
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at [www.fcgov.com/agendas](http://www.fcgov.com/agendas).  
Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at [fcgov.com/councilcomments](http://fcgov.com/councilcomments).

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

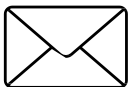
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press \*9 to indicate a desire to speak.

### Submit written comments:



Email comments about any item on the agenda  
to [cityleaders@fcgov.com](mailto:cityleaders@fcgov.com)



Written comments can be mailed or dropped off at the City Manager's Office  
at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

***Documents to Share during public participation:*** Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

***NOTE:*** All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.





# City Council Regular Meeting Agenda

May 20, 2025 at 6:00 PM

Jeni Arndt, Mayor  
Emily Francis, District 6, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Tricia Canonico, District 3  
Melanie Potyondy, District 4  
Kelly Ohlson, District 5

City Council Chambers  
300 Laporte Avenue, Fort Collins  
& via Zoom at  
<https://zoom.us/j/98241416497>  
Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Xfinity

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Delynn Coldiron  
City Clerk

## PROCLAMATIONS & PRESENTATIONS 5:00 PM

### A) PROCLAMATIONS AND PRESENTATIONS

- [PP 1.](#) Declaring the Week of May 18-24, 2025 as EMS Week
- [PP 2.](#) Declaring the Week of May 25-31, 2025 as Flood Awareness Week
- [PP 3.](#) Declaring the Month of May 2025 as Asian, Pacific Islander, Desi American and Native Hawaiians Heritage Month

## REGULAR MEETING 6:00 PM

### B) CALL MEETING TO ORDER

### C) PLEDGE OF ALLEGIANCE

### D) ROLL CALL

### E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

### 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.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process\*\* and not to Council.*

- Those who wish to speak are required to sign up using the online sign-up system available at [www.fcgov.com/council-meeting-participation-signup/](http://www.fcgov.com/council-meeting-participation-signup/)
- Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.
- All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.

*[\*\*For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

## **H) PUBLIC COMMENT FOLLOW-UP**

## **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

### **CONSENT CALENDAR**

*The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:*

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

#### **1. Consideration and Approval of the Minutes of the May 6, 2025 Regular meeting.**

The purpose of this item is to approve the minutes of the May 6, 2025 Regular meeting.

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, requests an appropriation of \$42,325 in philanthropic revenue received through City Give. These

miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, appropriates \$20,000 of unplanned revenue from the Colorado Department of Transportation (CDOT) for Police Services to conduct the Click It Or Ticket program.

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, enables the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (Project). The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety (CDPS), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project. This award is part of the Federal Emergency Management Administration's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) 2023 program, with the \$398,431 awarded to the City being federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will utilize budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

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

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

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

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, approves an ordinance to authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million. **This item was previously approved by Ordinance No. 040, 2025; however, the Exhibits A, B, and C-1 to C-5 attached to and part of the intergovernmental agreement were not included in the meeting packet on March 18, 2025, for the second reading of the Ordinance. The only changes on this item for its approval and replacement of Ordinance No. 040, 2025, other than updating the dates, are the inclusion of the intergovernmental agreement attachments.**

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

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

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

**6. First Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.**

The purpose of this item is to request appropriation of \$12 million of prior year reserves from the Light & Power Fund for use in Broadband's (herein referred to as "Connexion") efforts to continue new customer installations, including building out to multi-dwelling units (MDU's) and mobile home parks, and providing for asset management. These funds from Light & Power provide a significant portion of the total funding need over the next 4 years and will be reimbursed to the Light & Power Fund, including interest, from the cash flows generated by Connexion operations.

**7. First Reading of Ordinance No. 079, 2025, Authorizing Transfers of Appropriations for the Shields Street Protected Infrastructure – Lake Street to Stuart Street Project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue Project.**

The purpose of this item is to transfer Active Modes Plan Implementation funding to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

**8. First Reading of Ordinance No. 080, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

The purpose of this item is to appropriate \$19,011 of unanticipated revenue received from the Colorado State Patrol Department of Public Safety as a modification to the previously awarded FY 2025 BATTLE (Beat Auto Theft Through Law Enforcement) grant.

**9. Items Relating to Civic Center Master Plan: Municipal Court Renovation & Parking Services Move.**

A. First Reading of Ordinance No. 081, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Parking Services Department Relocation Project and Related Art in Public Places

B. First Reading of Ordinance No. 082, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Municipal Court Expansion Project and Related Art in Public Places

The purpose of these items is to provide context for two related requested appropriations for projects in the Civic Center Master Plan. The first will expand City service capacity by moving Parking Services to the Civic Center Parking Structure in order to vacate space in the 215 North Mason Street building to allow for the expansion of the City Municipal Court. The second recommended appropriation provides initial construction costs for the expansion of the Municipal Court in the 215 North Mason Street building.

Appropriation recommendations:

- \$450,000 from reserves in the Parking Fund to the Capital Projects Fund for the relocation of Parking Services to the Civic Center Parking Structure
- \$400,000 from General Government Capital Expansion Fee reserves within the Capital Expansion Fund for the relocation of Parking Services as a condition precedent to the Municipal Court construction and expansion
- \$8,500 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the relocation of Parking Services.
- \$4,300,000 from General Governmental Capital Expansion Fee reserves within the Capital Expansion Fund for the Municipal Court construction and expansion project
- \$43,000 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the Municipal Court construction and expansion project.

**10. First Reading of Ordinance No. 083, 2025, Amending Sections 20-21 and 20-25 of the Code of the City of Fort Collins for the Purpose of Clarifying Exceptions to the Noise Ordinance for Agricultural Activities.**

The purpose of this item is to further clarify the alignment of the municipal noise ordinance with Colorado statutes relating to exceptions for agricultural operations.

**11. First Reading of Ordinance No. 084, 2025, Designating as Non-Lapsing and Transferring the Prior Appropriation of Philanthropic Revenue Received Through City Give by Ordinance No. 055, 2025, for the Payment Assistance Fund.**

The purpose of this item is to request that the lapsing appropriation approved by Council on its passage of Ordinance No. 055, 2025, of \$443,600 in philanthropic revenue received through City



Give, be designated by this Ordinance as non-lapsing. 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.

**12. Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.**

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

**13. Resolution 2025-058 Approving Fort Fund 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 – March Deadline category, based upon the recommendations of the Cultural Resources Board.

**END OF CONSENT CALENDAR**

**J) ADOPTION OF CONSENT CALENDAR**

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

**L) STAFF REPORTS - None.**

**M) COUNCILMEMBER REPORTS**

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

## O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

*The method of debate for discussion items is as follows:*

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

*Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.*

### **14. Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended. **Staff is requesting that Council make the following motion to postpone Second Reading of this Ordinance to June 17, 2025, to allow further time for the Building Review Commission to consider the proposed Code changes, as well as the proposed amendments attached to this AIS:**

**Motion:** "I move to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to June 17, 2025."

### **15. Public Hearing and Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.**

Per the City's Financial Management Policy 10 – Metro Districts (the "Policy"), authorized by Resolution 2021-045, the procedures for conducting a hearing on metropolitan district service plan or plan amendment will be in accordance with the Council's adopted procedures and Section 3.K. of the Policy, which sets the order of the proceedings on such a public hearing as follows:

1. Announcement of item;
2. Consideration of any procedural issues;
3. Explanation of the application by City staff;
4. Presentation by the applicant;
5. Public testimony regarding the application;
6. Rebuttal testimony by the applicant;
7. Councilmember questions of City staff and the applicant; and

## 8. Motion, discussion and vote by City Council.

In 2012, the District was organized to redevelop the then existing Foothills Mall (approval of the formation of the District and its original Service Plan by City Council was by Resolution 2012-084). Council approved the current Amended and Restated Service Plan for the Foothills Metropolitan District (the “District”) on May 7, 2013 (Resolution 2013-044).

Since the District’s formation and redevelopment, some of the planned activation has been successful. However, several factors have affected the commercial leasing of all property, which has impacted the revenues dedicated for debt service payment. To address the underperforming aspects, MXD Fort Collins, LLC (the “Current Developer”) is currently designing a new redevelopment plan. The First Amendment supports this new approach to redevelopment by:

1. Increasing the maximum amount of debt the District can have outstanding.
2. Extending the length of the debt the District is allowed to incur and clarifying refunding.
3. Making other changes to ensure consistency with the new redevelopment plan.

The First Amendment expands the list of eligible improvements but does not expand the list of eligible improvements for which the City or the Fort Collins Urban Renewal Authority (the “Authority”) are obligated to participate in or contribute revenues to finance. This item is related to another item on the agenda, Resolution 2025-060, Approving a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment, which, if adopted, would approve a Public Benefits Agreement that would be effective upon the effective date of this Resolution 2025-059.

## **16. Resolution 2025-060 Approving the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment.**

The purpose of this item is to seek approval of a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment. This item is related to another item on the agenda, Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.

## **17. Items Relating to Motor Vehicle Noise.**

- A. First Reading of Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code.
- B. First Reading of Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise.
- C. First Reading of Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers.
- D. First Reading of Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense.

The purpose of these items is to present recommended changes to the City Code and Fort Collins Traffic Code to address enforcement of unreasonable noise in the city related to Motor Vehicles.



**18. First Reading of Ordinance No. 090, 2025 Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks.**

The purpose of this item is to present recommended changes to the Fort Collins City Code Section 9-23 to address enforcement for violations related to fireworks.

**P) RESUMED PUBLIC COMMENT (if applicable)**

**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 Legal Advice related to public employee associations:**

"I move that the City Council go into executive session pursuant to:

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

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

-Colorado Revised Statutes Section 24-6-402 subsection (4)(b),

for the purpose of discussing with the City's attorneys and appropriate management staff specific legal questions related to public employee associations and the manner in which particular policies, practices or regulations of the City related to public employee associations may be affected by existing or proposed provisions of federal, state or local law."

**R) ADJOURNMENT**

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

**File Attachments for Item:**

PP 1. Declaring the Week of May 18-24, 2025 as EMS Week



## PROCLAMATION

**WHEREAS**, the Emergency Medical Services (EMS) profession is a need everywhere, responders are called to care in big cities and in small towns, in private homes, businesses, schools and on our nation's roadways; and

**WHEREAS**, the members of EMS teams are ready to provide lifesaving care 24 hours a day, 7 days a week whether to the growing issues of e-scooter crashes and drug overdoses or providing CPR in a home or basic life support after a fall off a cliff; and

**WHEREAS**, the roles and responsibilities of EMS workers are growing, and responders are rising to the challenge -- from community paramedicine to preventive healthcare, they are tasked with navigating new surroundings, mastering new technologies and continuous learning; and

**WHEREAS**, they are there for our community, whenever and wherever they are needed, lending to this year's EMS Week theme, "We Care. For Everyone;" and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the EMS system consists of medical technicians, paramedics, telecommunicators, firefighters, data analysts, police officers, educators, administrators, nurses, physicians, community members, and other out-of-hospital care providers; and

**WHEREAS**, it is important to recognize the value and the accomplishments of EMS providers by designating EMS Week and celebrating their tireless work.

**NOW, THEREFORE**, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim the week of May 18-24, 2025, as

## EMS WEEK

with the theme, "*We Care. For Everyone.*" I encourage the community to observe this week with education, blood donation, and activities such as learning CPR or thanking a first responder.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 20th day of May, 2025.

---

Mayor Pro Tem

ATTEST:

---

City Clerk

**File Attachments for Item:**

PP 2. Declaring the Week of May 25-31, 2025 as Flood Awareness Week



## PROCLAMATION

**WHEREAS**, April to September is the season most commonly associated with snowmelt flooding and thunderstorm flash flooding; and

**WHEREAS**, Fort Collins has experienced the social, economic and environmental consequences of loss of life and damage to property caused by flood disasters; and

**WHEREAS**, emergency preparedness depends on the leadership and efforts of public officials dedicated to public safety and requires the establishment of farsighted and proactive public policy; and

**WHEREAS**, Fort Collins Utilities has received a Community Rating System Class 2 designation by the Federal Emergency Management Agency, recognizing the City's comprehensive Stormwater and Floodplain Management Program; and

**WHEREAS**, Fort Collins community members have benefited from past investment in stormwater infrastructure, while additional infrastructure is still needed to continue to mitigate flooding in areas that are not yet protected; and

**WHEREAS**, by being informed and prepared and taking proper protective action, the residents of Fort Collins can reduce the potential for loss of life and damage to property when threatened by these events.

**NOW, THEREFORE**, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim the week of May 25-31, 2025, as

## FLOOD AWARENESS WEEK

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 20th day of May, 2025.

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Mayor Pro Tem

ATTEST:

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City Clerk

**File Attachments for Item:**

PP 3. Declaring the Month of May 2025 as Asian, Pacific Islander, Desi American and Native Hawaiians Heritage Month



## PROCLAMATION

**WHEREAS**, Asian, Pacific Islander, Desi American and Native Hawaiians, have enriched American history for over five centuries, beginning with the arrival of the first Filipino immigrants to the Americas in the 16th century; and

**WHEREAS**, Japanese immigrants arriving in 1843, Chinese laborers building the transcontinental railroad in 1869, and Filipino farm workers partnering with Mexican American activists to form the United Farm Workers Movement in 1965 represent a few of the countless contributions to American progress; and

**WHEREAS**, diverse Asian, Pacific Islander, Desi American and Native Hawaiians immigrant and refugee communities have formed a vital part of the American workforce, contributing significantly to the nation's prosperity and enrich our local communities, states, and nation through contributions in the fields of science, technology, the arts, government; and

**WHEREAS**, we continue to witness inspirational milestones achieved by members of these communities, including the historic appointments and elections of leaders such as Vice President Kamala Harris, astronaut Amanda Nguyen, and Senator Andy Kim of New Jersey; and

**WHEREAS**, these communities deserve equal opportunity, just treatment, and freedom from stereotypes such as the "model minority" narrative that can mask real challenges and disparities; and

**WHEREAS**, the solidarity of allies standing with Asian, Pacific Islander, Desi American and Native Hawaiians during both celebrations and challenging times fosters greater awareness and strengthens our City's collective commitment to inclusion, diversity, equity, and accessibility.

**NOW, THEREFORE**, I, Emily Francis, Mayor Pro Tem, do hereby proclaim the month of May 2025, as

### **ASIAN, PACIFIC ISLANDER, DESI AMERICAN AND NATIVE HAWAIIANS HERITAGE MONTH**

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 20th day of May, 2025.

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Mayor Pro Tem

ATTEST:

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City Clerk

**File Attachments for Item:**

**1. Consideration and Approval of the Minutes of the May 6, 2025 Regular meeting.**

The purpose of this item is to approve the minutes of the May 6, 2025 Regular meeting.



May 20, 2025



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Delynn Coldiron, City Clerk

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### SUBJECT

**Consideration and Approval of the Minutes of the May 6, 2025 Regular meeting.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the May 6, 2025 Regular meeting.

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### STAFF RECOMMENDATION

Staff recommends approval of the minutes.

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### ATTACHMENTS

1. Draft Minutes, May 6, 2025

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. **Declaring the Week of May 11-17, 2025 as National Police Week.**

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

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

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

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

**REGULAR MEETING**

**6:00 PM**

**B) CALL MEETING TO ORDER**

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

**C) PLEDGE OF ALLEGIANCE**

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

**D) ROLL CALL**

PRESENT

Mayor Jeni Arndt

Mayor Pro Tem Emily Francis

Councilmember Susan Gutowsky

Councilmember Julie Pignataro

Councilmember Tricia Canonico

Councilmember Melanie Potyondy

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

City Clerk Delynn Coldiron

**E) CITY MANAGER'S AGENDA REVIEW**

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

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

**F) COMMUNITY REPORTS**

None.

**G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**  
(Including requests for removal of items from Consent Calendar for individual discussion.)

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

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

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

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

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

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

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

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

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

Public comment concluded at 6:28 p.m.

#### **H) PUBLIC COMMENT FOLLOW-UP**

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

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

#### **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

None.

#### **J) CONSENT CALENDAR**

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

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

***Approved.***

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

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

***Adopted on Second Reading.***

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

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

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

***Adopted on Second Reading.***

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

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

***Adopted on Second Reading.***

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

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

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

***Adopted on Second Reading.***

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

*The purpose of this item is to request an appropriation of \$42,325 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.*

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

***Adopted on First Reading.***

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

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

***Adopted on First Reading.***

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

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

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

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

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

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

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

**Resolution Adopted.**

**Ordinance Adopted on First Reading.**

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

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

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

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

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

**Adopted on First Reading.**

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

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

**Adopted.**

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

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

**Adopted.**

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

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

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

**Adopted.**

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

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

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

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

**Both Resolutions Adopted.**

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

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

**Adopted.**



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

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

**Adopted.**

**END OF CONSENT CALENDAR**

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

**The motion carried 7-0.**

**K) CONSENT CALENDAR FOLLOW-UP**

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

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

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

**L) STAFF REPORTS**

None.

**M) COUNCILMEMBER REPORTS**

Councilmember Melanie Potyondy

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

Councilmember Tricia Canonico

- Visit to Zach Elementary's 4<sup>th</sup> graders.

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

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

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

None.

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION – None.**

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

**Q) OTHER BUSINESS**

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

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

Mayor Pro Tem Francis questioned the depth of a study.

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

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

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

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

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

***The motion carried 7-0.***

Executive session ended at 7:20 p.m.

**R) ADJOURNMENT**

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT

**File Attachments for Item:**

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, requests an appropriation of \$42,325 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Nina Bodenhamer, City Give Director

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## SUBJECT

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

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 6, 2025, requests an appropriation of \$42,325 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

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## STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on Second Reading.

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## FIRST READING BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations in 2025 totaling \$24,300 to support various departments, and these funds are currently unappropriated. This item also requests the reappropriation of \$15,000 in philanthropic revenue for the 9-11 Memorial received through City Give in 2024 and an administrative transfer request of \$3,025 to correct the Fund noted on Ordinance No. 018, 2025, for the gifts to the Payment Assistance Fund and demarcate them as non-lapsing. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by City Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Gifts totaling \$24,300 have been received for various programs and services.

Fund	Project	Amount	Lapsing/Non-lapsing
General	Police Leaders Summit	\$5,000	Lapsing
General	Veterans Plaza Entry sign	\$8,000	Lapsing
General	Pollinators	\$2,000	Lapsing
Recreation	Adaptive Recreation	\$300	Lapsing
Recreation	Pool tables	\$750	Lapsing
Recreation	Rainbow swim	\$5,225	Lapsing
Light & Power	Payment Assistance Fund	\$25	Non-lapsing
FC Moves	Open Streets	\$3,000	Lapsing

The respective donors have directed the City to use these generous donations for designated purposes within and to benefit City service areas and programs.

### **CITY FINANCIAL IMPACTS**

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Upon adoption, this Ordinance will: 1) appropriate in the current fiscal year into the General Fund, Recreation Fund, Light and Power Fund, and the Transportation Fund new philanthropic revenue received through City Give in the amount of \$24,300 and authorize expenditures against those revenues for the purposes and in the amounts as directed by donors and indicated above to support various City departments; 2) appropriate revenue in the amount of \$15,000 from philanthropic revenue held in prior year reserves in the General Fund and authorize expenditures against those revenues for purposes of the 9-11 Memorial as directed by donors; and 3) transfer \$3,025 in donated revenue (which was incorrectly appropriated into the General Fund on Ordinance No. 018, 2025) to the Light & Power Fund and authorize expenditures against those revenues for the purposes of the Payment Assistance program

The donations shall be expended from the designated fund solely for the donors' directed intent. The funds have been received and accepted per City Give Policies.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance No. 074, 2025

ORDINANCE NO. 074, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED PHILANTHROPIC  
REVENUE, APPROPRIATING PRIOR YEAR RESERVES AND  
AUTHORIZING TRANSFER OF APPROPRIATIONS OF VARIOUS  
GIFTS RECEIVED THROUGH CITY GIVE

A. The City has received generous donations in 2024 and 2025 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs or capital expenses throughout the city, including, but not limited to, public safety, parks and recreation, utility payment assistance, and the 9-11 Memorial.

C. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

D. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

E. The City Manager has recommended the appropriations described in Section 1 of this Ordinance and determined that the amount of each of these appropriations is available and previously unappropriated from the respective funds named in Section 1 will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

F. The City Manager has recommended the appropriation described in Section 2 of this Ordinance and determined that the amount of the appropriation is available and previously unappropriated from reserves accumulated in prior years.

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in

which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager has recommended the transfer of \$3,025 from the General Fund to the Light & Power Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds, a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

J. The City Council wishes to designate the appropriation herein for the donations to the Payment Assistance Fund as appropriations that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary.

General Fund	\$ 15,000
Recreation Fund	\$ 6,275
Light and Power Fund, donation to the Payment Assistance Fund	\$ 25
Transportation Services Fund	\$ 3,000

Section 2. There is hereby appropriated from the following funds these amounts of philanthropic revenue held in prior year reserves to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary.

General Fund	\$ 15,000
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Section 3. The unexpended and unencumbered appropriated amount of THREE THOUSAND TWENTY-FIVE DOLLARS (\$3,025) is authorized for transfer from the General Fund to the Light & Power Fund and appropriated therein to be expended for the Payment Assistance Fund.



Section 4. The appropriation herein for the donations to the Payment Assistance Fund are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on May 6, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025

Approving Attorney: Dianne Criswell

**File Attachments for Item:**

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, appropriates \$20,000 of unplanned revenue from the Colorado Department of Transportation (CDOT) for Police Services to conduct the Click It Or Ticket program.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Brandon Barnes, Police Special Operations, Corporal  
David Lindsay, Police Special Operations, Sergeant  
Joanne Cech, Fiscal Recovery Manager

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## SUBJECT

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

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 6, 2025, appropriates \$20,000 of unplanned revenue from the Colorado Department of Transportation (CDOT) for Police Services to conduct the Click It Or Ticket program.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## FIRST READING BACKGROUND / DISCUSSION

The Fort Collins Police Services (FCPS) Traffic Enforcement Unit was awarded a Click It or Ticket (CIOT) federal grant through the Colorado Department of Transportation Highway Safety Office (HSO) on March 26, 2025. The Click It or Ticket grant program (the Program) provides enforcement focused on driver and passenger restraint system use. The Program runs three enforcement cycles during the following timeframes in 2025: April 7 – April 13; May 12 – June 1; and July 21 – August 1. During these three enforcement cycles officers are deployed to conduct traffic enforcement and specifically to enforce driver and passenger restraint use. The enforcement of driver and passenger restraint system use aligns with the City of Fort Collins Vision Zero goal to reduce and/or eliminate serious injury and fatal crashes. Driver and passenger restraint systems have proven to save lives by keeping the restrained passengers inside the vehicle in the event of a serious collision. According to CDOT, "Since Click It or Ticket was introduced in Colorado in 2002, statewide seat belt use has increased from 72% to 88%." The Program covers the period from April 1, 2025, through September 30, 2025. The Police Department will utilize the grant funds to cover personnel costs for implementing this program.

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## CITY FINANCIAL IMPACTS

The item appropriates \$20,000 in program costs for the FCPS Traffic Enforcement Unit and other agency personnel to deploy at their respective salary overtime rates during the three enforcement waves of Click It or Ticket.

An executed grant agreement is not required for this award. The state has issued the Fort Collins Police Department a \$20,000 purchase order, and the award begins when Police Services requests reimbursement against that purchase order.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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None.

#### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance No. 075, 2025

ORDINANCE NO. 075, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING A SUPPLEMENTAL APPROPRIATION OF COLORADO  
DEPARTMENT OF TRANSPORTATION COLORADO HIGHWAY  
SAFETY OFFICE CLICK IT OR TICKET GRANT FUNDS FOR  
THE FORT COLLINS POLICE SERVICES TRAFFIC  
ENFORCEMENT UNIT

A. On March 26, 2025, Fort Collins Police Services ("FCPS") Traffic Enforcement Unit was awarded a grant through the Colorado Department of Transportation (HSO) Click It or Ticket program, which is a grant program that provides high visibility enforcement focusing on enforcement of driver and passenger restraint system use.

B. The Program runs three enforcement cycles starting in April, May, and July of 2025. During these three enforcement cycles officers are deployed to conduct traffic enforcement and specifically to enforce driver and passenger restraint use. The enforcement of driver and passenger restraint system use aligns with the City of Fort Collins Vision Zero goal to reduce and/or eliminate serious injury and fatal crashes.

C. The item appropriates \$20,000 in unanticipated funds received through this grant to help cover program costs for the FCPS Traffic Enforcement Unit and other agency personnel to deploy at their respective salary overtime rates during the three enforcement periods of Click It or Ticket.

D. Driver and passenger restraint systems have proven to save lives by keeping the restrained passengers inside the vehicle in the event of a serious collision. According to CDOT, "Since Click It or Ticket was introduced in Colorado in 2002, statewide seat belt use has increased from 72% to 88%." The Program covers the period from April 1, 2025, through August 1, 2025.

E. The Police Department will utilize the grant funds to cover personnel costs for implementing this program.

F. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of saving lives through education and enforcement measures.

G. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

H. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

I. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

J. The City Council wishes to designate the appropriation herein for the Colorado Department of Transportation, Colorado Highway Safety Office Click It or Ticket Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be expended in the General Fund for the Fort Collins Police Services Traffic Enforcement Unit.

Section 2. The appropriation herein for the Colorado Department of Transportation, Colorado Highway Safety Office Click It or Ticket Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on May 6, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025

Approving Attorney: Dawn Downs

**File Attachments for Item:**

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, enables the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (Project). The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety (CDPS), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project. This award is part of the Federal Emergency Management Administration's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) 2023 program, with the \$398,431 awarded to the City being federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will utilize budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

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

Appropriating \$398,431 of unanticipated revenue awarded through FEMA's BRIC program;

Utilizing matching funds in the amount of \$85,378 from existing 2025 appropriations in the Community Development and Neighborhood Services operating budget in the General fund into this grant Project for staff time;

Utilizing matching funds in the amount of \$11,841 from existing 2025 appropriations in the Stormwater Engineering operating budget in the Stormwater fund into this grant Project for staff time.

Utilizing matching funds in the amount of \$5,957 from existing 2025 appropriations in the Communications and Public Involvement operating budget in the General Fund into this grant Project for staff time.

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

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Kirk Longstein, Senior Environmental Planner, Community Development and Neighborhood Services  
Joanne Cech, Recovery Manager, Grants Administration

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## SUBJECT

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

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 6, 2025, enables the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (Project). The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety (CDPS), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project. This award is part of the Federal Emergency Management Administration's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) 2023 program, with the \$398,431 awarded to the City being federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will utilize budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

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

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

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



## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

## FIRST READING BACKGROUND / DISCUSSION

This Project seeks to find a predictable solution for developers who wish to overlay natural habitat protection zoning standards, nature based landscape designs and naturalized stormwater facilities. The purpose of this Project is to create a comprehensive master plan that integrates Nature-Based Solutions (NbS) to enhance stormwater management at the neighborhood level and protect ecologically significant features identified by the Land Use Code and buffered from development.

The intent of the Project is to find an engineering and landscape design solution that enhances neighborhoods in Fort Collins with a harmonious blend of nature, fostering a sense of place, environmental stewardship, and community well-being. Through the integration of nature-based solutions and natural habitat design standards, staff envision increased community benefit from future development scenarios. Specifically, through:

- Alignment of stormwater management design criteria and natural habitat buffer zones (NHBZs) established by Citywide policy, codes and standards.
- Added value from Utilities infrastructure and enhanced public benefit from developer requirements.
- NbS and NHBZs providing improved water quality, improved stormwater runoff, and recharging groundwater resources.

Council has specifically approved policies, work plan items, Land Use Code updates, stormwater criteria, and priorities that this Department of Homeland Security FEMA BRIC award and the Project are in furtherance of. The Project aligns with the following Council outcome areas and priorities:

- **Economic Health:** Reliable infrastructure for electricity, water, wastewater and flood protection is critical to ensure community resiliency amidst a changing climate;
- **Environmental Health:** Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents; and
- **Council Priority:** Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.

On Friday, April 4, 2025, CDPS received information from FEMA that this BRIC grant is already awarded/obligated by FEMA. The FEMA guidance confirms that some communities are still working toward full execution of the state/sub-recipient grant agreement, which does not impact already awarded federal funds.

## CITY FINANCIAL IMPACTS

This item appropriates \$398,431 to support the costs for the *Nature Based Solutions Plan and Stormwater Park Concept Plan Project*, from:

- \$398,431 from unanticipated revenue from the Colorado Department of Public Safety through Department of Homeland Security, FEMA;

Additionally, required cost share in the amount of \$85,378, \$11,841 and \$5,957 have already been appropriated in the 2025 General Fund and 2025 Stormwater Fund, respectively. These funds will be transferred from the 2025 Community Development and Neighborhood Services Department operating budget within the General Fund, the Utilities Stormwater Department operating budget in the Stormwater

Fund, and the Communications and Public Involvement operating budget within the General Fund to the grant funded Project (for staff time). This serves to support proper tracking of personnel time in meeting the City's required cost share.

City staff time will be used in subsequent year 2026. The City will request Council in 2026 to transfer the value of City staff time in 2026 from the operating (lapsing) budget of both the General Fund, and the Stormwater Fund, to the non-lapsing grant Project.

The award under FEMA's BRIC program is a reimbursement type award, meaning General Fund expenses will be reimbursed up to \$398,431.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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The Project team is planning to establish a variety of avenues for community members to share requests, inquiries, concerns and input. This flow of information is most effective when it works both ways and the team is planning to foster this connection at each step.

The approach to public engagement is informed by the methods and best practices created by the International Association for Public Participation (IAP2)—their principles also helped to develop the Project's milestones. Project team staff are trained through IAP2, and we constantly research and connect with other communities to learn about new ideas. We work closely with CSU's Center for Public Deliberation, professional trade organizations, non-governmental organizations and community partners to help us better connect with impacted stakeholders. The team is excited to start its public engagement with a presentation to the Land Conservation and Stewardship Board, along with affordable housing providers. Prior to presenting a final deliverable, the Project team will ensure any future recommendations align with a balanced community perspective.

#### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance No. 076, 2025

ORDINANCE NO. 076, 2025  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 MAKING A SUPPLEMENTAL APPROPRIATION OF FEDERAL  
 EMERGENCY MANAGEMENT ADMINISTRATION'S BUILDING  
 RESILIENT INFRASTRUCTURE AND COMMUNITIES PROGRAM  
 GRANT FUNDS AND AUTHORIZING TRANSFERS FOR THE  
 NATURE-BASED SOLUTIONS PLAN AND STORMWATER PARK  
 CONCEPT PLAN PROJECT

A. The purpose of this item is to enable the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (the "Project").

B. The Project seeks to find a predictable solution for developers who wish to overlay natural habitat protection zoning standards, nature based landscape designs and naturalized stormwater facilities in their neighborhood developments in Fort Collins. The purpose of this Project is to create a comprehensive master plan that integrates Nature-Based Solutions ("NbS") to enhance stormwater management at the neighborhood level and protect ecologically significant features identified by the Fort Collins Land Use Code and buffered from development.

C. The intent of the Project is to find an engineering and landscape design solution that enhances neighborhoods in Fort Collins with a harmonious blend of nature, fostering a sense of place, environmental stewardship, and community well-being. Through the integration of nature-based solutions and natural habitat design standards, staff envision increased community benefit from future development scenarios through:

- Alignment of stormwater management design criteria and natural habitat buffer zones ("NHBZs") established by Citywide policy, codes and standards;
- Added value from Utilities infrastructure and enhanced public benefit from developer requirements; and
- NbS and NHBZs provide improved water quality, stormwater runoff, and recharge groundwater resources.

D. The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety ("CDPS"), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project and has proposed an intergovernmental grant agreement with the City.

E. This award is part of the Federal Emergency Management Administration's ("FEMA's") Building Resilient Infrastructure and Communities ("BRIC") 2023 program. The \$398,431 award is federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will use budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

F. Grant and cost share funds will support development of the Project by:

- Appropriating \$398,431 of unanticipated revenue awarded through FEMA's BRIC program;
- Using matching funds in the amount of \$85,378 from existing 2025 appropriations in the Community Development and Neighborhood Services operating budget in the General Fund into this grant Project for staff time;
- Using matching funds in the amount of \$11,841 from existing 2025 appropriations in the Stormwater Engineering operating budget in the Stormwater fund into this grant Project for staff time;
- Using matching funds in the amount of \$5,957 from existing 2025 appropriations in the Communications and Public Involvement operating budget in the General Fund into this grant Project for staff time; and
- Using City staff time in subsequent year 2026 by requesting Council in 2026 to transfer the value of City staff time in 2026 from the operating (lapsing) budget of both the General Fund and the Stormwater Fund to the non-lapsing grant Project.

G. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

H. The City Manager has recommended the appropriations described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

I. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

J. The City Manager has recommended the transfer of \$85,378 from the Community Development and Neighborhood Services operating budget to the General Fund Grant Project budget, \$11,841 from the Stormwater Engineering operating budget to the Stormwater Fund Grant Project budget, and \$5,957 from the Communications and Public Involvement operating budget to the General Fund Grant Project budget and

determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

L. The City Council wishes to designate the appropriation herein of the CDPS BRIC grant funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

M. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serve the public purposes of facilitating design, developing predictable solutions, and improving the City's natural habitats and landscapes and stormwater infrastructure relating to neighborhood development.

N. City Council has specifically approved policies, work plan items, Land Use Code updates, stormwater criteria, and priorities that this FEMA BRIC award and the Project are in furtherance of. The Project aligns with the following Council outcome areas and priorities:

- Economic Health: Reliable infrastructure for electricity, water, wastewater and flood protection is critical to ensure community resiliency amidst a changing climate;
- Environmental Health: Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents; and
- Council Priority: Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of THREE HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$398,431) to be expended in the General Fund for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 2. The unexpended and unencumbered appropriated amount of EIGHTY-FIVE THOUSAND THREE HUNDRED SEVENTY-EIGHT DOLLARS (\$85,378) is authorized for transfer from the Community Development and Neighborhood Services operating budget to the General Fund Grant Project budget and appropriated therein to

be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 3. The unexpended and unencumbered appropriated amount of ELEVEN THOUSAND EIGHT HUNDRED FORTY-ONE DOLLARS (\$11,841) is authorized for transfer from the Stormwater Engineering operating budget to the Stormwater Fund Grant Project budget and appropriated therein to be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 4. The unexpended and unencumbered appropriated amount of FIVE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$5,957) is authorized for transfer from the Communications and Public Involvement operating budget to the General Fund Grant Project budget and appropriated therein to be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 5. The appropriation herein for the CDPS BRIC grant funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on May 6, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025

Approving Attorney: Heather N. Jarvis

**File Attachments for Item:**

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

This Ordinance, unanimously adopted on First Reading on May 6, 2025, approves an ordinance to authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million. **This item was previously approved by Ordinance No. 040, 2025; however, the Exhibits A, B, and C-1 to C-5 attached to and part of the intergovernmental agreement were not included in the meeting packet on March 18, 2025, for the second reading of the Ordinance. The only changes on this item for its approval and replacement of Ordinance No. 040, 2025, other than updating the dates, are the inclusion of the intergovernmental agreement attachments.**

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

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

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

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Matt Robenalt, Executive Director, Downtown Development Authority  
Kristy Klenk, Finance & HR Manager, Downtown Development Authority  
Adam Halvorson, Sr Analyst, Treasury, City of Fort Collins

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## SUBJECT

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

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 6, 2025, approves an ordinance to authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million. **This item was previously approved by Ordinance No. 040, 2025; however, the Exhibits A, B, and C-1 to C-5 attached to and part of the intergovernmental agreement were not included in the meeting packet on March 18, 2025, for the second reading of the Ordinance. The only changes on this item for its approval and replacement of Ordinance No. 040, 2025, other than updating the dates, are the inclusion of the intergovernmental agreement attachments.**

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

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

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



## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

## FIRST READING BACKGROUND / DISCUSSION

Title 31, Article 25, part 8, Colorado Revised Statutes and Chapter 2, Article IV, Division 1 of the City Code (the “DDA Statute”) has inherent processes that require the City and the DDA to work collaboratively to achieve the purpose of the legislation. Among these expected collaborations is the process for financing DDA activities. In 2012, Council adopted Ordinance No. 089, 2012, and the City and DDA established a line of credit (LOC) with First National Bank to satisfy the statutory requirement to generate proceeds from debt to be used by the DDA to execute its projects and programs and implement the DDA’s Plan of Development. The tax increment revenues are generated each year by the increase in property values within the boundaries of the DDA and the DDA Statutes require that those revenues be applied towards debt, and it is the proceeds from the debt that is technically used to fund projects and programs of the DDA.

In 2018, Council adopted Ordinance No. 066, 2018, to renew the LOC for another six-year term from 2019 to 2024 year end. This LOC expired at the end of 2024. The DDA and City began taking steps in 2024 to renew this debt instrument with First National Bank for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2025.

Additionally, in 2012, Council approved Resolution 2012-081 and the DDA and City created an intergovernmental agreement (“2012 IGA”) that established the process by which the two organizations would:

- Initiate requests for a draw from the LOC
- Verify tax increment revenue cash available to repay the debt
- Account for the loan proceeds released from the LOC, and
- Execute repayment with tax increment within 7 days of the initial LOC draw

A second Intergovernmental Agreement Governing a Line of Credit for Financing Downtown Development Authority Projects and Programs was approved by City Council by Resolution 2018-046 to reflect the terms of the renewed LOC (“2018 IGA”).

What is New for 2025?

In 2023, Senate Bill 23-175 (“SB23-175”) was signed into law, amending state law to provide a new hybridized option for meeting the statutory requirements for financing the projects and programs of downtown development authorities. SB23-175 authorizes downtown development authorities to incur debt to be repaid by tax increment revenues if an intergovernmental agreement is in place between the municipality and the downtown development authority. Prior to SB23-175, the statute required that all debt issued for the benefit of the development authority be exclusively the debt of the municipality.

Many of the downtown development authorities in Colorado use the same line of credit financing approach as the Fort Collins DDA and City of Fort Collins. Because the approach has some steps that amount to busy-work for municipal finance staff, there was wide support to create an option to transfer much of the administrative burden to development authorities by allowing them to incur their own debt, pursuant to SB23-175.

To implement the authority granted by SB23-175, the staff of the City and the DDA began discussions as the 2018 IGA term ended on the steps necessary to establish a new line of credit. Staff also conferred with legal counsel serving the DDA and the City, as well as the bank through which the previous line of credit was issued, First National Bank. Based on these discussions, staff and legal counsel have drafted a third

intergovernmental agreement to clearly define the scope of authority being delegated to the DDA and to establish the necessary procedural steps between the City, DDA and bank.

The draft 2025 intergovernmental agreement (the “2025 IGA”) and the line of credit loan promissory note from First National Bank of Omaha were approved by the DDA Board on February 13, 2025. The 2025 IGA has now advanced to Council for approval. This schedule for adoption is several months ahead of when the City will receive the distribution of the 2025 tax increment revenues from the County Treasurer that would be applied to pay off any draws from a new line of credit established pursuant to the 2025 IGA, and this timing is supportive of the DDA's cashflow timing needs for projects it will be funding in 2025.

The purpose of this item is to correct an omission from the second reading meeting packet of Ordinance No. 040, 2025. This Ordinance and the 2025 IGA attached hereto as Exhibit “A”, if approved, will replace Ordinance No. 040, 2025 and the version of 2025 IGA which was attached thereto Exhibit “A”. On March 18, 2025, the version of the 2025 IGA before Council on second reading of Ordinance No. 040, 2025, was not complete because Exhibits A, B, and C-1 to C-5 attached to and part of the 2025 IGA were not included in the meeting packet. Other than changing the dates of action on and effective dates of this Ordinance and the proper inclusion of Exhibits A, B, and C-1 to C-5 to the 2025 IGA, this Ordinance, the 2025 IGA attached thereto as Exhibit “A”, and other explanatory and supporting materials (including this Agenda Item Summary) are the same as those presented to Council for its consideration on second reading and final passage of Ordinance No. 040, 2025 on March 18, 2025.

## CITY FINANCIAL IMPACTS

When the DDA and City began using the LOC financing approach in 2012, it provided benefits and positive impacts over the much more expensive forms of financing such as issuance of traditional revenue bonds, certificates of participation, or private-placement financing with banks and other investors. Using the LOC approach to finance DDA projects and programs results in a significantly shorter period of time in which the debt incurs interest. The savings on financing costs means that more funding is available to invest directly into projects and programs in the downtown, and less is spent on finance fees and interest expenses.

DDA staff analyzed the savings from this approach used between 2012-2024 against that of the other forms of traditional financing used by the City and DDA in the past. The financial savings is significant. Since 2012, the LOC total interest and financing fees for \$46,758,242 of principal debt was \$19,006. In contrast, the total interest and finance fees for the City/DDA financing approach that traditionally used certificates of participation and private placement bonds for \$15,279,063 of principal debt was \$3,412,065.

Other benefits and positive impacts using the LOC include:

- Strong expression of fiduciary stewardship of public funds;
- Recognition that investment of tax increment funds, derived from property tax assessments of overlapping tax entities, creates positive growth in assessed value and thereby increased the value of the property tax base for all overlapping entities. (82% of the DDA tax increment comes from tax entities other than the City such as Larimer County and Poudre School District who benefit financially from the DDA's automatic share back of tax increment and the rising value of base assessed valuation in the district);
- Funding partnerships of the DDA undertaken with the City and private sector require no cost of capital charges assessed to the projects because the DDA has found a very inexpensive method to finance its debt used to support these partnerships; and
- Every draw made on the LOC is paid off within seven (7) days, which means no effect at the end of the calendar year on the City's fund balance or City Annual Comprehensive Financial Report, in which the DDA's finances are reported.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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At its November 6, 2024 meeting, the Council Finance Committee was supportive of bringing the 2025 IGA forward to accommodate the renewal of the bank authorized Line of Credit to be used by the DDA and satisfy compliance with C.R.S. §31-25-807(3)(a)(II).

**DDA Board**

At its regular meeting on February 13, 2025, the DDA Board of Directors adopted Resolution 2025-02, recommending to the Fort Collins City Council the renewal of a Line of Credit with First National Bank of Omaha for a six (6) year period with a maximum per-draw limit of five million dollars (\$5,000,000) to be placed in the Downtown Development Authority's Financing Activity Fund for expenditure on certain projects and programs in accordance with the Downtown Development Authority Plan of Development and the approval of the Intergovernmental Agreement governing the Line of Credit.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance No. 077, 2025
2. Exhibit A to Ordinance

ORDINANCE NO. 077, 2025  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 REPLACING ORDINANCE NO. 040, 2025, AND  
 APPROVING AN INTERGOVERNMENTAL AGREEMENT  
 BETWEEN THE CITY OF FORT COLLINS AND THE FORT  
 COLLINS, COLORADO, DOWNTOWN DEVELOPMENT  
 AUTHORITY GOVERNING THE USE OF A LINE OF CREDIT FOR  
 THE FINANCING OF DOWNTOWN DEVELOPMENT AUTHORITY  
 PROJECTS AND PROGRAMS AND DELEGATING TO THE  
 DOWNTOWN DEVELOPMENT AUTHORITY THEREUNDER THE  
 POWER TO INCUR DEBT IN RELATION THERETO AS  
 AUTHORIZED BY STATE LAW

A. On April 21, 1981, City Council approved Ordinance No. 046, 1981 to establish the Fort Collins, Colorado, Downtown Development Authority (“DDA”), pursuant to the provisions of Title 31, Article 25, part 8, Colorado Revised Statutes and Chapter 2, Article IV, Division 1 of the City Code (the “DDA Statute”).

B. The DDA Statute requires that the organization of downtown development authorities will serve a public use; promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; halt or prevent deterioration of property values or structures within central business districts; halt or prevent the growth of blighted areas within such districts; and assist municipalities in the development and redevelopment of downtowns and in the overall planning to restore or provide for the continuance of the health thereof.

C. The primary means of financing DDA projects and programs is through a property tax increment collected within the DDA boundaries, and C.R.S. § 31-25-807(3)(a)(II) requires that the City or DDA must incur some form of debt in order to finance such projects and programs of the DDA using property tax increment revenues collected within the DDA boundaries.

D. The property tax revenues of the DDA, once distributed to the City by Larimer County, Colorado, are deposited into an account held by the City (the “DDA Debt Service Fund”).

E. On October 15, 2012, the City and the DDA entered into an intergovernmental agreement to establish a line of credit drawn from the account in which property tax increment revenues were deposited in order to finance DDA projects and programs with a six-year term (the “2012 IGA”).

F. On September 19, 2018, the City and the DDA entered into a second intergovernmental agreement to extend agreement for another six-year term and to increase the per-draw line of credit to \$5,000,000 (the “2018 IGA”).

G. Effective August 7, 2023, C.R.S. § 31-25-807(3)(a)(II) was amended by Senate Bill 23-175 to provide that a city, pursuant to an intergovernmental agreement with a downtown development authority and approved by city ordinance, may delegate to a downtown development authority the power to incur loans or indebtedness or obtain advances and to pledge tax increment money for the payment of any loans, advances, or indebtedness.

H. The City desires to delegate to the DDA the power to incur such indebtedness by establishing a line of credit with First National Bank of Omaha on the same general terms as the City under the 2012 IGA and 2018 IGA (the “DDA Line of Credit”), as authorized by C.R.S § 31-25-807(a)(3)(II), as amended, which will allow for the shifting of certain administrative burdens related to the financing of DDA projects and programs from the City to the DDA, which is beneficial to the City and which the DDA is willing and able to perform.

I. In order to update and replace the line of credit arrangement established in the 2018 IGA, and to shift the administrative burden related to the financing of DDA operations from the City to the DDA, staff of the City and the DDA have negotiated a new intergovernmental agreement regarding the financing of DDA projects and programs using the DDA Line of Credit, in the form attached hereto as Exhibit “A” (the “2025 IGA”), which has a term of six years and provides for a maximum per-draw limit of five million dollars.

J. The Board of Directors of the DDA, through the adoption of Resolution 2025-02, has expressed its willingness to perform the administrative burdens of financing its operations, as described in the 2025 IGA, and recommends to the City Council approval of the 2025 IGA.

K. A line of credit established by the DDA with a financial institution, as authorized by the City under the 2025 IGA, meets the requirements of C.R.S. § 31-25-807(3)(a)(II), as amended, and the costs and interest associated with such a line of credit are much lower than would be the case with other types of financing.

L. A line of credit does not create a multi-fiscal year direct or indirect debt or financial obligation on the part of the City or the DDA within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision.

M. It is in the best interests of both the City and the DDA to reduce financing costs of DDA project and programs to preserve the maximum amount of property tax increment revenues for DDA projects and programs within its boundaries.

N. The City is authorized to enter into intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and C.R.S. § 29-1-203, and the City desires to enter into the 2025 IGA.

O. This Ordinance and the 2025 IGA attached hereto as Exhibit "A" replaces Ordinance No. 040, 2025 and the version of 2025 IGA which was attached thereto Exhibit "A". The version of the 2025 IGA before Council on second reading of Ordinance No. 040, 2025 was not complete because Exhibits A, B, and C-1 to C-5 attached to and part of the 2025 IGA were not included in the meeting packet. Other than changing the dates of action on and effective dates of this Ordinance and the proper inclusion of Exhibits A, B, and C-1 to C-5 to the 2025 IGA, this Ordinance, the 2025 IGA attached thereto as Exhibit "A", and other explanatory and supporting materials are the same as those presented to Council for its consideration on second reading and final passage of Ordinance No. 040, 2025, on March 18, 2025.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor is hereby authorized to execute the 2025 IGA on behalf of the City in substantially the form attached hereto as Exhibit "A", and incorporated in by this reference with such modifications as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on May 6, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025

Approving Attorney: Dianne Criswell

**THIRD INTERGOVERNMENTAL AGREEMENT  
GOVERNING A LINE OF CREDIT FOR FINANCING  
DOWNTOWN DEVELOPMENT AUTHORITY  
PROJECTS AND PROGRAMS**

This INTERGOVERNMENTAL AGREEMENT (“IGA”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, a body corporate and politic (the “DDA”) and the CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation (the “City”).

**WITNESSETH:**

WHEREAS, the DDA has been created pursuant to the provisions of Title 31, Article 25, part 8, Colorado Revised Statutes, and Chapter 2, Article IV, Division 1 of the City Code (the “DDA Statute”); and

WHEREAS, the DDA Statute has declared that the organization of downtown development authorities will serve a public use; promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; will halt or prevent deterioration of property values or structures within central business districts; halt or prevent the growth of blighted areas within such district, and assist municipalities in the development and redevelopment of downtowns and in the overall planning to restore or provide for the continuance of the health thereof; and

WHEREAS, the DDA provides an invaluable service to the City by promoting the health, safety, prosperity, security and general welfare of those living and working within its boundaries; and

WHEREAS, pursuant to C.R.S. § 31-25-808(1)(f), the DDA is empowered to enter into contracts with governmental agencies and public bodies in furtherance of the statutory mission of the DDA; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council of the City, by ordinance or resolution, to enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, the primary means of financing DDA projects and programs is through the use of property tax increment collected within the DDA boundaries, and C.R.S. §31-25-807(3)(a)(II) requires that the City or DDA incur some form of debt in order to finance such projects and programs using property tax increment revenues collected within the DDA boundaries; and

WHEREAS, such property tax increment revenues, once remitted to the City by Larimer County, Colorado, are deposited into an account held by the City (the “DDA Debt Service Fund”); and

WHEREAS, on October 15, 2012, the parties entered in that certain agreement entitled “Intergovernmental Agreement Governing a Line of Credit for Financing Downtown Development Authority Projects and Programs” which established a line of credit to finance certain DDA projects and programs and defined the process for use of such line of credit (the “2012 IGA”); and

WHEREAS, the 2012 IGA had a term of six (6) years and expired on December 31, 2018; and

WHEREAS, on September 19, 2018, the parties entered in that certain agreement entitled “Second Intergovernmental Agreement Governing a Line of Credit for Financing Downtown Development Authority Projects and Programs” which extended the term of the line of credit established under the 2012 IGA and increased the per-draw limit under the line of credit to \$5,000,000 (the “2018 IGA”); and

WHEREAS, the 2018 IGA had a term of six (6) years and expired on December 31, 2024; and

WHEREAS, under both the 2012 IGA and the 2018 IGA, the line of credit was established between the City and First National Bank of Omaha (“First National Bank”) through execution of a line of credit agreement and promissory note, consistent with the DDA Statute, which at the time required that the City incur the debt necessary to finance DDA projects and programs using property tax increment revenues under C.R.S. § 31-25-807(3)(a)(II); and

WHEREAS, effective August 7, 2023, C.R.S. § 31-25-807(3)(a)(II) was amended by Senate Bill 23-175 to provide that a city, pursuant to an intergovernmental agreement with a downtown development authority, approved by ordinance of the city, may delegate to a downtown development authority the power to incur loans or indebtedness or obtain advances and to pledge tax increment money for the payment of any loans, advances, or indebtedness; and

WHEREAS, the City, under this IGA, desires to delegate to the DDA the power to incur the indebtedness evidenced by the line of credit agreement and promissory note, and related assignment of deposit account, described in Section 2 below, which will allow for the shifting of certain administrative burdens related to the financing of DDA operations from the City to the DDA, which is beneficial to the City and which the DDA is willing and able to perform; and

WHEREAS, the parties desire to enter into this IGA for the purpose of replacing the line of credit established under the 2012 IGA and the 2018 IGA, for a term of six (6) years, on the same general terms and conditions contained in the 2012 IGA and the 2018 IGA, except as described above and as depicted on Exhibit B (“Exhibit B” being defined and described in Section 3.4 below); and



WHEREAS, a line of credit established by the DDA with a financial institution, as authorized by the City pursuant to this IGA, meets the requirements of C.R.S. § 31-25-807(3)(a)(II), as amended, and the costs and interest associated with such a line of credit are much lower than would be the case with other types of financing; and

WHEREAS, it is in the best interests of both the DDA and the City to reduce financing costs of DDA projects and programs in order to preserve the maximum amount of property tax increment revenues for DDA projects and programs within its boundaries.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties as hereafter provided and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

**1. TERM.**

The term of this IGA shall commence upon execution by the parties and continue through December 31, 2030 (“Term”), unless earlier terminated by mutual agreement.

**2. LINE OF CREDIT.**

Attached hereto as **Exhibit A**, and incorporated herein by reference, is a copy of the Promissory Note and Agreement, and related Assignment of Deposit Account (collectively, the “LOC Agreement”), between the DDA and First National Bank establishing an annual revolving line of credit, renewable each fiscal year of the Term for the benefit of the DDA, and which, in addition to other terms and conditions for its use, provides for a maximum per-draw limit of Five Million Dollars (\$5,000,000) (the “Line of Credit”).

**3. REQUIREMENTS FOR DRAWS ON LINE OF CREDIT.**

Any draw on the Line of Credit by the DDA during the Term shall be in accordance with all of the following requirements:

3.1 The DDA Board shall annually adopt a resolution approving its budget and shall adopt a resolution recommending the City Council of the City appropriate DDA monies to fund the DDA budget; and

3.2 The City Council of the City shall annually approve the DDA budget and by ordinance appropriate funds therefor, including funds for debt service for the Line of Credit and expenditure of the Line of Credit proceeds, as applicable; and

3.3 Any draw on the Line of Credit shall be used only to pay the costs of DDA projects and programs approved in the annual DDA budget and for which funds have been appropriated by the City; and

3.4 The sequence of steps for drawing on the line of credit shall be as depicted in the flowchart contained in **Exhibit B**, attached hereto and incorporated herein by reference; and

3.5 At least fourteen (14) days prior to any draw on the Line of Credit, the DDA's Executive Director shall determine and report to the City's Chief Financial Officer the current level of total debt that has at that time been issued under the existing voter authorization for DDA debt and further shall verify and report to the City's Chief Financial Officer that there are sufficient tax increment monies in the DDA's Debt Service Fund to replenish the Line of Credit in the amount of the draw and the interest cost. The DDA's Executive Director shall supply the City's Chief Financial Officer with documentation supporting such determinations and reporting, with examples of the documentation to be supplied being depicted in **Exhibits C-1 through C-5**, attached hereto and incorporated herein by reference. The DDA shall also notify the City's Chief Financial Officer of the date on which the DDA intends to make a draw request. The City's Chief Financial Officer shall review such information and documentation reported, and shall promptly notify the DDA of any errors or deficiencies identified; and

3.6 The DDA shall have the authority to request any draw on the Line of Credit consistent with the LOC Agreement and this IGA; provided, however, that the DDA shall make no draw on the Line of Credit in excess of available debt authorization, available tax increment monies, or which would result in the repayment of the Line of Credit after the then fiscal year. The DDA shall notify the City's Chief Financial Officer of any draw request no later than twenty-four (24) hours after making any such request; and

3.7 At the time of a draw request by the DDA, the City's Chief Financial Officer shall initiate such action as is necessary to repay the draw using funds from the DDA's Debt Service Fund within seven (7) business days of the DDA's receipt of the draw, such that the Line of Credit is fully replenished to its Five Million Dollars (\$5,000,000) limit of available credit within seven (7) business days of receipt of each such draw; and

3.8 Upon receipt from First National Bank, the DDA shall transfer the proceeds from the related Line of Credit draw into the City-held DDA Financing Activity Fund, and the City's Chief Financial Officer shall cause such funds to be available to the DDA.

#### **4. EARLY TERMINATION**

In the event that for any reason the Line of Credit is terminated, the parties agree that they will work together in good faith to secure another line of credit that meets the purposes of this IGA, subject to such City Council and DDA Board approval as may be required. In such event, any such new letter of credit shall be subject to the provisions of, but shall not require an amendment to, this IGA. The parties acknowledge that the tax increment funds that comprise the DDA's Debt Service Fund are held in a First National Bank account owned by the City and that, under the section of the LOC Agreement entitled "Conditions Precedent to an Advance," the City must continue to hold such funds in a First National Bank account in order for the Line of Credit to remain in effect. In recognition thereof, the City agrees to notify the DDA, as soon as is practicable, of any decision to change banking providers, to allow the parties sufficient time to negotiate a replacement for the Line of Credit with the City's new banking provider.

## **5. NOTICE.**

All notices to be given to parties hereunder shall be in writing and shall be sent by certified mail to the addresses specified below:

DDA: Downtown Development Authority  
Attn: Executive Director  
19 Old Town Square, Suite 230  
Fort Collins, CO 80524

With a copy to: Joshua C. Liley  
Liley Law, LLC  
2627 Redwing Road, Suite 342  
Fort Collins, CO 80526

CITY: City of Fort Collins  
Attn: Chief Financial Officer  
215 North Manson Street  
Fort Collins, CO 80524

With a copy to: City of Fort Collins  
Attn: City Attorney  
300 LaPorte Avenue  
Fort Collins, CO 80521

## **6. THIRD PARTY BENEFICIARIES.**

This IGA shall not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever.

## **7. INTERPRETATION.**

Nothing in this IGA is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the City or the DDA within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision.

## **8. GOVERNING LAW/SEVERABILITY.**

The laws of the State of Colorado shall govern the construction, interpretation, execution and enforcement of this IGA. In the event any provision of this IGA shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this IGA.

IN WITNESS WHEREOF, the parties have executed this IGA the day and year first above written.

CITY OF FORT COLLINS, COLORADO,  
a Colorado municipal corporation

By: \_\_\_\_\_  
Jeni Arndt, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Dianne Criswell, Senior Assistant City Attorney

ATTEST:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

THE FORT COLLINS, COLORADO,  
DOWNTOWN DEVELOPMENT  
AUTHORITY, a body corporate and politic

By: \_\_\_\_\_  
David Lingle, Chair

ATTEST:

\_\_\_\_\_  
Cheryl Zimlich, Secretary

EXHIBIT  
A TO IGA

Item 5.

\*#####00000000000577812052024\*

PROMISSORY NOTE  
AND  
AGREEMENT

**Borrower:** Fort Collins, Colorado, Downtown Development  
Authority  
19 Old Town Square, Suite #230  
Fort Collins, CO 80524

**Lender:** First National Bank of Omaha  
Branch #001  
1620 Dodge Street  
Omaha, NE 68197

**Principal Amount: \$5,000,000.00**

**Date of Note: February 5, 2025**

THIS PROMISSORY NOTE AND AGREEMENT (the "Note") is entered into effective the Date of the Note set forth above by Borrower and Lender identified herein. For good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby state and agree as follows:

**PROMISE TO PAY.** Fort Collins, Colorado, Downtown Development Authority ("Borrower") promises to pay to First National Bank of Omaha ("Lender"), or order, in lawful money of the United States of America, the principal amount of Five Million & 00/100 Dollars (\$5,000,000.00) or so much as may be outstanding, together with interest on the unpaid outstanding principal balance of each advance and any other fees and charges which may be due. Interest shall be calculated from the date of each Advance until repayment of each Advance. The maturity date of this Note shall be December 31, 2025. The maturity date of this Note will be automatically extended one year for five consecutive years, ending December 31, 2030, so long as Borrower fully repays all outstanding Indebtedness as of each maturity date, and so long as no Event of Default shall have occurred during the preceding year.

**LINE OF CREDIT.** Lender agrees to make Advances to Borrower from time to time from the date of this Note until the maturity date, provided that the aggregate amount of such Advances outstanding at any time does not exceed the maximum principal amount of this Note. This Note evidences a revolving line of credit. Advances under this Note, as well as directions for payment from Borrower's accounts, may be requested either orally or in writing by Borrower or as provided in this paragraph. Lender may, but need not, require that all oral requests be confirmed in writing. Each Advance shall be conclusively deemed to have been made at the request of and for the benefit of Borrower when (A) advanced in accordance with the instructions of an authorized person or (B) credited to any of Borrower's accounts with Lender. Each Advance will be deposited into a deposit account (account number \_\_\_\_\_) maintained with Lender by the Borrower and pledged by Borrower as Collateral for this Note and Loan (the "Pledged Deposit Account"). The Pledged Deposit Account shall be subject to a hold prohibiting any withdrawals from the Pledged Deposit Account until Borrower has repaid the amount of all Advances and any other outstanding amounts payable in accordance with the terms of this Note to Lender. Upon Borrower's satisfaction of any such payments, Lender will release the hold on the Pledged Deposit Account and Borrower shall be entitled to withdraw any funds in the Pledged Deposit Account. The unpaid principal balance owing on this Note at any time may be evidenced by endorsements on this Note or by Lender's internal records, including daily computer print-outs.

**CONDITIONS PRECEDENT TO EACH ADVANCE.** Lender's obligation to make the initial Advance and each subsequent Advance under this Agreement shall be subject to the fulfillment to Lender's satisfaction of all of the conditions set forth in this Note and in the Related Documents.

**Loan Documents.** Borrower shall provide to Lender the following documents for the Loan: (1) the Note; (2) Security Agreements granting to Lender security interests in the Collateral; (3) financing statements and all other documents perfecting Lender's Security Interests; (4) together with all such Related Documents as Lender may require for the Loan; all in form and substance satisfactory to Lender and Lender's counsel.

**Payment of Fees and Expenses.** Borrower shall have paid to Lender all fees, charges, and other expenses which are then due and payable as specified in this Note or any Related Document.

**Representations and Warranties.** The representations and warranties set forth in this Note, in the Related Documents, and in any document or certificate delivered to Lender under this Agreement are true and correct.

**No Event of Default.** There shall not exist at the time of any Advance a condition which would constitute an Event of Default under this Note or under any Related Document.

**Deposit of Tax Increment Funds.** Tax Increment Funds or cash deposits of an amount in excess of the requested Advance and any and all outstanding and unpaid amounts of principal and interest due under this Note shall be held in the depository account (account number ending in x739) maintained with the Lender by the City of Fort Collins, Colorado.

**PAYMENT.** Borrower will pay this loan according to the following payment schedule: Borrower will pay the principal amount of each Advance made hereunder within seven (7) business days from the date of that Advance, together with interest accrued on that Advance, and any fees and expenses owing on that Advance. In addition, on December 31st of each year, Borrower shall pay to Lender a maturity payment of all outstanding principal, interest, and other fees and expenses which may then be due and owing to Lender under the Note. Interest will accrue on each Advance at the Variable Interest Rate set forth below, subject to a minimum finance charge per Advance of Five Hundred and 00/100 dollars (\$500.00). Unless otherwise agreed or required by applicable law, payments will be applied to interest, principal, and expenses owing under the Note in an order determined by Lender. Borrower will pay Lender at Lender's address shown above or at such other place as Lender may designate in writing.

**VARIABLE INTEREST RATE.** The interest rate on this Note is subject to change from time to time based on changes in an independent index which is the U.S. Prime Rate as published by the Wall Street Journal and currently is determined by the base rate on corporate loans posted by at least seventy percent (70%) of the nation's ten (10) largest banks (the "Index"). The Index is not necessarily the lowest rate charged by Lender on its loans. If the Index becomes unavailable during the term of this loan, Lender may designate a substitute index after notifying Borrower. Lender will tell Borrower the current Index rate upon Borrower's request. The interest rate change will not occur more often than each day during the term of the loan. Borrower understands that Lender may make loans based on other rates as well. **The Index currently is 7.500% per annum.** Interest on the unpaid principal balance of this Note will be calculated as described in the "INTEREST CALCULATION METHOD" paragraph using a rate equal to the Index, adjusted if necessary for any minimum and maximum rate limitations described below, resulting in an initial rate of 7.500% per annum based on a year of 360 days. **NOTICE:** Under no circumstances will the interest rate on this Note be less than 3.000% per annum or more than the maximum rate allowed by applicable law.

**INTEREST CALCULATION METHOD.** Interest on this Note is computed on a 365/360 basis; that is, by applying the ratio of the interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

**PREPAYMENT.** Borrower agrees that all loan fees and other prepaid finance charges are earned fully as of the date of the loan and will not be subject to refund upon early payment (whether voluntary or as a result of default), except as otherwise required by law. Except for the foregoing, Borrower may pay without penalty all or a portion of the amount owed earlier than it is due. Early payments will not, unless agreed to by Lender in writing, relieve Borrower of Borrower's obligation to continue to make payments of accrued unpaid interest. Rather, early payments will reduce the principal balance due. Borrower agrees not to send Lender payments marked "paid in full", "without recourse", or similar language. If Borrower sends such a payment, Lender may accept it without losing any of Lender's rights under this Note, and Borrower will remain obligated to pay any further amount owed to Lender. All written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount must be mailed or delivered to: First National Bank of Omaha, Branch #001, 1620 Dodge Street, Omaha, NE 68197.

**LATE CHARGE.** If a payment is 10 days or more late, Borrower will be charged 5.000% of the regularly scheduled payment or \$25.00, whichever is greater.

**INTEREST AFTER DEFAULT.** Upon default, including failure to pay upon final maturity, the interest rate on this Note shall be increased by adding an additional 6.000 percentage point margin ("Default Rate Margin"). The Default Rate Margin shall also apply to each succeeding interest rate change that would have applied had there been no default. However, in no event will the interest rate exceed the maximum interest rate limitations under applicable law.

**DEFAULT.** Each of the following shall constitute an event of default ("Event of Default") under this Note:

**Payment Default.** Borrower fails to make any payment when due under this Note.

**Other Defaults.** Borrower fails to comply with or to perform any other term, obligation, covenant or condition contained in this Note or in any of the related documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower.

**Default in Favor of Third Parties.** Borrower or any Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of the Collateral or Borrower's ability to repay this Note or perform Borrower's obligations under this Note or any of the related documents.

**False Statements.** Any warranty, representation or statement made or furnished to Lender by Borrower or on Borrower's behalf, under this Note or the related documents in connection with the obtaining of the loan evidenced by this Note or any security document directly or indirectly securing repayment of this Note is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

**Insolvency.** The dissolution or termination of Borrower's existence as a going business, the insolvency of Borrower, the appointment of a receiver for any part of Borrower's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower.

**Defective Collateralization.** This Note or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

**Creditor or Forfeiture Proceedings.** Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Borrower or by any governmental agency against any collateral securing the loan. This includes a garnishment of any of Borrower's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

**Execution; Attachment.** Any execution or attachment is levied against the Collateral, and such execution or attachment is not set aside, discharged or stayed within thirty (30) days after the same is levied.

**Default Under Other Lien Documents.** A default occurs under any security agreement covering all or any portion of the Collateral.

**Judgment.** Unless adequately covered by insurance in the opinion of Lender, the entry of a final judgment for the payment of money involving more than ten thousand dollars (\$10,000.00) against Borrower and the failure by Borrower to discharge the same, or cause it to be discharged, or bonded off to Lender's satisfaction, within thirty (30) days from the date of the order, decree or process under which or pursuant to which such judgment was entered.

**Adverse Change.** A material adverse change occurs in Borrower's financial condition, or Lender believes the prospect of payment or performance of this Note is impaired.

**Insecurity.** Lender in good faith believes itself insecure.

**LENDER'S RIGHTS; EFFECT OF AN EVENT OF DEFAULT.** Upon default, Lender may declare the entire unpaid principal balance under this Note and all accrued unpaid interest immediately due, and then Borrower will pay that amount. In addition, Lender shall have all the rights and remedies provided in the Related Documents or available at law, in equity, or otherwise. Except as may be prohibited by applicable law, all of Lender's rights and remedies shall be cumulative and may be exercised singularly or concurrently. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Borrower or of any Grantor shall not affect Lender's right to declare a default and to exercise its rights and remedies.

**ATTORNEYS' FEES; EXPENSES.** Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender the reasonable costs of such collection. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including without limitation attorneys' fees and legal expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

**REPRESENTATIONS AND WARRANTIES.** Borrower represents and warrants to Lender, as of the date of this Agreement, as of the date of each disbursement of loan proceeds, as of the date of any renewal, extension or modification of any Loan, and at all times any Indebtedness exists:

**Organization.** Borrower is a governmental entity which is, and at all times shall be, duly organized, validly existing, and in good standing under and by virtue of the laws of the State of Colorado. Borrower has the full power and authority to own its properties and to transact the business in which it is presently engaged or presently proposes to engage. Borrower maintains an office at 19 Old Town Square, Suite #230, Fort Collins, CO 80524. Unless Borrower has designated otherwise in writing, the principal office is the office at which Borrower keeps its books and records including its records concerning the Collateral. Borrower will notify Lender prior to any change in the location of Borrower's state of organization or any change in Borrower's name. Borrower shall do all things necessary to preserve and to keep in full force and effect its existence, rights and privileges, and shall comply with all regulations, rules, ordinances, statutes, orders and decrees of any governmental or quasi-governmental authority or court applicable to Borrower and Borrower's business activities.

**Authorization.** Borrower's execution, delivery, and performance of this Note and all the Related Documents have been duly authorized by all necessary action by Borrower, including approvals of the City Council of the City of Fort Collins, Colorado, and do not conflict with, result in a violation of, or constitute a default under (1) any provision of any agreement or other instrument binding upon Borrower or (2) any law, governmental regulation, court decree, or order applicable to Borrower or to Borrower's properties. Borrower has the power and authority to enter into the Note and the Related Documents and to grant collateral as security for the Loan. Borrower has the further power and authority to carry on Borrower's business as presently conducted.

**Financial Information.** Each of Borrower's financial statements supplied to Lender truly and completely disclosed Borrower's financial condition as of the date of the statement, and there has been no material adverse change in Borrower's financial condition subsequent to the date of the most recent financial statement supplied to Lender. Borrower has no material contingent obligations except as disclosed in such financial statements.

**Lien Priority.** Unless otherwise previously disclosed to Lender in writing, Borrower has not entered into or granted any Security Agreements, or permitted the filing or attachment of any Security Interests on or affecting any of the Collateral directly or indirectly securing repayment of Borrower's Loan or this Note, that would be prior or that may in any way be superior to Lender's Security Interests and rights in and to such Collateral.

**AFFIRMATIVE COVENANTS.** Borrower covenants and agrees with Lender that, so long as this Agreement remains in effect, Borrower will:

**Repayment.** Repay all Advances in accordance with the terms of this Note.

**Annual Fee.** Pay to Lender an annual fee in the amount of One Thousand Two Hundred Fifty and 00/100 dollars (\$1,250.00) ("Annual Fee"). Borrower will pay the initial Annual Fee on or before February 5, 2025 and on or before each February 5<sup>th</sup> thereafter during the term of the Loan.

**Financial Statements.** Furnish Lender with the following:

**Required FYE Financial Statements.** As soon as available, but in no event later than six months after the end of each year, Borrower's asset and liabilities balance sheet and income statement for Borrower's fiscal year most recently ended. Said report shall be prepared by Borrower consistent with GASB, audited by a certified public accountant acceptable to Lender, and in a format reasonably acceptable to Lender that includes both direct and contingent liabilities. Borrower shall provide Lender with such other financial statements and other related information at such frequencies and in such detail as Lender may reasonably request.

**Additional Information.** Furnish such additional information and statements, as Lender may request from time to time.

**Other Agreements.** Comply with all terms and conditions of all other agreements, whether now or hereafter existing, between Borrower and any other party and notify Lender immediately in writing of any default in connection with any other such agreements.

**JURY WAIVER.** Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either

**Lender or Borrower against the other.**

**GOVERNING LAW.** This Note will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Colorado without regard to its conflicts of law provisions. This Note has been accepted by Lender in the State of Colorado.

**CHOICE OF VENUE.** If there is a lawsuit, Borrower agrees upon Lender's request to submit to the jurisdiction of the courts of Larimer County, State of Colorado.

**DISHONORED ITEM FEE.** Borrower will pay a fee to Lender of \$30.00 if Borrower makes a payment on Borrower's loan and the check or preauthorized charge with which Borrower pays is later dishonored.

**RIGHT OF SETOFF.** To the extent permitted by applicable law, Lender reserves a right of setoff in all Borrower's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Borrower holds jointly with someone else and all accounts Borrower may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Borrower authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the indebtedness against any and all such accounts, and, at Lender's option, to administratively freeze all such accounts to allow Lender to protect Lender's charge and setoff rights provided in this paragraph.

**COLLATERAL.** Borrower acknowledges this Note is secured by an Assignment of Deposit Account dated February 5, 2025, and any and all other security agreements or documents and any and all other collateral agreements or documents associated with this Loan or Note whether now existing or hereafter arising.

**ERRORS AND OMISSIONS.** Borrower agrees, if requested by Lender, to fully cooperate in the correction, if necessary, in the reasonable discretion of Lender of any and all loan closing documents so that all documents accurately describe the loan between Lender and Borrower. Borrower agrees to assume all costs including by way of illustration and not limitation, actual expenses, legal fees and marketing losses for failing to reasonably comply with Lender requests within thirty (30) days.

**U.S.A. PATRIOT ACT.** To help the government fight the funding of terrorism and money laundering activities, the USA PATRIOT Act requires all banks to obtain and verify the identity of each person or business that opens an account. When Borrower opens an account, Lender will ask Borrower for information that will allow Lender to properly identify Borrower and Lender will verify that information. If Lender cannot properly verify identity within 30 calendar days, Lender reserves the right to deem all of the balance and accrued interest due and payable immediately.

**ELECTRONIC COPIES.** Lender may copy, electronically or otherwise, and thereafter destroy, the originals of this Agreement and/or Related Documents in the regular course of Lender's business. All such copies produced from an electronic form or by any other reliable means (i.e., photographic image or facsimile) shall in all respects be considered equivalent to an original, and Borrower hereby waives any rights or objections to the use of such copies.

**SUCCESSOR INTERESTS.** The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

**GENERAL PROVISIONS.** If any part of this Note cannot be enforced, this fact will not affect the rest of the Note. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrower and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waive presentment, demand for payment, and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. All such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan or release any party or guarantor or collateral; or impair, fail to realize upon or perfect Lender's security interest in the collateral; and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made. The obligations under this Note are joint and several.

**MISCELLANEOUS PROVISIONS.** The following miscellaneous provisions are a part of this Agreement:

**Amendments.** This Note, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Note. No alteration of or amendment to this Note shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

**Non-Liability of Lender.** The relationship between Borrower and Lender created by this Note is strictly a debtor and creditor relationship and not fiduciary in nature, nor is the relationship to be construed as creating any partnership or joint venture between Lender and Borrower. Borrower is exercising Borrower's own judgment with respect to Borrower's business. All information supplied to Lender is for Lender's protection only and no other party is entitled to rely on such information. There is no duty for Lender to review, inspect, supervise or inform Borrower of any matter with respect to Borrower's business. Lender and Borrower intend that Lender may reasonably rely on all information supplied by Borrower to Lender, together with all representations and warranties given by Borrower to Lender, without investigation or confirmation by Lender and that any investigation or failure to investigate will not diminish Lender's right to so rely.

**Notice of Lender's Breach.** Borrower must notify Lender in writing of any breach of this Note or the Related Documents by Lender and any other claim, cause of action or offset against Lender within thirty (30) days after the occurrence of such breach or after the accrual of such claim, cause of action or offset. Borrower waives any claim, cause of action or offset for which notice is not given in accordance with this paragraph. Lender is entitled to rely on any failure to give such notice.

**Indemnification of Lender.** To the extent authorized by law, Borrower agrees to indemnify, to defend and to save and hold Lender harmless from any and all claims, suits, obligations, damages, losses, costs and expenses (including, without limitation, Lender's attorneys' fees), demands, liabilities, penalties, fines and forfeitures of any nature whatsoever that may be asserted against or incurred by Lender, its officers, directors, employees, and agents arising out of, relating to, or in any manner occasioned by this Note and the exercise of the rights and remedies granted Lender under this, as well as by: (1) the ownership, use, operation, construction, renovation, demolition, preservation, management, repair, condition, or maintenance of any part of the Collateral; (2) the exercise of any of Borrower's rights collaterally assigned and pledged to Lender hereunder; (3) any failure of Borrower to perform any of its obligations hereunder; and/or (4) any failure of Borrower to comply with the environmental and ERISA obligations, representations and warranties set forth herein. The foregoing indemnity provisions shall survive the cancellation of this Note as to all matters arising or accruing prior to such cancellation and the foregoing indemnity shall survive in the event that Lender elects to exercise any of the remedies as provided under this Note following default hereunder. Borrower's indemnity obligations under this section shall not in any way be affected by the presence or absence of covering insurance, or by the amount of such insurance or by the failure or refusal of any insurance carrier to perform any obligation on its part under any insurance policy or policies affecting the Collateral and/or Borrower's business activities. Should any claim, action or proceeding be made or brought against Lender by reason of any event as to which Borrower's indemnification obligations apply, then, upon Lender's demand, Borrower, at its sole cost and expense, shall defend such claim, action or proceeding in Borrower's name, if necessary, by the attorneys for Borrower's insurance carrier (if such claim, action or proceeding is covered by insurance), or otherwise by such attorneys as Lender shall approve. Lender may also engage its own attorneys at its reasonable discretion to defend Borrower and to assist in its defense and Borrower agrees to pay the fees and disbursements of such attorneys.

**Counterparts.** This Note may be executed in multiple counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts, taken together, shall constitute one and the same Note.

**No Waiver by Lender.** Lender shall not be deemed to have waived any rights under this Note unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Note shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Note. No prior waiver by Lender, nor any course of dealing between Lender and Borrower, or between Lender and any Grantor, shall constitute a waiver of any of Lender's rights or of any of Borrower's or any Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Note, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

**DEFINITIONS.** The following capitalized words and terms shall have the following meanings when used in this Note. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Note shall have the meanings attributed to such terms in the Uniform Commercial Code. Accounting words and terms not otherwise defined in this Note shall have the meanings assigned to them in accordance with generally accepted accounting principles as in effect on the date of this Note.

**Advance.** The word "Advance" means a disbursement of Loan funds made, or to be made, to Borrower or on Borrower's behalf on a line of credit or multiple advance basis under the terms and conditions of this Note.

**Borrower.** The word "Borrower" means Fort Collins, Colorado, Downtown Development Authority and includes all co-signers and co-makers signing the Note and all their successors and assigns.

**Collateral.** The word "Collateral" means all property and assets granted as collateral security for a Loan, whether real or personal property, whether granted directly or indirectly, whether granted now or in the future, and whether granted in the form of a security interest, mortgage, collateral mortgage, deed of trust, assignment, pledge, crop pledge, chattel mortgage, collateral chattel mortgage, chattel trust, factor's lien, equipment trust, conditional sale, trust receipt, lien, charge, lien or title retention contract, lease or consignment intended as a security device, or any other security or lien interest whatsoever, whether created by law, contract, or otherwise.

**GASB.** The word "GASB" means Governmental Accounting Standards Board.

**Grantor.** The word "Grantor" means each and all of the persons or entities granting a Security Interest in any Collateral for the Loan, including without limitation all Borrowers granting such a Security Interest.

**Indebtedness.** The word "Indebtedness" means the indebtedness evidenced by the Note or Related Documents, including all principal and interest together with all other indebtedness and costs and expenses for which Borrower is responsible under this Agreement or under any of the Related Documents.

**Lender.** The word "Lender" means First National Bank of Omaha and its successors and assigns.

**Related Documents.** The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Loan.

**Security Agreement.** The words "Security Agreement" mean and include without limitation any agreements, promises, covenants, arrangements, understandings or other agreements, whether created by law, contract, or otherwise, evidencing, governing, representing, or creating a Security Interest.

**Security Interest.** The words "Security Interest" mean, individually, collectively, and interchangeably, without limitation, any and all types of collateral security, present and future, whether in the form of a lien, charge, encumbrance, mortgage, deed of trust, security deed, assignment, pledge, crop pledge, chattel mortgage, collateral chattel mortgage, chattel trust, factor's lien, equipment trust, conditional sale, trust receipt, lien or title retention contract, lease or consignment intended as a security device, or any other security or lien interest whatsoever whether created by law, contract, or otherwise.

**PRIOR TO SIGNING THIS NOTE, BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE VARIABLE INTEREST RATE PROVISIONS. BORROWER AGREES TO THE TERMS OF THE NOTE.**

**BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE AND AGREEMENT.**

**BORROWER:**  
FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
Matthew J. Robenalt, Executive Director of Fort Collins, Colorado,  
Downtown Development Authority

**LENDER:**  
FIRST NATIONAL BANK OF OMAHA

By: \_\_\_\_\_  
Mark Thiebaut, Relationship Manager, Commercial  
Banking



\*#####00000000000583012052024\*

**ASSIGNMENT OF DEPOSIT ACCOUNT**

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$5,000,000.00	2-05-2025	12-31-2030				10187	

References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item.

Any item above containing "\*\*\*\*" has been omitted due to text length limitations.

<b>Grantor:</b>	<b>Fort Collins, Colorado, Downtown Development Authority</b> 19 Old Town Square, Suite #230 Fort Collins, CO 80524	<b>Lender:</b>	<b>First National Bank of Omaha</b> Branch #001 1620 Dodge Street Omaha, NE 68197
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**THIS ASSIGNMENT OF DEPOSIT ACCOUNT dated February 5, 2025, is made and executed between Fort Collins, Colorado, Downtown Development Authority ("Grantor") and First National Bank of Omaha ("Lender").**

**ASSIGNMENT.** For valuable consideration, Grantor assigns and grants to Lender a security interest in the Collateral, including without limitation the deposit account(s) described below, to secure the Indebtedness and agrees that Lender shall have the rights stated in this Agreement with respect to the Collateral, in addition to all other rights which Lender may have by law.

**COLLATERAL DESCRIPTION.** The word "Collateral" means the following described deposit account(s) ("Account"):

**Checking Account Number TBD with Lender**

together with (A) all interest, whether now accrued or hereafter accruing; (B) all additional deposits hereafter made to the Account; (C) any and all proceeds from the Account; and (D) all renewals, replacements and substitutions for any of the foregoing.

**CROSS-COLLATERALIZATION.** In addition to the Note, this Agreement secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

**RIGHT OF SETOFF.** To the extent permitted by applicable law, Lender reserves a right of setoff in all Grantor's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Grantor holds jointly with someone else and all accounts Grantor may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Grantor authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the Indebtedness against any and all such accounts, and, at Lender's option, to administratively freeze all such accounts to allow Lender to protect Lender's charge and setoff rights provided in this paragraph.

**GRANTOR'S REPRESENTATIONS AND WARRANTIES WITH RESPECT TO THE COLLATERAL.** With respect to the Collateral, Grantor represents and promises to Lender that:

**Ownership.** Grantor is the lawful owner of the Collateral free and clear of all loans, liens, encumbrances, and claims except as disclosed to and accepted by Lender in writing.

**Right to Grant Security Interest.** Grantor has the full right, power, and authority to enter into this Agreement and to assign the Collateral to Lender.

**No Prior Assignment.** Grantor has not previously granted a security interest in the Collateral to any other creditor.

**No Further Transfer.** Grantor shall not sell, assign, encumber, or otherwise dispose of any of Grantor's rights in the Collateral except as provided in this Agreement.

**No Defaults.** There are no defaults relating to the Collateral, and there are no offsets or counterclaims to the same. Grantor will strictly and promptly do everything required of Grantor under the terms, conditions, promises, and agreements contained in or relating to the Collateral.

**Proceeds.** Any and all replacement or renewal certificates, instruments, or other benefits or proceeds related to the Collateral that are received by Grantor shall be held by Grantor in trust for Lender and immediately shall be delivered by Grantor to Lender to be held as part of the Collateral.

**Validity; Binding Effect.** This Agreement is binding upon Grantor and Grantor's successors and assigns and is legally enforceable in accordance with its terms.

**Financing Statements.** Grantor authorizes Lender to file a UCC financing statement, or alternatively, a copy of this Agreement to perfect Lender's security interest. At Lender's request, Grantor additionally agrees to sign all other documents that are necessary to perfect, protect, and continue Lender's security interest in the Property. Grantor will pay all filing fees, title transfer fees, and other fees and costs involved unless prohibited by law or unless Lender is required by law to pay such fees and costs. Grantor irrevocably appoints Lender to execute documents necessary to transfer title if there is a default. Lender may file a copy of this Agreement as a financing statement.

**LENDER'S RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLLATERAL.** While this Agreement is in effect, Lender may retain the rights to possession of the Collateral, together with any and all evidence of the Collateral, such as certificates or passbooks. This Agreement will remain in effect until (a) there no longer is any Indebtedness owing to Lender; (b) all other obligations secured by this Agreement have been fulfilled; and (c) Grantor, in writing, has requested from Lender a release of this Agreement.

**LENDER'S EXPENDITURES.** If any action or proceeding is commenced that would materially affect Lender's interest in the Collateral or if Grantor fails to comply with any provision of this Agreement or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Agreement or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Collateral and paying all costs for insuring, maintaining and preserving the Collateral. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Agreement also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon the occurrence of any Event of Default.

**LIMITATIONS ON OBLIGATIONS OF LENDER.** Lender shall use ordinary reasonable care in the physical preservation and custody of any certificate or passbook for the Collateral but shall have no other obligation to protect the Collateral or its value. In particular, but without limitation, Lender shall have no responsibility (A) for the collection or protection of any income on the Collateral; (B) for the preservation of rights against issuers of the Collateral or against third persons; (C) for ascertaining any maturities, conversions, exchanges, offers, tenders, or similar matters relating to the Collateral; nor (D) for informing the Grantor about any of the above, whether or not Lender has or is deemed to have knowledge of such matters.

**DEFAULT.** Each of the following shall constitute an Event of Default under this Agreement:

**Payment Default.** Grantor fails to make any payment when due under the Indebtedness.

**Other Defaults.** Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Agreement or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Grantor.

**Default in Favor of Third Parties.** Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or ability to perform Grantor's obligations under this Agreement or any of the Related Documents.

**False Statements.** Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Agreement or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

**Defective Collateralization.** This Agreement or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

**Insolvency.** The insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

**Creditor or Forfeiture Proceedings.** Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any collateral securing the Indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

**Adverse Change.** A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

**Insecurity.** Lender in good faith believes itself insecure.

**RIGHTS AND REMEDIES ON DEFAULT.** Upon the occurrence of an Event of Default, or at any time thereafter, Lender may exercise any one or more of the following rights and remedies, in addition to any rights or remedies that may be available at law, in equity, or otherwise:

**Accelerate Indebtedness.** Lender may declare all Indebtedness of Grantor to Lender immediately due and payable, without notice of any kind to Grantor.

**Application of Account Proceeds.** Lender may take directly all funds in the Account and apply them to the Indebtedness. If the Account is subject to an early withdrawal penalty, that penalty shall be deducted from the Account before its application to the Indebtedness, whether the Account is with Lender or some other institution. Any excess funds remaining after application of the Account proceeds to the Indebtedness will be paid to Grantor as the interests of Grantor may appear. Grantor agrees, to the extent permitted by law, to pay any deficiency after application of the proceeds of the Account to the Indebtedness. Lender also shall have all the rights of a secured party under the Colorado Uniform Commercial Code, even if the Account is not otherwise subject to such Code concerning security interests, and the parties to this Agreement agree that the provisions of the Code giving rights to a secured party shall nonetheless be a part of this Agreement.

**Transfer Title.** Lender may effect transfer of title upon sale of all or part of the Collateral. For this purpose, Grantor irrevocably appoints Lender as Grantor's attorney-in-fact to execute endorsements, assignments and instruments in the name of Grantor and each of them (if more than one) as shall be necessary or reasonable.

**Other Rights and Remedies.** Lender shall have and may exercise any or all of the rights and remedies of a secured creditor under the provisions of the Colorado Uniform Commercial Code, at law, in equity, or otherwise.

**Deficiency Judgment.** If permitted by applicable law, Lender may obtain a judgment for any deficiency remaining in the Indebtedness due to Lender after application of all amounts received from the exercise of the rights provided in this section.

**Election of Remedies.** Except as may be prohibited by applicable law, all of Lender's rights and remedies, whether evidenced by this Agreement or by any other writing, shall be cumulative and may be exercised singularly or concurrently. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Agreement, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

**Cumulative Remedies.** All of Lender's rights and remedies, whether evidenced by this Agreement or by any other writing, shall be cumulative and may be exercised singularly or concurrently. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Agreement, after Grantor's failure to perform, shall not affect Lender's right to declare a default and to exercise its remedies.

**ELECTRONIC COPIES.** Lender may copy, electronically or otherwise, and thereafter destroy, the originals of this Agreement and/or Related Documents in the regular course of Lender's business. All such copies produced from an electronic form or by any other reliable means (i.e., photographic image or facsimile) shall in all respects be considered equivalent to an original, and Borrower hereby waives any rights or objections to the use of such copies.

**MISCELLANEOUS PROVISIONS.** The following miscellaneous provisions are a part of this Agreement:

**Amendments.** This Agreement, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

**Attorneys' Fees; Expenses.** Grantor agrees to pay upon demand all of Lender's reasonable costs and expenses, including Lender's attorneys' fees and Lender's legal expenses, incurred in connection with the enforcement of this Agreement. Lender may hire or pay someone else to help enforce this Agreement, and Grantor shall pay the reasonable costs and expenses of such enforcement. Costs and expenses include Lender's attorneys' fees and legal expenses whether or not there is a lawsuit, including attorneys' fees and legal expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services. Grantor also shall pay all court costs and such additional fees as may be directed by the court.

**Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of this Agreement.

**Governing Law.** This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Colorado without regard to its conflicts of law provisions. This Agreement has been accepted by Lender in the State of Colorado.

**Choice of Venue.** If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the courts of Larimer County, State of Colorado.

**No Waiver by Lender.** Lender shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Agreement shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Agreement, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

**Notices.** Any notice required to be given under this Agreement shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Agreement. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

**Power of Attorney.** Grantor hereby appoints Lender as its true and lawful attorney-in-fact, irrevocably, with full power of substitution to do the following: (1) to demand, collect, receive, receipt for, sue and recover all sums of money or other property which may now or hereafter become due, owing or payable from the Collateral; (2) to execute, sign and endorse any and all claims, instruments, receipts, checks, drafts or warrants issued in

payment for the Collateral; (3) to settle or compromise any and all claims arising under the Collateral, and in the place and stead of Grantor, to execute and deliver its release and settlement for the claim; and (4) to file any claim or claims or to take any action or institute or take part in any proceedings, either in its own name or in the name of Grantor, or otherwise, which in the discretion of Lender may seem to be necessary or advisable. This power is given as security for the Indebtedness, and the authority hereby conferred is and shall be irrevocable and shall remain in full force and effect until renounced by Lender.

**Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Agreement. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Agreement shall not affect the legality, validity or enforceability of any other provision of this Agreement.

**Successors and Assigns.** Subject to any limitations stated in this Agreement on transfer of Grantor's interest, this Agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Collateral becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Agreement and the Indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Agreement or liability under the Indebtedness.

**Survival of Representations and Warranties.** All representations, warranties, and agreements made by Grantor in this Agreement shall survive the execution and delivery of this Agreement, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's Indebtedness shall be paid in full.

**Time is of the Essence.** Time is of the essence in the performance of this Agreement.

**Waive Jury.** All parties to this Agreement hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against any other party.

**DEFINITIONS.** The following capitalized words and terms shall have the following meanings when used in this Agreement. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Agreement shall have the meanings attributed to such terms in the Uniform Commercial Code:

**Account.** The word "Account" means the deposit account(s) described in the "Collateral Description" section.

**Agreement.** The word "Agreement" means this Assignment of Deposit Account, as this Assignment of Deposit Account may be amended or modified from time to time, together with all exhibits and schedules attached to this Assignment of Deposit Account from time to time.

**Borrower.** The word "Borrower" means Fort Collins, Colorado, Downtown Development Authority and includes all co-signers and co-makers signing the Note and all their successors and assigns.

**Collateral.** The word "Collateral" means all of Grantor's right, title and interest in and to all the Collateral as described in the Collateral Description section of this Agreement.

**Event of Default.** The words "Event of Default" mean any of the events of default set forth in this Agreement in the default section of this Agreement.

**Grantor.** The word "Grantor" means Fort Collins, Colorado, Downtown Development Authority.

**Indebtedness.** The word "Indebtedness" means the indebtedness evidenced by the Note or Related Documents, including all principal and interest together with all other indebtedness and costs and expenses for which Grantor is responsible under this Agreement or under any of the Related Documents. Specifically, without limitation, Indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Agreement.

**Lender.** The word "Lender" means First National Bank of Omaha, its successors and assigns.

**Note.** The word "Note" means any and all of Borrower's liabilities, obligations and debts to Lender, now existing or hereinafter incurred or created, including, without limitation, all loans, advances, interest, costs debts, overdraft indebtedness, credit card indebtedness, lease obligations, liabilities and obligations under interest rate protection agreements or foreign currency exchange agreements or commodity price protection agreements, other obligations, and liabilities of Borrower together with all modifications, increases, renewals, and extensions of the aforementioned. Additionally, hereby incorporated as if fully set forth herein are the terms and conditions of any promissory note, agreement or other document executed by Borrower and/or Lender indicating this security instrument or the property described herein shall be considered "Collateral" securing such promissory note, agreement, or other instrument, or any similar reference.

**Property.** The word "Property" means all of Grantor's right, title and interest in and to all the Property as described in the "Collateral Description" section of this Agreement.

**Related Documents.** The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

**GRANTOR HAS READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS ASSIGNMENT OF DEPOSIT ACCOUNT AND AGREES TO ITS TERMS. THIS AGREEMENT IS DATED FEBRUARY 5, 2025.**

**GRANTOR:**

**FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY**

**By:**

Matthew J. Robenalt, Executive Director of Fort  
Collins, Colorado, Downtown Development  
Authority

**LENDER:**

**FIRST NATIONAL BANK OF OMAHA**

**X**

Mark Thiebaut, Relationship Manager, Commercial  
Banking

# DDA/City Line of Credit Flowchart

A) Step 1 - DDA verifies cash available in Debt Service Fund  
(Responsible party: DDA)

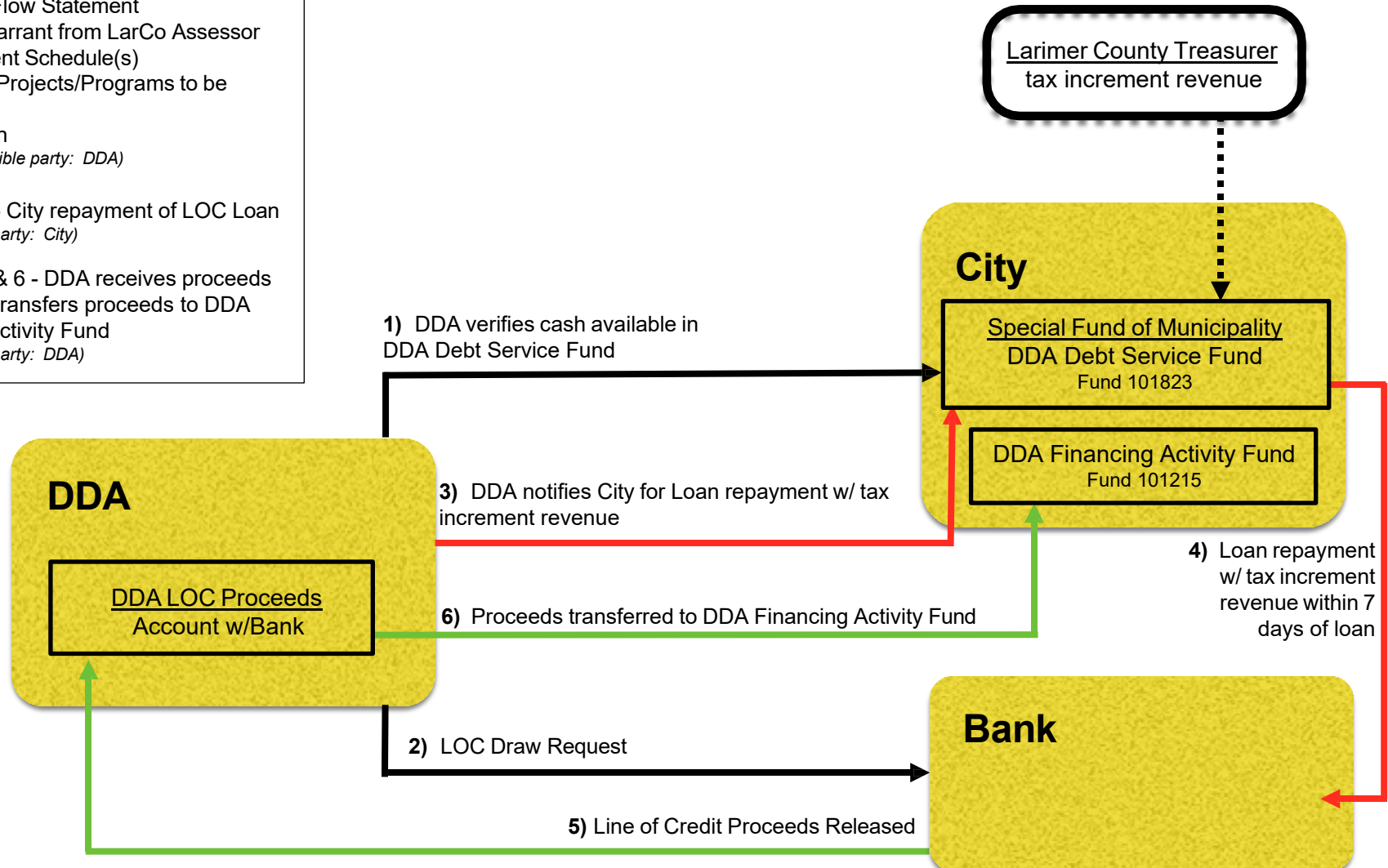
B) Step 2 & 3 - DDA initiate loan transfers with Bank and repayment from City. DDA provides documentation as verification:

- Cash Flow Statement
- Tax Warrant from LarCo Assessor
- Payment Schedule(s)
- List of Projects/Programs to be funded with loan

(Responsible party: DDA)

C) Step 4 - City repayment of LOC Loan  
(Responsible party: City)

D) Step 5 & 6 - DDA receives proceeds from bank, transfers proceeds to DDA Financing Activity Fund  
(Responsible party: DDA)



Downtown Development Authority Tax Increment Cash Flow Statement

A		B	C	D	E	F	G	H	I	J	K
1			Sep 2023 for FY24	Mar 2024 for FY24	Sep 2024 for FY25						
2		Actuals	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
3	Budget Year	<u>2023</u>	<u>2024</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>
FUND SOURCES											
4	Debt Service Accounting/ACFR Fund Balance	243,968	263,723	187,110	257,335						
5	Less: Unrealized Gain/Add: Unrealized Loss (Budget Year Only)			57,774	-						
6	TOTAL DEBT SERVICE CASH FUND BALANCE	243,968	263,723	244,884	257,335	254,854	233,569	270,615	307,691	357,315	406,987
7	Business Marketing and Communications Program & Gift Card Program Carryover			161,601							
8	Capital Asset General Maintenance 2023 Carryover			174,307							
9	Capital Asset Reserves 2023			384,583							
10	TOTAL BMC, CAPITAL ASSET GENERAL MAINTENANCE & RESERVES 2023	504,158		720,491							
REVENUES											
11	Tax Increment	6,240,806	8,416,289	8,074,540	8,115,031	8,105,517	8,605,869	9,133,490	9,689,867	10,276,566	10,895,240
12	Plus: Woodward Tax Increment	591,248	591,248	591,248	591,248	1,075,254	1,075,254	1,075,254	1,075,254	1,075,254	1,075,254
13	Interest Revenue	52,075	0	0	0	0	0	0	0	0	0
14	TOTAL REVENUES	6,884,129	9,007,537	8,665,788	8,706,279	9,180,771	9,681,123	10,208,744	10,765,121	11,351,820	11,970,494
COMMITTED EXPENDITURES											
15	Woodward Bond Issue Debt	431,611	431,611	431,611	431,611	731,173	731,173	731,173	731,173	731,173	731,173
16	Parking Garage IGA (Old Firehouse Parking Structure)	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
17	Housing Catalyst/FC DDA LLC Loan (Oak 140)	121,869	121,869	121,869	121,869	121,869					
18	Total Multi Year Reimbursements After Savings + Collections	534,254	617,431	617,264	665,760	798,524	743,119	598,042	408,918	400,859	344,082
19	TOTAL COMMITMENTS	1,387,734	1,470,911	1,470,744	1,519,240	1,951,566	1,774,292	1,629,215	1,440,091	1,432,032	1,375,255
PM FEES & BMC/GC & MAINTENANCE FUNDS											
20	Project Management Fees	257,719	54,826	64,826	134,411	Developed Annually					
21	DDA 5 Mill Property Tax TIF Revenue to O&M		402,056	397,699	400,030	Developed Annually					
22	Business Marketing and Communications Program & Gift Card Program	350,200	107,000	318,743	328,305	338,154	348,299	358,748	369,510	380,596	392,014
23	Capital Asset General Maintenance	563,659	942,589	832,771	802,086	1,157,930	1,245,402	1,415,092	1,522,588	1,731,464	1,863,644
24	Capital Asset Reserve	306,505	444,691	449,191	395,571	419,362	523,805	486,306	637,396	514,689	510,357
25	Capital Asset Replacement Annual Program Contribution	141,695	189,300	262,900	211,200	Developed Annually					
26	TOTAL PM FEES, BUSINESS MARKETING/GC, & MAINTENANCE FUNDS	1,619,778	2,140,462	2,326,130	2,271,603	1,915,447	2,117,506	2,260,146	2,529,495	2,626,749	2,766,014
27	UNCOMMITTED DISCRETIONARY FUNDS	4,437,633	5,396,033	5,576,956	4,917,919	5,335,043	5,752,280	6,282,307	6,745,912	7,243,367	7,942,478
28	FUND BALANCE	187,110	263,854	257,335	254,854	233,569	270,615	307,691	357,315	406,987	293,734

EXHIBIT C - 1 TO IGA

A

1		B	C	D	E	F	G	H	I	J	K
2			Sep 2023 for FY24	Mar 2024 for FY24	Sep 2024 for FY25						
3	Budget Year	Actuals	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	FUND BALANCE ALLOCATIONS	<u>2023</u>	<u>2024</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>
	Reserves										
29	Multi-year Reimbursements (5.5% of next year)	33,950	46,400	46,400	43,919	40,872	32,892	22,490	22,047	18,925	-
30	Committed - Half of Next Year Commitments	210,935	210,935	210,935	210,935	150,000	150,000	150,000	150,000	150,000	0
31	Reserves Total	244,884	257,335	257,335	254,853	190,872	182,892	172,490	172,047	168,925	0
32	Balance - Uncommitted for following year			0	0	42,698	87,722	135,201	185,268	238,063	293,734
33	Cash Fund Balance	244,884	257,335	257,335	254,854	233,569	270,615	307,690	357,315	406,988	293,734
34	Adjustment for previous year										
35	Unrealized gain/(loss) for budget year	(57,774)									
36	Accounting/ACFR Fund Balance	187,110									

NOTES:											
Woodward Bond			\$6,050,000 bond (2013) - Current rate of 1.65%, reset each September 26th anniversary; Principal Bal = \$2,899,150.99 as of 1/1/2024								
Tax Increment Revenue			Budget Year 2025: Forecast Years 2026 through 2031:			August Certification from Larimer County Assessor's Office until final December Certification is released. Historical growth average of 5.45% in Assessed Value					
Legend			Projected Property Tax Revenue			Projected Approval of Continuation of LOC			Projected Addition of New Alleys		

# 2024 TIF Tax Warrant

FORT COLLINS DOWNTOWN DEV. AUTH  
Authority # 058

## EXHIBIT C-2 TO IGA

12/20/2024  
Item 5.

Base 112,926,987  
Increment 159,883,441  
Total Assessed 272,810,428

Auth	AuthorityName	Area %	Share Back%	Effective Increment *	Effective Base *	Total Assessed	TIF Levy	Total Revenue	Entity Revenue	TIF Revenue
006	POUDRE R-1 SCHOOL DISTRICT	100.000000%	50	79,941,720	192,868,708	272,810,428	57.37	15,651,134	11,064,878	4,586,256
028	LARIMER COUNTY	100.000000%	50	79,941,720	192,868,708	272,810,428	22.461	6,127,595	4,332,024	1,795,571
032	CITY OF FORT COLLINS	100.000000%	0	159,883,441	112,926,987	272,810,428	9.797	2,672,724	1,106,346	1,566,378
054	HEALTH DISTRICT OF NORTHERN LARIMER CNTY	100.000000%	50	79,941,720	192,868,708	272,810,428	2.167	591,180	417,946	173,234
058	FORT COLLINS DOWNTOWN DEVELOPMENT AUTH	100.000000%	50	79,941,720	192,868,708	272,810,428	5	1,364,052	964,343	399,709
059	FORT COLLINS G.I.D. NO. 1	50.440043%	0	80,645,276	56,960,421	137,605,697	4.924	677,570	280,473	397,097
064	LARIMER COUNTY PEST CONTROL	84.637462%	50	67,660,643	163,239,179	230,899,822	0.142	32,788	23,180	9,608
095	BOXELDER SANITATION DISTRICT	5.113900%	50	4,088,140	9,863,112	13,951,252	0	0	0	0
110	EAST LARIMER COUNTY WATER DISTRICT	19.070858%	50	15,245,572	36,781,718	52,027,290	0	0	0	0
112	POUDRE RIVER PUBLIC LIBRARY DISTRICT	100.000000%	50	79,941,720	192,868,708	272,810,428	3.015	822,523	581,499	241,024
117	NORTHERN COLORADO WATER CONS DISTRICT	100.000000%	50	79,941,720	192,868,708	272,810,428	1	272,810	192,868	79,942

\$9,248,819  
Total TIF Rev

\* Base and increment values certified to taxing entities



# EXHIBIT 3-C TO IGA

Item 5.

Woodward Loan														
2013		6,050,000												
2014		-												
Reimbursement Amount		6,050,000		Start Date		1-Sep-13								
				Matures		1-Sep-31								
				Years		18								



EXHIBIT C-4 TO IGA

Year		Contribution	Interest	Total
Dec 1	2019	\$300,000.00	\$0.00	\$300,000.00
Dec 1	2020	300,000.00	0.00	300,000.00
Dec 1	2021	300,000.00	0.00	300,000.00
Dec 1	2022	300,000.00	0.00	300,000.00
Dec 1	2023	300,000.00	0.00	300,000.00
Dec 1	2024	300,000.00	0.00	300,000.00
Dec 1	2025	300,000.00	0.00	300,000.00
Dec 1	2026	300,000.00	0.00	300,000.00
Dec 1	2027	300,000.00	0.00	300,000.00
Dec 1	2028	300,000.00	0.00	300,000.00
Dec 1	2029	300,000.00	0.00	300,000.00
Dec 1	2030	300,000.00	0.00	300,000.00
Dec 1	2031	300,000.00	0.00	300,000.00
		\$3,900,000.00	\$0.00	\$3,900,000.00

EXAMPLE

# EXHIBIT C-5 TO IGA

Item 5.

## Downtown Development Authority 2024 Line of Credit Draws

### Draw #1: 5/28/2024

#### *Projects/Programs to be Funded:*

Alley Capital General Maintenance	258,076.00
Alley Enhancements 2024-2025 (E Myrtle to Mulberry, Chesnut to Pine)	1,100,000.00
Equipment One-time Purchase	215,000.00
Façade Grant Program	26,531.00
FCDDA Loan	121,869.00
Holiday Lights	35,000.00
Interactive Light Display in Old Town Square	93,000.00
Multi-year reimbursement	617,264.00
Old Firehouse Alley Garage IGA	300,000.00
Old Town Square General Maintenance	200,000.00
Old Town Square Capital Reserve/Replacement	92,960.00
Surveillance Camera Operations	4,295.00
Warehouse	70,300.00
Project Management Fees	64,826.00
5 Mill Property Tax TIF Revenue	397,699.00
2024 Projects and Programs Reserve aka Uncommitted Discretionary Funds	1,403,180.00
<b>Total Line of Credit Draw #1 for 2024</b>	<b>5,000,000.00</b>

### Final Draft Draw #2: 12/26/2024

2024 Projects and Programs Reserve aka Uncommitted Discretionary Funds	1,490,504.00
Alley Enhancements 2024-2025 (E Myrtle to Mulberry, Chesnut to Pine)	1,550,000.00
<b>Total Line of Credit Draw #2 for 2024</b>	<b>3,040,504.00</b>

<b>Total Line of Credit Draws 2024</b>	<b>8,040,504.00</b>
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**File Attachments for Item:**

**6. First Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.**

The purpose of this item is to request appropriation of \$12 million of prior year reserves from the Light & Power Fund for use in Broadband's (herein referred to as "Connexion") efforts to continue new customer installations, including building out to multi-dwelling units (MDU's) and mobile home parks, and providing for asset management. These funds from Light & Power provide a significant portion of the total funding need over the next 4 years and will be reimbursed to the Light & Power Fund, including interest, from the cash flows generated by Connexion operations.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Chad Crager, Connexion Executive Director  
Jeff Rochford, Connexion FP&A Manager  
Joe Wimmer, Utilities Finance Director

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## SUBJECT

**First Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.**

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## EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$12 million of prior year reserves from the Light & Power Fund for use in Broadband's (herein referred to as "Connexion") efforts to continue new customer installations, including building out to multi-dwelling units (MDU's) and mobile home parks, and providing for asset management. These funds from Light & Power provide a significant portion of the total funding need over the next 4 years and will be reimbursed to the Light & Power Fund, including interest, from the cash flows generated by Connexion operations.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

### Assumptions Update

To date, Connexion is seeing a 44% residential take rate. This adoption is well above the 28% target identified in the original business plan and is indicative of the position as market leader that Connexion currently holds, offering unparalleled quality and superior customer service. The Connexion team wishes to take advantage of this and continue investing in rapidly making available its products and services.

With continued focus on building out to the remaining MDU and mobile home premises the team is now projecting to reach a substantial higher number than originally forecasted by 2035. However, that buildout will be capital intensive and current projections have established a funding need for new installations and associated asset management over the next 4 years. After 2030, current projections show Connexion reaching a customer count and corresponding annual revenue to fully fund all capital and operating expenses as well as all debt obligations.

Staff have researched additional funding options including bond restructuring, removal of debt ceiling, and if strong demand continues, will return to Council at a later date to present one or more as an additional round of capital financing.

### Funding Requirements and Financing Options

Through April 2025 the total capital spent for Connexion's work to build out network, install MDU's, and provide service to customers, totaled \$175 million, inclusive of three rounds of bond financing (\$150 million), \$20 million of earlier Light & Power loans, and redeployment of operational budget funds.

Light & Power staff have identified \$12 million of available reserves that can be appropriated to the Connexion Fund as an intrafund loan, as the entities legally operate as a single electric utility enterprise. In 2022, Light & Power loaned \$20 million to Connexion which was scheduled to be paid back with interest by 2029. With this new round of financing, a new completion date of January 1, 2036 will be set for both loans. Based on preliminary year-end financials, the Light & Power Fund has \$37 million of available reserves (above minimum required and appropriated amounts). The \$12 million loan amount has been determined as available without causing major impacts to L&P operational and capital planning during the repayment timeline.

The loan will be structured as line of credit, with fund withdraws occurring as dictated by Connexion capital demands. In any month Connexion's month-end cash balance falls below zero, a transfer from Light & Power to Connexion will be made in the amount required to return Connexion's cash balance to zero. Repayment of the loans will occur in any month Connexion's month-end cash balance is greater than zero, with a transfer of such amount from Connexion to Light & Power. Loan interest will be calculated annually and will set as the greater of the current investment earnings rate on existing reserve balances or the 10 - year AA- bond rate, plus a 1.0% administrative fee to ensure an advantageous investment for Light & Power operations.

The \$12 million intrafund loan is intended to be appropriated as follows:

Fund		Amount	Lapsing Y/N
Connexion Capital Fund		\$11,300,000	N
Connexion Fund	Operating	\$700,000	Y

Additionally, both the prior \$20 million intrafund loan from 2022 and the current \$12 million intrafund loan will be rescheduled for principal and interest to be paid in entirety by January 1, 2036.

### CITY FINANCIAL IMPACTS

With adequate reserves in the Light & Power Fund, this item is not projected to impact Light & Power operational or capital planning in the short term and will have positive financial impacts to both enterprise operations over the long term. Connexion's growth resulting from this investment affords a competitive interest rate to Light & Power until the intrafund loans are paid in full. The amount of \$113,000 will be contributed to the Art in Public Places program.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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1. Ordinance No. 078, 2025

ORDINANCE NO. 078, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING  
TRANSFERS OF APPROPRIATIONS FOR BROADBAND  
BUILDOUT TO MULTI-DWELLING UNITS AND CUSTOMER  
INSTALLATIONS AND RELATED ART IN PUBLIC PLACES AND  
MODIFYING THE TERMS OF REPAYMENT FOR PRIOR  
APPROPRIATIONS FROM THE LIGHT AND POWER FUND

A. Broadband is requesting an appropriation of \$12,000,000 of reserves from the Light & Power Fund for use in Broadband's efforts to continue new customer installations, including infrastructure buildout to multi-dwelling units and mobile home parks, and providing for asset management.

B. Multi-dwelling units and mobile home parks infrastructure buildout will be capital intensive and current projections have established a funding need for new installations and associated asset management over the next four years.

C. The funds from Light & Power will provide a significant portion of the total funding need over the next four years and will be reimbursed to the Light & Power Fund, including interest, from the cash flow generated by Broadband operations.

D. City Council adopted Ordinance No. 034, 2022, approving the appropriation of \$20,000,000 from the prior year reserves available in the Light and Power Fund to Broadband, which is currently scheduled to be paid back with interest by 2029. Both the prior \$20,000,000 loan from 2022, and the current \$12,000,000 loan will be scheduled to be repaid in full, with interest and an administrative fee, to the Light and Power Fund by January 1, 2036.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of making Broadband's products and services available to multi-dwelling units and mobile home parks.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

G. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Light and Power Fund and that this appropriation will not cause the total amount appropriated in the Light and Power Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

H. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

I. The City Manager has recommended the transfer of \$12,000,000 from the Light and Power Fund to the Broadband Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

J. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program ("APP Program").

K. The Infrastructure Buildout project cost of \$11,300,000 has been used to calculate the contribution to the APP program.

L. The amount to be contributed in this Ordinance will be \$113,000. The amount to be transferred to the Cultural Services and Facilities Fund will be \$24,860 as contribution to operations and maintenance of the APP Program. The remaining \$88,140 will remain in the Broadband Fund as contribution to artwork for the APP Program.

M. Contributions to the APP Program by each City utility for art projects is kept and spent in such utility's own fund, the utility contributes its share of the APP Program's costs for maintenance, administration, repair and display to the Cultural Services and Facilities Fund as provided in City Code Section 23-303(c).

N. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Broadband Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(c) will be used for Broadband purposes and improvements in connection with the Project that provide a betterment to the Utility and provide a specific utility purpose that is beneficial to the Utility's ratepayers.

O. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

P. The City Council wishes to designate the appropriation herein for the Broadband Infrastructure Buildout project as an appropriation that shall not lapse until the completion of the project.



In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Light and Power Fund the sum of TWELVE MILLION DOLLARS (\$12,000,000) to be expended in the Light and Power Fund for transfer to the Broadband Fund and appropriated therein to be expended for operations and the buildout of the Broadband infrastructure.

Section 2. The unexpended and unencumbered appropriated amount of TWENTY-TWO THOUSAND SIX HUNDRED DOLLARS (\$22,600) in the Broadband Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of TWO THOUSAND TWO HUNDRED SIXTY DOLLARS (\$2,260) in the Broadband Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 4. The appropriation herein for Broadband Infrastructure Buildout project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Section 5. It is intent of Council, and direction to the City Manager and the City Financial Officer, that this amount appropriated be reimbursed annually to the Light and Power Fund in the amount the Connexion revenues collected exceed Connexion's expenses and debt obligations for that fiscal year, together with an interest factor which is the greater of the Light and Power Fund's average investment earnings for its reserve balance for that year or the average ten- year AA- bond rate for that year, plus a one percent administrative fee, until this appropriated amount with such interest has been paid in full, which payment in full is to be completed on or before January 1, 2036. In addition, when the City Manager is setting under City Code Section 26-573 the rates, fees and charges for furnishing telecommunication facilities and services to Connexion subscribers, the City Manager shall do so taking into consideration this reimbursement of the Light and Power Fund as provided in this Section 5.

Section 6. It is also the City Council' s intent that, in the event the City or the Electric Utility Enterprise hereafter issues any bonds or incurs any other financial obligation to be used to reimburse the Light and Power Fund for the Connexion' s expenditure of this appropriation for the Project, this Ordinance is intended to be a declaration of " official intent" to reimburse these expenditures within the meaning of Treasury Regulation §1.150-2.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Yvette Lewis-Molock

Exhibits: None

**File Attachments for Item:**

**7. First Reading of Ordinance No. 079, 2025, Authorizing Transfers of Appropriations for the Shields Street Protected Infrastructure – Lake Street to Stuart Street Project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue Project.**

The purpose of this item is to transfer Active Modes Plan Implementation funding to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

John Gerwel, Project Manager  
Cortney Geary, Active Modes Manager  
Dana Hornkohl, Capital Projects Manager

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## SUBJECT

**First Reading of Ordinance No. 079, 2025, Authorizing Transfers of Appropriations for the Shields Street Protected Infrastructure – Lake Street to Stuart Street Project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue Project.**

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## EXECUTIVE SUMMARY

The purpose of this item is to transfer Active Modes Plan Implementation funding to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

The City's adopted Active Modes Plan (AMP) and Transportation Capital Projects Prioritization Study (TCPPS) recommended improvements within the Shields Street corridor. Between Mountain Avenue and Mulberry Street, a road diet was recommended that would remove one northbound vehicular travel lane and restripe this section of Shields Street to include separated bike lanes. Protected intersection infrastructure was recommended at the intersections with Prospect Road and Stuart Street, as well as separated bike lanes between the intersections. A protected intersection is a type of intersection design that prioritizes the safety and comfort of pedestrians and cyclists by providing them with physical separation from motorized vehicles. Upon reviewing these high priority recommendations, it was determined the proposed work could be implemented with two projects.

1. The Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue (SSBL) project could be accomplished utilizing City forces in conjunction with street resurfacing and restriping.
2. The Shields Street Protected Infrastructure – Lake Street to Stuart Street (SPI) capital project would require consulting assistance and a phased approach with robust outreach, design, right-of-way acquisition, and construction. City Staff determined as they were conceptualizing the SPI project that extending the northern boundary of the project from Prospect Road to Lake Street would provide better connectivity between separated bike lanes on Shields Street and Lake Street. The City received a federal Safe Streets and Roads for All grant to construct separated bike lanes on Lake Street from Shields Street to College Avenue.

A key theme that arose from engagement during the AMP and TCPSP efforts was resident desire for direct routes with infrastructure that is physically separated from vehicular traffic. Constructing separated bike lanes and protected intersections (providing user comfort) is critical to achieving the AMP goal of 50% active mode share of all trips by 2032. These improvements would meaningfully advance Our Climate Future Big Move 4: Convenient Transportation Choices and would result in greenhouse gas and air pollution reduction.

FC Moves Department staff successfully sought funding through the 2025-2026 budget process to implement the SSBL project (\$580,000) and perform design on the SPI project (\$1,100,000). Staff from the Engineering and Traffic Operations Departments have begun working with FC Moves to implement these projects. There is a need to transfer the funding to designated capital projects that will allow for future grant funding to be received and tracked for reporting requirements.

These projects support the City's Strategic Plan Goals (TM1) and the 2024-2026 City Council Priorities (4 and 8). These projects also address needs for Safe Routes to Schools for Dunn Elementary, Bennett Elementary, two preschools, and Colorado State University.

- (TM1) Make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins.
- (4) Advance a 15-minute city by igniting neighborhood centers.
- (8) Advance a 15-minute city by accelerating our shift to active modes.

Specific project elements that will be evaluated for use in the projects include the following:

- In-street separated bike lanes with vertical barriers such as curbs and delineator posts between the bike lane and the vehicular travel lane (SSBL).
- Raised, separated bike lanes, elevated above the roadway, are often at sidewalk level but separate from the sidewalk (SPI).
- Protected intersections with dedicated cycle and pedestrian paths through the intersection (SPI).

The projects will include robust outreach and public engagement. Travel times through these corridors may be impacted (during construction and post construction) to accommodate the additional infrastructure for vulnerable road users and improve roadway safety for all users. Setting expectations with community members who use these corridors will be key to the projects' success. If approved, this item will transfer funding that has already been appropriated to these two capital projects.

## **CITY FINANCIAL IMPACTS**

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The following is a summary of the funding anticipated for implementation of the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital project, as well as the design of the Shields Street Protected Infrastructure – Lake Street to Stuart Street capital project.

<b>Prior Appropriated Funds</b>	
2050 Tax - Our Climate Future	\$ 1,680,000
Transfer to Art in Public Places	\$ (16,800)
<b>TOTAL PRIOR APPROPRIATION</b>	<b>\$ 1,663,200</b>

<b>Funds to be Transferred per this Action to Capital Projects</b>	
Shields Street Protected Infrastructure - Lake Street to Stuart Street	\$ 574,200
Shields Street Separated Bike Lanes - Mulberry Street to Mountain Avenue	\$ 1,089,000
<b>Total Funds to be Transferred per this Action</b>	<b>\$ 1,663,200</b>

<b>Total Proposed Capital Projects Funds</b>	<b>\$ 1,663,200</b>
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The total fund amount projected for these projects is \$1,663,200 composed of prior appropriated funds.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The projects were identified as part of the AMP adopted by Council in December 2022 and the TCPSPS adopted by Council in August 2023. The AMP and TCPSPS were presented to the Transportation Board as part of the adoption process.

### **PUBLIC OUTREACH**

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Staff will develop and implement a public engagement plan for the projects in conjunction with the Communications and Public Involvement Office.

### **ATTACHMENTS**

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1. SSBL Mulberry Street to Mountain Avenue Vicinity Map
2. SPI Lake Street to Stuart Street Vicinity Map
3. Ordinance No. 079, 2025







ORDINANCE NO. 079, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE  
SHIELDS STREET PROTECTED INFRASTRUCTURE – LAKE  
STREET TO STUART STREET PROJECT AND THE SHIELDS  
STREET SEPARATED BIKE LANES – MULBERRY STREET TO  
MOUNTAIN AVENUE PROJECT

A. The purpose of this item is to transfer Active Modes Plan Implementation funding that has already been appropriated to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

B. The City’s adopted Active Modes Plan (“AMP”) and Transportation Capital Projects Prioritization Study (“TCPPS”) recommended improvements within the Shields Street corridor. The recommended improvements between Mountain Avenue and Mulberry Street included removing one northbound vehicular travel lane and restriping a section of Shields Street to include separated bike lanes. The recommendations also included providing protected infrastructure improvements at the intersections between Prospect Road and Stuart Street to provide pedestrians and cyclists with physical separation from motorized vehicles, as well as separated bike lanes between the intersections.

C. The two capital projects, the Shields Street Protected Infrastructure – Lake Street to Stuart Street (“SPI”) project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue (“SSBL”) project have been developed to implement the recommended improvements.

D. The SSBL project could be accomplished using City forces in conjunction with street resurfacing and restriping. The SPI project would require consulting assistance and a phased approach with robust outreach, design, right-of-way acquisition, and construction.

E. City Staff determined as they were conceptualizing the SPI project that extending the northern boundary of the project from Prospect Road to Lake Street would provide better connectivity between separated bike lanes on Shields Street and Lake Street. The City received a federal Safe Streets and Roads for All grant to construct separated bike lanes on Lake Street from Shields Street to College Avenue.

F. AMP and TCPPS efforts revealed residents’ desire for direct routes with infrastructure that is physically separated from vehicular traffic. Constructing separated bike lanes and protected intersections is critical to achieving the AMP goal of 50% active mode share of all trips by 2032. These improvements would meaningfully advance Our Climate Future Big Move 4: Convenient Transportation Choices and would result in greenhouse gas and air pollution reduction.

G. These projects support the City's Strategic Plan Goals (TM1) and the 2024-2026 City Council Priorities (4 and 8). These projects also address needs for Safe Routes to Schools for Dunn Elementary, Bennett Elementary, two preschools, and Colorado State University:

- (TM1) Make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins;
- (4) Advance a 15-minute city by igniting neighborhood centers; and
- (8) Advance a 15-minute city by accelerating our shift to active modes.

H. Specific project elements that will be evaluated for use in the projects include in-street separated bike lanes with vertical barriers such as curbs and delineator posts between the bike lane and the vehicular travel lane (SSBL project); raised, separated bike lanes, elevated above the roadway—often at sidewalk level but separate from the sidewalk (SPI project); protected intersections with dedicated cycle and pedestrian paths through the intersection (SPI project).

I. FC Moves Department staff successfully sought funding through the 2025-2026 budget process to implement the SSBL project (\$580,000) and perform design on the SPI project (\$1,100,000). Staff from the Engineering and Traffic Operations departments have begun working with FC Moves to implement these projects. Staff has concluded that there is a need to transfer the funding to designated capital projects that will allow for future grant funding to be received and tracked for reporting requirements.

J. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

K. The City Manager has recommended the transfer of \$1,663,200 from the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

L. These projects involve construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places ("APP") program.

M. All of the funds appropriated in this Ordinance for the projects are ineligible for use in the APP program due to previously contributing to the program.

N. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

O. The City Council wishes to designate the appropriations herein for the Shields Street Protected Infrastructure – Lake Street to Stuart Street project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue project as appropriations that shall not lapse until the completion of the projects.

P. The appropriations in this Ordinance benefit public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving multimodal transportation infrastructure, safety, and accessibility within the City.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of FIVE HUNDRED SEVENTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$574,200) is authorized for transfer from the Active Modes Plan Implement Project In the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for Shields Street Protected Infrastructure – Lake Street to Stuart Street project.

Section 2. The unexpended and unencumbered appropriated amount ONE MILLION EIGHTY-NINE THOUSAND DOLLARS (\$1,089,000) is authorized for transfer from the Active Modes Plan Implement Project In the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue project.

Section 3. The appropriations herein for the Shields Street Protected Infrastructure – Lake Street to Stuart Street project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the projects.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Heather N. Jarvis

Exhibits: None

**File Attachments for Item:**

**8. First Reading of Ordinance No. 080, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

The purpose of this item is to appropriate \$19,011 of unanticipated revenue received from the Colorado State Patrol Department of Public Safety as a modification to the previously awarded FY 2025 BATTLE (Beat Auto Theft Through Law Enforcement) grant.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Jason Lang, Police Services  
Joanne Cech, Fiscal Recovery Manager

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## SUBJECT

**First Reading of Ordinance No. 080, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

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## EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$19,011 of unanticipated revenue received from the Colorado State Patrol Department of Public Safety as a modification to the previously awarded FY 2025 BATTLE (Beat Auto Theft Through Law Enforcement) grant.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

In December 2024 the Colorado State Patrol (CSP) awarded Fort Collins Police Services \$80,790 in capacity as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The \$80,790 award was appropriated in Ordinance No. 011, 2025, under the BATTLE program's FY25 cycle and includes \$30,361 for camera system equipment. On April 24, 2025, Police Services was awarded an additional \$19,011 to cover anticipated fiscal year costs for equipment to support CSP's plan to reduce auto theft for the North Region for the FY25 grant cycle. This brings the total equipment allocation under the FY25 BATTLE award to \$49,372 and the total grant award to \$99,801.

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## CITY FINANCIAL IMPACTS

This item appropriates \$19,011 in unanticipated revenue from the Colorado State Patrol for the camera system equipment in support of Police Services FY25 BATTLE program's Colorado Auto Theft Prevention Authority (CATPA) grant award.

No matching funds are required for this award.

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## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Signed Award Letter
2. Ordinance No. 080, 2025



**Date: April 24, 2025**

Ft. Collins Police Department  
 Project Director Lieutenant Adam Ruehlen  
 Transmitted by Electronic Mail

**RE: Change in Funding Award Letter for State Fiscal Year (SFY) 2025 – Modification #3**

Dear Lieutenant Ruehlen,

This letter is to notify you that, effective as of April 24, 2025, your funding allocation in support of CSP's Beat Auto Theft Through Law Enforcement (BATTLE) House Bill 1430 grant project has been modified per CSP's Internal Modification #3 to cover anticipated fiscal year costs for your agency and is to be used in support of the reduction of auto theft in the State of Colorado as follows. This modification is as follows:

**Modification #3 - Purpose: Equipment** –Increase in Equipment allocation as needed in support of CSP's Strategic Plan to Reduce Auto Theft for the North Region for the FY25 grant cycle.

Ft. Collins Police Department - SFY25 BATTLE CORRECTED BUDGET MOD #3			
BUDGET CATEGORY	ORIGINAL ALLOCATION	REVISION	MODIFIED ALLOCATION
Overtime			
Supplies & Operating	-	-	-
Travel	-	-	-
Equipment	30,361.00	19,011.00	49,372.00
<b>TOTAL</b>	<b>30,361.0</b>	<b>19,011.00</b>	<b>49,372.00</b>

Please return your signed Funding Award agreement no later than **May 2, 2025** (or 10 business days after the date of this letter). Failure to sign your award may result in delayed reimbursements. **Return to CSP via the following email: [battlepayments@state.co.us](mailto:battlepayments@state.co.us).**

Please refer to your initial funding letter for all Requirements, Special Conditions, and Other Terms and Conditions. If you have any questions regarding this change in allocations, please contact Captain Wesley Kartus at [wesley.kartus@state.co.us](mailto:wesley.kartus@state.co.us) or 303-277-8660 or Trina Larsen at [Trina.Larsen@state.co.us](mailto:Trina.Larsen@state.co.us) or (720) 202-3418 if you have any questions.

We appreciate your continued efforts in the fight against auto theft!

Best Regards,

Wesley Kartus  
 Captain, Colorado State Patrol  
 BATTLE Project Director  
 Aleah Bachtel, Financial Officer



**Return:**

The Partner Agency will sign a copy of the Funding Award and return the agreement to the CSP BATTLE email. Once CSP obtains all signatures, the Partner Agency will receive a copy of this agreement.

The parties hereto have executed this binding Funding Award.

Persons signing for Partner Agency hereby swear and affirm that they are authorized to act on Partner Agency's behalf and acknowledge that the Colorado State Patrol relies on their representations to that effect. The Funding Award may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery as a scanned ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing with the same force and effect as if such facsimile or ".pdf" signature page was an original thereof.

***SIGNATURES***

PARTNER AGENCY

COLORADO STATE PATROL

Ft. Collins Police Department  
Legal Name of Partner Agency

DocuSigned by:

0586D5871D89400  
Kelly DiMartino, City Manager

Wesley Kartus, Captain  
BATTLE Project Director

4-25-25

Date Signed

Date signed

ORDINANCE NO. 080, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING A SUPPLEMENTAL APPROPRIATION OF AN  
ADDITIONAL AWARD FROM THE COLORADO AUTO THEFT  
PREVENTION AUTHORITY GRANT FOR THE FORT COLLINS  
POLICE SERVICES PROPERTY CRIMES UNIT

A. Fort Collins Police Services (FCPS) is a member of the Beat Auto Theft Through Law Enforcement (BATTLE) program created by Colorado State Patrol (CSP). The purpose of BATTLE is for member agencies to collaborate and work with other law enforcement agencies around the state to investigate and respond to motor vehicle theft related crimes, which has seen a steady growth within the City over the past five years.

B. CSP manages the BATTLE program and provides grant funding opportunities to member agencies to help cover personnel costs for the time that is needed to prevent auto theft crimes.

C. In December 2024, CSP awarded FCPS \$80,790 in capacity as a partner agency of the BATTLE Task Force. On February 18, 2025, through Ordinance No. 011, 2025, the \$80,790 award was appropriated.

D. On April 24, 2025, FCPS was awarded an additional \$19,011 to cover anticipated fiscal year costs for equipment to support CSP's plan to reduce auto theft for the North Region for the FY25 grant cycle.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of the prevention and investigation of motor vehicle theft crimes.

F. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which

the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

I. The City Council wishes to designate the appropriation herein for the Colorado Auto Theft Prevention Authority Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of NINETEEN THOUSAND ELEVEN DOLLARS (\$19,011) to be expended in the General Fund for the Fort Collins Police Services Property Crimes Unit.

Section 2. The appropriation herein for the Colorado Auto Theft Prevention Authority Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dawn Downs

Exhibits: None

**File Attachments for Item:**

**9. Items Relating to Civic Center Master Plan: Municipal Court Renovation & Parking Services Move.**

A. First Reading of Ordinance No. 081, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Parking Services Department Relocation Project and Related Art in Public Places

B. First Reading of Ordinance No. 082, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Municipal Court Expansion Project and Related Art in Public Places

The purpose of these items is to provide context for two related requested appropriations for projects in the Civic Center Master Plan. The first will expand City service capacity by moving Parking Services to the Civic Center Parking Structure in order to vacate space in the 215 North Mason Street building to allow for the expansion of the City Municipal Court. The second recommended appropriation provides initial construction costs for the expansion of the Municipal Court in the 215 North Mason Street building.

Appropriation recommendations:

\$450,000 from reserves in the Parking Fund to the Capital Projects Fund for the relocation of Parking Services to the Civic Center Parking Structure

\$400,000 from General Government Capital Expansion Fee reserves within the Capital Expansion Fund for the relocation of Parking Services as a condition precedent to the Municipal Court construction and expansion

\$8,500 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the relocation of Parking Services.

\$4,300,000 from General Governmental Capital Expansion Fee reserves within the Capital Expansion Fund for the Municipal Court construction and expansion project

\$43,000 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the Municipal Court construction and expansion project.

May 20, 2025

## AGENDA ITEM SUMMARY

Choose an item.



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### STAFF

Sylvia Tatman-Burruss, Senior Project Manager

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### SUBJECT

**Items Relating to Civic Center Master Plan: Municipal Court Renovation & Parking Services Move.**

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### EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 081, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Parking Services Department Relocation Project and Related Art in Public Places

B. First Reading of Ordinance No. 082, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Municipal Court Expansion Project and Related Art in Public Places

The purpose of these items is to provide context for two related requested appropriations for projects in the Civic Center Master Plan. The first will expand City service capacity by moving Parking Services to the Civic Center Parking Structure in order to vacate space in the 215 North Mason Street building to allow for the expansion of the City Municipal Court. The second recommended appropriation provides initial construction costs for the expansion of the Municipal Court in the 215 North Mason Street building.

Appropriation recommendations:

- \$450,000 from reserves in the Parking Fund to the Capital Projects Fund for the relocation of Parking Services to the Civic Center Parking Structure
- \$400,000 from General Government Capital Expansion Fee reserves within the Capital Expansion Fund for the relocation of Parking Services as a condition precedent to the Municipal Court construction and expansion
- \$8,500 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the relocation of Parking Services.
- \$4,300,000 from General Governmental Capital Expansion Fee reserves within the Capital Expansion Fund for the Municipal Court construction and expansion project
- \$43,000 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the Municipal Court construction and expansion project.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

## BACKGROUND / DISCUSSION

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### **Civic Center Planning History, Pre-2021**

The Civic Center Master Plan is a dynamic document created to respond to the changing conditions while providing a vision and guidelines for future buildings, renovations, and place making activity in the civic core.

In 1996, City Council adopted, by Resolution 1996-86, the Civic Center Master Plan, as an amendment to the Downtown Plan, which was an element of the City's Comprehensive Plan; the 1996 Civic Center Master Plan was prepared in cooperation with Larimer County to guide the development of a twelve-block area of downtown. In 2014, specific planning for City buildings on two blocks within the Civic Center Master Plan area was set forth in the Block 32/42 Civic Center Vision Plan.

### **Trends Driving Municipal Court Caseloads and Service Demands, from 2000 to Present**

The Municipal Court was housed in the County Justice Center from 2000, when the building opened, until 2007, when County space capacity demands necessitated that the Municipal Court be moved into the 215 North Mason Street building. However, the area of the 215 North Mason Street building in which the Court was moved was not designed or constructed for purposes of the administration and conduct of a municipal court. Therefore, the area in the 215 North Mason Street building used by the Municipal Court has had numerous retrofits over time to accommodate security, functionality, and user experience.

The office space in the 215 North Mason Street building used for the Municipal Court has become increasingly inadequate to meet demands of a growing city. The City's population has grown from approximately 140,000 in 2007 to 178,000 today. From 2000-2007, Municipal Court staff consisted of approximately seven (7) FTE positions. Today, staffing of the Municipal Court requires approximately thirty-one (31) FTE positions. Based on growth, customer service demands, security needs, an expansion of the Municipal Court in its current location is the most reasonable and efficient near- to long-term capital project solution.

### **Approved Capital Improvement Plans & Funding for Municipal Court Expansion & Parking Services Relocation, 2021 and thereafter**

In 2021, Council funded an update to the 2014 Civic Center Vision Plan, called the Civic Center Master Plan (the "2021 CCMP"), which focused planning on two blocks (rather than the twelve block area of the 1996 plan). The 2021 CCMP created a long-term plan for the future facilities and amenities as well as current buildings, including the Municipal Court. The CCMP building summary of 215 North Mason Street noted the following, "Functionally, the building struggles to separate the higher safety risk Municipal Court customer service components from the lower risk customer service areas and internal offices." City Council adopted the 2021 CCMP, by Resolution 2021-105, as an amendment to the 2017 Downtown Plan and the 2019 City Plan, finding that the 2021 CCMP was considered a capital improvement plan for purposes of general government capital expansion fee revenues for purposes of Section 7.5-31 of the City Code.

In 2022, Council appropriated \$700,000, \$693,000 from General Fund Reserves and \$7,000 from Cultural Services & Facilities Fund, by adopting Ordinance No. 066, 2022, to address the initial, urgent capital needs from the increased demands on the Municipal Court.

In 2023, in order to set the project scope and evaluate costs and options, Ordinance No. 005, 2023, appropriated \$1,507,500 from the General Government Capital Expansion Fund for the purpose of space planning and design associated with utilizing the first floor of 215 North Mason Street building for a fifteen-year (the "15-Year Project Plan") Municipal Court expansion and to move Parking Services to the Civic Center Parking (Ordinance No. 005, 2023, attached).

On June 6, 2024, the Council Finance Committee reviewed options for continued progress on these projects, the Municipal Court expansion and relocation of Parking Services, within the framework of the CCMP. The options presented by staff included:

- Option A. Continue moving forward on the next steps of the 15-Year Project Plan to utilize the entire 1<sup>st</sup> floor and part of the 2<sup>nd</sup> floor for the Municipal Court and Prosecution group in the City Attorney's Office;
- Option B. Shift the plan to smaller renovations to accommodate increased demands for five years next step to a five-year renovation, while continuing to negotiate with Larimer County about the possibility of partnership as part of a Justice Center expansion; or
- Option C. Build an entirely new facility purposely designed and constructed for current and long-term Municipal Court operations.

At that June 6<sup>th</sup> Finance Committee meeting, Councilmembers indicated that Option B (which provided near-term additional space for the Municipal Court and a lower-cost approach; and an opportunity to continue negotiations with Larimer County to partner with Larimer County in a Justice Center expansion) was the preferred approach. Materials presented by staff did not include an estimated project cost for Option B; however, as a temporary measure, Option B would have the least cost to the City of the three options. Option B was preferred over Option A, because Option A had a higher cost (likely in excess of \$18 million). Like Option A, Option C was not preferred to Option B, because of the higher project costs of Option C, likely between \$25 million and \$30 million depending on design. Option C would also require a temporary approach, like Option B, as a near-term strategy for managing immediate capital needs in order to allow an entirely new facility to be designed and constructed. Further, appropriations for some of project work described under Option B were previously appropriated by Ordinance No. 005, 2023 (described above).

**Table of Previous Project Appropriations to Date and Overview of Ordinances for this Item**

Date	Ordinance No.	Description of Project, Amount of Appropriation, Fund Source
6/7/2022	Ordinance No. 066, 2022	Municipal Court Urgent Needs, \$700,000 General Fund Reserves
1/17/2023	Ordinance No. 005, 2023	15- year Municipal Court design \$1,507,500, Capital Expansion Fund
11/19/2024	Ordinance No. 163, 2024	2025-2026 City Biennial Budget, Budget Offer 16.7, appropriating \$600,000 in each year from the General Fund for Operation Services Required Building Modifications, of which \$183,000 will be used to for the Parking Services Relocation Project

### **Proceeding on the Municipal Court Expansion & Parking Services Relocation Projects**

Parking Services is currently located on the first floor of the 215 North Mason Street building. The Parking Services relocation would not only facilitate the Municipal Court expansion but will provide more space for staff, easy access to electric charging of enforcement vehicles in the garage, and a convenient walk-in site for customers (the "Parking Services Relocation Project").

The next update to the Civic Center Master Plan was scheduled for presentation at the May 13, 2025 Council Work Session, including the Parking Services Relocation Project and the Municipal Court expansion.

A needed first step in the Parking Services Relocation Project is to move Parking Services into the Civic Center Parking Structure. Staff recommends an appropriation totaling \$850,000, with \$450,000 from Parking Services reserves and \$400,000 from Capital Expansion Fees to complete the full move. Council previously approved Budget Offer 16.7 for the 2025-2026 City Biennial Budget, of which \$183,000 (of the \$1,200,000 for that Budget Offer 16.7) will be used to construct a gender-neutral bathroom in the new space. If Council approved these recommended appropriations, with the previously approved budget offer, the total amount currently appropriated for the Parking Services Relocation Project would be \$1,033,000.

For the Municipal Court expansion (above as Option B), staff believes that the City is ready to proceed with the implementation and construction project and recommends that Council consider an appropriation of \$4,300,000 from the General Government Capital Expansion Fund for this phase of the project. This appropriation would be in addition to the amounts previously appropriated in 2022 from General Fund Reserves and in 2023 from the General Government Capital Expansion Fund. The total project cost for construction of a permanent home for Municipal Court operations is indeterminate at this time, because it has not been decided whether a partnership with Larimer County is feasible, or if the City would build a new facility on its own. Future plans yet to be determined, including seeking any updated estimated or approximated costs for Options A and C described above; however, it is anticipated that General Government Capital Expansion Fee revenues will likely be a portion of the overall source of capital funds for a permanent facility for Municipal Court operations.

## **CITY FINANCIAL IMPACTS**

The requested funding breakdown is as follows:

<b>Funding</b>	<b>Amount</b>
Parking Fund Reserves to be transferred to the Capital Projects Fund for the Parking Services Department Relocation Project	\$450,000
General Government Reserves within the Capital Expansion Fund to be transferred to the Capital Projects Fund for the Parking Services Relocation Project	\$400,000
<b>Supplemental Appropriation for Item A, Ordinance No 081, 2025</b>	<b>\$850,000</b>
General Government Reserves within the Capital Expansion Fund to be transferred to the Capital Projects Fund for the Municipal Court Expansion Project. Presented as Option B to the June 6, 2024 Council Finance Committee.	\$4,300,000
<b>Supplemental Appropriation for Item B, Ordinance No. 082, 2025</b>	<b>\$4,300,000</b>

Upon adoption, Ordinance No. 081, 2025 will appropriate \$450,000 from the Parking Services Reserve Fund and \$400,000 from the General Government Capital Expansion Fund in the current fiscal year and authorize expenditures against those revenues for the purposes of the Parking Services Relocation Project.

Upon adoption, Ordinance No. 082, 2025 will appropriate \$4,300,000 in the current fiscal year from the General Government Capital Expansion Fund and authorize expenditures against those revenues for the purposes of the Municipal Court expansion project, presented as Option B to the June 6, 2024, Finance Committee.

In the Ordinances above, the Parking Services Relocation Project will contribute \$8,500 for the Art in Public Places ("APP") Program and the Municipal Court Expansion Project will contribute \$43,000 to APP.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues



**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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At a Council Finance Committee meeting on June, 6, 2024, Councilmembers indicated that Option B (which provided near-term additional space for the Municipal Court and a lower-cost approach; and an opportunity to continue negotiations with Larimer County to partner with Larimer County in a Justice Center expansion) as the preferred approach.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Ordinance No. 081, 2025
2. Ordinance No. 082, 2025

ORDINANCE NO. 081, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING  
TRANSFERS OF APPROPRIATIONS FOR THE PARKING  
SERVICES DEPARTMENT RELOCATION PROJECT AND  
RELATED ART IN PUBLIC PLACES

A. Parking Services is currently located in City's office building at 215 North Mason Street, along with other programs and departments, including the Municipal Court.

B. On November 16, 2021, Council adopted Resolution 2021-105, approving the November 10, 2021, Civic Center Master Plan as part of the Downtown Plan and as the capital improvements plan for purposes of Section 7.5-31 of the City Code, regarding use of general government capital expansion fee revenues. The approved Civic Center Master Plan (the "2021 CCMP") indicated the 215 North Mason Street Building as the planned location of the Court and related purposes, including phased renovation and future expansion.

C. On June 21, 2022, Council appropriated \$700,000 from General Fund Reserves, by adoption of Ordinance No. 066, 2022, to address urgent capital needs of the Court in the 215 North Mason Street Building. This appropriation was provided to address immediate safety, security, client, and accessibility needs while larger plans were being developed for the full expansion of the Court within the 215 North Maston Street Building, which was not designed or constructed for the purposes of the administration of the Court.

D. On February 2, 2023, Council appropriated \$1,507,700 from the Capital Expansion Fund, by adoption of Ordinance No. 005, 2023, for the 215 North Mason Municipal Court 15-year buildout design project.

E. On June 6, 2024, staff presented to the Council Finance Committee three options to continue progress on the 215 North Mason Municipal Court 15-year buildout design project, which included the relocation of Parking Services, as per the 2021 CCMP. The Finance Committee supported Option B, which addressed the urgent capital expansion needs of the Court for a five-year period to explore the possibility of partnering with Larimer County to include the Municipal Court as part of a Justice Center expansion.

F. On November 19, 2024, Council approved the 2025-2026 City Biennial Budget, by adoption of Ordinance No. 163, 2024, which appropriated \$600,000 in each year from the General Fund for Operation Services Required Building Modifications ("Budget Offer 16.7").

G. On May 1, 2025, staff presented additional information to the Council Finance Committee on Option B, including the progress on the design and estimated costs to relocate Parking Services from the 215 North Mason Street Building to the Civic

Center Parking Structure (the “Parking Services Relocation Project”) and the costs of construction and expansion of the Court within the 215 North Mason Street Building (the “Municipal Court Expansion Project”). Staff further explained that \$183,000 from current appropriations for Budget Offer 16.7 will also be used for the Parking Services Relocation Project. The Finance Committee supported bringing the recommended appropriations for the projects to the full Council for consideration.

H. The amount now requested for the Parking Services Relocation Project is \$850,000.

I. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purposes of promoting public safety by vacating space that is necessary for the Municipal Court Expansion Project and providing expanded capacity from the Parking Services Relocation Project to meet increasing demands and complexity in enforcement from population growth.

J. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

K. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Parking Services Fund and the Capital Expansion Fund, as applicable, and that these appropriations will not cause the total amount appropriated in the Parking Services Fund or the Capital Expansion Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

L. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

M. The City Manager has recommended the transfer of \$8,500 from the Capital Projects Fund to the Cultural Services and Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

N. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to

be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program ("APP Program").

O. The total project cost of \$850,000 has been used to calculate the contribution to the APP program.

P. The amount to be contributed to the APP Program through this Ordinance will be \$8,500.

Q. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

R. The City Council wishes to designate the appropriation herein for the relocation of Parking Services and renovation of the Civic Center Parking Structure Project as an appropriation that shall not lapse until the completion of the project.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Parking Fund the sum of FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) to be expended in the Parking Fund for transfer to the Capital Projects Fund and appropriated therein to be expended for the relocation of Parking Services and renovation of the Civic Center Parking Structure Project.

Section 2. There is hereby appropriated from prior year reserves in the General Government Reserve within the Capital Expansion Fund the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) to be expended in the Capital Expansion Fund for transfer to the Capital Projects Fund and appropriated therein to be expended for the relocation of Parking Services and renovation of the Civic Center Parking Structure Project.

Section 3. The unexpended and unencumbered appropriated amount of SIX THOUSAND SIX HUNDRED THIRTY DOLLARS (\$6,630) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of ONE THOUSAND SEVEN HUNDRED DOLLARS (\$1,700) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 5. The unexpended and unencumbered appropriated amount of ONE HUNDRED SEVENTY DOLLARS (\$170) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 6. The appropriation herein for the relocation of Parking Services and renovation of the Civic Center Parking Structure Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dianne Criswell

Exhibits: None

ORDINANCE NO. 082, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING  
TRANSFERS OF APPROPRIATIONS FOR THE MUNICIPAL  
COURT EXPANSION PROJECT AND RELATED ART IN PUBLIC  
PLACES

A. In 2007, the Municipal Court moved to its current location on the first floor of the City's office building at 215 North Mason Street when the leased space the Court formerly occupied in the Justice Center at 201 Laporte Avenue was needed for use by the Colorado Judicial Department.

B. From the 2007 until recently, minimal changes were made to the 215 building to address immediate issues, but not to address increased demands on the Court from growth in caseloads and programming.

C. On November 16, 2021, Council adopted Resolution 2021-105, approving the November 10, 2021, Civic Center Master Plan as part of the Downtown Plan and as the capital improvements plan for purposes of Section 7.5-31 of the City Code, regarding use of general government capital expansion fee revenues. The approved Civic Center Master Plan (the "2021 CCMP") indicated the 215 North Mason Street Building as the planned location of the Court and related purposes, including phased renovation and future expansion to address needs driven by caseload growth and attendant increases in City staffing to meet growing demands.

D. On June 21, 2022, Council appropriated \$700,000 from General Fund Reserves, by adoption of Ordinance No. 066, 2022, to address urgent capital needs of the Court in the 215 North Mason Street Building. This appropriation was provided to address immediate safety, security, client, and accessibility needs while larger plans were being developed for the full expansion of the Court within the 215 North Maston Street Building, which was not designed or constructed for the purposes of the administration of the Court nor suitable for the increased demands on the Court.

E. On February 2, 2023, Council appropriated \$1,507,700 from the Capital Expansion Fund, by adoption of Ordinance No. 005, 2023, for the 215 North Mason Municipal Court 15-year buildout design project.

F. On June 6, 2024, staff presented to the Council Finance Committee three options to continue progress on the 215 North Mason Municipal Court 15-year buildout design project, which included the relocation of Parking Services, as per the 2021 CCMP. The Finance Committee supported Option B, which addressed the urgent capital expansion needs of the Court, the City officials and employees working in the Court, and members of the public using the facilities for a five-year period to explore the possibility of partnering with Larimer County to include the Municipal Court as part of a Justice Center expansion.

G. On May 1, 2025, staff presented additional information to the Council Finance Committee on Option B, including the progress on the design and estimated costs to relocate Parking Services from the 215 North Mason Street Building to the Civic Center Parking Structure (the "Parking Services Relocation Project") and the costs of construction and expansion of the Court within the 215 North Mason Street Building (the "Municipal Court Expansion Project"). The Finance Committee supported bringing the recommended appropriations for the projects to the full Council for consideration.

H. The amount requested for the Municipal Court Expansion Project is \$4,300,000.

I. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of providing near-term adequate and necessary space and security for City officials, employees, and public users of the Municipal Court as Court caseloads grow and demands increase.

J. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

K. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Capital Expansion Fund and that this appropriation will not cause the total amount appropriated in the Capital Expansion Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

L. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

M. The City Manager has recommended the transfer of \$43,000 from the Capital Projects Fund to the Cultural Services and Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

N. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to

be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program ("APP Program").

O. The total project cost of \$4,300,000 has been used to calculate the contribution to the APP program.

P. The amount to be contributed to the APP Program through this Ordinance will be \$43,000.

Q. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

R. The City Council wishes to designate the appropriation herein for the Municipal Court Expansion Project as an appropriation that shall not lapse until the completion of the project.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the General Government Reserve within the Capital Expansion Fund the sum of FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) to be expended in the Capital Expansion Fund for transfer to the Capital Projects Fund and appropriated therein to be expended for the Municipal Court Expansion Project.

Section 2. The unexpended and unencumbered appropriated amount of THIRTY-THREE THOUSAND FIVE HUNDRED FORTY DOLLARS (\$33,540) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of EIGHT THOUSAND SIX HUNDRED DOLLARS (\$8,600) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of EIGHT HUNDRED SIXTY DOLLARS (\$860) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 5. The appropriation herein for the Municipal Court Expansion Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an



appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

---

City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dianne Criswell

Exhibits: None

**File Attachments for Item:**

**10. First Reading of Ordinance No. 083, 2025, Amending Sections 20-21 and 20-25 of the Code of the City of Fort Collins for the Purpose of Clarifying Exceptions to the Noise Ordinance for Agricultural Activities.**

The purpose of this item is to further clarify the alignment of the municipal noise ordinance with Colorado statutes relating to exceptions for agricultural operations.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Lori F. Schwarz, PDT Deputy Director, Community Development and Neighborhood Services  
John Hernandez, Senior Code Compliance Supervisor

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## SUBJECT

**First Reading of Ordinance No. 083, 2025, Amending Sections 20-21 and 20-25 of the Code of the City of Fort Collins for the Purpose of Clarifying Exceptions to the Noise Ordinance for Agricultural Activities.**

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## EXECUTIVE SUMMARY

The purpose of this item is to further clarify the alignment of the municipal noise ordinance with Colorado statutes relating to exceptions for agricultural operations.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

At the April 22, 2025, City Council Work Session, staff presented a "Sounds of the City" item for feedback and direction relating to a phased approach for addressing updates to City Code. As part of the first phase, staff recommended alignment of the existing municipal Noise Ordinance with Colorado statutes for agricultural operations. Currently, the noise ordinance provides a brief reference for exceptions as "noise from agricultural activities".

In order to clarify this exception, explanatory language is being added under Section 20-21 and 20-25 that defines "agriculture". Further, this amendment describes what qualifies as an agricultural exception under the Noise Ordinance consistent with the State's "Right to Farm Law," 35-3.5-101 and 102 Colorado Revised Statutes (CRS). The recommended language does not change current exceptions under this provision but simply provides greater clarity and transparency for residents, businesses and staff.

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## CITY FINANCIAL IMPACTS

None.

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## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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1. Ordinance No. 083, 2025

ORDINANCE NO. 083, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTIONS 20-21 AND 20-25 OF THE CODE OF THE  
CITY OF FORT COLLINS FOR THE PURPOSE OF CLARIFYING  
EXCEPTIONS TO THE NOISE ORDINANCE FOR  
AGRICULTURAL ACTIVITIES

A. Colorado Revised Statutes (“C.R.S.”) Section 35-3.5-102 limits when agricultural operations in Colorado may be found to be a nuisance. That statute provides that an agricultural operation may not be found to be a public or private nuisance if the agricultural operation employs methods or practices that are commonly or reasonably associated with agricultural production, except when a municipality enacts a nuisance law that applies to agricultural operations that were located within the municipality’s limits on July 1, 1981, or that were voluntarily annexed into the municipality on or after July 1, 1981. C.R.S. Section 35-3.5-102 protects agricultural operations from public nuisance liability.

B. Section 20-23 of the City Code sets maximum permissible noise levels in the City (the “Noise Law”). Exceeding these limits constitutes an unlawful noise disturbance, but Section 20-25 provides exceptions to the Noise Law. Specifically, Section 20-25(2) of the City Code exempts “noise from agricultural activities” from the Noise Law.

C. The City Council seeks to clarify the agricultural activities exemption from the Noise Law. More particularly, the City Council seeks to provide for a straightforward, generally applicable exemption to the Noise Law that comports with C.R.S. Section 35-3.5-102. To that end, this Ordinance will amend the Noise Law to provide that noise from agricultural activities is exempt from the Noise Law if the noise emanates from agricultural activities that are commonly or reasonably associated with agricultural production, regardless of whether the agricultural activities occur as a result from change in ownership, nonpermanent cessation or interruption of farming, participation in any government sponsored agricultural program, employment of new technology, or change in the type of agricultural product produced

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 20-21 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition “*Agriculture*” which reads in its entirety as follows:

*Agriculture* means the science and art of production of plants and animals useful to people, including, to a variable extent, the preparation of these products for use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production.

Section 2. Section 20-25(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-25. - Exceptions.**

The provisions of this Article shall not apply to:

...

(2) Noise from agricultural activities; if the noise emanates from agricultural activities that are commonly or reasonably associated with agricultural production, regardless of whether the agricultural activities occur as a result of any of the following activities or conditions:

- a. Change in ownership;
- b. Nonpermanent cessation or interruption of farming;
- c. Participation in any government sponsored agricultural program;
- d. Employment of new technology; or
- e. Change in the type of agricultural product produced.

...

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Effective Date: June 13, 2025

Approving Attorneys: Ted Hewitt/Travis Winter

Exhibits: None

**File Attachments for Item:**

**11. First Reading of Ordinance No. 084, 2025, Designating as Non-Lapsing and Transferring the Prior Appropriation of Philanthropic Revenue Received Through City Give by Ordinance No. 055, 2025, for the Payment Assistance Fund.**

The purpose of this item is to request that the lapsing appropriation approved by Council on its passage of Ordinance No. 055, 2025, of \$443,600 in philanthropic revenue received through City Give, be designated by this Ordinance as non-lapsing. 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.

May 20, 2025

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Nina Bodenhamer, City Give Director

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### SUBJECT

**First Reading of Ordinance No. 084, 2025, Designating as Non-Lapsing and Transferring the Prior Appropriation of Philanthropic Revenue Received Through City Give by Ordinance No. 055, 2025, for the Payment Assistance Fund.**

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### EXECUTIVE SUMMARY

The purpose of this item is to request that the lapsing appropriation approved by Council on its passage of Ordinance No. 055, 2025, of \$443,600 in philanthropic revenue received through City Give, be designated by this Ordinance as non-lapsing. 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.

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### STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver. The respective donors have directed the City to use these generous donations for designated purposes within and to benefit City service areas and programs.

The item requests to properly designate as non-lapsing an appropriation approved by Ordinance No. 055, 2025, which appropriated revenues from donations received through City Give and authorized expenditures against those revenues for the Utilities Emergency Fund program within the Payment Assistance Fund. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by City Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.



## CITY FINANCIAL IMPACTS

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Upon adoption, this Ordinance will designate as non-lapsing the revenues appropriated in the current fiscal year by Ordinance No. 055, 2025 into the Light & Power Fund revenue for the purposes of the Utilities Emergency Fund program within the Payment Assistance Fund.

The donations shall be expended from the designated fund solely for the donors' directed intent. The funds have been received and accepted per City Give Policies.

In support of Ordinance No. 055, 2025, the City Manager determined that these appropriations were available and had not been previously unappropriated from their designated Light & Power Fund and did not cause the total amount appropriated in those Light and Power Fund to exceed the current estimate of actual and anticipated revenues during fiscal year 2025. For this item, the City Manager has recommended the transfer of \$443,600 from the lapsing account to the non-lapsing account in the Light & Power Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

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None.

## PUBLIC OUTREACH

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None.

## ATTACHMENTS

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1. Ordinance No. 084, 2025

ORDINANCE NO. 084, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
DESIGNATING AS NON-LAPSING AND TRANSFERRING THE PRIOR  
APPROPRIATION OF PHILANTHROPIC REVENUE RECEIVED THROUGH CITY  
GIVE BY ORDINANCE NO. 055, 2025, FOR THE PAYMENT ASSISTANCE FUND

A. In the last five years, the City has received generous donations to the Utilities Payment Program account (the "Payment Assistance Fund"), established in Section 26-722 of the City Code, both large and modest, as philanthropic gifts to City residents.

B. On April 15, 2025, Council approved Ordinance No. 055, 2025, appropriated from prior year reserves into the Payment Assistance Fund \$443,600 to be expended for the public purpose of supporting the Utilities Emergency Fund program to benefit qualified utility customers needing financial assistance for electrical and water utilities.

C. The approval of Ordinance No. 055, 2025 by Council was made pursuant to Article V, Section 9 of the City Charter, which permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriate.

D. In support of Ordinance No. 055, 2025, the City Manager recommended the appropriation described therein and determined that the funds to be appropriated were available and had not been previously unappropriated from the Light and Power Fund and that that appropriation did not cause the total amount appropriated in the Light and Power Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

E. The City Manager recommends the transfer of \$443,600 from the lapsing account to the non-lapsing account in the Light & Power Fund and has determined that the purpose for which the transferred funds are to be expended pursuant to Ordinance No. 055, 2025 remains unchanged.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of FOUR HUNDRED FORTY-THREE THOUSAND SIX HUNDRED DOLLARS (\$443,600) is authorized for transfer from the lapsing account to the non-lapsing account in the Light & Power Fund and appropriated therein to be expended for the Payment Assistance Fund.

Section 2. The appropriation by Ordinance No. 055, 2025 for the donations to the Payment Assistance Fund are hereby designated, as authorized in Article V, Section

11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dianne Criswell

Exhibits: None

**File Attachments for Item:**

**12. Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.**

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Florian Fiebig, Project Manager, Engineering  
Dana Hornkohl, Capital Projects Manager, Engineering

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## SUBJECT

**Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.**

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## EXECUTIVE SUMMARY

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

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## STAFF RECOMMENDATION

Staff recommend adoption of the Resolution and Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

East Vine Drive and Jerome Street intersect in northeast Fort Collins, just north of the Poudre River Whitewater Park (**Attachment 1**). The City's current [Master Street Plan](#) (adopted December 2023) designates Vine Drive and Jerome Street as two-lane collectors. Jerome is stop-controlled at Vine, and there are no crossing facilities at the intersection. The City's [Active Modes Plan](#) (adopted December 2022)

recommends pedestrian and bicycle crossing improvements at the intersection ([Interactive Web Map](#)). The City's [North College MAX Bus Rapid Transit Plan](#) also recommends a roadway crossing improvement at Vine Drive and Jerome Street as a key improvement to support active mode use in the North College area and improve access to public transportation. The City's [Strategic Trails Plan](#) (in development and scheduled to go before Council for adoption on July 1, 2025) includes a proposed trails map that depicts a trail connection between northeast Fort Collins and the Whitewater Park through this intersection. This regional trail extension was originally identified in the 2013 Paved Recreational Trails Plan and has been carried over through the update of the Strategic Trails Plan.

This intersection is a gateway and connection point between northeast Fort Collins and destinations such as the Whitewater Park, the Poudre River Trail, and Old Town Fort Collins. The City has reviewed recent development proposals in the immediate area of the intersection (**Attachment 2**), and as northeast Fort Collins continues to grow, the number of people walking, biking, and rolling will increase through this intersection. An active modes traffic count and observation study was performed in August of 2024. The following observations were noted during the data collection process, indicating the need for intersection crossing improvements:

- 36% of bicyclists observed cut diagonally through the intersection, crossing the yellow road centerline rather than completing a full turn (see Figure 1)
- 26% of all bicyclists observed riding on the sidewalk
- Wrong way riding in the Vine bike lane to access sidewalk ramp
- Traveling the wrong way in a bike lane
- Pedestrian crossing where no sidewalk exists (see Figure 2)



Figure 1 - Cutting across intersection



Figure 2 - Pedestrian crossing where no sidewalk exists

In June 2021, a person riding a bike was killed in a crash at this intersection ([Bike Fort Collins Ride of Silence 2022](#)). The Active Modes Plan was under development at the time and numerous community engagement comments indicated the need for crossing improvements at this location. In 2022, the City was awarded a 2024 Highway Safety Improvement Program (HSIP) grant to perform crossing improvements at this intersection. The Powerhouse 2 development was going through development review at the time and the developer agreed to contribute funding and construct the improvements as part of their development. The developer approached URA staff to inquire if the URA could participate in helping to fund the crossing improvements; however, grant funds could not be utilized to reimburse the developer for the City's portion of construction costs. Staff proposed utilizing local funding for developer reimbursement and seeking approval from the Colorado Department of Transportation (CDOT) to substitute a new location for the Vine and Jerome HSIP award. CDOT agreed to this proposal. Unfortunately, the Powerhouse 2 development has not moved forward, and the substitute location was ultimately withdrawn from the HSIP award due to significant inflation of construction costs.

In the interim, staff representing FC Moves, Park Planning and Development, Traffic Operations, and Engineering have developed a conceptual proposed plan (**Attachment 3**) to advance the Project and seek additional funding. The conceptual plan includes the following:

1. Two-way pedestrian crossing of Vine Drive on the east side of Jerome Street.
2. Bicycle crossings (northbound and southbound) of Vine Drive on either side of Jerome Street.
3. Rectangular Rapid Flashing Beacons (RRFBs) with push buttons for pedestrians and cyclists.
4. Protected bike corner island on the west side of Jerome Street intended to reduce right turn speeds and protect cyclists waiting to activate the beacon and cross the street.
5. Improved and widened sidepath (trail) on the south side of the intersection (Vine Drive) with Americans with Disabilities Act (ADA) compliant ramps, connecting to the Whitewater Park and Poudre River Trail.
6. Widened sidepath (trail) on the east side of Jerome Street to serve as the northeast trail extension.
7. New striping, signing, and marking of the intersection to safely facilitate pedestrian and bicycle movements.

The Project plan does not include pedestrian improvements on the west side of Jerome Street. There is no existing sidewalk infrastructure on this side of Jerome. New development would be responsible for building this infrastructure. The Project would accommodate this future infrastructure with minimal signing and striping changes.

Portions of the Project site lie within the North College URA, north of Vine Drive and the DDA boundary, south of Vine Drive. Staff went before the URA Board in January 2025 to present the Project and request financial participation in the Project. The URA has agreed to contribute \$293,076 toward the Project. Staff went to the DDA's Director's Meeting in February 2025 to present the Project and request financial participation. The DDA agreed to contribute \$82,659 toward the Project as well as \$61,341 toward urban design elements for the active modes gateway to Old Town. The total DDA contribution is \$144,000, and the DDA and the City have negotiated an IGA to provide the terms of the grant funding.

The remaining Project funding includes traditional transportation capital project funding from CCIP bicycle and pedestrian funds, TCEF, and Transportation Services funds. The Conservation Trust Fund is contributing funding for elements of the northeast trail system included in the Project. Transfers of the 2050 Tax – Our Climate Future funds from two similar and completed active modes related projects (1. Centre Avenue Crossing Improvements and 2. Laporte Avenue Bike Lanes) will also help fund the Project. The Our Climate Future Executive Committee was consulted on these transfers and agrees with the alignment between the original projects and this Project.

Outreach, design, and right-of-way acquisition are scheduled to be completed in 2025. Construction would begin in early 2026.

## **CITY FINANCIAL IMPACTS**

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The following table is a summary of the proposed funding appropriation for the Vine Drive and Jerome Street Intersection Improvements project.

The Project funding amount used to calculate the APP program contribution is \$437,076. This is the funding contributed to the Project by the URA and DDA. All other funding sources made their APP contribution as part of their original appropriation. The TCEF and Transportation Services Fund Reserves are for the APP contribution.

<b>Funds to be Appropriated per this Action</b>	
Community Capital Improvement Program (CCIP) Bicycle Program (previously appropriated)	\$ 135,200.00
Community Capital Improvement Program (CCIP) Pedestrian Program (previously appropriated)	\$ 67,756.77
Urban Renewal Authority (URA) Funds	\$ 293,076.00
2050 Tax - Our Climate Future Transfers	\$ 146,472.87
Downtown Development Authority (DDA) Funds - Project	\$ 82,659.00
Downtown Development Authority (DDA) Funds - Urban Design	\$ 61,341.00
Transportation Capital Expansion Fee (TCEF) Funds	\$ 4,283.34
Transportation Services Funds Reserves	\$ 87.42
<b>Total Funds to be Appropriated per this Action</b>	<b>\$ 790,876.40</b>

<b>Proposed Transfer to Art in Public Places</b>	<b>\$ 4,370.76</b>
--	--------------------

<b>Proposed Transfer from Conservation Trust Fund (to be appropriated via the 2026 budget)</b>	<b>\$ 165,000.00</b>
--	----------------------

<b>Total Proposed Project Funds</b>	<b>\$ 951,505.64</b>
-------------------------------------	----------------------

The total fund amount proposed for the Project is \$951,505.64 composed of funds appropriated with this action.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

The URA Board supports the Project and authorized a contribution of \$293,076 to the Project on January 23, 2025 (**Attachment 4**). The DDA Directors support the Project and authorized a contribution of \$144,000 to the Project on February 13, 2025 (**Attachment 5**). The Project was identified as part of the Active Modes Plan adopted by City Council in December 2022. The Transportation Board recommended Council adoption of the Active Modes Plan.

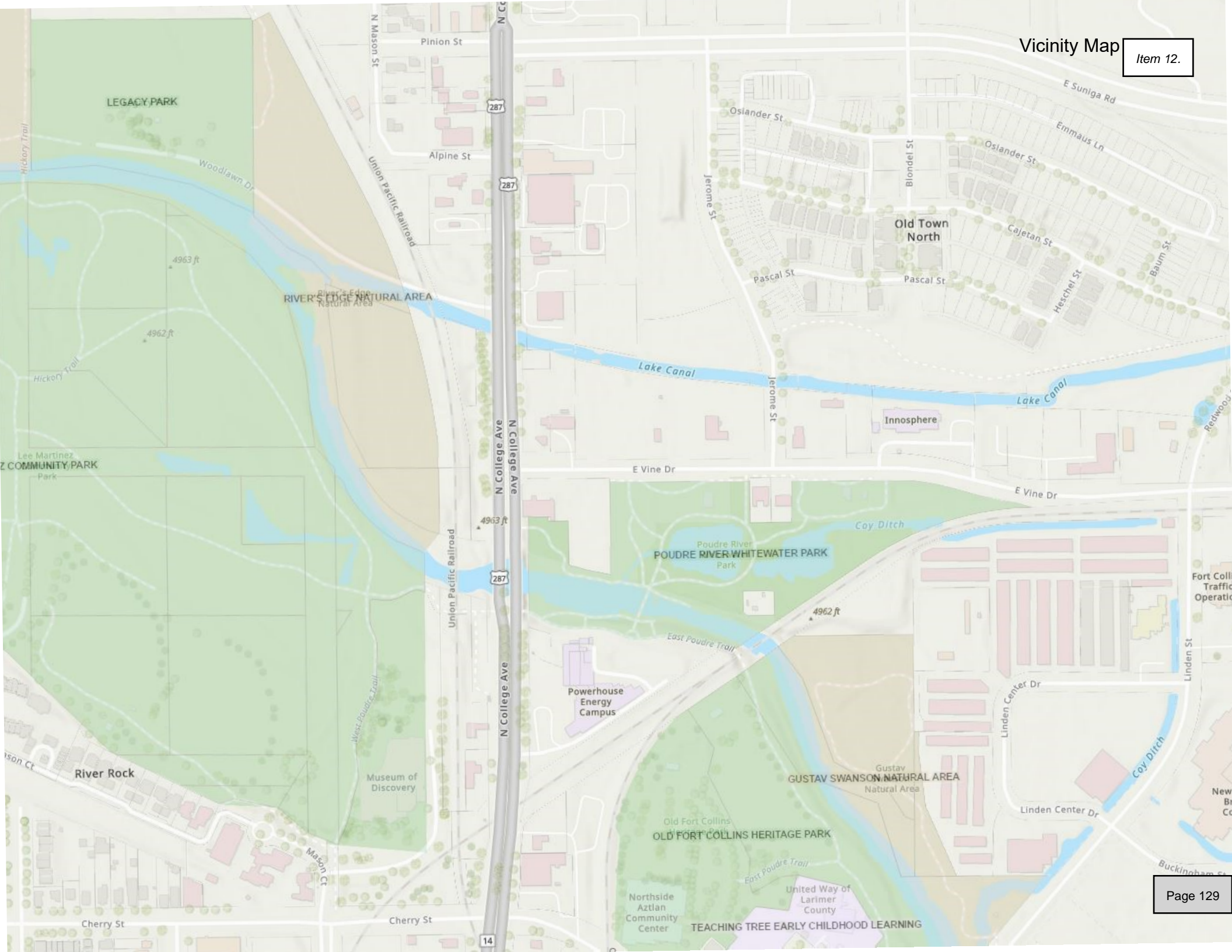
## **PUBLIC OUTREACH**

Staff will work with the DDA and the Communications and Public Involvement Office to develop and implement a comprehensive public engagement plan for the Project.

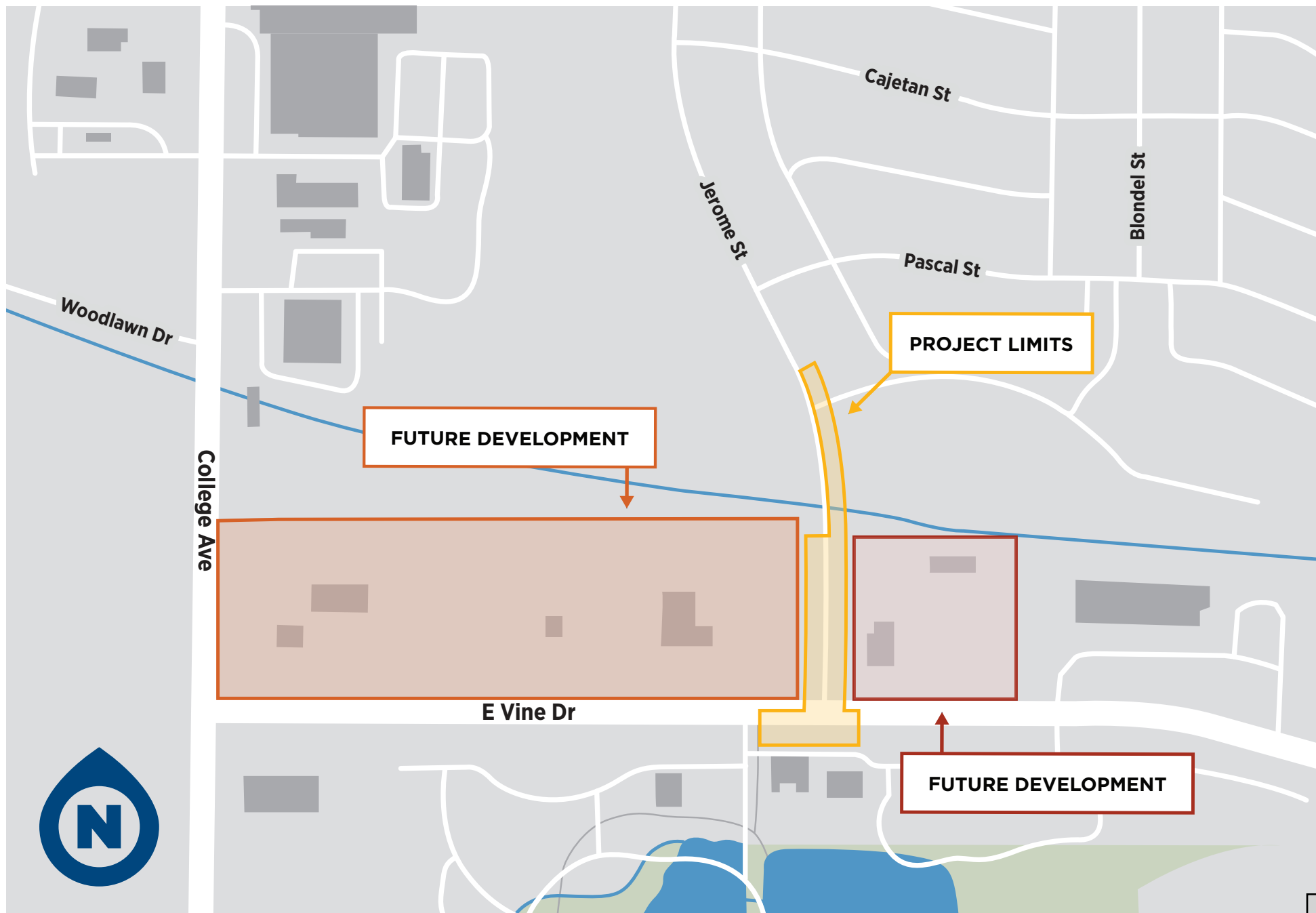
## **ATTACHMENTS**

1. Vicinity Map
2. Area Map
3. Proposed and Existing Plans
4. URA Board Regular Meeting Minutes, January 23, 2025
5. DDA Regular Directors' Meeting February 2025 Minutes
6. Resolution 2025-057
7. Ordinance No. 085, 2025

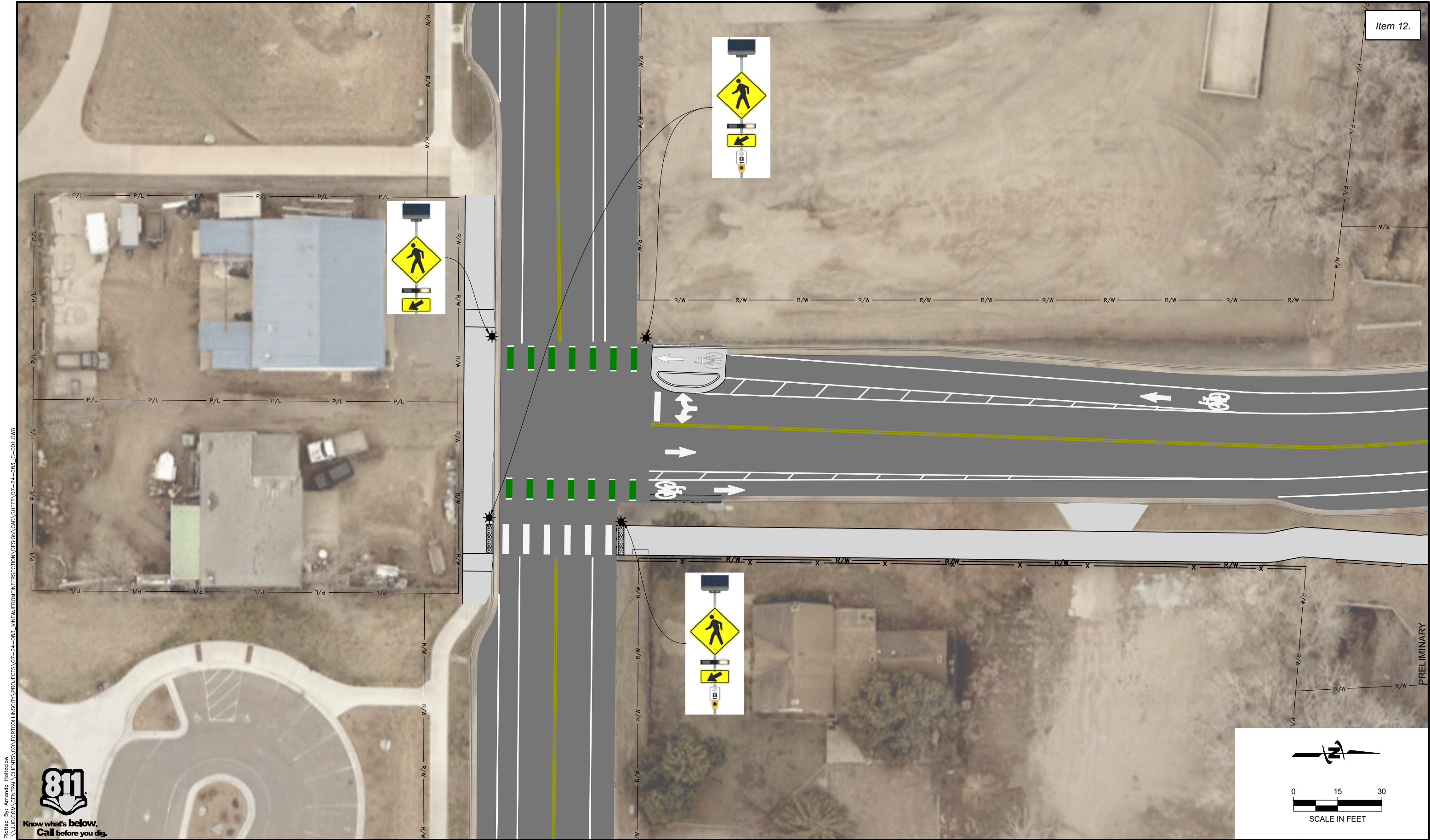




# VINE & JEROME CROSSING IMPROVEMENTS









Know what's below.  
Call before you dig.

Print Date: 9/4/2024

Scale: AS NOTED



2809 E. Harmony Rd., Suite 300  
Fort Collins, CO 80528  
Phone: 970.377.3602

0000

Sheet Revisions		
Date:	Comments	Init.



281 N College Ave  
Fort Collins, CO 80524  
Phone: (970) 221-6605  
Fax: (970) 221-6378

PRELIMINARY

No Revisions:

Revised:

Void:

VINE DR. AND JEROME ST.  
PROPOSED PLAN VIEW

Designer:	AHOLTZCLAW	Structure Numbers	
Detailer:	AHOLTZCLAW		
Sheet Subset:	PLAN	Subset Sheets:	1 of 2

Project No.

07-24-083

Drawing Number C-

Sheet Number 1


Page 131





Plot Date: 9/4/2024 3:18 PM  
Plotted By: Amanda Holtzclaw  
Date Created: 9/2/2024  
Path: \\JUB-001\CENTRAL CLIENTS\CO FORT COLLINS\PROJECTS\07-24-083 VINE&JEROME INTERSECTION DESIGN\CAD SHEET\07-24-083\_C-001.DWG



Print Date: 9/4/2024	
Scale: AS NOTED	
 J-U-B ENGINEERS, INC.	2809 E. Harmony Rd., Suite 300 Fort Collins, CO 80528 Phone: 970.377.3602

0000	Sheet Revisions		
	Date:	Comments	Init.



City of  
**Fort Collins**  
Engineering  
[fcgov.com/engineering](http://fcgov.com/engineering)

281 N College Ave  
Fort Collins, CO 80524  
Phone: (970) 221-6605  
Fax: (970) 221-6378

PRELIMINARY	VINE DR. AND JEROME ST. EXISTING PLAN VIEW			Project No.
	No Revisions:			07-24-083
Revised:	Designer: AHOLTZCLAW	Structure Numbers		Drawing Number C-
Void:	Detailer: AHOLTZCLAW			Sheet Number 2 of 2
Sheet Subset: PLAN		Subset Sheets: 2 of 2		



January 23, 2025

**URBAN RENEWAL AUTHORITY BOARD****Regular Meeting – 5:00 PM****A) CALL MEETING TO ORDER**

Vice Chair Kristin Stephens called the regular meeting to order at 5:01 p.m. in the CIC room at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

**B) ROLL CALL****PRESENT**

Vice Chair Kristin Stephens  
 Boardmember Susan Gutowsky  
 Boardmember Julie Pignataro  
 Boardmember Malanie Potyondy  
 Boardmember Emily Francis  
 Boardmember Kristin Draper (arrived at 5:09 p.m.)  
 Boardmember Dan Sapienza  
 Boardmember Matt Schild (arrived at 5:05 p.m.)  
 Boardmember Tricia Canonico (remote/non-voting)

**ABSENT**

Chair Jeni Arndt  
 Boardmember Melanie Potyondy  
 Boardmember Kelly Ohlson

**STAFF PRESENT**

Acting Executive Director Josh Birks  
 Assistant Secretary Amani Chamberlin

**C) EXECUTIVE DIRECTORS' AGENDA REVIEW**

Acting Executive Director Josh Birks provided an overview of the agenda, including:

- Updates to previous sets of minutes were sent out today.
- No other changes to the published agenda.
- Possible executive session.

**D) PUBLIC PARTICIPATION**

None.

**E) PUBLIC PARTICIPATION FOLLOW-UP**

None.

**F) COMMISSIONER REPORTS**

None.

## G) DISCUSSION ITEMS

Item 12.

1. **Consideration and Approval of the Minutes for the September 26, 2024, October 24, 2024, and the December 2, 2024 Urban Renewal Authority Board Meetings.**

*The purpose of this item is to approve the minutes of the September 26, 2024, October 24, 2024, and the December 2, 2024 Urban Renewal Authority Board meetings.*

**Boardmember Gutowsky moved, seconded by Boardmember Potyondy, to approve the amended minutes of the September 26, 2024, October 24, 2024, and December 2, 2024.**

***The motion carried 8-0.***

2. **Public Hearing and Consideration of Resolution No. 140 Adopting a Supplemental Budget Resolution for Vine & Jerome Intersection Improvements.**

*The purpose of this item is to consider a resolution authorizing a funding contribution to the City's Vine Drive and Jerome Street Intersection Improvements Project (Project), and if so, what level of contribution is agreeable.*

Andy Smith, Redevelopment Program Manager, noted this item was presented to the Finance Committee late last year and the Committee offered support for full consideration by the Board.

Dana Hornkohl, Engineering Department, stated this item relates to authorizing a funding contribution to the City's Vine Drive and Jerome Street Intersection Improvements Project. He noted both roadways are two-lane connectors and there are currently no crossing facilities for either bicycles or pedestrians at the intersection. Hornkohl noted there has been a fatality at the intersection and many of the improvements are meant to address the way in which that occurred as well as observed undesirable behaviors in the intersection.

Hornkohl outlined the proposed improvements that would be part of this project and showed some renderings of the completed intersection. He noted staff is recommending the URA offer a contribution to the base project, which does not include improvements on the west side and which is based on the amount of the project that is within the URA boundary, in the amount of \$293,000. Hornkohl noted staff is not recommending a contribution to the west side improvements as that includes an additional significant cost due to the necessary right-of-way acquisition and significant construction costs, and would total approximately an extra \$449,000.

### PUBLIC COMMENT

None.

### BOARD DISCUSSION

Boardmember Pignataro asked if the DDA is amenable to contributing funds to the project. Hornkohl replied they have provided positive feedback for a base level contribution and noted staff will be going before that board in February. Additionally, the DDA has proposed some amenities such as screening of the south properties and wayfinding it would fund in whole to add to the project.

Boardmember Pignataro asked about the proposed developments on the west side. Hornkohl replied Powerhouse II is proposed at the corner of Vine and Jerome and Jerome Street Station is proposed on the parcel just north of that.

Boardmember Francis expressed support for the base project funding contribution.



Vice Chair Stephens concurred and stated it is important to move ahead with the safety improvements even if the west side improvements are not part of the project.

Item 12.

Boardmember Schild asked about the bike traffic pattern if only the east side improvements are made. Hornkohl replied there are bike improvements on both sides, but only pedestrian improvements on the east side.

Boardmember Gutowsky expressed support for funding the project, particularly given the fatality that occurred.

***Boardmember Pignataro moved, seconded by Boardmember Francis, to adopt Resolution No. 140 Adopting a Supplemental Budget Resolution for Vine & Jerome Intersection Improvements inserting the amount of \$293,076.***

***The motion carried 8-0.***

3. **Potential executive session pursuant to C.R.S. § 24-6-402(4)(a), (b) and (e) to discuss the potential purchase or acquisition of real property interests, to receive legal advice on specific legal questions, and to determine positions relative to matters that may be subject to negotiations related to property in the North College Urban Renewal Plan area.**

***Boardmember Potyondy moved, seconded by Boardmember Francis, that the Fort Collins Urban Renewal Authority go into executive session pursuant to: C.R.S. § 24-6-402(4)(a), (b) and (e) for the purpose of discussing with the Authority's attorneys and appropriate management staff the following items, all related to property in the North College Urban Renewal Plan Area.***

***The motion carried 8-0.***

4. **Public Hearing and Consideration Resolution No. 141 Authorizing the Acquisition of Property at 1513 N. College Ave. and Adopting a Supplemental 2025 Budget Resolution to Authorize Funds to Acquire Said Property**

*The owner of the property located at 1513 North College Ave (Property) has signed a Purchase and Sale Agreement (PSA) now before the URA Board of Commissioners for consideration. If the Board agrees with the PSA terms, a resolution authorizing the URA Acting Executive Director to sign the PSA and closing documents on behalf of the URA as Buyer is presented for Board approval (Exhibit A). If the PSA is signed by the Acting Executive Director, the URA will then have certain rights to inspect and purchase the Property per the terms of the PSA. The resolution does not require the URA to purchase the Property.*

Andy Smith, Redevelopment Program Manager, stated this item relates to a purchase and sale agreement (PSA) to acquire the property located at 1513 North College Avenue, the Budget Host Motel. Smith noted the motel has 31 rooms, approximately ten of which have been red tagged due to methamphetamine contamination, on 0.72 acres and is currently enrolled in the public nuisance ordinance program with the City.

Smith stated the seller has signed the PSA and noted the document only provides for the right to purchase the property, but does not obligate the URA to do so. Smith outlined some of the details of the PSA, including the price of \$2.15 million, 120 days of inspection, and a closing 35 days after the end of the due diligence period, or later if the property is not cleared of all property and tenants. Smith also noted one of the allowed activities of the URA is the acquisition of property to prevent blight.

**PUBLIC COMMENT**

None.

**DOWNTOWN DEVELOPMENT AUTHORITY  
Regular Directors' Meeting**

Susan Gutowsky, Council Liaison	970-294-2575
Kristin Stephens, County Commission Liaison	970-498-7001
Dave Lingle, Board Chair	970-227-4166

**MINUTES of February 13, 2025**

The Board of Directors of the Downtown Development Authority met in Regular Session at 7:30 a.m. on Thursday, February 13, 2025, at Rocky Mountain Innosphere, 320 E. Vine Drive, Fort Collins, CO 80524.

**PRESENT**

Abigail Christensen; Sam Coutts; Susan Gutowsky; Dave Lingle; Holli McElwee; Jenny Schultz; Randy Shortridge; Kristin Stephens (arrived 7:35 a.m.); Cheryl Zimlich

**ABSENT**

Rebecca Hill; Mandi Huston

**STAFF**

Matt Robenalt, Executive Director; Jala Curtis, Marketing and Communications Program Supervisor; Todd Dangerfield, Project Manager; Tom Dent, Technology & Maintenance Manager; Janna Dickerson, Marketing and Communications Coordinator; Derek Getto, Project Manager for Policy & Programs; Kristy Klenk, Finance & HR Manager; Krista Knott, Administrative Manager; Josh Liley, Legal Counsel

**GUESTS**

Michael Bussman, City of Fort Collins; Kelly DiMartino, City of Fort Collins; Florian Fiebig, City of Fort Collins; Cortney Geary, City of Fort Collins; Dana Hornkohl, City of Fort Collins; Erin Udell, Coloradoan

**CALL TO ORDER**

Dave Lingle called the meeting to order at 7:31 a.m. Mr. Lingle welcomed the newest Board member, Abigail Christensen.

**APPROVAL OF MINUTES**

Moved by Jenny Schultz, seconded by Susan Gutowsky: To approve the minutes of December 12, 2024. The motion passed unanimously.

**ALL IDEAS: BIG AND SMALL**

There were no ideas presented by the public.

**UPDATES**

There were no questions about updates.



Sam Coutts asked that in the event the DDA enters into an IGA with the City, and the future ballot measure fails, what impact would that have on the DDA. Matt Robenalt noted that in the IGA there is a provision that allows the DDA to cancel the agreement if this project is not included in the CCIP ballot measure that is advanced to voters, and in that scenario the DDA could reallocate its contribution to a more immediate priority. The DDA will know by August if City Council elects to include this project in the CCIP ballot measure, and acknowledged, however, there is always a risk that the voters may not approve the ballot measure.

Mr. Shortridge encouraged the plan to assess the location of street trees at intersections and to consider all modes of traffic, noting that trees located closer to the intersection are generally a more inviting experience for pedestrians and cyclists.

Mr. Coutts asked if the design concept included any below-grade improvements. Mr. Hornkohl noted there are none they are aware of, but will work with the Utilities Department to ensure coordination of any upgrades below-grade are taken into account.

Mr. Getto noted legal council drafted an IGA, but the document still needs to be reviewed by the City.

**Moved by Jenny Schultz, seconded by Sam Coutts: To approve the IGA as presented, authorize the Executive Director, in consultation with DDA legal counsel, to approve changes to the IGA in form and substance, and authorize the Board Chair to execute the IGA. The motion passed unanimously.**

**PRESENTATION BY ENGINEERING CAPITAL PROJECTS TEAM AND FUNDING REQUEST FOR VINE DR. / JEROME ST. INTERSECTION ENHANCEMENTS**

Derek Getto and Dana Hornkohl presented the funding request for Vine Drive and Jerome Street intersection enhancements. Mr. Hornkohl highlighted this intersection as being somewhat of a gateway to the River District and downtown. At this time, there are no pedestrian or bike crossings at this intersection. This intersection was included in the Active Modes plan and has been identified as a significant crash intersection. The City could not use grant funds for redevelopment and thus requested contributions from the DDA and URA to assist in funding these improvements.

Improvements to the intersection would include a bicycle and pedestrian crossing on the east side, expansion of the sidewalk width on the south side of Vine, and connection to the Old Town North trail and Poudre River trail.

Randy Shortridge asked that when the west side is built if an ADA ramp would be included. Mr. Hornkohl said it could be possible but it will need to be worked out as the design is finalized.

Sam Coutts added that north of that intersection, a proposed development project in the Old Town North area could lead to more pedestrian traffic on the west side of Jerome Street.

Mr. Hornkohl noted the City has \$350,000 of funding going towards the project and the URA agreed to contribute \$293,000. The DDA's proposed contribution of \$143,994, would go towards the enhancement of improvements, the pedestrian white crossing stripes, green bike crossing stripes, flashing beacons, and some urban design elements.

Mr. Getto noted that when the DDA invests in projects, the organization typically funds enhancements rather than basic street improvements. Mr. Honkohl and DDA staff have identified a number of items

that are considered enhancements, which include a Right-of-Way acquisition, enhanced concrete to widen sidewalks from 5' to 10', different curb enhancements, flashing beacons, and electrical for the beacons. It was noted that due to the location being on the edge of the DDA boundary at a gateway into downtown, it corresponds with the Board's stated desire to support gateway features as identified in the DDA's 5-Year Investment Plan.

Mr. Robenalt noted there is an opportunity to install some decorative metal fence panels, similar to those used in the last round of enhanced alley to support the design enhancement and thus the gateway emphasis. Drawing upon some elements of the Poudre Whitewater Park monument sign and its integration into the metal fence panels would create some visual cohesiveness indicating that pedestrians and cyclists have arrived at the Whitewater Park. Mr. Shortridge encouraged the City to work with the welder of one of the businesses in that area to create some of the art enhancements.

Mr. Getto noted there was a funding discrepancy between slides shown during the meeting and the Board packet, as he used construction costs for 2025 while Mr. Hornkohl's slides used construction costs for 2026. Timing of this project will be dependent on both right-of-Way acquisition for the south side of Vine Drive and the the northeast corner.

Kristin Stephens noted that, as a member of URA Commission, a vote passed to fund the \$293,076 for this project, as the URA believes it to be a worthwhile improvement project.

**Moved by Cheryl Zimlich, seconded by Jenny Schultz: To approve funding commitment of \$144,000 for the project and direct staff and legal counsel to develop an Intergovernmental Agreement for the integration of DDA funds into the project. The motion passed unanimously.**

#### **OTHER BUSINESS**

No other business was discussed.

#### **ADJOURN**

There being no further business, the meeting adjourned at 9:56 a.m.

  
Cheryl A Zimlich, Secretary

RESOLUTION 2025-057  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL  
 AGREEMENT REGARDING A GRANT OF FUNDS FOR  
 IMPROVEMENTS TO THE INTERSECTION OF VINE DRIVE AND  
 JEROME STREET BETWEEN THE CITY OF FORT COLLINS AND THE  
 DOWNTOWN DEVELOPMENT AUTHORITY

A. The purpose of this item is to enable the City to receive and expend Downtown Development Authority (“DDA”) grant funds for the Vine Drive and Jerome Street Intersection Improvements project (“Project”). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street.

B. East Vine Drive and Jerome Street intersect in northeast Fort Collins, just north of the Poudre River Whitewater Park. The City’s current Master Street Plan (adopted December 2023) designates Vine Drive and Jerome Street as two-lane collectors.

C. Currently, traffic on Jerome Street is controlled by a four way stop sign at the intersection of Jerome Street and Vine Drive, but there are no crossing facilities at the intersection. The City’s Active Modes Plan (adopted December 2022) recommends pedestrian and bicycle crossing improvements at the intersection. The City’s North College MAX Bus Rapid Transit Plan also recommends a roadway crossing improvement at Vine Drive and Jerome Street as a key improvement to support active mode use in the North College area and improve access to public transportation.

D. The City’s Strategic Trails Plan, which is in development and scheduled to go before City Council for adoption on July 1, 2025, includes a proposed trails map that depicts a trail connection between northeast Fort Collins and the Whitewater Park through this intersection. This regional trail extension was originally identified in the 2013 Paved Recreational Trails Plan and has been carried over through the update of the Strategic Trails Plan.

E. As northeast Fort Collins continues to grow, the number of people walking, biking, and engaged in other active modes of transportation will increase through this intersection, which is a gateway and connection point between northeast Fort Collins and destinations such as the Whitewater Park, the Poudre River Trail, and Old Town Fort Collins.

F. An active modes traffic count and observation study was performed in August of 2024. The observations in the study indicate the need for intersection crossing improvements. These observations include data establishing that 36% of bicyclists observed cut diagonally through the intersection, crossing the yellow road centerline rather than completing a full turn; 26% of all bicyclists observed rode on the sidewalk;

bicyclists rode the wrong way in the Vine bike lane to access a sidewalk ramp; bicyclists traveled the wrong way in a bike lane; and pedestrians crossed where no sidewalk exists.

G. In June 2021, a person riding a bike was killed in a crash at this intersection.

H. City staff representing FC Moves, Park Planning and Development, Traffic Operations, and Engineering have developed the Project to address these safety and infrastructure concerns. A conceptual proposed plan for the Project includes the following:

- Two-way pedestrian crossing of Vine Drive on the east side of Jerome Street
- Bicycle crossings (northbound and southbound) of Vine Drive on either side of Jerome Street;
- Rectangular Rapid Flashing Beacons (“RRFBs”) with push buttons for pedestrians and cyclists;
- Protected bike corner island on the west side of Jerome Street intended to reduce right turn speeds and protect cyclists waiting to activate the beacon and cross the street;
- Improved and widened sidepath (trail) on the south side of the intersection (Vine Drive) with Americans with Disabilities Act (“ADA”) compliant ramps, connecting to the Whitewater Park and Poudre River Trail;
- Widened sidepath (trail) on the east side of Jerome Street to serve as the northeast trail extension; and
- New striping, signing, and marking of the intersection to safely facilitate pedestrian and bicycle movements.

I. Portions of the Project site lie within the North College Urban Renewal Authority (“URA”) area, north of Vine Drive and the DDA boundary, south of Vine Drive.

J. Staff attended the URA Board in January 2025, presented the Project, and requested financial participation in the Project. The URA voted to contribute \$293,076 toward the Project.

K. Staff went to the DDA’s Director’s Meeting in February 2025, presented the Project, and requested financial participation. The DDA voted to contribute \$82,659 toward the Project as well as \$61,341 toward urban design elements for the active modes gateway to Old Town.

L. Project funding also includes traditional transportation capital project funding from Community Capital Improvement Program (“CCIP”) bicycle and pedestrian funds, Transportation Capital Expansion Fees, and Transportation Services funds. The Conservation Trust Fund is contributing funding for elements of the northeast trail system included in the Project. Transfers of the 2050 Tax – Our Climate Future funds from two similar and completed active modes related projects (Centre Avenue Crossing Improvements and Laporte Avenue Bike Lanes) will also help fund the Project. The Our Climate Future Executive Committee was consulted on these transfers and agrees with the alignment between the original projects and this Project.

M. For the DDA funding, the DDA has proposed an IGA with the City, approved by the DDA's Board of Directors on February 13, 2025, to cooperate in the preparation and design for the Project.

N. The IGA funds are anticipated to be appropriated via Ordinance No. 085, 2025, and used for outreach, design, right-of-way acquisition, and construction for the Project.

O. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

P. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

Q. City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and funds anticipated to be appropriated pursuant to this IGA and for the overall Project amount to \$955,876.40. City staff recommends that the City Council appropriate funds in this amount by separate ordinance.

R. The City Council finds and determines that the Project and the DDA grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating improvement of the City's multimodal transportation safety and infrastructure and streetscapes, and that the Mayor be authorized to execute the IGA between the City and the DDA in support thereof.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council authorizes the Mayor to execute, on behalf of the City, the intergovernmental agreement with the Downtown Development Authority, in substantially the form attached hereto as Exhibit A, with additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Section 2. The City Council hereby authorizes the City Manager to approve and execute future amendments to the intergovernmental agreement with the Downtown Development Authority relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of

the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the intergovernmental agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the intergovernmental agreement.

Passed and adopted on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 20, 2025

Approving Attorney: Heather N. Jarvis

Exhibit A: Intergovernmental Agreement with the Downtown Development Authority

**INTERGOVERNMENTAL AGREEMENT REGARDING  
A GRANT OF FUNDS FOR IMPROVEMENTS TO THE  
INTERSECTION AT JEROME STREET AND VINE DRIVE**

This Intergovernmental Agreement (“Agreement”) is made and entered into on the date of last signature below, by and between the CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation (the “City”), and the FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, a body corporate and politic (the “DDA”).

WITNESSETH:

WHEREAS, pursuant to C.R.S. §31-25-808(1)(g), the DDA is empowered to make contributions, grants, and loans to the City which will further the statutory mission of the DDA;

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council of the City, by ordinance or resolution, to enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies;

WHEREAS, C.R.S. §29-1-203 also provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve;

WHEREAS, the City intends to construct certain improvements to the intersection of Jerome Street and Vine Drive (the “Jerome-Vine Intersection Project”), which would ordinarily be done in accordance with Larimer County Urban Area Streetscape Standards (“LCUASS”);

WHEREAS, the DDA desires to contribute eighty-two thousand six hundred fifty-nine dollars (\$82,659) to the Jerome-Vine Intersection Project for the purpose of enabling the City to construct enhanced improvements that exceed the requirements of LCUASS, which enhanced improvements are described in the budget table attached hereto and incorporated herein as “**Exhibit A**”, consisting of one (1) page, and include ten-feet (10’) wide sidewalks, pedestrian signal crossings, and wayfinding signage (the “Enhanced Intersection Features”);

WHEREAS, the DDA and the City desire to incorporate into the Jerome-Vine Intersection Project a feature along the south side of Vine Drive that will highlight the area as a pedestrian and bicycle gateway to downtown Fort Collins, which the parties agree will contain as an element decorative fencing and which will be complimentary in design to the existing Poudre River Whitewater Park monument sign located to the west of the intersection at Jerome Street and Vine Drive (the “Gateway Fencing Feature”);

WHEREAS, the DDA desires to contribute to the City the sum of four thousand five hundred dollars (\$4,500) for the preparation of designs for the Gateway Fencing Feature, and the sum of fifty-six thousand eight hundred forty-one dollars (\$56,841) for construction of the

Gateway Fencing Feature;

WHEREAS, the Jerome-Vine Intersection Project, including the Gateway Fencing Feature, is located within the boundaries of the DDA and such project is consistent with the statutory goals and purposes of the DDA as set forth in C.R.S. §31-25-801, et seq., and the DDA's adopted plan of development;

WHEREAS, the Jerome-Vine Intersection Project will further the mission of the DDA by increasing safety, improving traffic flow, and creating a more visually appealing and attractive pedestrian environment along Vine Drive;

WHEREAS, the Board of Directors of the DDA, at a meeting held on May 8, 2025, approved the contribution to the City of up to one hundred forty-four thousand dollars (\$144,000) for construction of the Enhanced Intersection Features and the design and construction of the Gateway Fencing Feature, on the terms and conditions set forth herein; and

WHEREAS, by Resolution 2025-057, the City Council of the City authorized the Mayor to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises herein and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties adopt the foregoing recitals and agree as follows:

1. Grant of DDA Funds. The DDA shall grant to the City the sum of up to one hundred forty-four thousand dollars (\$144,000) for the Jerome-Vine Intersection Project (the "Grant Funds") under, and subject to, the following terms and conditions:

- a. *Grant of Funds – Enhanced Intersection Features*. The DDA shall transfer to the City the sum of eighty-two thousand six hundred fifty-nine dollars (\$82,659) upon execution of this IGA, which funds may be used by the City solely for the following purposes: (i) payments to the City's Jerome-Vine Intersection Project contractor for construction of the Enhanced Intersection Features; and (ii) to cover costs incurred by the City which are directly related to the contract therefor, including, but not limited to, materials, printing, and document and/or data production or reproduction. For the avoidance of doubt, the City understands and agrees that it shall not receive any funds for City staff time spent working on the Jerome-Vine Project, including the Enhanced Intersection Features, or in relation thereto.
- b. *Grant of Funds – Gateway Fencing Feature*. The DDA shall transfer to the City the sum of four thousand five hundred dollars (\$4,500) upon execution of this IGA, which funds may be used by the City solely to pay the cost of having a third-party contractor prepare designs for the Gateway Fencing Feature. The selection of the design contractor shall be done in accordance with the City's purchasing policies. Once such designs have been completed and a contract has been awarded by the City to a third-party contractor for the construction of the Gateway Fencing Feature, which may be the Jerome-Vine Intersection Project contractor or another third-party



contractor selected in accordance with the City's purchasing policies, the DDA shall transfer to the City the sum of fifty-six thousand eight hundred forty-one dollars (\$56,841), which funds may be used by the City solely for the following purposes: (i) payments to the contractor for construction of the Gateway Fencing Feature; and (ii) to cover costs incurred by the City which are directly related to the contract therefor, including, but not limited to, materials, printing, and document and/or data production or reproduction. For the avoidance of doubt, the City understands and agrees that it shall not receive any funds for City staff time spent working on the Gateway Fencing Feature or in relation thereto. If the actual cost to construct the Gateway Fencing Feature is less than the amount of the DDA's contribution under this Section 1(b), the City shall return to the DDA the remaining balance of such funds within a reasonable period of time after completion of such project.

- c. *Accounting.* The City shall periodically provide to the DDA copies of contractor invoices and other documentation sufficient for the DDA to determine that the Grant Funds have been expended by the City in a manner consistent with this Agreement. The frequency with which the City shall provide such information shall be as reasonably determined by the parties, but in no case more often than once every sixty (60) days.
- d. *Expiration of Grant Funds.* Any Grant Funds not expended by the City for the above-stated purposes by December 31, 2027, shall be promptly returned to the DDA.
- e. *Maximum Amount of Grant Funds under Agreement.* The maximum amount of DDA funds that shall be disbursed to the City pursuant to this Agreement shall be \$144,000.

2. DDA Involvement in Design Development - Gateway Fencing Feature. The City agrees to provide the DDA with a meaningful opportunity to participate in the design development process for the Gateway Fencing Feature to include, but not be limited to, providing the DDA with copies of draft and final designs as they are delivered to the City, and the opportunity to attend meetings at which designs are presented and discussed. The City further agrees to in good faith consider feedback provided by DDA staff on the designs.

3. Notice. All notices to be given to parties hereunder shall be in writing and shall be sent by certified mail to the addresses specified below:

DDA: Downtown Development Authority  
Attn: Executive Director  
19 Old Town Square, Suite 230  
Fort Collins, CO 80524

With a copy to: Liley Law, LLC  
Attn: Joshua C. Liley  
2727 Redwing Road, Suite 342

Fort Collins, CO 80526

CITY: City of Fort Collins  
Attn: Director of Infrastructure Services  
215 N. Mason Street  
Fort Collins, CO 80521

With a copy to: City of Fort Collins  
Attn: City Attorney  
300 LaPorte Avenue  
Fort Collins, CO 80521

4. Governing Law. This Agreement shall be governed by, and its terms construed under, the laws of the State of Colorado.

5. Annual Appropriations. Any financial obligations of the DDA or the City arising under this Agreement which are payable after the current fiscal year are contingent upon funds for that purpose being annually appropriated, budgeted, and otherwise made available by the City Council of the City, in its discretion, and/or the DDA Board, in its discretion, as applicable

6. No Third-Party Beneficiaries. It is the mutual intent of the parties that this Agreement shall inure to the benefit of only the parties hereto. Accordingly, nothing in this Agreement shall be construed as creating any right or entitlement which inures to the benefit of any third party.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year of the last signature below written.

CITY OF FORT COLLINS, COLORADO,  
a Colorado municipal corporation

By: \_\_\_\_\_  
Jeni Arndt, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Heather N. Jarvis, Assistant City Attorney

FORT COLLINS, COLORADO, DOWNTOWN  
DEVELOPMENT AUTHORITY, a body corporate  
and politic

By: \_\_\_\_\_  
David Lingle, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Cheryl A. Zimlich, Secretary

# Exhibit A

## Vine & Jerome Intersection Improvements DDA Funding Amounts

Item	Within DDA Boundary
<b>Enhanced Features of Base Intersection Improvements</b>	
<b><u>ROW Acquisition</u></b>	
Property 1 (50% of cost)	\$11,654
Property 2 (50% of cost)	\$13,668
<b><u>Concrete</u></b>	
Concrete Sidewalk (6") 10 ft wide	\$13,631
Concrete Curb Ramp (Special)(8") (includes tapers and truncated domes)	\$6,093
Curb Type 2 (Section B)	\$3,164
<b><u>Electrical</u></b>	
Two - 2 Inch Electrical Conduit for Power & Signal (Trenched PVC)	\$2,179
Two - 2 Inch Electrical Conduit for Power & Signal (Bored PVC)	\$3,219
2 Inch Electrical Conduit - Power Source	\$2,179
Pedestrian Push Button Post Assembly	\$4,328
Pull Box (18"x30"x18") Deep	\$2,904
RRFB Flashing Beacon	\$18,340
<b><u>Wayfinding and signage</u></b>	
Way Finding Signage	\$1,125
4" PVC Sleeve (6" Long - for sign blockouts)	\$175
<b><i>Subtotal: Enhanced Features of Base Intersection Improvements</i></b>	<b>\$82,659</b>
<b>DDA Urban Design Grant (Additional Enhancement)</b>	
Decorative fencing allowance 135 LF @ \$412 per ft.	\$56,842
Design Consulting Services	\$4,500
<b><i>Subtotal: Design grant</i></b>	<b>\$61,342</b>
<b>Total funding recommendation</b>	<b>\$144,000</b>

ORDINANCE NO. 085, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS AND  
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING  
TRANSFERS OF APPROPRIATIONS FOR THE VINE DRIVE AND  
JEROME STREET INTERSECTION IMPROVEMENTS PROJECT  
AND RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate grant monies received pursuant to an intergovernmental agreement (“IGA”), authorized by Resolution 2025-057, between the City and the Downtown Development Authority (“DDA”) for the Vine Drive and Jerome Street Intersection Improvements project (“Project”). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street.

B. East Vine Drive and Jerome Street intersect in northeast Fort Collins, just north of the Poudre River Whitewater Park. The City’s current Master Street Plan (adopted December 2023) designates Vine Drive and Jerome Street as two-lane collectors.

C. Currently, traffic on Jerome Street is controlled by a four way stop sign at the intersection of Jerome Street and Vine Drive, but there are no crossing facilities at the intersection. The City’s Active Modes Plan (adopted December 2022) recommends pedestrian and bicycle crossing improvements at the intersection. The City’s North College MAX Bus Rapid Transit Plan also recommends a roadway crossing improvement at Vine Drive and Jerome Street as a key improvement to support active mode use in the North College area and improve access to public transportation.

D. The City’s Strategic Trails Plan, which is in development and scheduled to go before City Council for adoption on July 1, 2025, includes a proposed trails map that depicts a trail connection between northeast Fort Collins and the Whitewater Park through this intersection. This regional trail extension was originally identified in the 2013 Paved Recreational Trails Plan and has been carried over through the update of the Strategic Trails Plan.

E. As northeast Fort Collins continues to grow, the number of people walking, biking, and engaged in other active modes of transportation will increase through this intersection, which is a gateway and connection point between northeast Fort Collins and destinations such as the Whitewater Park, the Poudre River Trail, and Old Town Fort Collins.

F. An active modes traffic count and observation study was performed in August of 2024. The observations in the study indicate the need for intersection crossing improvements. These observations include data establishing that 36% of bicyclists observed cut diagonally through the intersection, crossing the yellow road centerline rather than completing a full turn; 26% of all bicyclists observed rode on the sidewalk;

bicyclists rode the wrong way in the Vine bike lane to access a sidewalk ramp; bicyclists traveled the wrong way in a bike lane; and pedestrians crossed where no sidewalk exists.

G. In June 2021, a person riding a bike was killed in a crash at this intersection.

H. City staff representing FC Moves, Park Planning and Development, Traffic Operations, and Engineering have developed the Project to address these safety and infrastructure concerns. A conceptual proposed plan for the Project includes the following:

- Two-way pedestrian crossing of Vine Drive on the east side of Jerome Street;
- Bicycle crossings (northbound and southbound) of Vine Drive on either side of Jerome Street;
- Rectangular Rapid Flashing Beacons (“RRFBs”) with push buttons for pedestrians and cyclists;
- Protected bike corner island on the west side of Jerome Street intended to reduce right turn speeds and protect cyclists waiting to activate the beacon and cross the street;
- Improved and widened sidepath (trail) on the south side of the intersection (Vine Drive) with Americans with Disabilities Act (“ADA”) compliant ramps, connecting to the Whitewater Park and Poudre River Trail;
- Widened sidepath (trail) on the east side of Jerome Street to serve as the northeast trail extension; and
- New striping, signing, and marking of the intersection to safely facilitate pedestrian and bicycle movements.

I. Portions of the Project site lie within the North College Urban Renewal Authority (“URA”) area, north of Vine Drive and the DDA boundary, south of Vine Drive.

J. Staff attended the URA Board in January 2025, presented the Project for the URA Board’s recommendation, and requested financial participation in the Project. The URA voted to contribute \$293,076 toward the Project.

K. Staff attended the DDA’s Director’s Meeting in February 2025, presented the Project, and requested financial participation. The DDA voted to contribute \$82,659 toward the Project as well as \$61,341 toward urban design elements for the active modes gateway to Old Town.

L. Project funding also includes traditional transportation capital project funding from Community Capital Improvement Program (“CCIP”) bicycle and pedestrian funds, Transportation Capital Expansion Fees, and Transportation Services funds. The Conservation Trust fund is contributing funding for elements of the northeast trail system included in the Project. Transfers of the 2050 Tax – Our Climate Future funds from two similar and completed active modes related projects (Centre Avenue Crossing Improvements and Laporte Avenue Bike Lanes) will also help fund the Project. The Our Climate Future Executive Committee was consulted on these transfers and agrees with the alignment between the original projects and this Project.

M. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

N. The City Manager has recommended the appropriations described in Section 7 and Section 8 and determined that the funds to be appropriated in those Sections are available and previously unappropriated from the Capital Projects fund that these appropriations will not cause the total amount appropriated in the Capital Projects fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

O. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

P. The City Manager has recommended the appropriations described in Section 9 and Section 10 and determined that the funds to be appropriated in those Sections are available and previously unappropriated from Transportation Services fund and the Transportation Capital Expansion Fee fund and that these appropriations will not cause the total amount appropriated in the Transportation Services fund and the Transportation Capital Expansion Fee fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

Q. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

R. The City Manager has recommended the transfers of appropriations in Sections 1 through 6 and Sections 11 through 13, including the transfer of \$135,200 from the Bicycle CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project in the Capital Project fund, \$165,000 from the Conservation Trust fund to the Capital Projects fund, \$65,757 from the Pedestrian CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project in the Capital Projects fund, \$293,076 in the Urban Renewal Authority fund to the Capital Projects fund, \$146,473 from the 2050

Tax Parks Rec Transit OCF fund to the Capital Projects fund, \$4,283 from the Transportation Capital Expansion Fee fund to the Capital Projects fund, \$87 from the Transportation Services fund to the Capital Projects fund and \$4,370 from the Capital Projects fund to the Cultural Services fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

S. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places ("APP") program.

T. The project cost of \$437,000, that originated from the URA and DDA contributions, has been used to calculate the contribution to the APP program.

U. The remainder of the project cost being appropriated in this Ordinance is ineligible for use in the APP Program due to previously contributing to the APP program.

V. The amount to be contributed in this Ordinance will be \$4,370.

W. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

X. The City Council wishes to designate the appropriations herein for the Vine Drive and Jerome Street Intersection Improvements Project as appropriations that shall not lapse until the completion of the Project.

Y. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purposes of improving multimodal transportation and streetscape infrastructure and safety within the City.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of ONE HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED DOLLARS (\$135,200) is authorized for transfer from the Bicycle CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project account in the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000) is authorized for transfer



from the Conservation Trust fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 3. The unexpended and unencumbered appropriated amount of SIXTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$67,757) is authorized for transfer from the Pedestrian CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project project account in the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 4. The unexpended and unencumbered appropriated amount of TWO HUNDRED NINETY-THREE THOUSAND SEVENTY-SIX DOLLARS (\$293,076) is authorized for transfer from the Urban Renewal Authority fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 5. The unexpended and unencumbered appropriated amount of ONE HUNDRED FOUR THOUSAND TWO HUNDRED NINE DOLLARS (\$104,209) is authorized for transfer from the Bike/Ped Crossing Project in the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 6. The unexpended and unencumbered appropriated amount of FORTY-TWO THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS: (\$42,263) is authorized for transfer from the Laporte Ave Bike Lanes Project in the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 7. There is hereby appropriated from new revenue or other funds from the DDA contribution in the Capital Projects fund the sum of EIGHTY-TWO THOUSAND SIX HUNDRED FIFTY-NINE DOLLARS (\$82,659) to be expended in the Capital Projects fund for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 8. There is hereby appropriated from new revenue or other funds from the DDA contribution in the Capital Projects fund the sum of SIXTY-ONE THOUSAND THREE HUNDRED FORTY-ONE DOLLARS (\$61,341) to be expended in the Capital Projects fund for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 9. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion fund the sum of FOUR THOUSAND TWO HUNDRED EIGHTY-THREE DOLLARS (\$4,283) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be used for the APP contribution for the Vine Drive and Jerome Street Improvements Project.

Section 10. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of EIGHTY-SEVEN DOLLARS (\$87) to be

expended in the Transportation Services fund for transfer to the Capital Projects fund to be used for the APP contribution for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 11. The unexpended and unencumbered appropriated amount of THREE THOUSAND FOUR HUNDRED NINE DOLLARS (\$3,409) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 12. The unexpended and unencumbered appropriated amount of EIGHT HUNDRED SEVENTY-FOUR DOLLARS (\$874) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 13. The unexpended and unencumbered appropriated amount of EIGHTY-SEVEN DOLLARS (\$87) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 14. The appropriations herein for the Vine Drive and Jerome Street Intersection Improvements Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025  
 Approving Attorney: Heather N. Jarvis  
 Exhibits: None

**File Attachments for Item:**

**13. Resolution 2025-058 Approving Fort Fund 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 – March Deadline category, based upon the recommendations of the Cultural Resources Board.

May 20, 2025

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Solara Clark, Project Coordinator  
Eileen May, Cultural Services Director

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### SUBJECT

**Resolution 2025-058 Approving Fort Fund Grant Disbursements.**

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### EXECUTIVE SUMMARY

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 – March Deadline category, based upon the recommendations of the Cultural Resources Board.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City's Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code, where 25% of the revenue from the lodging tax fund is applied to the Cultural Development and Programming Account and 5% of revenue from lodging tax is dedicated to the Tourism Programming Account. Local non-profit organizations may apply to Fort Fund for cultural and/or tourism event support. The Cultural Resources Board is authorized to review grant applications based on approved guidelines and make recommendations for Fort Fund disbursements to Council, pursuant to Section 2-145 (b) of the City Code. There are three funding categories available and a total of five deadlines: Special Event Grant (January and June deadlines), Program Support Grant (March and August deadlines), and Cross-Sector Impact Grant (October deadline).

Fort Fund grants support arts and cultural events that enrich the creative vitality of the community, promote local heritage and diversity, and provide opportunities for arts and cultural participation. The grants help promote Fort Collins as a creative center and tourist destination and promote the health and well-being of all residents and visitors.

#### **April 24, 2025, Funding Session**

At their April 24, 2025, funding session, the Cultural Resources Board reviewed 30 Program Support Grant – March Deadline applications with total requests equaling \$626,078. Thirty applications were found eligible and recommended for funding for \$275,000.

The following table summarizes the Program Support Grant – March Deadline requests, available funds and grant award amounts:

<b>Grant Requests</b>	<b>Available Funds</b>	<b>Grant Awards</b>
\$626,078	\$275,000	\$275,000

The Cultural Resources Board scored each application using the funding criteria outlined in the Fort Fund Guidelines and discussed the applications at its April 24, 2025, meeting. The Board's approval and discussion is outlined in the draft minutes. (Attachment 1) The Board is recommending disbursement of \$275,000 to the eligible applicants as outlined in Exhibit A to the Resolution.

### **CITY FINANCIAL IMPACTS**

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The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City's Cultural Development and Programming Account and Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code. This Resolution would distribute \$275,000 from the Cultural Development and Programming Account and Tourism Programming Account to local non-profit organizations. Each grantee organization must provide funds to match the grant amount. These funds were budgeted and appropriated in the 2025 budget. Lodging tax is collected pursuant to Section 25-242 of the City Code.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Cultural Resources Board is presenting these recommendations to Council for programs and organizations to receive funding at the recommended grant amounts from the Cultural Development and Programming Account and Tourism Programming Account.

Exhibit A to the Resolution presents the allocations recommended by the Cultural Resources Board to the Council for Program Support Grant – March Deadline funding.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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1. Cultural Resources Board Minutes (draft)
2. Resolution 2025-058

## **Cultural Resources Board REGULAR MEETING**

Thursday, April 24, 2025 – 5:30 PM

[Visit Fort Collins Office](#)

**CALL TO ORDER: 5:37 PM**

### **ROLL CALL**

- Board Members Present – Sheri Emerick (Chair), Conner Horak-Flood (Vice-Chair), Cori Hixon, Eleanor VanDeusen
- Board Members Remote – Leslie Walker
- Board Members Absent – Jessica MacMillan
- Staff Members Present – Solara Clark
- Guest(s) – Claire Addington, Kelly Mosher, Logan Webb

### **AGENDA REVIEW**

#### **PUBLIC PARTICIPATION**

- Claire Addington and Logan Webb, students from Colorado State University, attended the meeting as part of their honors seminar on Community Resiliency. They introduced themselves to the Board.
- Kelly Mosher, a previous Cultural Resources Board member attend the meeting to say a final farewell to the Board.

#### **APPROVAL OF MINUTES**

- Approval of February 2025 minutes. Conner Horak-Flood made a motion to accept the minutes. Leslie Walker seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Cori Hixon, Eleanor VanDeusen, Leslie Walker.

#### **UNFINISHED BUSINESS**

- Kelly Mosher, a former board member, was thanked for her contributions to the board, particularly her thorough scoring and participation in meetings.

#### **NEW BUSINESS**

- New Member Introductions – Cori Hixon and Eleanor VanDeusen
  - Cori Hixon and Eleanor Van Dusen were introduced as new board members. They each shared their backgrounds and reasons for joining the board.
  - The Board welcomed the new members.
- Katy Schneider, Visit Fort Collins – Update
  - Katy Schneider provided updates on tourism and grants received from the Colorado Tourism Office, including a \$75,000 music grant and a \$20,000 public art trail grant.
  - Katy Schneider provided and update on the lodging tax for February,

noting an increase over the previous months.

- Grantee Presentation – LuneAseas, Leah Casper
  - Leah Casper from LuneAseas presented on the organization's activities and achievements, supported by Fort Fund grants, including performances and workshops.
- 2025 Program Support Grant: March Deadline – Discussion and Funding Recommendations
  - Solara Clark explained the funding recommendations based on the Board's scoring to the Board and guests.
  - Leslie Walker made a motion to approve the funding recommendations for City Council for the Program Support – March Deadline Grants. Cori Hixon seconded the motion.
    - The Board discussed the funding recommendations. Conner Horak-Flood raised a question about funding sister nonprofit organizations such as the Friends of the Gardens on Spring Creek. The Board was informed that starting in 2026, City facility sister nonprofit organizations will no longer apply for Fort Fund grants.
  - The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Cori Hixon, Eleanor VanDeusen, Leslie Walker.
- LuneAseas Cross-Sector Grant Discussion
  - LuneAseas received a \$3,974 cross-sector grant for a program that was not executed in February. LuneAseas has requested that the grant be transferred to a new project in June. The board discussed whether to allow the funds to be used for a new project or to request the funds be returned.
  - After discussion, Cori Hixon made a motion to allow the funds to be transferred to the new project. Eleanor VanDeusen seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Cori Hixon, Eleanor VanDeusen, Leslie Walker.
  - Staff will follow up with LuneAseas and will inform them of the approval. The organization will be informed that the Board requests the incident not repeat itself in future grants.

Item 13.

## **DIRECTOR'S REPORT**

- Solara Clark informed the Board that she will give a brief Director's Report in place of Eileen May who was unable to attend the meeting due to sickness. She informed the Board that Eileen plans to send a detailed report before the next meeting.
- Solara Clark provided an update on the merging of the Art and Public Places Board and the Cultural Resources Board, including the timeline and process for the merge.

## **BOARD MEMBER REPORTS**

- Sheri Emerick attended a performance by the Canyon Concert Ballet.
- Vicki Fogel Mykles was not able to attend the meeting, but Solara Clark read her report that was emailed prior to the meeting. Vicki Fogel Mykles attended the Northern Colorado Intertribal Powwow Association's powwow event.

## **OTHER BUSINESS**

- Sheri Emerick informed the Board that there are complimentary tickets available for the May 10th performance by the Centennial Children's Chorus. She asked that if

RESOLUTION 2025-058  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING FORT FUND GRANT DISBURSEMENTS

A. Providers of lodging accommodations in the city are required by Section 25-242 of the City Code to pay three percent of all revenues derived from such lodging accommodations to the City as a lodging tax.

B. The Fort Fund Grant Program ("Fort Fund") supports projects and activities that provide arts and cultural programming to the Fort Collins community and visitors. Established in 1989, Fort Fund distributes lodging tax revenues deposited in the City's Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code.

C. Local non-profit organizations may apply to Fort Fund for cultural and tourism event support. There are three Fort Fund funding programs available for applicants: Special Events; Program Support; and Cross-Sector Impact.

D. The City's Cultural Resources Board reviews applications from the community for Fort Fund monies and makes recommendations to the City Council in accordance with Section 2-145(b) of the City Code and the administrative guidelines for Fort Fund (the "Fort Fund Guidelines").

E. At its meeting on April 24, 2025, the Cultural Resources Board recommended funding for various proposals in the Program Support category based on the criteria and considerations set forth in Section 2-145(b) of the City Code and the Fort Fund Guidelines.

F. The use of lodging tax revenues will provide a public benefit to the Fort Collins community by supporting cultural development and public programming activities within the city that promote the use of public accommodations within the city.

G. The City Council has determined it will advance these purposes to approve Fort Fund grant disbursements as shown on Exhibit A, attached hereto and incorporated herein by this reference.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby finds that the distribution of funds through the Fort Fund program as set forth on Exhibit A will promote the cultural and economic health of the community and in doing so will serve a recognized and valuable public purpose.



Section 2. Funds in the total amount of Two Hundred Seventy-Five Thousand Dollars (\$275,000), from the City's Cultural Development and Programming Account and the Tourism Programming Account, are hereby approved for distribution as set forth in Exhibit A.

Passed and adopted on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 20, 2025

Approving Attorney: Ted Hewitt

Exhibit A: Fort Fund Grant Disbursements

***FORT FUND GRANT PROGRAM***  
***Program Support: March Deadline***

Approved Funding						
APPLICANT	PROPOSED EVENT	FUNDING REQUESTS	CULTURAL DEVELOPMENT & PROGRAMMING	TOURISM PROGRAMMING	UNFUNDED BALANCE	PERCENT OF REQUEST FUNDED
Approved/Funded Applications						
Bas Bleu Theatre Company	2025-2026 Season	\$30,000.00	\$12,231		\$17,769	41%
Blast N Scrap	Blast Shows!	\$27,480.00	\$12,604		\$14,876	46%
Canyon Concert Ballet	2025-2026 Season	\$30,000.00	\$13,760		\$16,240	46%
Centennial Children's Chorus	2025-2026 Season	\$26,000.00	\$11,925		\$14,075	46%
Colorado Bach Ensemble	2025-2026 Fort Collins Programs	\$20,000.00	\$8,154		\$11,846	41%
DANCE Arts Network & Continuing Education	Front Range Classical Ballet Academy Dance Enrichment Program	\$10,000.00	\$4,077		\$5,923	41%
Dance Express	Inclusive Dance 2025/26	\$15,000.00	\$6,498		\$8,502	43%
Debut Theatre Company	2025-2026 Season	\$4,000.00	\$1,733		\$2,267	43%
Foothills Symphonic Band	2025-2026 Season	\$5,000.00	\$1,911		\$3,089	38%
Fort Collins Children's Theatre	2025-2026 Season	\$30,000.00	\$12,995		\$17,005	43%
Fort Collins Symphony Association	2025-2026 Season	\$30,000.00	\$15,290		\$14,710	51%
Fort Collins Wind Symphony	2025-2026 Season	\$7,000.00	\$2,854		\$4,146	41%
Friends of the Gardens on Spring Creek	Community Events at The Gardens on Spring Creek	\$30,000.00	\$12,995		\$17,005	43%
Front Range Chamber Players	Classical Chamber Music Series	\$9,358.00	\$3,815		\$5,543	41%
Gregory Allicar Museum of Art (CSU)	GAMA Programming Summer 2025-Spring 2026	\$30,000.00	\$15,290		\$14,710	51%
Hatton Gallery (CSU)	Hatton Gallery Art and Emerging Technology Program	\$15,000.00	\$5,733		\$9,267	38%
Health and Wellness Community Orchestra (FRCC)	2025-2026 Season	\$10,095.00	\$3,858		\$6,237	38%

Howdy Neighbor Events	FoCo Comic Con, Founded in FoCo, BrainChange, Create Your Own Superhero	\$30,000.00		\$13,760	\$16,240	46%
International Odyssiad & Keyboard Festival	2025 International Keyboard & Odyssiad Festival, USA	\$30,000.00		\$13,760	\$16,240	46%
Larimer Choral Society	2025-2026 Season	\$30,000.00	\$12,995		\$17,005	43%
Laudamus Chamber Chorale	2025-2026 Season	\$16,800.00	\$6,849		\$9,951	41%
Launch: Community Through Skateboarding	Build Your Own Skateboard Program	\$4,200.00	\$1,712		\$2,488	41%
LuneAseas	Phases of LuneAseas	\$30,000.00	\$11,466		\$18,534	38%
Museum of Art Fort Collins	2025-2026 Exhibitions and Programs	\$30,000.00	\$13,760		\$16,240	46%
New Horizons Band of Northern Colorado	2025-2026 Season	\$5,000.00	\$2,038		\$2,962	41%
Off the Hook Arts	Music Education and Performance	\$30,000.00	\$13,760		\$16,240	46%
OpenStage Theatre & Company, Inc.	2025-2026 Season	\$30,000.00	\$12,995		\$17,005	43%
Poudre Landmarks Foundation	Poudre Landmarks Foundation Programs	\$21,545.00	\$8,784		\$12,761	41%
Public Radio for the Front Range (KRFC 88.9 FM)	KRFC 88.9 FM Music Programming: A Celebration of Local Music	\$30,000.00	\$12,995		\$17,005	43%
Sound Affects Music	Shine On with Sound Affects	\$9,600.00	\$4,403		\$5,197	46%
Totals		\$626,078.00	\$275,000		\$351,078	43%

Scores are based on application materials and Fort Fund's "Criteria for Funding."

**File Attachments for Item:**

**14. Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments.**

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended. **Staff is requesting that Council make the following motion to postpone Second Reading of this Ordinance to June 17, 2025, to allow further time for the Building Review Commission to consider the proposed Code changes, as well as the proposed amendments attached to this AIS:**

**Motion:** “I move to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to June 17, 2025.”

May 20, 2025

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Shawn McGaffin, Fire Marshal/Division Chief  
Kevin Sullivan, Assistant Fire Marshal  
Katie Quintana, Assistant Fire Marshal

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### SUBJECT

**Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended. **Staff is requesting that Council make the following motion to postpone Second Reading of this Ordinance to June 17, 2025, to allow further time for the Building Review Commission to consider the proposed Code changes, as well as the proposed amendments attached to this AIS:**

**Motion:** "I move to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to June 17, 2025."

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### STAFF RECOMMENDATION

Staff recommends postponing adoption of the Ordinance on Second Reading to June 17, 2025.

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### FIRST READING BACKGROUND / DISCUSSION

Poudre Fire Authority ("PFA") is responsible for the enforcement and administration of the IFC in the City of Fort Collins, Town of Timnath and unincorporated areas of Larimer and Weld Counties within the Poudre Valley Fire Protection District boundaries. Every three years, the IFC is updated by the ICC with the most recent update having been published in 2024. PFA routinely reviews new codes, proposes local amendments, and then seeks adoption of IFC changes and local amendments by Council.

At the April 23, 2024, PFA Board meeting, the Board approved the recommended appointment of the Fire Code Review Committee (Committee). This volunteer committee is comprised of community and industry stakeholders who reviewed the 2024 IFC and proposed local amendments in order to make a recommendation for adoption. The Committee completed their work on Thursday, October 17, 2024, with a unanimous recommendation to adopt the 2024 IFC along with the accompanying local amendments. At

the February 25, 2025 meeting, the PFA Board unanimously approved the IFC adoption and local amendments. This item was also unanimously approved by the Poudre Valley Fire Protection District Board at its February 25, 2025, meeting.

The Committee's primary goal was to limit the number of local amendments to the 2024 IFC, while still providing comprehensive life safety codes that are clear, relevant, and aligned with current practices. The Committee was able to accomplish this and focus on the amendments that were brought forward on local community needs. The local amendment for fire sprinklers has been maintained, as it has been since the 1980's, and as adopted by the local building departments. Of note, many other fire jurisdictions in Northern Colorado have, or are considering, similar amendments to specify fire suppression systems.

Several local 2021 amendments were eliminated due to the new 2024 published codes addressing the issues that had been a local amendment in the past.

There are changes to the published code that the Committee also supported. The most significant items in the 2024 IFC (as published) that have been changed from the 2021 IFC include:

- Adding provisions to address heating and cooking in temporary membrane structures, construction sites and wildfire areas.
- Adding temporary housing code (shelters).
- Adding new provisions specific to lithium-ion battery storage.
- Adding new provisions specific to Powered Micromobility Devices (E-bikes, Scooters).
- Updating provisions on Emergency Responder Communication Enhancement Systems to meet new technology.
- Recognizing a Hybrid Fire Extinguishing System as based out of National Fire Protection Agency (NFPA) 770.

Items of note for the 2024 IFC proposed local amendments include:

- Appendix A, Board of Appeals is being adopted as published with local amendments to create an appeal process over which PFA has jurisdiction. This differs from previous code adoptions, in which Appendix A had been deleted and replaced in its entirety to direct the appeals process with the Building Department having jurisdiction.
- The term "fire alarm" was defined to expand and elaborate on types and circumstances of such fire alarms.
- A provision was added to impose a fee when multiple unwanted alarms occur at the same location.
- Changes were made to the requirements for storage and use of lithium-ion batteries in factories.
- Requirements for letter sizes on signage were added.
- Valet trash service was removed from PFA's jurisdiction.
- Additional section added in Appendix D requiring schools to use a consistent numbering process on exterior doors for faster response in emergency situations.

**CITY FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Adoption of the 2024 IFC as amended was unanimously recommended by the Fire Code Review Committee. The Poudre Fire Authority Board of Directors and the Poudre Valley Fire Protection District Board of Directors reviewed these amendments at their respective February 25, 2025, meetings, and each board unanimously voted to recommend adoption of the 2024 IFC, as amended, to the City of Fort Collins.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance excerpts showing proposed Second Reading amendments to be considered by the Building Review Commission
2. Ordinance No. 051, 2025

**103.1 Creation of agency.** Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

**104.8 Liability.** The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

**104.8.1 Legal defense.** Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follows, and **Section 112.3 Qualifications** is deleted in its entirety:

**112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. ~~The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure.~~ **Membership of the board shall be as set forth in Appendix A.** The board shall conduct business and procedures in accordance with Appendix A.

6. **Section 202 General Definitions** is amended to read as follows:

...



4<sup>th</sup> Edition, February 2020  
Protection Practices

Recommended Fire

For Distilled Spirits Beverage Facilities .....5001.1,

5701.2

...

**LCUASS**

Larimer County Engineering  
200 W Oak Street  
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021	Larimer County Urban Area Street Standards	
.....D105.6		

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

## **APPENDIX A BOARD OF APPEALS**

### **SECTION A101 GENERAL**

**A101.1 Scope.** Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

**A101.2 Application for appeal.** Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.

**A101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**A101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

**A101.3 Membership of board.** The board shall consist of the Chair of the PFA Board of Directors or their appointee, the Fort Collins City Manager or their appointee, and the City's Chief Building Official. The members of the board shall not be employees of PFA. In the event any of the officials listed is unavailable or recused, the individual who would normally stand in as that official's substitute in other matters shall take their place. ~~no less than three voting members appointed by the fire code official. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the fire code official's receipt of the appellant's application for appeal. The fire code official shall be an ex officio member of the board but shall not vote on any matter before the board.~~

**A101.3.1 Qualifications.** All members of the board shall be trained on quasi-judicial proceedings. To ensure the board is competent to decide the appeal before them, the board may designate qualified experts to educate and assist the board as necessary. Qualified experts shall mean persons ~~The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems, and are not employees of the jurisdiction~~ City of Fort Collins or PFA.

**A101.3.2 Chairperson.** The Chair of the PFA Board of Directors or their appointee shall act ~~board shall select one of its members as the chairperson of the board,~~ unless otherwise designated by the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

**A101.3.3 Secretary.** The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall **post required notices and prepare the agenda for all board meetings, cause the board's meetings to be recorded, and prepare minutes that provide** ~~submit~~ a detailed record of all proceedings ~~to the chief appointing authority and the *fire code official*~~, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

**A101.3.4 Conflict of interest.** A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

~~**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**A101.3.5**~~ **A101.3.6 Board decision and dissolution.** The board's decision, **containing detailed findings of fact, conclusions of law, and order,** shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. ~~The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention.~~ The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

**A101.4 Rules and procedures.** ~~The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law.~~ **In carrying out its duties, the board shall follow the Fort Collins Code of Conduct policy applicable to quasi-judicial commissions, as well as applicable policies and procedures of the PFA consistent with the provisions of that policy, Fort Collins' Charter and City Code, and applicable state law.** The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

**A101.5 Notice of meetings.** ~~The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.~~ **The board's secretary shall provide notice to the board of the need to meet and shall schedule the meeting no less than 10 business days and no more than 35 business days after the filing of an application for appeal. Written notice of the date, time and place of the meeting shall be mailed by the secretary to the appellant no less than 10 business days prior to the date of said meeting. As required under Colorado law, public notice shall be provided in advance of any meeting of the board.**

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

the number of the door in closest proximity on the first floor or primary access level.

5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

~~Section 4~~ Section 5. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025  
Approving Attorney: Madelene Shehan

ORDINANCE NO. 051, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE  
PURPOSE OF REPEALING THE 2021 INTERNATIONAL FIRE CODE AND  
ADOPTING THE 2024 INTERNATIONAL FIRE CODE, WITH AMENDMENTS

A. As early as 1958, the City has reviewed, amended and adopted the latest nationally recognized fire protection standards available for the times.

B. The City previously adopted the 2021 *International Fire Code*, with local amendments, to minimize human suffering and property loss from fire.

C. The 2024 edition of the *International Fire Code* represents the most current version now available.

D. A Fire Code Review Committee ("Committee"), formed by the Poudre Fire Authority ("PFA") in 2024 for the purpose of reviewing the 2024 *International Fire Code*, has recommended unanimously that the jurisdictions being served by PFA adopt the 2024 *International Fire Code* with certain local amendments tailored to the circumstances in Fort Collins.

E. The Fire Prevention Bureau staff of the PFA, working in conjunction with the Committee, also has reviewed the 2024 *International Fire Code* and the local amendments proposed by the Committee and has recommended that the jurisdictions being served by the PFA adopt the 2024 *International Fire Code* with the local amendments.

F. On February 25, 2025, the PFA Board of Directors unanimously voted to recommend that the 2024 *International Fire Code* with proposed local amendments be adopted by those jurisdictions being served by PFA.

G. The City Council has determined that it is in the best interests of the health, safety, and welfare of the city and its citizens that the 2024 *International Fire Code*, in substantially the form recommended by the Fire Code Review Committee and the PFA staff, be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 *International Fire Code* on February 23, 2025, and March 2, 2025.

J. Exhibit “A,” attached hereto and incorporated herein by reference is the Notice of Public Hearing dated February 23, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council repeals the 2021 *International Fire Code* (“IFC”) and adopts the 2024 IFC as amended by this Ordinance.

Section 2. Section 9-1 of the Code of the City of Fort Collins is amended to read as follows:

**Section 9-1. - Adoption of the International Fire Code, 2024<sup>4</sup> Edition.**

Pursuant to the authority conferred by Article II, Section 7 of the Charter and by Section 31-16-201 et seq., C.R.S., there is hereby adopted by reference as the fire code of the City, for the purposes of safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, the International Fire Code, 2024<sup>4</sup> Edition, as promulgated by the International Code Council (hereafter, “this code” or “this fire code”). Except as to any portion of this fire code that is herein after added to, deleted, modified or amended in this Chapter, this fire code shall include all articles and appendices in the *International Fire Code*, 2024<sup>4</sup> Edition. Not less than three (3) copies of this fire code shall be on file in the office of the Fire Marshal and may be inspected at regular business hours and purchased from the Fire Prevention Bureau at a price not to exceed one hundred dollars (\$100.00) per copy. The provisions of this fire code shall be controlling within the limits of the City of Fort Collins.

Section 3. Section 9-2 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

**Section 9-2 - Amendments and deletions to the 2024 International Fire Code.**

The 2024 International Fire Code adopted in §9-1 is amended to read as follows:

1. **Section 101.1 Title** is amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 103.1 Creation of Agency** is deleted in its entirety and replaced with the following:

**103.1 Creation of agency.** Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

**104.8 Liability.** The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

**104.8.1 Legal defense.** Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follow:

**112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A ~~adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the~~ *fire code official*.

6. **Section 202 General Definitions** is amended to read as follows:

...

**BARREL.** A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

...

**CASK.** See “Barrel.”

...

**DWELLING.** ~~A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.~~ A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

**DWELLING UNIT.** ~~A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~ One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

...

**FALSE ALARM.** ~~The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.~~ See *Unwanted Alarm*.

...

**MALICIOUS ALARM.** Any unwanted activation of an alarm initiating device caused by a person acting with malice.

...

**MAZE.** Temporary or permanent passageways constructed within agricultural crops such as corn, or within vegetation such as hedges, or constructed such as with hay bales, or by other means and methods, and where passageways



are occupied for amusement, entertainment, and are arranged in a manner to intentionally confound or bewilder identification of the means of egress, or otherwise make the means of egress path not readily available because of the nature of the attraction or mode of conveyance through passageways.

...

**NUISANCE ALARM.** ~~An alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.~~ Any unwanted activation of a signaling system or an alarm initiating device in response to a stimulus or condition that is not the result of a potentially hazardous condition. This includes such matters as mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm for which the cause cannot be determined.

...

**ROOM, SLEEPING (BEDROOM).** A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage facilities shall not be considered relevant factors in determining whether or not a room is a sleeping room.

...

**TOWNHOUSE.** ~~A building that contains three or more attached townhouse units.~~ A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units*, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines, which parcel is deeded exclusively for such single-family dwelling.

...

**UNWANTED ALARM.** Any alarm that occurs that is not the result of a potentially hazardous condition. This includes *malicious alarms*, *nuisance alarms*, and *unintentional alarms* in accordance with National Fire Protection Association (NFPA) 72.

...

**UNINTENTIONAL ALARM.** An unwanted activation of an alarm initiating device caused by a person acting without malice.

...

7. **Section 304.1.1 Valet trash** is amended to read as follows:

**304.1.1 Valet Trash.** *Valet trash collection* shall be permitted only where approved. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction prohibited.

8. A new **Section 307.2.2 Time and Atmospheric Restrictions** is added to read as follows:

**307.2.2 Time and Atmospheric Restrictions.** *Open burning* shall be performed only when time and atmospheric conditions comply with the limits set forth in the Open Burning Permit.

9. **Section 307.4.1 Bonfires** is deleted in its entirety and replaced with the following:

**307.4.1 Bonfires.** *A bonfire* shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Bonfires are prohibited unless specifically approved and permitted by the fire code official.

10. **Section 307.4.2 Recreational Fires** is deleted in its entirety and replaced with the following:

**307.4.2 Recreational fires.** *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Recreational fires are prohibited.

**Exception:** *Recreational fires* may be conducted at campgrounds, open camping areas, parks, open lands or similar areas in accordance with the rules and restrictions set forth by the authority having jurisdiction at such locations, provided that such fires do not have a fuel area that exceeds 2 feet in height and are not conducted within 25 feet of a structure or combustible material.

11. **Section 307.4.3 Portable outdoor fireplaces** is deleted in its entirety and replaced with the following:

**307.4.3 Portable and Fixed Outdoor Fireplaces.** Portable outdoor fireplaces

~~shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.~~

Portable and fixed outdoor fireplaces, including fire tables, shall be used in accordance with the manufacturer's instructions. Outdoor fireplaces for public use must be listed for commercial use. Outdoor fireplaces shall not be placed closer to combustible materials than what is stated in the manufacturer's instructions. If the manufacturer's instructions are not available or do not establish a distance, outdoor fireplaces shall not be operated within 15 feet (4572 mm) of a combustible structure or combustible material. Outdoor fireplaces shall not be operated underneath a combustible structure of any type. Outdoor fireplaces shall be gas or liquid-fueled unless otherwise approved by the *fire code official*.

**Exception:** ~~Portable outdoor fireplaces used at one and two-family dwellings~~ Outdoor fireplaces at one and two-family dwellings may use *approved solid fuels*.

12. **Section 308.1.7 Sky lanterns** is amended to read as follows:

**308.1.7 Sky lanterns.** A person shall not release or cause to be released an ~~tethered or~~ untethered sky lantern.

13. **Section 401.3 Emergency Responder Notification** is amended to read as follows:

**401.3 Emergency Responder Notification.** Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.3~~4~~.

...

**401.3.4 Reporting Emergencies.** In the event a fire occurs or upon the discovery of a fire, smoke, or unauthorized release of flammable, combustible, or hazardous materials on any property, the *owner*, the *owner's* authorized representative, or the occupant shall, without delay, report such condition to the fire department.

14. **Section 401.5 Making false report** is amended to read as follows:

**401.5 Making false report.** ~~A person shall not give, signal or transmit a false alarm.~~ False alarms shall be subject to enforcement in accordance with Section 401.9 Unwanted alarms.

15. A new **Section 401.9 Unwanted alarms** is added to read as follows:

**401.9 Unwanted alarms.** All *unwanted alarms* shall be subject to enforcement as per PFA's policies and procedures and adopted fee schedule.

16. **Section 402.1 Definitions** is amended to read as follows:

**402.1 Definitions.** The following terms are defined in Chapter 2:

*EMERGENCY EVACUATION DRILL.*

*LOCKDOWN.*

*MALICIOUS ALARM.*

*NUISANCE ALARM.*

*UNINTENTIONAL ALARM.*

*UNWANTED ALARM.*

17. **Section 503.1 Where required** is amended to read as follows:

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D Fire Apparatus Access Roads.

18. **Section 503.1.1 Buildings and facilities** is amended to read as follows:

**503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

**Exceptions:**

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) up to 300 feet (91440 mm) where any of the following conditions occur:
  - 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
  - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
  - 1.3. ~~There are not more than two Group R-3 or Group U occupancies.~~

2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

19. **Section 503.2 Specifications** is amended to read as follows:

**503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D Fire Apparatus Access Roads.

20. **Section 503.2.1 Dimensions** is amended to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 14 feet (4267 mm).

21. **Section 503.2.4 Turning Radius** is amended to read as follows:

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the ~~fire code official~~ 25 feet (7.6 m) inside radius and 50 feet (15.2 m) outside radius.

22. **Section 503.2.7 Grade** is amended to read as follows:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the ~~fire code official~~ based on the fire department's apparatus not exceed 10 percent in grade.

**Exception:** Where approved by the *fire code official*, grades steeper than 10 percent due to geographic or location conditions may be permitted.

23. **Section 503.2.8 Angles of approach and departure** is amended to read as follows:

**503.2.8 Angles of approach and departure.** The angles of approach and departure for when entering or exiting fire apparatus access roads shall be within the limits established by the ~~fire code official~~ based on the fire department's apparatus not exceed a 10 percent angle of approach or departure.

24. **Section 503.6 Security gates** is amended to read as follows:

**503.6 Security gates.** The installation of security gates across a fire apparatus

access road shall be *approved* by the *fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation. ~~The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200 and shall comply with the requirements of Appendix D 103.5.~~

25. **Section 505.1 Address identification** is amended to read as follows:

**Section 505.1 Address identification.** New and existing buildings or facilities shall be provided with *approved* address identification. ~~The~~ Address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. ~~Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the *fire code official*, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.~~

26. A new **Section 505.1.1 Address assignment and standards** is added to read as follows:

**505.1.1 Address assignment and standards.** Addresses shall be assigned by the governmental entity having jurisdiction (Fort Collins, Timnath, Weld County or Larimer County) and shall comply with the Larimer County Street Naming and Addressing Standards as contained in the Larimer County Urban Area Street Standards.

27. A new **Section 505.1.2 Location and size** is added to read as follows:

**505.1.2 Location and size.** The address numbers and letters for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. The minimum height and stroke shall be in accordance with Table 505.1.2.

A new **TABLE 505.1.2 Location and size** is added to read as follows:

**TABLE 505.1.2**  
**LOCATION AND SIZE**

Distance from street curb to building	Letter/number height
---------------------------------------	----------------------

1 – 100 feet	8 inches <sup>1</sup>
101 – 150 feet	10 inches <sup>1</sup>
151 – 200 feet	12 inches <sup>1</sup>
201 – 350 feet	14 inches <sup>2</sup>
351 – 500 feet	16 inches <sup>2</sup>
501 – 700 feet	20 inches <sup>2</sup>
In excess of 700 feet	As approved by the <i>Fire Code Official</i> <sup>3</sup>

<sup>1</sup> 8 in.– 12 in. numbers shall be a minimum 1 in. stroke

<sup>2</sup> 13 in.– 20 in. numbers shall be a minimum 1 ½ in. stroke

<sup>3</sup> 21 in. and larger shall have proportional strokes to ensure visibility

28. A new **Section 505.1.3 Posting on one- and two-family dwellings** is added to read as follows:

**505.1.3 Posting on one- and two-family dwellings.** The address numbers and letters for one- and two-family dwellings shall be a minimum of four inches in height with a minimum ½ inch stroke and shall be posted on a contrasting background. If bronze or brass numerals are used, they shall only be posted on a black background for visibility.

29. A new **Section 505.1.4 Monument signs** is added to read as follows:

**505.1.4 Monument signs.** Monument signs may be used in lieu of address numbers and letters on the building as approved by the *fire code official*. The address numbers and letters for monument signage shall be a minimum of four (4) inches in height with a minimum ½ inch stroke unless otherwise approved by the *fire code official*. The address letters and numbers shall also be located at a minimum height of 22 inches above the surface or grade directly below.

30. A new **Section 505.1.5 Unit identifiers** is added to read as follows:

**505.1.5 Unit identifiers.** Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in sequential order.

1. Suite identifiers accessed from the exterior of the building shall be a minimum of four inches in height with a minimum ½ inch stroke.
2. Suite identifiers accessed from the interior of the building shall be a minimum of two inches in height with a minimum ¼ inch stroke.
3. Suites, apartments, or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series. Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series. Suites, apartments or units located on

the third floor shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering sequence.

31. A new **Section 505.1.6 Multiple address postings** is added to read as follows:

**505.1.6 Multiple address postings.** Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, shall have the address numbers and street name on each side that fronts a fire lane. Buildings that are addressed on one street but are accessible from another street, shall have the address numbers and street name on each side that is adjacent to another street.

32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:

**505.1.7 Interior wayfinding.** *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of two inches in height with a minimum ¼ inch stroke.

33. A new **Section 505.1.8 Exterior wayfinding** is added to read as follows:

**505.1.8 Exterior wayfinding.** Multiple-building complexes must have *approved* signage as needed to direct first responders to individual buildings.

34. A new **Section 505.1.9 Campus addressing** is added to read as follows:

**505.1.9 Campus addressing.** Multiple-building complexes that have a single street address for the entire complex shall utilize alpha or numeric characters to identify the individual buildings. Such identification shall be assigned to the buildings in a sequential order following a clockwise direction starting at the main entrance to the complex.

35. **Section 507.2 Type of water supply** is amended to read as follows:

**507.2 Type of water supply.** A water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required **sustainable** fire flow.

36. **Section 507.5 Fire hydrant systems** is amended to read as follows:

**507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 **and Appendix C.**



37. **Section 507.5.1 Where required** is amended to read as follows:

**507.5.1 Where required.** Where ~~a~~ **the furthest** portion of ~~the~~ **a** facility or building **or portion thereof** hereafter constructed or moved into or within the jurisdiction is more than ~~400 feet (122 m)~~ **300 feet (91 m)** from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

**Exceptions:**

1. For Group R-3, **one- and two-family dwellings**, and Group U occupancies, the distance requirement shall be ~~600 feet (183 m)~~ **400 feet (121 m)**.
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

38. **Section 605.3 Chimneys and vents** is amended to read as follows:

**605.3 Chimneys and vents.** Masonry chimneys shall be constructed in accordance with the *International Building Code*. Factory-built chimneys and vent systems serving solid-fuel-fired appliances or oil-fired appliances shall be installed in accordance with the *International Mechanical Code*. Metal chimneys shall be constructed and installed in accordance with the *International Mechanical Code*. Factory-built chimneys and vent systems serving gas-fired appliances shall be installed in accordance with the *International Fuel Gas Code*. **Means for arresting sparks must be in compliance with the Wildland Urban Interface (WUI) Code.**

39. **Section 606.3 Operations and maintenance** is amended to read as follows:

**606.3 Operations and maintenance** Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections 606.3.1 through 606.3.4. **As outlined in NFPA 96, cooking appliances shall not be moved, modified, or rearranged without prior re-evaluation of the fire extinguishing system by the system installer or qualified servicing agent, unless otherwise allowed by the design of the fire extinguishing system. Any movement, modification, or rearrangement of system components shall require an approved permit from PFA prior to the work being conducted.**

40. A new **Section 606.5 Solid fuel-fired cooking appliances** is added to read as follows:

**606.5 Solid fuel-fired cooking appliances.** Solid fuel-fired commercial cooking appliances shall comply with applicable provisions of National Fire Protection Association (NFPA) 96.

41. **Section 901.4.7.1 Access** is amended to read as follows:

**901.4.7.1 Access.** Automatic sprinkler system risers, fire pumps and controllers shall be provided with *ready access*. Where located in a fire pump room or *automatic sprinkler system* riser room, the door shall be permitted to be locked provided that the key is available at all times. The clear door opening shall be 32 inches wide and 80 inches high, or a size large enough to accommodate the largest piece of equipment, whichever is larger.

42. **Section 903.2.1.1 Group A-1** is amended to read as follows:

**903.2.1.1 Group A-1.** An *automatic sprinkler system* shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 5,000 square feet (~~1115~~ 464.5 m<sup>2</sup>).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a multiple-theater complex.

43. **Section 903.2.1.3 Group A-3** is amended to read as follows:

**903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 5,000 square feet (~~1115~~ 464.5 m<sup>2</sup>).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

44. **Section 903.2.1.4 Group A-4** is amended to read as follows:

**903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 12,000 5,000 square feet (4115 464.5 m<sup>2</sup>).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

45. **Section 903.2.2 Group B** is amended to read as follows:

**903.2.2 Group B.** An *automatic sprinkler system* shall be provided for Group B occupancies where the *fire area* exceeds 5,000 square feet (464.5 m<sup>2</sup>) as required in Sections 903.2.2.1 and 903.2.2.2.

46. **Section 903.2.3 Group E** is amended to read as follows:

**903.2.3 Group E.** An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 12,000 5,000 square feet (4115 464.5 m<sup>2</sup>) in area.
2. The Group E *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**Exception:** In buildings where every classroom has not fewer than one exterior exit door at ground level, an *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area.

3. The Group E *fire area* has an *occupant load* of 300 or more.

47. **Section 903.2.4 Group F-1** is amended to read as follows:

**903.2.4 Groups F-1 and F-2.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 or F-2 occupancy where one of the following conditions exists:

1. A Group F-1 or F-2 *fire area* exceeds 12,000 5,000 square feet (4115 464.5 m<sup>2</sup>).

2. A Group F-1 **or F-2** *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group F-1 **or F-2** *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group F-1 occupancy is used to manufacture lithium-ion or lithium metal batteries.
5. A Group F-1 occupancy is used to manufacture vehicles, energy storage systems or equipment containing lithium-ion or lithium metal batteries where the batteries are installed as part of the manufacturing process.

48. **Section 903.2.6 Group I** is amended to read as follows:

**903.2.6 Group I.** An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

**Exceptions:**

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit door* **and the fire area does not exceed 5,000 square feet (464.5 m<sup>2</sup>)**.
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

49. **Section 903.2.7 Group M** is amended to read as follows:

**903.2.7 Group M.** An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds ~~12,000~~ **5,000** square feet (~~1115~~ **464.5** m<sup>2</sup>).
2. A Group M *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).

50. **Section 903.2.9 Group S-1** is amended to read as follows:

**903.2.9 Group S-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds ~~12,000~~ 5,000 square feet (~~1115~~ 464.5 m<sup>2</sup>).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds ~~24,000~~ 5,000 square feet (~~2230~~ 464.5 m<sup>2</sup>).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464.5 m<sup>2</sup>).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m<sup>2</sup>).

51. **Section 903.2.9.1 Repair garages** is amended to read as follows:

**903.2.9.1 Repair garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above *grade plane*, including *basements*, with a *fire area* containing a repair garage exceeding ~~10,000~~ 5,000 square feet (~~929~~ 464.5 m<sup>2</sup>).
2. Buildings not more than one story above *grade plane*, with a *fire area* containing a repair garage exceeding ~~12,000~~ 5,000 square feet (~~1115~~ 464.5 m<sup>2</sup>).
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m<sup>2</sup>).

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

**903.2.10 Group S-2 parking garages.** An *automatic sprinkler system* shall be provided throughout ~~all buildings classified as parking garages~~ **containing a Group S-2 occupancy** where any of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m<sup>2</sup>). **Where a Group S-2 fire area exceeds 5,000 square feet (464.5 m<sup>2</sup>).**
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m<sup>2</sup>).
4. **A Group S-2 fire area is located more than three stories above grade plane.**

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

**903.2.11.1.3 Basements.** Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, ~~or where walls, partitions or other obstructions are installed that restrict the application of water from hose streams,~~ the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. **In buildings containing dwelling or sleeping units where automatic fire sprinklers are required in attics, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.**

**Exceptions:**

1. **Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.**
2. **Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.**

### 3. Buildings containing only Group R-3 occupancy.

55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

**903.3.1.4 Core and shell buildings.** Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

#### **903.4.3 Alarms.**

...

**Exception:** *Automatic sprinkler systems* protecting one- and two-family dwellings, unless such dwellings are arranged so that it is unclear which automatic sprinkler system has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

57. **Section 906.1 Where required**, Exception 1 in paragraph 1 is deleted in its entirety and replaced to read as follows:

**906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

...

#### **Exceptions:**

1. In Group R-2 occupancies, portable fire extinguishers shall be required in approved common spaces that are readily accessible to the occupants of dwelling units. Portable fire extinguishers shall have a minimum rating of 2-A:10-B:C, with a maximum travel distance of 75 feet (22860 mm) as measured from the entry doors of dwelling units to the mounted portable fire extinguisher. Unless otherwise specified by a law or regulation, it shall be the responsibility of the property owner of their authorized designee to maintain portable fire extinguishers in accordance with this code and NFPA 10.

...



58. **Section 907.2.11 Single-and multiple-station smoke alarms** is amended to read as follows:

**907.2.11 Single- and multiple-stations smoke alarms.** *Listed* single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7, NFPA 72 and the manufacturer's instructions. Where one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein.

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

**907.5.2.1.3.2 Smoke alarm signal in sleeping rooms.** In sleeping rooms of Group R-1, R-2 and I-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72 or an alternative means approved by the *fire code official*.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance or a smoke detector with an integral 520-Hz sounder.

60. A new **Section 907.8.5 Excessive false alarms** is added to read as follows:

**907.8.5 Excessive false alarms.** An excessive number of false alarms shall be defined as two (2) alarm activations for a fire alarm system within a sixty (60) day period, provided that any such activations are not the result of a cause reasonably beyond the control of the *owner*, tenant, or operator of the building. In the event of an excessive number of false alarms, the *fire code official* may order the building *owner*, tenant, operator of the building or party responsible for the building to take reasonable actions necessary to prevent false alarms. These actions may include repair or replacement of the faulty alarm components, addition of tamper proof devices, modification of system design and repair of other building components which affect alarm system performance. The *fire code official* also may require the building *owner*, tenant, operator of the building or party responsible for the building to obtain an *approved* maintenance contract with a qualified fire alarm maintenance technician as required by NFPA 72 to provide continuous maintenance service of the system.

61. **Section 1010.1.4 Floor elevation** is amended to read as follows:



**1010.1.4 Floor elevation.** There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

**Exceptions:**

...

7. Exterior doors serving individual dwelling units, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches (30.48 cm), a maximum riser height of 7¾ inches (19.68 cm), and a minimum width equal to the door width and, provided further that the door does not swing over the step.

62. **Section 1011.11 Handrails** is amended to read as follows:

**1011.11 Handrails.** *Flights of stairways* of more than one riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407 of the *International Building Code*.

...

63. **Section 1015.8 Window openings** is amended to read as follows:

**1015.8 Window openings.** Windows in Group R-2 and R-3 buildings including *dwelling units*, where the bottom of the clear opening of an operable window is located less than 36 inches (914 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall comply with one of the following:

...

64. A new **Section 1015.9 Below grade openings** is added to read as follows:

**1015.9 Below grade openings.** All area wells, stair wells, window wells and light wells attached to any *building* that are located less than 36 inches from the nearest intended walking surface and deeper than 30 inches below the

surrounding ground level shall have guards or *approved* covers for fall protection.

65. **Section 1031.2 Where required** is amended only as to Exceptions 1 and 5 to read as follows:

...

**Exceptions:**

1. *Basements* with a ceiling height of less than 8072 inches (20321828.8 mm) and that do not contain habitable space, shall not be required to have *emergency escape and rescue openings*.

...

5. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2 or 903.3.1.3, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
  - 5.1. One *means of egress* and one *emergency escape and rescue opening*.
  - 5.2. Two *means of egress*.

66. **Section 1031.3 Emergency escape and rescue openings** is amended to read as follows:

**1031.3 Emergency escape and rescue openings.** *Emergency escape and rescue openings* shall comply with Sections 1031.3.1 through 1031.3.34.

67. A new **Section 1031.3.4 Emergency escape and rescue openings** shall be added to read as follows:

**1031.3.4 Minimum height from floor.** *Emergency escape and rescue window openings* that are located more than 72 inches (1829 mm) above the finished grade shall have a sill height of not less than 24 inches (609 mm) measured from the finished interior side floor.

68. **Section 1103.2 Emergency responder communications enhancement in existing buildings** is amended to read as follows:

**1103.2 Emergency responder communications enhancement in existing buildings.** Existing buildings other than Group R-3 that do not have *approved* in-building emergency response communications enhancement for emergency

responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not *approved* in accordance with Section 510.1, Exception 1.
2. ~~Within a time frame established by the adopting authority.~~ In all buildings exceeding 10,000 sq.ft. and any Type V construction exceeding 15,000 sq.ft.

**Exception:** Where it is determined by the *fire code official* that the in-building emergency responder communications enhancement system is not needed.

69. **Section 1205.3 Other than Group R-3 buildings** is amended to read as follows:

**1205.3 Other than Group R-3 buildings.** Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1205.3.1 through 1205.3.3.

**Exception:** Where it is determined by the *fire code official* that the roof configuration is similar to that of a Group R-3 occupancy, and the building does not exceed three stories and does not require aerial fire apparatus access in accordance with Appendix D, the residential access and ventilation requirements in Section 1205.2.1.1 through 1205.2.1.3 are a suitable alternative.

...

70. **Section 3102.1 Definitions** is amended to read as follows:

**3102.1 Definitions.** The following terms are defined in Chapter 2:

...

**MAZE.**

71. A new **Section 3105.9 Mazes** is added to read as follows:

**3105.9 Mazes.** Mazes, including but not limited to, outdoor corn stalk or hedge-mazes, or similar indoor or outdoor conditions, shall be in accordance with requirements established by the *fire code official* and the PFA's special event policies and procedures.

72. **Section 3307.1.2 Stairways required** is amended to read as follows:

**3307.1.2 Stairways required.** Where building construction exceeds 40<sup>20</sup> feet (42—192<sup>6096</sup> mm) or one-story in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided to all floors that have secured decking or flooring. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

73. **Section 5001.1 Scope** is amended only as to Exception 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the Distilled Spirits Council of the United States ("DISCUS") "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

74. **Section 5601.1.3 Fireworks** is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

**Exceptions:**

1. Storage and handling of fireworks as allowed in Section 5604.
- ~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
- 3<sup>2</sup>. The use of fireworks for fireworks displays as allowed in Section 5608.
- ~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.~~

75. **Section 5701.2 Nonapplicability** is amended only as to numbered item 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the DISCUS "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

76. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is amended to read as follows:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

77. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is amended to read as follows:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as set forth in the fire code adoption ordinance or other regulations adopted by jurisdiction the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

78. **Section 5806.2 Limitations** is amended to read as follows:

**5806.2 Limitations.** Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by jurisdiction the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

79. **Section 6104.2 Maximum capacity within established limits** is amended to read as follows:

**6104.2 Maximum capacity within established limits.** For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction and in accordance with the City of Fort Collins Land Use Code.

**Exception:** In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings,

capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

80. **Section 6109.13 Protection of containers** is amended to read as follows:

**6109.13 Protection of containers.** LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

**Exception:** ~~Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.~~

81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

APPENDIX	TITLE	STATUS
A	Board of Appeals	Adopted, with amendments
B	Fire-flow Requirements for Buildings	Adopted, with amendments
C	Fire Hydrant Locations and Distribution	Adopted, with amendments
D	Fire Apparatus Access Roads	Adopted, with amendments
E	Hazard Categories	Adopted as reference
F	Hazard Ranking	Adopted
G	Cryogenic Fluids—Weights and Volume Equivalents	Adopted as reference
H	Hazardous Materials Management Plan (HMMP)	Adopted as reference
I	Fire Protection Systems—Non-compliant Conditions	Not Adopted
J	Building Information Sign	Not Adopted
K	Construction Requirements for Existing Ambulatory Care Facilities	Not Adopted
L	Requirements for Fire Fighter Air Replenishment Systems	Adopted
M	High-rise Buildings—Retroactive Automatic Sprinkler Requirements	Not Adopted
N	Indoor Trade Shows and Exhibitions	Adopted

<b>O</b>	<b>Valet Trash and Recycling Collection in Group R-2 Occupancies</b>	<b>Not Adopted</b>
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82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

**CHAPTER 80  
REFERENCED STANDARDS**

## DISCUS

Distilled Spirits Council of the United States  
1250 Eye Street, NW Suite 400  
Washington, DC 20005

Standard Reference Reference	Title	Code
4 <sup>th</sup> Edition, February 2020 Protection Practices	Recommended Fire For Distilled Spirits Beverage Facilities .....	5001.1, 5701.2

...

## LCUASS

Larimer County Engineering  
200 W Oak Street  
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021 .....	Larimer County Urban Area Street Standards	D105.6

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

**APPENDIX A**

## BOARD OF APPEALS

### SECTION A101 GENERAL

**A101.1 Scope.** Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

**A101.2 Application for appeal.** Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.

**A101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**A101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

**A101.3 Membership of board.** The board shall consist of no less than three voting members appointed by the *fire code official*. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the *fire code official's* receipt of the appellant's application for appeal. The *fire code official* shall be an *ex officio* member of the board but shall not vote on any matter before the board.



**A101.3.1 Qualifications.** The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction.

**A101.3.2 Chairperson.** The board shall select one of its members as the chairperson of the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

**A101.3.3 Secretary.** The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

**A101.3.4 Conflict of interest.** A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.

**A101.3.6 Board decision and dissolution.** The board's decision shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

**A101.4 Rules and procedures.** The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

**A101.5 Notice of meetings.** The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

**Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses** is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

**B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.** The minimum *fire-flow* and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be as specified in ~~Tables B105.1(1) and B105.1(2)~~ 1000 gpm with residual pressure of 20 psi for a duration of one (1) hour.

**Exception:** One- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses located outside of the City of Fort Collins Growth Management Area shall provide a minimum *fire-flow* of 500 gpm with residual pressure of 20 psi for a duration of one (1) hour.

**Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses** is amended to read as follows, with Table B105.2 being deleted in its entirety:

**B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.** The minimum *fire-flow* and flow duration for buildings other than one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be as specified in ~~Tables~~ Table B105.1(2) and B105.2.

**Exception:** A reduction in required fire flow of up to 75%, as *approved*, is allowed when the building is protected with an automatic fire suppression system in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting *fire-flow* shall not be less than 1,500 gpm for the prescribed duration as specified in Table B105.1(2).

85. **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is deleted in its entirety and replaced with the following:

## **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

### **SECTION C101 GENERAL**

**C101.1 Scope.** In addition to the requirements of Section 507.5.1, fire hydrants shall be provided along public roads and required fire apparatus access roads in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

### **SECTION C102 NUMBER OF FIRE HYDRANTS**

**C102.1 Fire hydrants available.** The number of fire hydrants available to a building, complex or subdivision shall be not less than that determined by spacing requirements listed in Table C102.1 when applied to fire apparatus access roads and adjacent public streets from which fire operations could be conducted.

**TABLE C102.1 – REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS.<sup>f</sup>**

<b>APPLICATION</b>	<b>FIRE FLOW REQUIREMENTS (gpm)</b>	<b>SPACING BETWEEN HYDRANTS (feet)<sup>a,b,c</sup></b>	<b>MAXIMUM DISTANCE FROM FURTHEST POINT ON A BUILDING TO A HYDRANT (feet)<sup>e</sup></b>
Commercial/ Multifamily	Value as calculated in accordance with section B105.2	600	300 <sup>d</sup>
One- & Two-Family Dwelling - Urban	1,000	800	400
One- & Two-Family Dwelling - Rural	500	800	400

- Reduce by 100 feet for dead-end streets or roads.
- Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- For buildings equipped with a standpipe, see **Section 507.5.1.1**.
- For the purposes of determining distance from a building to a hydrant, hydrants located across 2- and 4-lane arterial roads shall not be considered available unless the building is protected with an *approved* automatic fire suppression system. Hydrants located across 6 lane arterial roads shall not be considered available.
- The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

## **SECTION C103 FIRE HYDRANT SPACING**

**C103.1 Hydrant spacing.** The average spacing between fire hydrants shall not exceed that listed in Table C102.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

**Exception:** The *fire code official* is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

## **SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS**

**C104.1 Existing fire hydrants.** Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

86. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

## **APPENDIX D FIRE APPARATUS ACCESS ROADS SECTION D101 GENERAL**

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code* adopted by the City of Fort Collins, including all local amendments.

## **SECTION D102 REQUIRED ACCESS**

**D102.1 Access, construction, and loading.** Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road. All access roads must be an all-weather driving surface constructed of asphalt, concrete, or compacted road base and engineered to support the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

**D102.2 [Reserved].**

**D102.2.1 Temporary emergency access.** Compacted road base or chip shall only be used for a temporary emergency access. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes shall be accessible and unobstructed at all times.

**D102.2.2 Permanent emergency access.** All permanent points of access shall be hard decks consisting of asphalt or concrete designed to HS 20 or to support 80,000 pounds (36,287 kg). Compacted road base or other surfaces engineered and capable of supporting the imposed loads may be *approved* by

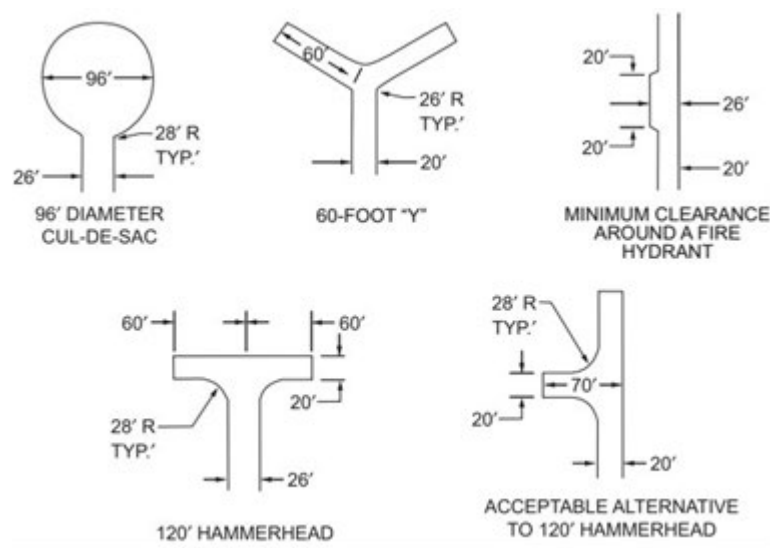
the *fire code official* for ground mounted solar installations, cell towers and similar isolated facilities and structures.

**D102.2.3 Installation timing.** All required access roads must be installed and serviceable before above-ground construction begins unless otherwise approved by the *fire code official*.

### SECTION D103 MINIMUM SPECIFICATIONS

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 mm), exclusive of shoulders (see Figure 103.1).

**FIGURE D103.1 – DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND**



**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

**Exception:** Grades steeper than 10 percent as *approved* by the *fire code official*. (See section D105.5 for aerial fire apparatus access roads.)

**D103.3 Turning radius.** The minimum turning radius shall be 25 feet inside radius and 50 feet outside radius and 18 inches of clearance from the curb is required.

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.5.

TABLE D103.4 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-660	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1
Over 660	Special Approval Required	

**D103.4.1 Additional Points of Access Required.** Additional points of access shall be required where a required access roadway exceeds 660 feet (201 m) in length.

**Exception:** Where the access road does not exceed 1320 feet (402 m) in length and all dwelling units beyond 660 feet (201 m) are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

**D103.4.2 Remoteness.** Where two or more points of access are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

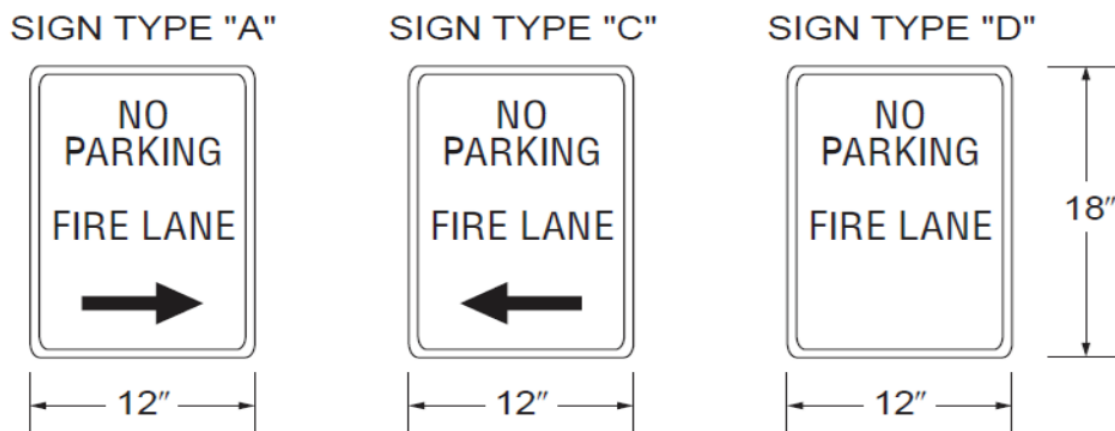
**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus access road consists of a divided roadway, the gate shall be not less than 12 feet (3,658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be *approved* by the *fire code official*.
6. Methods of locking the gate must be *approved* by the *fire code official*.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless the padlock is *approved* by the *fire code official* and is compatible with the *approved* Key Boxes in use by the fire department.
8. Gate design and locking device specifications shall be submitted for approval by the *fire code official* prior to installation.
9. Electric gate operators, where provided, shall be listed in accordance with UL325.
10. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

**D103.6 Signs.** Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

**FIGURE D103.6 – FIRE LANE SIGNS**



**D103.7 Angle of Approach/Departure.** Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road shall not exceed a 10 percent angle of approach or angle of departure.

### **SECTION D103.8 FIRE LANE SIGNS**

**D103.8.1 Roads 20 to 26 feet in width.** *Fire lane* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6,096 to 7,925 mm).

**D103.8.2 Roads more than 26 feet in width.** *Fire lane* signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

**D103.9 Minimum Overhead Clearance.** Fire access roads shall have a minimum overhead clearance for the entire width of the access road of not less than 14 feet (4,267 mm).

**D103.10 Fire Apparatus Access Roads.** Fire apparatus access roads shall not be located on an arterial street, as defined by the LCUASS Standards for arterial roads.

**Exception:** Buildings, structures, facilities and premises located on multiple arterial roads may use one arterial road defined as less than six lanes.

### **SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

**Exception:** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height that have a single *approved* fire apparatus access road where the buildings are equipped throughout with *approved automatic sprinkler systems*.

**D104.2 Buildings exceeding 62,000 square feet in area.** Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having a gross *building area* of up to 124,000 square feet (11 520m<sup>2</sup>) that have a single *approved* fire apparatus access road



where all buildings are equipped throughout with *approved automatic sprinkler systems*.

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

## **SECTION D105**

### **AERIAL FIRE APPARATUS ACCESS ROADS**

**D105.1 Where required.** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**Exception:** Where approved by the *fire code official*, building of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and having firefighter access through an enclosed stairway with Class I Standpipe from the lowest level of fire department vehicle access to all roof surfaces.

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof if the fire apparatus access road is not a dead end. Dead end fire apparatus access roads for aerial apparatus access shall be a minimum of 30 feet (9144 mm) wide.

**D105.3 Proximity to building.** One or more of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

**D105.4 Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions may be permitted to be placed only if *approved* by the *fire code official*.

**D105.5 Grade.** Aerial fire apparatus access roads adjacent to the building shall not exceed 5 percent in grade.

**D105.6 Road type.** Aerial fire apparatus access roads shall not be located on an arterial streets as defined by the LCUASS standards for arterials.

**Exception:** Buildings or facilities located on multiple arterial roads can use one arterial road defined as less than six (6) lanes. Or approved by the *fire code official*.

## **SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

**D106.1 Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**D106.2 Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

**D106.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

## **SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS**

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads that comply with Section D103.5.2.

**Exception:** Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road not exceeding 1320 feet (402 m) in length and all dwelling units are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

**D107.2 Future connection.** The number of *dwelling units* on a single fire apparatus access road shall not exceed 30 *dwelling units* unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

**D107.3 Remoteness.** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

## SECTION D108 REFERENCED STANDARDS

**D108.1 General.** See Table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

**TABLE D108.1  
REFERENCED STANDARDS**

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F 2200—14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325—02	<i>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015</i>	D103.5

## SECTION D109 SCHOOL EMERGENCY IDENTIFICATION NUMBERS AND EMERGENCY RESPONSE MAP

**D109.1 Scope.** New and existing buildings, structures, mobile rooms, and auxiliary buildings as part of any public school, institute charter school, and junior college meeting 8 CCR 1507-30, shall be provided with approved emergency identification numbering and an approved emergency response map. Emergency identification numbers shall be placed on the exterior, top left corner of each door in an approved clockwise sequence for each building or

structure. Numbers shall be Arabic and numerically displayed as opposed to spelled out. Each number shall be a minimum of 5 inches (127 mm) high with a minimum stroke of 3/4 inch (19.05 mm). Emergency identification numbers which serve doors that do not have electronic access are permitted to be of any color scheme other than the color red, provided the numbers contrast with their background and are readily distinguishable. Emergency identification numbers which serve doors that do have electronic access shall have numbers that are green in color with a white background and shall be of a reflective quality. Emergency identification numbers shall be permanent and durable. Emergency identification numbers shall be maintained.

**D109.2 Emergency Response Map.** An emergency response map shall be required to be provided to the PFA and any responding law enforcement agency. The map shall display an aerial view of all buildings and structures. The boundary of each building or structure shall be clearly distinguishable with the corresponding emergency identification numbers displayed.

**Exceptions:**

1. Where it is impractical to post emergency identification numbers on or above a door frame, such as for glass doors, posting in the top left corner of the glass or spandrel panel within the door is permissible.
2. Where more than one door is provided as part of an assembly, only one door is required to have an emergency identification number.
3. Where multiple doors or assemblies of doors are provided, they occur along the same wall, and they serve the same common area, only one door is required to have an emergency identification number.
4. Doors which serve floors above the first floor or primary access level, shall have an emergency identification number to correspond with the number of the door in closest proximity on the first floor or primary access level.
5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).

6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on May 20, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 30, 2025

Approving Attorney: Madelene Shehan

Exhibit A: Notice of Public Hearing dated February 23, 2025

**NOTICE OF PUBLIC HEARING**

NOTICE is hereby given of a public hearing to be held before the City Council of the City of Fort Collins, Colorado, on the 18th day of March, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 Laporte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances adopting by reference the *2024 International Fire Code*, together with local amendments, promulgated by the International Code Council.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of the International Fire Code adopted by said ordinance is to provide for protection of public health and safety and general welfare regarding fire prevention and suppression.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at [www.fcgov.com/councilcomments](http://www.fcgov.com/councilcomments).) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48-hour advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated at Fort Collins, Colorado this 23rd day of February, 2025



  
Delynn Coldiron  
City Clerk

## **File Attachments for Item:**

### **15. Public Hearing and Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.**

Per the City's Financial Management Policy 10 – Metro Districts (the "Policy"), authorized by Resolution 2021-045, the procedures for conducting a hearing on metropolitan district service plan or plan amendment will be in accordance with the Council's adopted procedures and Section 3.K. of the Policy, which sets the order of the proceedings on such a public hearing as follows:

1. Announcement of item;
2. Consideration of any procedural issues;
3. Explanation of the application by City staff;
4. Presentation by the applicant;
5. Public testimony regarding the application;
6. Rebuttal testimony by the applicant;
7. Councilmember questions of City staff and the applicant; and
8. Motion, discussion and vote by City Council.

In 2012, the District was organized to redevelop the then existing Foothills Mall (approval of the formation of the District and its original Service Plan by City Council was by Resolution 2012-084). Council approved the current Amended and Restated Service Plan for the Foothills Metropolitan District (the "District") on May 7, 2013 (Resolution 2013-044).

Since the District's formation and redevelopment, some of the planned activation has been successful. However, several factors have affected the commercial leasing of all property, which has impacted the revenues dedicated for debt service payment. To address the underperforming aspects, MXD Fort Collins, LLC (the "Current Developer") is currently designing a new redevelopment plan. The First Amendment supports this new approach to redevelopment by:

1. Increasing the maximum amount of debt the District can have outstanding.
2. Extending the length of the debt the District is allowed to incur and clarifying refunding.
3. Making other changes to ensure consistency with the new redevelopment plan.

The First Amendment expands the list of eligible improvements but does not expand the list of eligible improvements for which the City or the Fort Collins Urban Renewal Authority (the "Authority") are obligated to participate in or contribute revenues to finance. This item is related to another item on the agenda, Resolution 2025-060, Approving a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment, which, if adopted, would approve a Public Benefits Agreement that would be effective upon the effective date of this Resolution 2025-059.



May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Josh Birks, Deputy Director, Sustainability Services and Acting Executive Director, Fort Collins Urban Renewal Authority

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## SUBJECT

**Public Hearing and Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.**

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## EXECUTIVE SUMMARY

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## **STAFF RECOMMENDATION**

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Staff recommends consideration by Council, after conducting a hearing on Resolution 2025-059, of action on Resolution 2025-059.

## **BACKGROUND / DISCUSSION**

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### **Legal and Procedural Requirements**

Part 2, Article 1 of Title 32 of the Colorado Revised Statutes (“C.R.S.”) authorizes the formation of a metropolitan district within the City by approval of Council of the district’s proposed service plan, after a hearing on the proposed service plan which sets forth the public improvements and services which the district will provide, by adoption of a resolution and subsequent voter approval in favor of the organization of the district, per Part 3, Article 1 of Title 32, C.R.S.

Amendments to service plans which constitute a “material modification” of the originally approved service plan require additional approval and process that is similar to those upon formation of a district, including a public hearing on the proposed service plan amendments. C.R.S. § 32-1-207.

The City’s Financial Management Policy 10 – Metro Districts (the “Policy”), as authorized by City Council Resolutions 2021-045, 2019-016, 2018-079, and 2008-069, further establishes the criteria, guidelines, and processes for the City in considering applications for service plans for proposed metropolitan districts and amendments to those plans. The Policy was originally adopted in 2008 and revised in both 2018 and 2021. The Policy sets expectations that metropolitan districts will provide broad public benefits, requires applicant assurances and specific commitments, and provides for enforcement of these public benefits by inclusion of related terms in district service plans, development agreements and other contracts. Policy Section 10.1 and Exhibit provide guidance to applicants on the evaluation of public benefits, including the delivery of housing that meets City priorities as articulated in various plans, including affordable housing (permanent, 80% AMI), workforce housing (permanent, 81%-120% AMI), infill/redevelopment projects, and projects that serve the City’s economic health.

### **History of the Foothills Mall Redevelopment**

Prior to redevelopment, the owner of Foothills Mall – Alberta Development Partners, in partnership with Walton Street Capital (the “Original Developer”) – requested the formation of a Metropolitan Districts as allowed by Title 32 of the Colorado Revised Statutes. On May 7, 2013, Council approved, by Resolution 2013-44, an Amended and Restated Service Plan for Foothills Metropolitan District (the “District”) to operationalize significant components of the Redevelopment and Reimbursement Agreement (the “Agreement”) between the City of Fort Collins (the “City”), Fort Collins Urban Renewal Authority, Walton Foothills Holdings VI, LLC and the District.

The Original Developers undertook a comprehensive redevelopment of the Foothills Fashion Mall (the “Original Project”). The Original Project included mixed use redevelopment with a commercial/retail component, a commercial parking structure and 402 multi-family dwelling units on 76.3 acres. Construction of the Project was completed in 2016.

## **Previous Public Finance Package**

The original redevelopment effort was supported by a bond issued by the District which facilitated \$53 million of net bond proceeds to fund public infrastructure improvements, the Foothills Mall Activity Center, and an underpass beneath College Avenue connecting the Original Project to the MAX Bus Rapid Transit. The bond was supported by a public finance package that included five revenue sources: (a) Metro District Capital Mills; (b) Metro District Specific Ownership Tax; (c) Property Tax Increment; (d) a Public Improvement Fee; and (e) Sales Tax Increment.

All revenues were pledged to the District for the duration of the tax increment collection period (2014 to 2038) to support repayment of the bond. The pledge of the sales tax revenue was intended to support the bond debt service only if needed and to fill a supplemental reserve account required by bond terms. Any pledged sales tax increment revenue more than that commitment was to be remitted back to the City. Currently, the City has not received any excess sales tax increment revenue.

## **Current Situation**

Since its completion, the Original Project has been able to consistently lease out the retail shops along College Avenue at approximately 90 percent occupancy. However, the interior portion of the property – the enclosed retail shops – have struggled to achieve similarly high rates of occupancy with only 49 percent occupancy today. Further, since 2016, there have been international and national trends that have impacted consumer and other market behaviors within the bounds of the Current Project, including retail consolidation, the 2020 COVID pandemic, rising construction costs, increasing housing costs. These international and national trends are major considerations that factor into renewed investment in the site.

In the near term, activities within Original Project are not generating robust tax and increment revenues. Presently, the pledged revenues, all together, are just sufficient for repayment of annual debt service. The Current Developer's bond underwriter's forecast indicates that pledged revenues may not be sufficient for annual debt service payments sometime in calendar year 2028. To address a potential insufficiency of revenues under the present financing structure, the Current Developer is proposing changes necessary to refinance the debt. To accomplish this, the existing principal balance of the original bonds, approximately \$62 million, would be refunded. Then, to align revenues with the debt obligation, the Current Developer is requesting the ability to issue new bonds based on revised and to pledge new revenue sources to support a second approach at redevelopment.

## **CURRENT PROPOSED PROJECT**

The proposed project builds upon a previous redevelopment seeking to address inefficiencies of the current site as well as additional redevelopment not possible under the previous attempt due to outstanding leases and property ownership, namely the redevelopment of the Macy's building). As a result, the proposed project will include the following major components:

- A **32 percent reduction in existing retail square footage** with a significant reimagining of the current enclosed mall portion of the property. The goal is to "right size" the amount of retail to position the site for long-term success.
- Approximately **300 new housing units** across a range of types including townhomes, stacked condominiums and affordable rental.
- Around **11 acres of new public space and trails**.

## **PROPOSED AMENDMENT**

The proposed First Amendment to the Amended and Restated Service Plan for the Foothills Metropolitan District (the "First Amendment") changes several aspects of the current service plan, the Amended and Restated Service Plan for the Foothills Metropolitan District (the "Current Service Plan").

The first set of proposed changes occurs in Section II of the current Amended and Restated Service Plan (Definitions) and includes:

- **Add-On PIF Revenues** – Amends the definition (“Add-On PIF Revenues”) by adding the following in underlines: “has the same meaning as in the Redevelopment Agreement, subject to adjustment as to amount as provided in the PIF Covenant. Throughout the term of the Redevelopment Agreement, the amount of the Add-On PIF Revenue shall not be reduced below 1.00%.” ***This change enables the Current Developer to adjust the PIF amount to raise additional revenue to support the District’s ability to take on expanded debt.*** The proposed First Amendment caps the PIF at 3.00%. The Current Developer *plans to increase the total Add-On PIF Revenue to 1.25%.*
  - The PIF is a private fee added to the price of goods at the point of sale pledged to support the repayment of District bonds. As a private fee, this component does not require approval by the City Council. However, recognizing that a 1.00% fee was pledged as part of the original agreement. Therefore, it is important to ensure that the amount never falls below this threshold, otherwise it would require additional use of Tax Increment revenues (both property and sales tax).
- **Named Developer** – Changes the named developer from Walton Foothills Holding VI, LLC to MXD Fort Collins, LLC, and from a Colorado limited liability company to a Delaware limited liability company. ***This change updates the Current Service Plan to reflect the Current Developer/property owner.***
- **Eligible Improvements** – Expands the list of improvements eligible to be funded by the District to include those described in *Attachment 1* to the proposed First Amendment. With some additional contingency making the total eligible expenditure \$75 million. The original list of eligible improvements remains intact as they were funded with the Foothills Mall Fund. ***This change increases the value of the eligible improvements from the original \$53 million to approximately \$128 million.*** The expansion of the list of eligible improvements does not increase the obligation of the City or the Fort Collins Urban Renewal Authority (the “Authority”) to participate in or contribute revenues to finance the newly identified eligible improvements.
- **Financial Plan** – Updates the definition to reflect the Financial Plan attached to the proposed First Amendment as *Attachment 2* rather than the Financial Plan attached to the original District Service Plan. As the Financial Plan describes how the Eligible Improvements are to be financed and how the debt is expected to be incurred, it requires updating based on new revenue sources and other changes. ***This change swaps out the old Financial Plan for a revised plan based on the new revenue and debt anticipated by the Current Developer.***

The rest of the proposed changes to the District’s Current Service Plan occur in Section VI (Financial Plan) of the proposed First Amendment and only the stated aspects of this section change the rest remain in effect as written. ***The changes are intended to enable the Current Developer to ask the District to incur additional debt enabling it to finance the updated list of Eligible Improvements.*** The ability to incur additional debt is created by the following changes (summarized in **Table 1**, below):

- **Maximum Debt Authorization** – Increases the previous amount of \$72.95 million to \$166.00 million. ***This change enables the District to incur additional debt generating approximately \$75 million in net new proceeds to fund Eligible Improvements.*** The net new proceeds number exceeds the current estimated cost of the Eligible Improvements to provide cushion for interest rate fluctuations, reserve fund needs, project delays, and unforeseen cost overruns. As below, this increased maximum debt authorization intended to provide new debt authority to be financed by non-City and non-Authority, District revenues.
- **Total & Annual Net Debt Service** – Increases the previous amount from \$180.00 million to \$350.00 million. Net Debt Service is the sum of all principal and interest payments on the debt. Thus, an increase in the Maximum Debt Authorization requires a corresponding change to both the total and annual Net Debt Service amounts. ***This change supports the District’s ability to incur additional debt to fund additional Eligible Improvements as part of the proposed redevelopment.***

- Maximum Debt Maturity Term – Increases the previous maximum term from twenty-five (25) to forty (40) years from the date of issuance of the debt. ***This change extends the length of the debt incurred by the District. Allowing the Debt Service Mill Levy of fifty (50) mills to be leveraged over a longer period resulting in additional revenue and debt expense.*** Couple this change with the proposed increase in the Add-On PIF and together they create the revenue necessary to support additional debt.

**Table 1**  
**Amendments to Section VI – Financial Plan**

Item	Previous	Amended
<b>Maximum Debt Authorization</b>	\$72.95 M	\$166.00 M
<b>Total Net Debt Service</b>	\$180.00 M	\$350.00 M
<b>Maximum Debt Maturity Term</b>	25 Years (from issuance)	40 Years (from issuance)

### **Application of the 2013 Redevelopment and Reimbursement Agreement**

The First Amendment does not propose to change the commitments of the City under the 2013 Redevelopment and Reimbursement Agreement, approved by adoption of Resolution 2013-042, which defined the projects to be financed (the “eligible improvements”), the pledged revenues by the parties, and set a “cap amount” of \$53 million.

### **Urban Renewal Authority**

This proposal does not change the commitments of the Authority under the 2013 Redevelopment and Reimbursement Agreement, nor does the proposed amendment, by its terms, call for changes to the Urban Renewal Plan.

Furthermore, the purpose of the Urban Renewal Plan, which is the remediation of blight and the prevention of its further spread, may align with the high-level plans presented by the Current Developer to the City. Other conditions arising since the completion of the Original Project may be relevant to a determination of blight, including the vacancy of the former anchor tenant location of the core, legacy shopping center. These conditions may arguably be remediated the continued development of the site by shifting from enclosed retail space, which may be considered an outmoded form of development, to a more flexible and viable form of development. Therefore, the First Amendment and the plans presented for the site by the Current Developer may be consistent with the purposes for which the Authority and the Urban Renewal Plan were established.

### **METRO DISTRICT POLICY**

As above, the City adopted its Policy for reviewing service plans for metropolitan districts. The 2021 Policy revisions focused on emphasizing disclosure and transparency requirements and add an evaluation points system for the public benefits provided by metropolitan districts (“Metro Districts”) serving primarily residential development.

### **CITY FINANCIAL IMPACTS**

When City and FCURA originally considered the approval of the 2013 Amended and Restated Service Plan and associated public finance package, staff prepared an estimate of the total amount of incremental sales tax anticipated to be invested in the project. The 2013 staff estimate relied on several assumptions,

many of which have not been borne out in the development of national and global markets and trends since that time. While experience (and optimism) informed the assumption that overall growth would moderate the potential maximum City reimbursement pledge, the 2013 Redevelopment and Reimbursement Agreement did not include a hard cap or other limitation; rather, the agreement pledged 100 percent of the sales tax increment associated with the then 2.25% General Fund tax rate. Please note that, while the City's General Fund sales tax rate increased, the original rate of 2.25% that was committed to the project did not increase.

In May 2013, staff estimated that the total incremental sales tax invested in the project would total approximately \$8.8 million, see **Table 2** below. To date, the City has contributed \$3.5 million significantly below the original estimate due to several factors including:

- Lower than expected financing costs – the original bond closed at 5.92%, which was lower than the rate assumption of 7.00% when estimates were developed.
- Higher than expected property values – Actual property values of the Original Project were assessed higher than original estimates resulting in higher-than-expected property tax revenue collections – both increment and metro district – from 2015 to 2023.
- Lower than expected sales tax increment revenue – Due to the market conditions described below, actual retail sales performance of the project from 2015 to 2023 came in much lower than originally estimated resulting in less sales tax increment revenue to remit to the project.

**Table 2**  
**Original Sales Tax Estimates, May 2013**

Original Assumptions							
Year	Metro District Revenue	City Sales Tax Revenue	Non-Pledged Sales Tax	Pledged Increment	Bond Payments & Reserve	Increment Returned to City	City Contribution
2012		4.8					
2015	2.1	5.0	5.0	2.5	4.6	-	2.5
2016	2.3	5.3	5.3	3.1	5.4	-	3.1
2017	6.5	5.4	5.4	3.2	9.7	-	3.2
2018	6.5	8.8	5.5	3.3	6.0	3.3	-
2019	6.7	9.0	5.6	3.4	5.7	3.4	-
<b>TOTAL</b>				<b>15.4</b>		<b>6.6</b>	<b>8.8</b>

To evaluate the impact on the City, staff evaluated the following: (1) the impacts of the proposed First Amendment on revenues pledged to repayment of Debt through the Redevelopment and Reimbursement Agreement (the "Agreement"), and (2) the estimated sales tax "invested" towards repayment of debt because of the tax increment pledge.

### **Impact on the City's Debt Obligation**

The First Amendment does not propose to alter the nature of the obligation of the City to participate in the repayment of current debt, because it does not require or condition is approval on amendment of the 2013 Redevelopment and Reimbursement Agreement or otherwise create new obligations for the City. The proposed First Amendment, further, does not change the pledged revenues of either the City or Authority. The property tax increment pledge remains 100 percent until its expiration in 2038. Additionally, the sales tax increment remains limited to the 2.25 percent portion of the rate, excluding recent increases to the General Fund rate and all dedicated sales taxes. The current pledge of the City of its sales tax increment is unchanged by the First Amendment, so will remain 100 percent of the increment until the plan expires. Therefore, the proposed First Amendment does not, by its terms, change the City's or Authority's obligation to participate in the repayment of the debt; however, please see the below discussion on revenues.



## Impact on Estimated Sales Tax

While the City's obligation is not changed in the First Amendment, the estimated City sales tax revenues that will be applied towards the repayment of the project debt requires additional evaluation.

*Please note that the May 2013 estimates of sales tax revenue necessary to meet the City's pledge were presented to provide context and perspective for policymakers. Widely accepted economic assumptions that were applied in 2013 did not include the subsequent structural changes in national and international retail markets, such as the growing share of retail sales by remote sellers and other global shifts in consumer behavior. The May 2013 estimates were conservative and based on general economic assumptions during the term of the debt repayment; but the estimate was not a limit on the City's sales tax revenue obligation. The assumed early "retirement" of the sales tax increment, in whole or part, beginning in 2018 were not realized. With or without the First Amendment, the City's pledge of its sales tax increment will extend well into the debt repayment term.*

The activities and properties within the District do not currently generate robust sales and property tax revenue for debt payment under the current financing structure. When actual pledge revenues are less than those forecasted, it is common to consider restructuring debt, including refunding the initial bonds and then refinancing the project. Here, refunding the initial bonds would likely increase the City revenues pledged for its sales tax increment – in part because the overall cost of financing will increase based on rate assumptions. Therefore, the City's pledged sales tax revenues from the current agreement will likely exceed the original estimate of \$8.8 million – it is unclear by how much. Again, the City's pledge will likely exceed this amount, with or without the First Amendment.

It is possible, however, to more clearly estimate the amount of City sales tax revenue which may be necessary to meet the City's pledge per the Redevelopment and Reimbursement Agreement under the proposed First Amendment. Based on the Financial Plan attached to the proposed First Amendment, *the estimated sales tax increment "invested" into the project would be approximately \$30.5 million, see Table 3 below.* However, it should be noted that the same conditions apply to the current sales tax pledge that applied when the Redevelopment and Reimbursement Agreement was put in place in 2013. This current estimate is moderated by a larger assumption that economic conditions for the entire term of the pledge cannot be forecasted through the period of the City's pledge, ending in 2038.

As additional context, it is important to note that the City's sales tax increment pledge was designed to increase overall revenue to the City, both in the near and long term, from increased retail sales. Currently, it is estimated that the City may realize \$78.4 million in non-pledged and base sales tax; however, if vacancy rates and other trends in the area continue to deteriorate, the City may not receive the estimated non-pledged sales tax receipts. Setting aside dynamics and trends outside of local control, one of the larger purposes that may be served in refinancing the debt of the District would be to redevelop the site to increase the likelihood of continued, robust activities in this area.

**Table 3**  
**Revised Sales Tax Estimates, 2025**

<b>Tax Revenue Year</b>	<b>Est. Taxable Sales</b>	<b>City Sales Tax Revenue (@4.35%)</b>	<b>Dedicated &amp; Non-Pledged Taxes (2.10% rate)</b>	<b>Pledged Sales Tax (2.25% rate)</b>	<b>LESS: Collection Admin Fee</b>	<b>LESS: Base Collections (2.25% rate)</b>	<b>Pledged Increment (2.25% Rate)</b>
<b>2025</b>	\$ 119.7	\$ 5.2	\$ 2.5	\$ 2.7	\$ 0.0	\$ 1.8	\$ 0.8
<b>2026</b>	\$ 75.3	\$ 3.3	\$ 1.6	\$ 1.7	\$ 0.0	\$ 1.8	\$ -
<b>2027</b>	\$ 75.3	\$ 3.3	\$ 1.6	\$ 1.7	\$ 0.0	\$ 1.8	\$ -
<b>2028</b>	\$ 164.3	\$ 7.1	\$ 3.5	\$ 3.7	\$ 0.1	\$ 1.8	\$ 1.8
<b>2029-2038 (Annually)</b>	\$ 208.1	\$ 9.1	\$ 4.4	\$ 4.7	\$ 0.1	\$ 1.8	\$ 2.8
<b>Total</b>	<b>\$ 2,515.6</b>	<b>\$ 109.4</b>	<b>\$ 52.8</b>	<b>\$ 56.6</b>	<b>\$ 0.8</b>	<b>\$ 25.6</b>	<b>\$ 30.5</b>

At the Council Finance Committee, there was a request for additional details on the revenue received to-date by the metro district and additional anticipated revenues to be received by the metro district. Agenda Item Summary (AIS) **Attachment 1** provides the requested detailed information on the metro district revenue and debt.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

Presented to the Council Finance Committee on February 6, 2025, with a recommendation to refer to Council for consideration with additional information on district revenues, firm details on affordable housing commitment, and clarity on the Public Improvement Fee amount.

#### **PUBLIC OUTREACH**

Public notice of the First Amendment was provided consistent with statutory requirements of Title 32, C.R.S. and the City Metropolitan District Policy (see AIS **Attachment 2**, "Certificate of Mailing Notice of Hearing and Publication").

#### **ATTACHMENTS**

1. Staff Summary of Metropolitan District Revenue and Debt
2. Certificate of Notice of Public Hearing
3. Staff Presentation
4. Applicant Presentation
5. Resolution 2025-059



## MEMORANDUM

Date: May 20, 2025  
To: Mayor and City Councilmembers  
From: Josh Birks, Deputy Director, Sustainability Services  
Subject: Overview of Foothills Metropolitan District Financials (Actuals & Forecast)

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This memorandum responds to a request from the Council Finance Committee meeting on February 6, 2025, for details on revenues of the Foothills Metropolitan District (“Metro District”) received to-date and anticipated under the proposed amendments.

### ACTUAL REVENUES (2014 TO 2024)

The Metro District has received a total of \$41.1 million in revenue since 2014. The source of this revenue includes:

- Sales tax increment from the two and a quarter percent (2.25%) tax rate, which was the effective non-pledged rate at the time of the tax increment pledge. A total of \$3.4 million has been remitted to the Metro District, or 8.3 percent of all revenue.
- Property tax increment from the redevelopment project, including a portion dedicated to operations and maintenance of the Metro District owned infrastructure. A total of \$21.6 million has been remitted to the Metro District, or 52.6 percent of all revenue.
- Personal property tax and specific ownership tax collected from within the Metro District. A total of \$7.3 million has been remitted to the Metro District, or 17.8 percent of all revenue.
- A privately collected Public Improvement Fee (“PIF”). A total of \$8.7 million has been collected by the Metro District, or 21.3 percent of all revenue.



**Table 1**  
**Metro District: Actual Revenues, 2014 to 2024**

Type	Tax Increment			District		Private	
Source	Sales Tax	Property Tax	Oper. & Maint. Property Tax	Personal Property + Specific Ownership		PIF	Total
Details	2.25% Rate	Less: County & URA Admin Fee	Not Related to Debt	Taxes		1.00% Rate	
2014	\$ -	\$ -				\$ -	\$ -
2015	\$ -	\$ -		\$ 541,290	\$ 361,032	\$ 902,322	
2016	\$ -	\$ -		\$ 660,927	\$ 805,485	\$ 1,466,412	
2017	\$ 212,972	\$ 1,122,130	\$ 80,849	\$ 776,349	\$ 854,178	\$ 3,046,478	
2018	\$ 339,422	\$ 2,456,075	\$ 328,352	\$ 892,133	\$ 912,732	\$ 4,928,714	
2019	\$ 476,928	\$ 2,813,373	\$ 204,333	\$ 845,853	\$ 930,928	\$ 5,271,415	
2020	\$ 426,675	\$ 2,628,100	\$ 163,477	\$ 666,329	\$ 639,267	\$ 4,523,848	
2021	\$ -	\$ 3,490,470	\$ 313,177	\$ 1,041,539	\$ 971,397	\$ 5,816,583	
2022	\$ 661,753	\$ 2,945,865	\$ 310,352	\$ 692,878	\$ 1,166,269	\$ 5,777,117	
2023	\$ 807,962	\$ 2,894,485	\$ 320,295	\$ 692,435	\$ 1,078,036	\$ 5,793,213	
2024	\$ 479,362	\$ 1,295,985	\$ 242,689	\$ 515,582	\$ 1,017,495	\$ 3,551,113	
Total	\$ 3,405,074	\$ 19,646,483	\$ 1,963,524	\$ 7,325,315	\$ 8,736,819	\$ 41,077,215	
Percent	8.3%	47.8%	4.8%	17.8%	21.3%	100.0%	

Therefore, to-date Tax Increment Revenue (“TIF”) has accounted for approximately \$25 million in revenue or approximately 61% of all revenues remitted and collected by the Metro District.

#### **FORECAST REVENUE: REST OF AUTHORITY REMITTANCE (2025 TO 2038)**

The Foothills Tax Increment District (“TIF District”) has pledged to remit both sales tax increment and property tax increment to the Metro District through 2038. Based on projections provided by the developer’s financial advisor, the total additional sales tax increment anticipated to be remitted to the Metro District is \$30.5 million. An additional, \$57.5 million in property tax increment is anticipated to be remitted to the Metro District. Therefore, the district under the proposed refunding will likely receive an additional \$88.0 million in TIF, or approximately 50.9 percent of the anticipated revenue through the rest of the TIF District’s life.

**Table 2**  
**Metro District: Forecasted Revenues, 2025 to 2038**

Type Source	Tax Increment		Metro District		Private	All
Details	Sales Tax	Property Tax	Property Tax	PIF	Total	
	2.25% Rate	Less: County & URA Admin Fee	Adjusted Per Agreement	1.00% Rate		
2025	\$ 825,000	\$ 1,084,259	\$ 1,226,210	\$ 1,250,000	\$ 4,385,469	
2026	\$ -	\$ 1,240,944	\$ 1,400,118	\$ 941,614	\$ 3,582,676	
2027	\$ -	\$ 1,234,427	\$ 1,400,118	\$ 941,614	\$ 3,576,159	
2028	\$ 1,813,375	\$ 2,044,551	\$ 2,319,380	\$ 2,054,225	\$ 8,231,531	
2029	\$ 2,783,037	\$ 3,105,254	\$ 3,135,545	\$ 2,601,129	\$ 11,624,965	
2030	\$ 2,783,037	\$ 4,862,674	\$ 4,475,548	\$ 2,601,129	\$ 14,722,388	
2031	\$ 2,783,037	\$ 5,222,103	\$ 4,749,671	\$ 2,601,129	\$ 15,355,940	
2032	\$ 2,783,037	\$ 5,387,438	\$ 4,881,397	\$ 2,601,129	\$ 15,653,001	
2033	\$ 2,783,037	\$ 5,376,087	\$ 4,881,397	\$ 2,601,129	\$ 15,641,650	
2034	\$ 2,783,037	\$ 5,495,073	\$ 4,979,024	\$ 2,601,129	\$ 15,858,263	
2035	\$ 2,783,037	\$ 5,483,495	\$ 4,979,024	\$ 2,601,129	\$ 15,846,685	
2036	\$ 2,783,037	\$ 5,604,859	\$ 5,078,605	\$ 2,601,129	\$ 16,067,630	
2037	\$ 2,783,037	\$ 5,593,048	\$ 5,078,605	\$ 2,601,129	\$ 16,055,819	
2038	\$ 2,783,037	\$ 5,716,838	\$ 5,180,178	\$ 2,601,129	\$ 16,281,182	
<b>Total</b>	<b>\$ 30,468,745</b>	<b>\$ 57,451,050</b>	<b>\$ 53,764,820</b>	<b>\$ 31,198,743</b>	<b>\$ 172,883,358</b>	
<b>Percent</b>	<b>17.6%</b>	<b>33.2%</b>	<b>31.1%</b>	<b>18.0%</b>	<b>100.0%</b>	

#### **FORECAST REVENUE: METRO DISTRICT ONLY (2039 TO 2061)**

If City Council supports the requested amendment, starting in 2039 no additional sales tax increment or property tax increment would be remitted to the Metro District. However, the Metro District could continue to collect property tax from the debt service mills; approximately \$134.3 million over the period. In addition, the PIF would continue to be pledged towards debt service; approximately \$59.8 million in projected revenue.

**Table 3**  
**Metro District: Forecasted Revenues, 2029 to 2061**

Type Source	Tax Increment		Metro District	Private	All
Details	Sales Tax	Property Tax	Property Tax	PIF	Total
	2.25% Rate	Less: County & URA Admin Fee	Adjusted Per Agreement	1.00% Rate	
2039	\$ -	\$ -	\$ 5,180,178	\$ 2,601,129	\$ 7,781,307
2040	\$ -	\$ -	\$ 5,283,781	\$ 2,601,129	\$ 7,884,910
2041	\$ -	\$ -	\$ 5,283,781	\$ 2,601,129	\$ 7,884,910
2042	\$ -	\$ -	\$ 5,389,457	\$ 2,601,129	\$ 7,990,586
2043	\$ -	\$ -	\$ 5,389,457	\$ 2,601,129	\$ 7,990,586
2044	\$ -	\$ -	\$ 5,497,246	\$ 2,601,129	\$ 8,098,375
2045	\$ -	\$ -	\$ 5,497,246	\$ 2,601,129	\$ 8,098,375
2046	\$ -	\$ -	\$ 5,607,191	\$ 2,601,129	\$ 8,208,320
2047	\$ -	\$ -	\$ 5,607,191	\$ 2,601,129	\$ 8,208,320
2048	\$ -	\$ -	\$ 5,719,335	\$ 2,601,129	\$ 8,320,464
2049	\$ -	\$ -	\$ 5,719,335	\$ 2,601,129	\$ 8,320,464
2050	\$ -	\$ -	\$ 5,833,721	\$ 2,601,129	\$ 8,434,850
2051	\$ -	\$ -	\$ 5,833,721	\$ 2,601,129	\$ 8,434,850
2052	\$ -	\$ -	\$ 5,950,395	\$ 2,601,129	\$ 8,551,524
2053	\$ -	\$ -	\$ 5,950,395	\$ 2,601,129	\$ 8,551,524
2054	\$ -	\$ -	\$ 6,069,404	\$ 2,601,129	\$ 8,670,533
2055	\$ -	\$ -	\$ 6,140,512	\$ 2,601,129	\$ 8,741,641
2056	\$ -	\$ -	\$ 6,263,322	\$ 2,601,129	\$ 8,864,451
2057	\$ -	\$ -	\$ 6,263,322	\$ 2,601,129	\$ 8,864,451
2058	\$ -	\$ -	\$ 6,388,588	\$ 2,601,129	\$ 8,989,717
2059	\$ -	\$ -	\$ 6,388,588	\$ 2,601,129	\$ 8,989,717
2060	\$ -	\$ -	\$ 6,516,360	\$ 2,601,129	\$ 9,117,489
2061	\$ -	\$ -	\$ 6,516,360	\$ 2,601,129	\$ 9,117,489
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 134,288,886</b>	<b>\$ 59,825,967</b>	<b>\$ 194,114,853</b>

## ALL REVENUES DEDICATED TO DEBT REPAYMENT

If Council approves the proposed amendment, the Metro District could receive approximately \$408 million over the life of the debt allowed under this change. This revenue comes from a variety of sources:

- Sales tax increment of approximately \$33.9 million, or approximately 8.3% of total revenues.
- Property tax increment of approximately \$79.1 million, or approximately 19.4% of the total revenues.
- Metro district property tax from debt mills of \$195.4 million, or approximately 47.9% of total revenues.
- A privately imposed PIF of \$99.8 million, or 24.4 percent of total revenues.

Therefore, the proposed amendment allows for additional debt that will be primarily funded by Metro district property taxes and PIF (combined total of approximately 72.3% of total revenues. Additionally, \$367 million (approximately 90% of total revenues) of the anticipated \$408 million in total revenues will be enabled by the proposed amendment and through the current pledge of TIF.

**Table 4**  
**Metro District: Revenues Summary, 2014 to 2061**

Type Source	Tax Increment		Metro District Tax	Private PIF	All Total
Details	Sales Tax 2.25% Rate	Property Tax Less: County & URA Admin Fee	Adj. Per Agreement	1.00% Rate	
<b>Actuals</b> (2014-2024 )	\$ 3,405,074	\$ 21,610,007	\$ 7,325,315	\$ 8,736,819	\$ <b>41,077,215</b>
<b>Forecast</b> (Remaining Plan Area: 2025-2038 )	\$ 30,468,745	\$ 57,451,050	\$ 53,764,820	\$ 31,198,743	\$ <b>172,883,358</b>
<b>Forecast</b> (Rest of Service Plan Debt Term: 2039-2061 )	\$ -	\$ -	\$ 134,288,886	\$ 59,825,967	\$ <b>194,114,853</b>
<b>Total</b>	\$ <b>33,873,819</b>	\$ <b>79,061,057</b>	\$ <b>195,379,021</b>	\$ <b>99,761,529</b>	\$ <b>408,075,426</b>
<b>Percent</b>	<b>8.3%</b>	<b>19.4%</b>	<b>47.9%</b>	<b>24.4%</b>	<b>100.0%</b>

## USE OF FUNDS SUMMARY

The anticipated \$367 million in revenue will be used to support two bond Series: Senior Series 2026A and Subordinate Series 2026B. The Series 2026A bonds will refund (i.e., refinance) the existing 2014 Bond balance (approximately \$62.7 million) and generate \$57.1 million in new project proceeds. The Series 2026B bonds will be subordinate to the Senior bonds and provide an additional \$17.8 million in project proceeds. The two series combined will provide \$75 million in new project funding to support the developer's planned redevelopment of the site. The result will be a total of approximately \$166.1 million in outstanding debt.

**Table 5**  
**Metro District: Bond Details.**

Status Item Position Name	Refunding 2014 Bonds Senior Series 2026A	New 2026 Bonds Senior Series 2026A	New 2026 Bonds Subordinate Series 2026B	Total All ---
Net Proceeds	\$ 69,940,000	\$ 78,000,000	\$ 18,160,000	\$ 166,100,000
Use of Funds				
New Money	\$ 756	\$ 57,170,742	\$ 17,832,934.00	\$ 75,004,432
Repay Existing Bonds	\$ 62,692,556	\$ -	\$ -	\$ 62,692,556
Capitalized Interest	\$ -	\$ 12,747,450	\$ -	\$ 12,747,450
Reserve Fund	\$ 6,336,752	\$ 7,067,010	\$ -	\$ 13,403,762
Soft Costs	\$ 909,936	\$ 1,014,798	\$ 327,066.00	\$ 2,251,800
<b>Total Use of Funds</b>	<b>\$ 69,940,000</b>	<b>\$ 78,000,000</b>	<b>\$ 18,160,000</b>	<b>\$ 166,100,000</b>

The combined cost of the two bond series will be \$345.3 million in principal and interest costs. These costs are anticipated to be funded by revenue generated throughout the rest of the life of the TIF District (\$163.6 million) as well as the extension of the Property Tax Debt Mill's contemplated extension beyond the District (\$181.7 million). The anticipated \$30.5 million in additional sales tax increment pledge and \$57.5 million (see **Table 4**, above) in additional property tax increment pledge. The combined total of \$87.9 million in TIF will support 25.5 percent of the total debt cost, if authorized through the proposed amendment.

**Table 6**  
**Metro District: Use of Funds, 2025 to 2061**

Status Item Position Name	Refunding 2014 Bonds Senior Series 2026A	New 2026 Bonds Senior Series 2026A	New 2026 Bonds Subordinate Series 2026B	Total All ---
<b>URA Plan Area</b> (2025-2038)	\$ 94,813,316	\$ 52,052,088	\$ 16,737,467	\$ <b>163,602,870</b>
<b>Metro District Only</b> (2039-2061)	\$ 5,527,088	\$ 133,492,450	\$ 42,676,000	\$ <b>181,695,538</b>
<b>Total</b>	\$ <b>100,340,403</b>	\$ <b>185,544,538</b>	\$ <b>59,413,467</b>	\$ <b>345,298,407</b>

CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO

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**CERTIFICATION OF MAILING NOTICE OF HEARING AND PUBLICATION**

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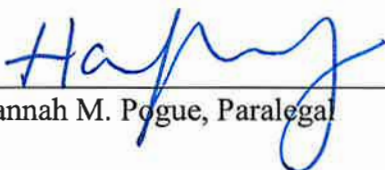
IN RE THE FIRST AMENDMENT TO AMENDED AND RESTATED SERVICE PLAN FOR FOOTHILLS METROPOLITAN DISTRICT, CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO

---

IT IS HEREBY CERTIFIED by the undersigned, as follows:

1. That, the City Council of the City of Fort Collins, set a public hearing for the 20th day of May, 2025, at 6:00 p.m., in the Council Information Center, 300 LaPorte Ave., Fort Collins, Colorado 80521, for the purpose of considering a First Amendment to Amended and Restated Service Plan for Foothills Metropolitan District (the "District").
2. That, as a part of said action, directions were given that copies of the Notice of Public Hearing be mailed, by first class mail, not less than thirty days prior to said hearing, to interested persons, defined as follows: (1) the owners of record of all property within the Title 32 special district as such owners of record are listed in the Larimer County Assessor's records; (2) the Division of Local Government; (3) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the District's boundaries.
3. That, in compliance with said directions, a copy of the Notice of Public Hearing, attached as Exhibit A, was deposited in the United States first class mail on April 18, 2025 to owners of record of all property within the Title 32 special districts; the Division of Local Government; and the governing body of any municipalities and special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a three (3) mile radius of the District's boundaries, as per the listings attached as Exhibit B.
4. That, as a part of said action, directions were given that the Notice of Public Hearing be published one time in a newspaper of general circulation within the District. In compliance with said directions, a copy of the Notice of Public Hearing, attached as Exhibit A, was published on April 18, 2025, in the *Fort Collins Coloradoan*, an Affidavit of Publication is attached as Exhibit C.

IN WITNESS WHEREOF, I have hereunto set my hand this 21<sup>st</sup> day of April, 2025.

  
 Hannah M. Pogue, Paralegal

STATE OF COLORADO     )  
 CITY AND                     ) ss.  
 COUNTY OF DENVER     )

The forgoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2025 by  
 Hannah M. Pogue.

(S E A L)



  
 Notary Public



**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

STATE OF COLORADO, CITY OF FORT COLLINS, LARIMER COUNTY

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## NOTICE OF PUBLIC HEARING

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IN RE THE FIRST AMENDMENT TO AMENDED AND RESTATED SERVICE PLAN FOR FOOTHILLS METROPOLITAN DISTRICT

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**PUBLIC NOTICE IS HEREBY GIVEN** that there has been filed with the City Clerk or the City of Fort Collins (the “City”), Larimer County, Colorado, a First Amendment to the Amended and Restated Service Plan (the “First Amendment to Service Plan”) and related documents for the existing Foothills Metropolitan District (the “District”). A map of the District and the proposed First Amendment to Service Plan are now on file in the office of the City Clerk, City Hall West, 300 LaPorte Ave., Fort Collins, Colorado 80521, and are available for public inspection.

**NOTICE IS HEREBY FURTHER GIVEN** that the City Council of the City of Fort Collins (the “City Council”), Larimer County, State of Colorado, will hold a public hearing at 6:00 P.M., on Tuesday, the 20th day of May, 2025, in the Council Information Center, 300 LaPorte Ave., Fort Collins, Colorado 80521 and accessible online via FCTV Broadcast at <https://reflect-vod-fcgov.cablecast.tv/CablecastPublicSite/watch-now?site=1>; via Zoom at <https://zoom.us/j/98241416497>; and via telephone conference at 1-346-248-7799, Meeting ID: 982 4141 6497, for the purpose of considering the adequacy of the First Amendment to Service Plan and to form a basis for adopting a resolution approving, disapproving or conditionally approving the First Amendment to Service Plan for the District.

The District is a metropolitan district as that term is defined in Section 32-1-103(10), C.R.S. The District is located entirely within the City of Fort Collins, Larimer County, Colorado. The general boundaries of the District are East Swallow Road on the north, East Monroe Drive on the south, Stanford Road on the East and East College Avenue on the west, being bisected in part by East Fort Collins Parkway and generally comprising the area of the existing Foothills Mall.

The primary purposes of the District is to finance, construct, acquire, own, operate and maintain certain eligible improvements, including but not limited to, land acquisition, parking structures, demolition/abatement, furniture, fixture and amenities, Foothills Activity Center, pedestrian crossing/culvert, relocation of Larimer County Canal No. 2, site work, sanitary sewer, storm water, water, fire water, and all necessary equipment and appurtenances incident thereto. The maximum mill levy that may be imposed for debt service shall not exceed fifty (50) mills as adjusted to take into account legislative or constitutionally imposed adjustments in assessed values or their method of calculation so that, to the extent possible, the revenue produced by such mill levy is neither diminished nor reduced as a result of such change.

**NOTICE IS HEREBY FURTHER GIVEN** that pursuant to Section 32-1-203(3.5), C.R.S., as amended, an owner of real property within the District may file a petition with the City Council, requesting that such real property be excluded from the District. Such petition may be filed no later than ten (10) days before the day fixed for the public hearing on the First Amendment to Service Plan, but the City Council shall not be limited in its action with respect to the exclusion of territory based upon such request. All protests and objections must be submitted in writing to the City Council at or prior to the hearing or any continuance or postponement thereof in order to be considered. Any request for exclusion shall be acted upon before final action of the City Council. All protests and objections to the District must be submitted in writing to the City Council at or prior to the hearing or any continuance or postponement thereof in order to be considered. All protests and objections to the District shall be deemed waived unless presented at the time and in the manner specified.

Dated this 18th day of April 2025.

Published in: *Fort Collins Coloradoan*  
Published on: April 18, 2025

Item 15.

**EXHIBIT B**

**FOOTHILLS METROPOLITAN DISTRICT**

Property Owners within the Boundaries of the District  
Taxing Entities within a 3-mile radius of the Boundaries of the District  
Division of Local Government

CYCLE PROPERTY OWNER LLC  
1100 W IDAHO ST, STE 630  
BOISE, ID 83702-5661

MXD FORT COLLINS LLC  
C/O MCWHINNEY REAL ESTATE SERVICES INC  
1800 WAZEE ST, STE 200  
DENVER, CO 80202-2526

CITY OF FORT COLLINS  
300 LAPORTE AVE  
FORT COLLINS, CO 80521

HEALTH DISTRICT OF NORTHERN  
LARIMER COUNTY  
120 BRISTLECONE DR  
FORT COLLINS, CO 80524

LARIMER COUNTY  
PO BOX 1190  
FORT COLLINS, CO 80522

LARIMER COUNTY PEST CONTROL  
C/O LARIMER COUNTY NATURAL RESOURCES  
PO BOX 1190  
FORT COLLINS, CO 80522

NORTHERN COLORADO WATER CONSERVANCY  
DISTRICT  
120 BRISTLECONE DR  
FORT COLLINS, CO 80524

POUDRE R-1 SCHOOL DISTRICT  
DIRECTOR OF BUSINESS SERVICES  
2407 LAPORTE AVE  
FORT COLLINS, CO 80521

POUDRE RIVER PUBLIC LIBRARY DISTRICT  
301 E OLICE ST  
FORT COLLINS, CO 80524

MIDTOWN URA FOOTHILLS MALL  
C/O CITY CLERKS OFFICE  
PO BOX 580  
FORT COLLINS, CO 80522

POUDRE VALLEY FIRE PROTECTION DISTRICT  
102 REMINGTON ST  
FORT COLLINS, CO 80524

LARIMER CONSERVATION DISTRICT  
2150 CENTRE AVE, BUILDING A  
FORT COLLINS, CO 80526

EAST LARIMER COUNTY WATER DISTRICT  
C/O MIKE SCHEID  
PO BOX 2044  
FORT COLLINS, CO 80522

BOXELDER SANITATION DISTRICT  
C/O BRIAN ZICK  
PO BOX 1518  
FORT COLLINS, CO 80522

FORT COLLINS – LOVELAND WATER DISTRICT  
C/O MIKE DITULLIO  
5150 SNEAD DR  
FORT COLLINS, CO 80525

SOUTH FORT COLLINS SANITATION DISTRICT  
C/O MIKE DITULLIO  
5150 SNEAD DR  
FORT COLLINS, CO 80525

LARIMER CO P.I.D. NO. 71  
ROCKVIEW WILDFLOWER RIDGE  
C/O LARIMER COUNTY ENGINEERING DEPT  
PO BOX 1190  
FORT COLLINS, CO 80522

LARIMER COUNTY G.I.D. NO. 1  
IMPERIAL ESTATES  
C/O LARIMER COUNTY ENGINEERING DEPT  
PO BOX 1190  
FORT COLLINS, CO 80522

LARIMER CO P.I.D. NO. 24 WESTRIDGE  
C/O LARIMER COUNTY ENGINEERING DEPT  
PO BOX 1190  
FORT COLLINS, CO 80522

MIDTOWN URA PROSPECT SOUTH  
C/O CITY CLERKS OFFICE  
PO BOX 580  
FORT COLLINS, CO 80522

FORT COLLINS G.I.D. NO. 1  
C/O CITY CLERKS OFFICE  
PO BOX 580  
FORT COLLINS, CO 80522

LARIMER COUNTY G.I.D. NO. 15  
SKYVIEW SOUTH  
C/O CITY CLERKS OFFICE  
PO BOX 580  
FORT COLLINS, CO 80522

COLLEGE AND DRAKE URBAN RENEWAL PLAN  
C/O CITY CLERKS OFFICE  
PO BOX 580  
FORT COLLINS, CO 80522

RED FEATHER LAKES FIRE PROTECTION  
DISTRICT  
PO BOX 67  
FORT COLLINS, CO 80545

LARIMER COUNTY G.I.D. NO. 13A  
RED FEATHER LAKES  
C/O LARIMER COUNTY ENGINEERING DEPT  
PO BOX 1190  
FORT COLLINS, CO 80522

RED FEATHER MOUNTAIN LIBRARY  
C/O LIBRARY DIRECTOR  
PO BOX 123  
FORT COLLINS, CO 80545

DIVISION OF LOCAL GOVERNMENT  
1313 SHERMAN ST, RM 521  
DENVER, CO 80203

**EXHIBIT C**  
**AFFIDAVIT OF PUBLICATION**



PO Box 631823 Cincinnati, OH 45263-1823

**AFFIDAVIT OF PUBLICATION**

ACCOUNTS PAYABLE  
Icenogle Seaver Pogue  
4725 S Monaco ST # 360  
Denver CO 80237-2728

STATE OF WISCONSIN, COUNTY OF BROWN

The Fort Collins Coloradoan, a daily newspaper printed and published in the city of Fort Collins, Larimer County, State of Colorado, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/18/2025

and that the fees charged are legal.  
Sworn to and subscribed before on 04/18/2025

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost:	\$173.83	
Tax Amount:	\$0.00	
Payment Cost:	\$173.83	
Order No:	11229757	# of Copies:
Customer No:	1249119	0
PO #:	LCOL0278968	

**THIS IS NOT AN INVOICE!***Please do not use this form for payment remittance.*

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



NOTICE OF PUBLIC HEARING  
IN RE THE FIRST AMENDMENT  
TO AMENDED AND RESTATED  
SERVICE PLAN FOR FOOTHILLS  
METROPOLITAN DISTRICT  
PUBLIC NOTICE IS HEREBY  
GIVEN that there has been filed  
with the City Clerk or the City of  
Fort Collins (the "City"), Larimer  
County, Colorado, a First Amend-  
ment to the Amended and Restated  
Service Plan (the "First Amend-  
ment to Service Plan") and related  
documents for the existing Foot-  
hills Metropolitan District (the  
"District"). A map of the District  
and the proposed First Amendment  
to Service Plan are now on file in  
the office of the City Clerk, City  
Hall West, 300 LaPorte Ave., Fort  
Collins, Colorado 80521, and are  
available for public inspection.

NOTICE IS HEREBY  
FURTHER GIVEN that the City  
Council of the City of Fort Collins  
(the "City Council"), Larimer  
County, State of Colorado, will  
hold a public hearing at 6:00 P.M.,  
on Tuesday, the 20th day of May,  
2025, in the Council Information  
Center, 300 LaPorte Ave., Fort  
Collins, Colorado 80521 and acces-  
sible online via FCTV Broadcast at  
[https://reflect-vod-fcgov.cablecast.  
tv/Cablecast](https://reflect-vod-fcgov.cablecast.tv/Cablecast) PublicSite/watch-  
now?site=1; via Zoom at [https://  
zoom.us/j/98241416497](https://zoom.us/j/98241416497); and via tele-  
phone conference at 1-346-248-7799,  
Meeting ID: 982 4141 6497, for the  
purpose of considering the adequacy  
of the First Amendment to Service  
Plan and to form a basis for adopt-  
ing a resolution approving, disap-  
proving or conditionally approving  
the First Amendment to Service  
Plan for the District.

The District is a metropoli-  
tan district as that term is defined  
in Section 32-1-103(10), C.R.S. The  
District is located entirely within  
the City of Fort Collins, Larimer  
County, Colorado. The general  
boundaries of the District are East  
Swallow Road on the north, East  
Monroe Drive on the south, Stan-  
ford Road on the East and East  
College Avenue on the west, being  
bisected in part by East Fort Collins  
Parkway and generally comprising  
the area of the existing Foothills  
Mall.

The primary purposes of the  
District is to finance, construct,  
acquire, own, operate and main-  
tain certain eligible improvements,  
including but not limited to, land  
acquisition, parking structures,  
demolition/abatement, furniture,  
fixture and amenities, Foothills  
Activity Center, pedestrian cross-  
ing/culvert, relocation of Larimer  
County Canal No. 2, site work, sani-  
tary sewer, storm water, water, fire  
water, and all necessary equipment  
and appurtenances incident thereto.  
The maximum mill levy that  
may be imposed for debt service  
shall not exceed fifty (50) mills as  
adjusted to take into account legis-  
lative or constitutionally imposed  
adjustments in assessed values or  
their method of calculation so that,  
to the extent possible, the revenue  
produced by such mill levy is  
neither diminished nor reduced as a  
result of such change.

NOTICE IS HEREBY  
FURTHER GIVEN that pursuant  
to Section 32-1-203(3.5), C.R.S., as  
amended, an owner of real property  
within the District may file a petition  
with the City Council, requesting  
that such real property be excluded  
from the District. Such petition may  
be filed no later than ten (10) days  
before the day fixed for the public  
hearing on the First Amendment to  
Service Plan, but the City Council  
shall not be limited in its action  
with respect to the exclusion of  
territory based upon such request.  
All protests and objections must  
be submitted in writing to the City  
Council at or prior to the hearing or  
any continuance or postponement  
thereof in order to be considered.  
Any request for exclusion shall be  
acted upon before final action of  
the City Council. All protests and  
objections to the District must be  
submitted in writing to the City  
Council at or prior to the hearing or  
any continuance or postponement  
thereof in order to be considered.  
All protests and objections to the  
District shall be deemed waived  
unless presented at the time and in  
the manner specified.

Dated this 18th day of April 2025.  
Published in: Fort Collins Colora-  
doan  
Publish on: April 18, 2025  
April 18 2025  
LCOL0278968

# Amendment to the Service Plan for the Foothills Metro District

**Josh Birks**

Deputy Director, Sustainability Services



1. Public Hearing on the proposed amendment to the Foothills Metropolitan District
2. Consideration of a resolution approving a First Amendment to the Amended and Restated Service Plan for the Foothills Metropolitan District.
  - Enabling the issuance of additional debt.
  - Supporting the reinvestment and redevelopment in the former Foothills Mall site.

- District formed May 2013 at request of the Original Developer
- Intended to support a comprehensive redevelopment of the site
- \$53 million in net bond proceeds to fund:
  - Public infrastructure improvements
  - The Foothills Mall Activity Center
  - An underpass connecting to the MAX Bus Rapid Transit
- Bond Supported by five revenue sources
  - Metro District Capital Mills (50)
  - Metro District Specific Ownership Tax
  - Property Tax Increment
  - Add-On Public Improvement Fee Revenue
  - Sales Tax Increment
- Incremental revenues were pledged 100% from 2014 to 2038







- College Avenue shops ~ 90% leased (consistent)
- Enclosed retail shops ~ 49% occupancy
- Since 2016 significant international and national trends have impacted consumer behaviors
- Five revenue sources currently are just sufficient for debt service
- Current Developer's underwriter forecasts revenues may not be sufficient by 2028
- Requesting refunding and additional debt to facilitate a renewed attempt at redevelopment and repositioning of the site

# Evolution of the Proposed Project



## Initial Discussions

- McWhinney acquires property in 2021
- Community discussions occur (2021/2022)
- Request to consider resetting the Urban Renewal Plan Area and clock (2023)
- **Original Project Proposal**
  - “Right size” the retail (approx. 32% reduction)
  - Proposed 600 +/- residential units (*urban flats, walk-up townhomes, luxury brownstones, attainable condos*)
  - Potential for 70,000 square feet of office
  - 11 acres of open space

## Current Discussions

- Began in 2024; pivot to Metro District Amendment
- Need to refund debt and obtain additional capital for public improvements
- Extend the debt period and amount for the District
- **Current Project Proposal**
  - “Right size” the retail (approx. 32% reduction)
  - Proposed up to 300 residential units
  - 30,000 square feet of land donated/contributed to Affordable Housing; (approximately 14-28 units)



Staff does not recommend strictly enforcing the 2021 Metro District policy:

- District approved in 2013 prior to policy revisions
- It **serves** primarily **as a financial conduit**
- Primary purpose is **not to serve/facilitate residential development**
- Delivers on the public benefit of **infill/redevelopment**





## Definitions:

- **Add-On PIF Revenues** – allows the Current Developer to adjust the amount to raise additional revenue; 1.0% percent floor with 3.0% ceiling; anticipated at 1.25%
- **Eligible Improvements** – expands the list to include additional improvements associated with the proposed plan; total now \$113 million
- **Financial Plan** – swaps for a revised plan based on the proposed development plan, revenue, and debt anticipated

## Financial Plan:

- **Maximum Debt Authorization** – increased to \$166 million
- **Annual & Total Net Debt Service** – increased to an average of \$11.5 & \$350 million, respectively
- **Maximum Debt Maturity Term** – increased from 25 to 40 years



## Amendment does not alter the obligations:

- **City has never had an obligation for the debt**
- **Property Tax Increment:** Remains 100%; terminates in 2038 (*payable in 2039*)
- **Sales Tax Increment:** Remains 100% of the 2.25% rate; terminates in 2038; first dollars out if no longer needed for debt service



# Estimated Sales Tax: Proposed Amendment

Tax Revenue Year	Est. Taxable Sales	City Sales Tax Revenue (@4.35%)	Dedicated & Non-Pledged Taxes (2.10%rate)	Pledged Sales Tax (2.25%rate)	LESS: Collection Admin Fee	LESS: Base Collections (2.25%rate)	Pledged Increment (2.25%Rate)
2025	\$ 119.7	\$ 5.2	\$ 2.5	\$ 2.7	\$ 0.0	\$ 1.8	\$ 0.8
2026	\$ 75.3	\$ 3.3	\$ 1.6	\$ 1.7	\$ 0.0	\$ 1.8	\$ -
2027	\$ 75.3	\$ 3.3	\$ 1.6	\$ 1.7	\$ 0.0	\$ 1.8	\$ -
2028	\$ 164.3	\$ 7.1	\$ 3.5	\$ 3.7	\$ 0.1	\$ 1.8	\$ 1.8
2029-2038 (Annually)	\$ 208.1	\$ 9.1	\$ 4.4	\$ 4.7	\$ 0.1	\$ 1.8	\$ 2.8
Total	\$ 2,515.6	\$ 109.4	\$ 52.8	\$ 56.6	\$ 0.8	\$ 25.6	\$ 30.5

Updated estimate: **\$30.5 Million** ♦ Anticipated non-pledged & base revenues: **\$78.4 million**

# Proposed Bond Details

Status	Refunding	New	New	Total
Item	2014 Bonds	2026 Bonds	2026 Bond	All
Position	Senior	Senior	Subordinate	---
Name	Series 2026A	Series 2026A	Series 2026B	---
Net Proceeds	\$69.9	\$78.0	\$18.2	\$166.1
<b><i>Use of Funds</i></b>				
New Money	\$0.0	\$57.2	\$17.8	\$75.0
Repay Existing	\$62.7	\$0.0	\$0.0	\$62.7
Capitalized Interest	\$0.0	\$12.7	\$0.0	\$12.7
Reserve Fund	\$6.3	\$7.1	\$0.0	\$13.4
Soft Costs	\$0.9	\$1.0	\$0.3	\$2.3
<b>Total Use of Funds</b>	<b>\$69.9</b>	<b>\$78.0</b>	<b>\$18.2</b>	<b>\$166.1</b>



# Thank you!

Reviewed by outside legal Counsel for the Authority

- **Conclusion:** Neither the Plan nor the Agreement require changes

The purpose of Urban Renewal continues to be achieved:

- **Blight Remediation:** Vacant Macy's Building
- **Prevention:** Reposition an out-of-date and underperforming retail center with additional housing and a broader mixture of uses



## May 2013 estimates provided context and perspective

- Assumed early “retirement” of sales tax increment in 2018; ***not realized***
- Significant market challenges (international and national trends; consumer behavior; COVID)
- Despite estimate, the pledge has always been 100% of increment – 2014 to 20238
- Without renewed redevelopment efforts, remains likely the pledge will exceed 2013 estimate

Original Assumptions							
Year	Metro District Revenue	City Sales Tax Revenue	Non-Pledged Sales Tax	Pledged Increment	Bond Payments & Reserve	Increment Returned to City	City Contribution
2012		4.8					
2015	2.1	5.0	5.0	2.5	4.6	-	2.5
2016	2.3	5.3	5.3	3.1	5.4	-	3.1
2017	6.5	5.4	5.4	3.2	9.7	-	3.2
2018	6.5	8.8	5.5	3.3	6.0	3.3	-
2019	6.7	9.0	5.6	3.4	5.7	3.4	-
<b>TOTAL</b>				<b>15.4</b>		<b>6.6</b>	<b>8.8</b>

# Revenues Received by Metro District: 2014 to 2024

Source	Amount (Millions)	Percentage of Total
Sales Tax Increment	\$3.4	8.3%
Property Tax Increment	\$19.6	47.8%
O&M Property Tax	\$2.0	4.8%
District Personal Property Tax & Specific Ownership	\$7.3	17.8%
Public Improvement Fee	\$8.7	21.3%
<b>Total</b>	<b>\$41.1</b>	<b>100.0%</b>



# Revenue Forecast for Metro District: 2025 to 2038

Source	Amount (Millions)	Percentage of Total
Sales Tax Increment	\$30.5	17.6%
Property Tax Increment	\$57.5	33.2%
Metro District Other: O&M, Personal Property & Specific Ownership	\$53.8	31.1%
Public Improvement Fee	\$31.2	18.0%
<b>Total</b>	<b>\$172.9</b>	<b>100.0%</b>



# Revenue Forecast for Metro District: 2039 to 2061

Source	Amount (Millions)	Percentage of Total
Sales Tax Increment	\$0.0	0.0%
Property Tax Increment	\$0.0	0.0%
Metro District Other: O&M, Personal Property & Specific Ownership	\$134.3	69.2%
Public Improvement Fee	\$59.8	30.8%
<b>Total</b>	<b>\$194.1</b>	<b>100.0%</b>

# Revenue Actual & Forecast for Metro District: 2014 to 2061

Source	Amount (Millions)	Percentage of Total
Sales Tax Increment	\$33.9	8.3%
Property Tax Increment	\$79.1	19.4%
Metro District Other: O&M, Personal Property & Specific Ownership	\$195.4	47.9%
Public Improvement Fee	\$99.8	24.4%
<b>Total</b>	<b>\$408.1</b>	<b>100.0%</b>

## What is the Total value of the Tax Increment Pledge (2025 forward)?

- Total Tax Increment = Property Tax Increment + Sales Tax
- \$91.4 million = \$57.5 million + \$33.9 million

## What is the total cost of the refunding portion of the Series 2026A bonds?

- Total cost = Net Proceeds + Interest
- \$101.0 Millions = \$69.9 million + \$31.1 million

## Comparing total Tax Increment Pledge to Refunding Cost?

- Tax Increment Pledge  $\leq$  Refunding Cost
- \$91.4 million < \$101.0 million

**The *Tax Increment Pledge* alone is  
not sufficient to fund the *Refunding Cost***

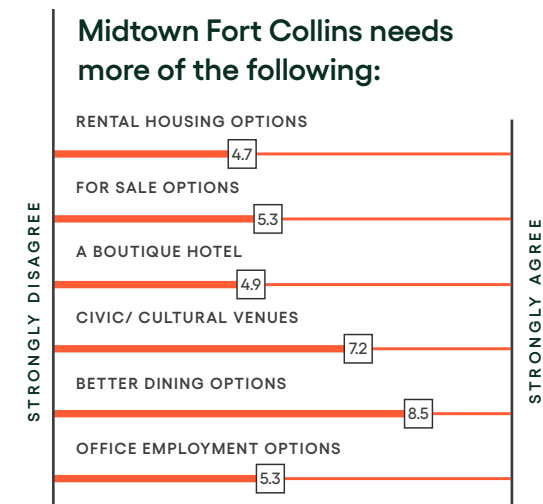
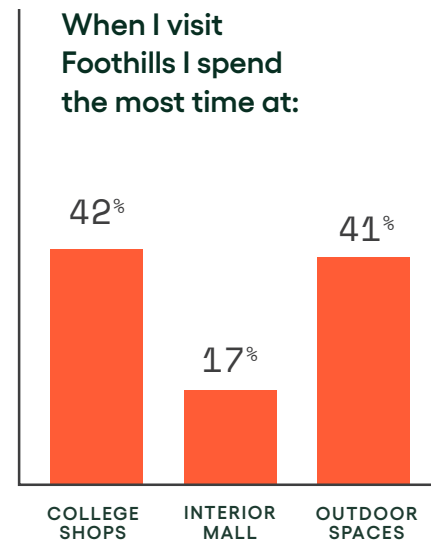
# Foothills

Fort Collins, Colorado May 20, 2025



## OUTREACH & COMMUNITY ALIGNMENT

# Community driven design







Foothills today represents traditional suburban development... despite a \$300+M renovation less than 10 yrs ago, the indoor portion is trending toward obsolescence. **Fort Collins deserves better.**

### Current Conditions

- Sprawling parking fields
- Anchor tenants vacating
- Under-utilized parking structure
- Poor connections to surrounding neighborhoods



Foothills represents a generational opportunity to transform 62+ acres in the heart of midtown into a vibrant, mixed-use urban neighborhood and lifestyle district that is rooted in the culture and community of Fort Collins.

### Redevelopment Approach

- Retain entities that are successful (College Ave. shops, Cinemark, existing restaurants)
- Align land use with public desires and city goals
- Create room for a host of new experiences and complimentary uses that ensure long-term success



FOOTHILLS BY THE NUMBERS

# Adaptive reuse over demolition

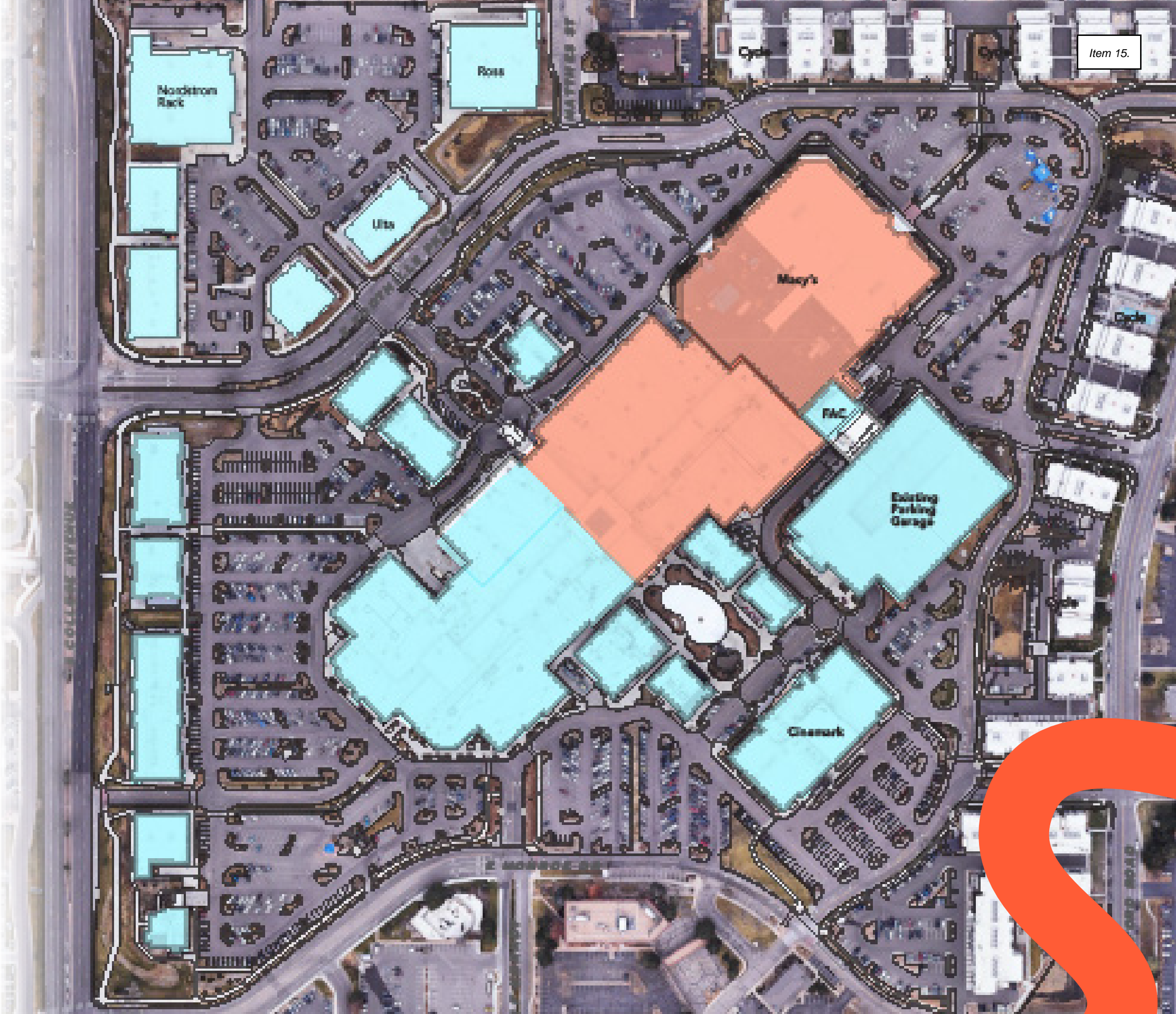
Goal = ‘right size’ the amount of retail to position for long term success

662,619 sf  
AMOUNT OF CURRENT RETAIL

±444,000 sf  
RETAIL REIMAGINED

32%  
OVERALL REDUCTION

- Existing Building to be removed
- Existing Building to remain





FOOTHILLS BY THE NUMBERS

# Repurposed & reimagined to resonate.

±444,000 sf

OF RETAIL / F&B

40,000 sf

OF NEW WORKPLACE OPPORTUNITIES

±300

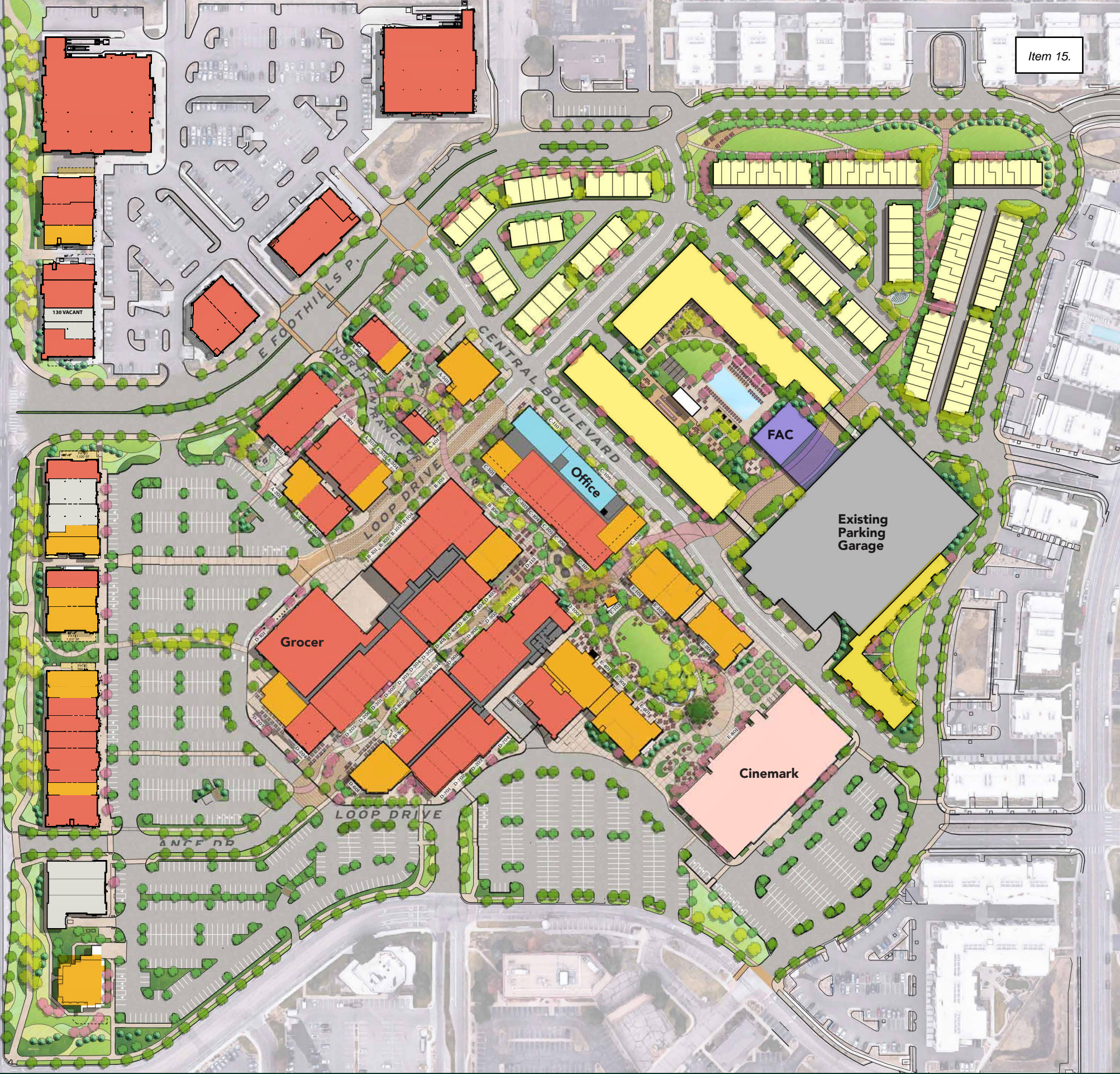
NEW RESIDENTIAL UNITS

Townhomes  
Affordable Apartments  
Condominiums

11 acres

OF OPEN SPACE & NATURE TRAILS

RETAIL F&B OFFICE RESIDENTIAL FAC











# Adaptive reuse of interior mall corridor

The information contained in this proposal is conceptual in nature and provided for general information purposes only. Plans, specifications, amenities, features, availability, amounts, land uses, timing, programming, owners/tenants, target brands, and other elements are subject to change, modification or cancellation without notice. Plans, photos, maps, and drawings are intended for informational and illustrative purposes only and are not to be relied on. All images used within this document are for internal use only and are not to be published or shared with third-parties.

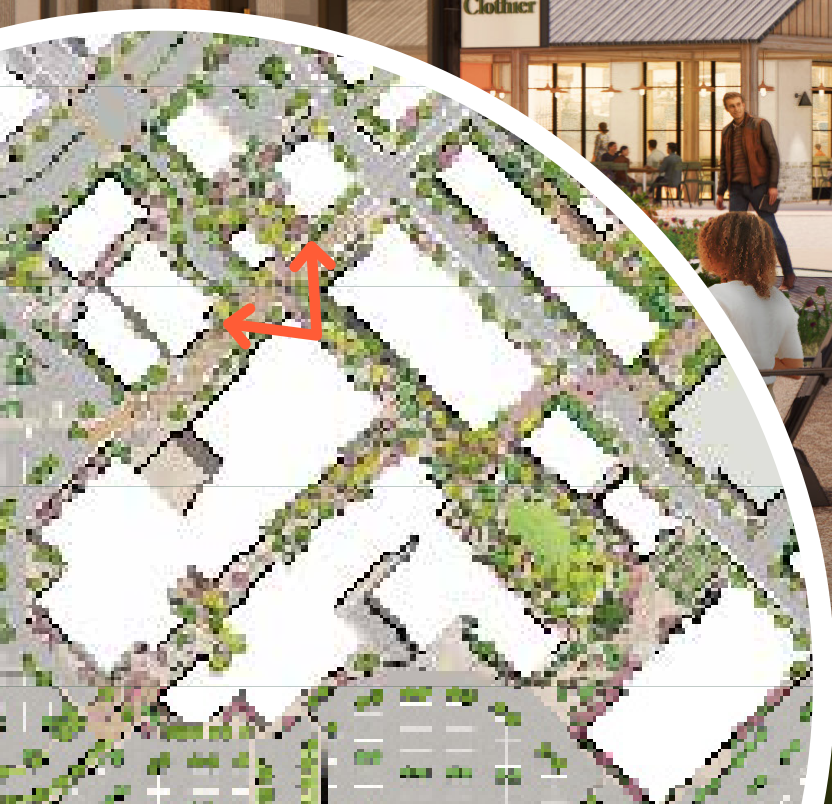




# Crafted outdoor dining experiences

The information contained in this proposal is conceptual in nature and provided for general information purposes only. Plans, specifications, amenities, features, availability, amounts, land uses, timing, programming, owners/tenants, target brands, and other elements are subject to change, modification or cancellation without notice. Plans, photos, maps, and drawings are intended for informational and illustrative purposes only and are not to be relied on. All images used within this document are for internal use only and are not to be published or shared with third-parties.





# Dynamic tenant offerings rooted in the culture of Fort Collins

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# Transformative open spaces that unite the community

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±40,000<sub>sf</sub>  
OF WORKPLACE  
OPPORTUNITIES

**Foothills**

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UNITED BY COMMUNITY & NATURE

# Residential District

"WE'RE CREATING AN EXCEPTIONAL NEW RESIDENTIAL NEIGHBORHOOD THAT PUTS NATURE AND THE PEDESTRIAN FIRST" – CHAD MCWHINNEY

±300  
NEW RESIDENTIAL UNITS



RESIDENTIAL DISTRICT

# Welcome to the Neighborhood





RESIDENTIAL DISTRICT

# Nature is calling, and it's right outside your door



FLEXIBLE SEATING SPACES

ADVENTURE PLAY ZONE

OVERSIZED SEATING

FAC

CLIMBING WALL / DYNAMIC ART

DOG PARK



# Environmental Sustainability Outcomes

FROM CAR-CENTRIC, SINGLE-USE SUBURBAN PROTOTYPE TO WALKABLE, URBAN-SCALED MIXED-USE VILLAGE

ADAPTIVE RE-USE VS. DEMOLITION

NEARLY 3X AMOUNT OF OUTDOOR, LANDSCAPED OPEN SPACE

NEW BIKE AND PEDESTRIAN INFRASTRUCTURE

ALL DESIGNED TO GET PEOPLE OUT OF THEIR CARS = NATURAL REDUCTION IN GHGS

INTEGRATED LANDSCAPING TO PROMOTE LEARNING AND PLAY

EXISTING



PROPOSED





# Critical Public Infrastructure

NEW STREET/ALLEY NETWORK

CREATE SMALLER, URBAN-SCALED BLOCKS FOR NEW USES

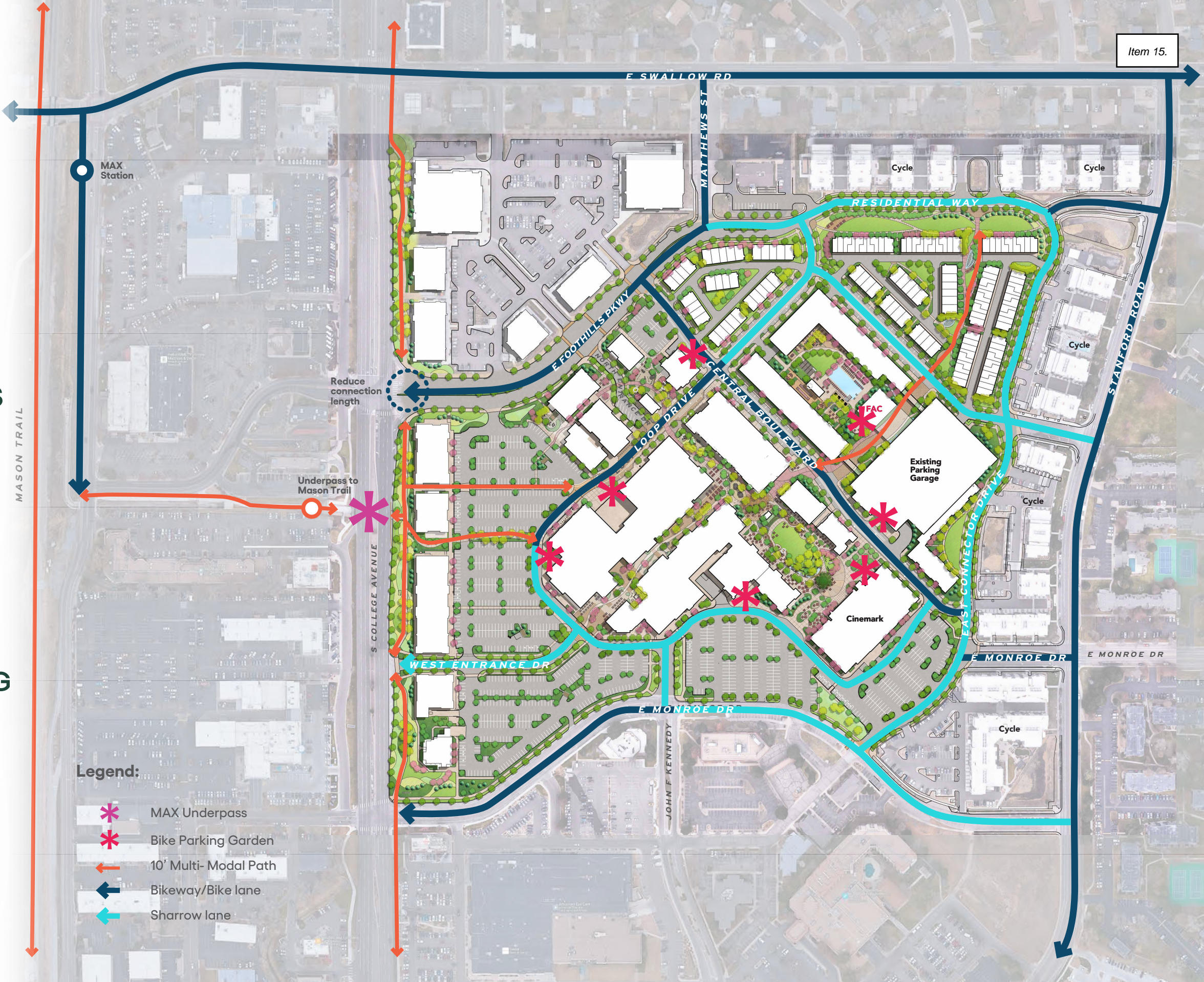
NEARLY 3X AMOUNT OF LANDSCAPED, PROGRAMMED COMMUNITY OPEN SPACE

UPGRADE PUBLIC PARKING STRUCTURE

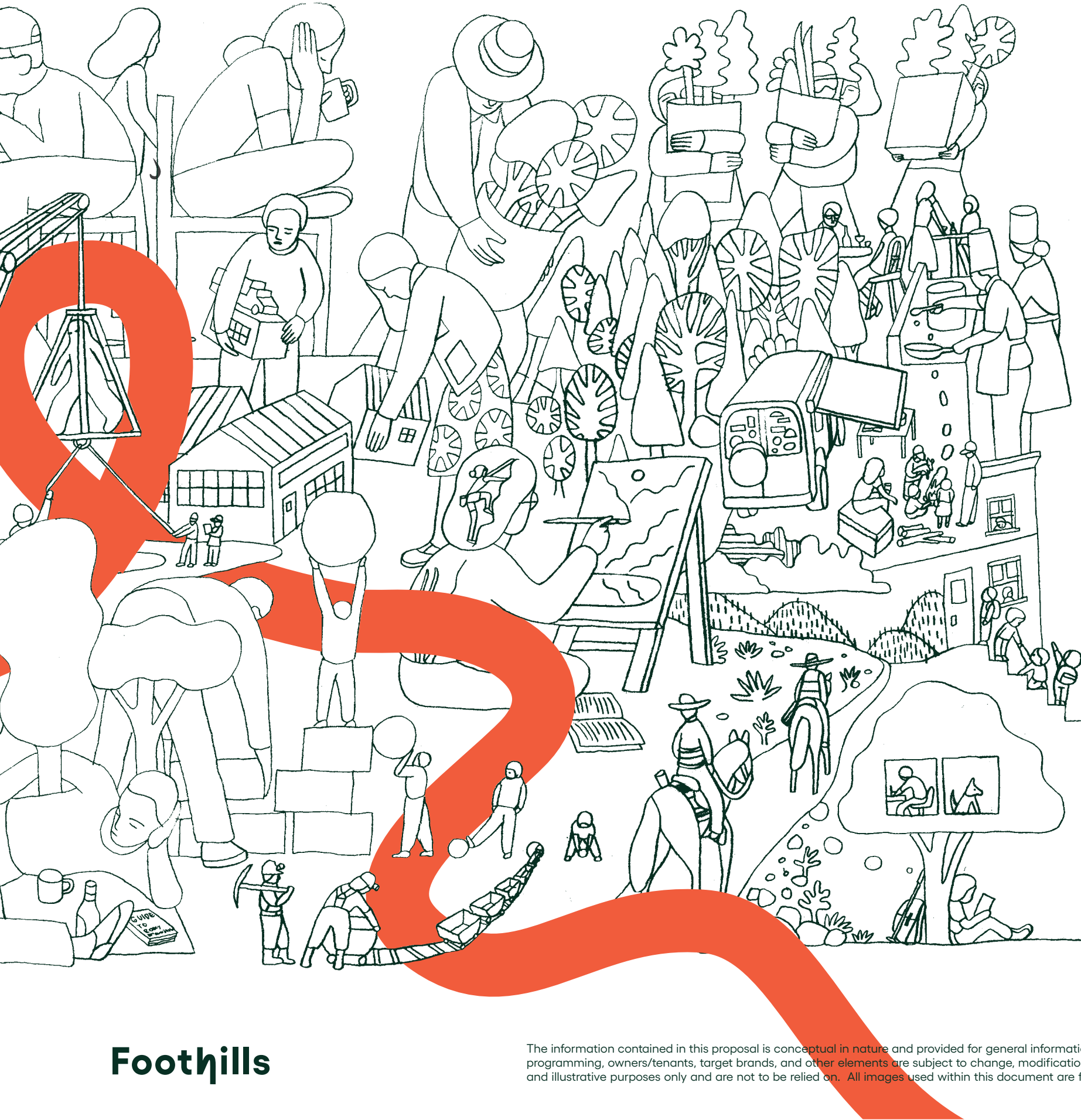
RE-ORGANIZE SURFACE PARKING

FOOTHILLS ACTIVITY CENTER = RENOVATE EXTERIOR/MAKE MORE VISIBLE

IMPROVE CONNECTION TO ADJACENT MARRIOTT







# Smart Growth Management

**INCREASE DENSITY WITHIN AN IDENTIFIED TOD DISTRICT**

**LEVERAGE EXISTING UNDER-UTILIZED GARAGE**

**CO-LOCATION OF JOBS, HOUSING, RETAIL, DINING AND SERVICES = A “10-MIN CITY”**

**WALKABILITY AND PEDESTRIAN FRIENDLINESS**

**STRENGTHEN CONNECTION TO TRANSIT**

**PUBLIC/COMMUNITY-GATHERING SPACES**



# Strategic Priorities

- 1** DEDICATED SITE FOR AFFORDABLE RENTAL HOUSING
- 2** ATTACHED, FOR-SALE HOUSING – RANGE OF PRODUCT TYPES AND PRICE POINTS
- 3** INFILL REDEVELOPMENT, SERVED BY EXISTING INFRASTRUCTURE
- 4** ECONOMIC HEALTH OUTCOMES – MALL IS FAILING; CURRENT BONDS WILL GO INTO DEFAULT







The information contained in this proposal is conceptual in nature and provided for general information purposes only. The proposal is subject to change by McWhinney Real Estate Services, LLC or its affiliates without notice. The final terms and conditions of any development or other matters related to the project will be set forth in the definitive agreements among the relevant parties. While we endeavor to provide information which is up to date and correct, we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to the information or related graphics contained in this proposal. Financial information, expenses, and projections include estimates, assumptions, and forward looking statements which may not prove to be correct and which involve risks. Plans, specifications, amenities, features, availability, amounts, prices, land uses, timing, dimensions, materials and other elements are also subject to change, modification or cancellation. Scenes, pictures, drawings, illustrations and/or views shown may be artist renderings and may be locations or activities not on, or related to, the property or development. Actual views may vary, and views described or depicted cannot be relied upon. Maps are not to scale and are for relative location purposes only. There is no guarantee that the facilities, services, features, amenities, improvements, views, scenes or specifications described, shown or depicted in this proposal will be constructed or otherwise provided, and if constructed or provided, that they will be of the same type, style, size or nature as described or depicted. Ownership or lease of a space in a depicted community or mixed-use development does not guarantee access to, or the right to use, amenities, which, if available, may require separate payment and may be subject to other conditions on use. Please Note: All images used within this document are for internal use only. Prism and McWhinney do not have the copyright for the various images used and therefore are not to be published or shared.

RESOLUTION 2025-059  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING A FIRST AMENDMENT TO THE  
AMENDED AND RESTATED SERVICE PLAN FOR  
FOOTHILLS METROPOLITAN DISTRICT

A. The Colorado Special District Act authorizes the formation of a metropolitan district within the City by approval of the district's service plan by adoption of a resolution of Council and subsequent voter approval at the organizing election.

B. Part 2, Article 1 of Title 32 of the Colorado Revised Statutes (C.R.S.) further specifies the requirements and procedures, including a hearing before the Council, for approval of a proposed service plan or any amendment thereto that constitutes a material modification thereof.

C. The City's Financial Management Policy 10 – Metro Districts (the "Metro District Policy"), as authorized by City Council Resolutions 2021-045, 2019-016, 2018-079, and 2008-069, further establishes the criteria, guidelines, and processes for the City in considering applications for service plans for proposed metropolitan districts and amendments to those plans. The Policy sets expectations that metropolitan districts will provide broad public benefits, requires applicant assurances and specific commitments, and provides for enforcement of these public benefits by inclusion of related terms in district service plans, development agreements and other contracts.

D. On September 4, 2012, Council held a public hearing on the formation of a metropolitan district, the proposed areas and boundaries of which were wholly within the corporate limits of the City. Council approved the formation of the Foothills Metropolitan District (the "District"), by adoption of Resolution 2012-084, which included the findings of Council regarding the need for organized service in the proposed area, the capability of the District to provide economical and sufficient services, and determining that a condition was the approval of a future amendment to the original service plan, which was general in nature, in which the District would set forth details of its financial plans and plan of improvements.

E. The District was organized by Order and Decree Organizing District, issued on November 30, 2012, and recorded on January 10, 2013.

F. On May 7, 2013, Council approved, by adoption of Resolution 2013-043, a Redevelopment and Reimbursement Agreement (the "Redevelopment Agreement") by and between the City, the Fort Collins Urban Renewal Authority, the District, and the previous developer of the Foothills Mall property within the boundaries of the District.

G. MXD Fort Collins, LLC, a Delaware limited liability company (the "Developer") is the current owner of real property, which is a mixed-use development formerly referred to as the Foothills Mall.

H. On May 7, 2013, Council held a public hearing on amendments that proposed material modifications to the 2012 District service plan, including the provision of detailed financial plans and plan of improvements for the District (the “Amended and Restated Service Plan”). Council approved the Amended and Restated Service Plan for the District by adoption of Resolution 2013-044.

I. Since 2013, the District exercised its authority, per the Amended and Restated Plan, to issue debt and levy taxes to provide eligible improvements for the benefit of property owners and taxpayers within the District. Eligible improvements provided by the District facilitated a mixed-use redevelopment of property within the District service plan area, including construction of a commercial parking structure, retail and commercial property development, and construction of multi-family dwelling units.

J. Over the last ten years, robust economic activity within some portions of the District service plan area generated revenues to contribute to repayment of the debt issued to finance the public infrastructure improvements of the District. However, during that period, the interior portions of the legacy Foothills Mall fell below expectations due to lower than estimated occupancy rates. Further, since 2016, there have been international and national trends impacting consumer and other market behaviors within the District boundaries, including retail consolidation, the COVID pandemic, rising construction costs, and increasing housing costs.

K. Recently, the impacts of these local, national, international trends have necessitated an evaluation of the revenues pledged for repayment of the annual debt service of the District. Further, the changing economic landscape has required an examination of the changes that may be necessary to refinance the current debt of the District, and the consideration of future public infrastructure improvements that may be necessary for the continued redevelopment within the service plan area of the District.

L. On December 18, 2024, the Board of Directors of the District requested, pursuant to Section XI of the Amended and Restated Plan, that the City consider material modifications in the form of a proposed First Amendment to the Amended and Restated Service Plan (the “First Amendment”) to increase the debt cap for the District, to extend the maximum debt term of the District, to add additional eligible improvements to the District service plan to facilitate continued redevelopment, to raise additional revenues for the District pursuant to its existing authority and the Redevelopment Agreement, and for the District to issue additional debt.

M. On February 6, 2025, staff presented the proposed First Amendment to the Council Finance Committee with a recommendation to refer the First Amendment to Council for consideration, with additional information on District revenues, firm details on the affordable housing commitment of the Developer, and clarity on the public improvement fee amount.

N. On April 18, 2025, notice of a public hearing on the First Amendment was made by publication in the Fort Collins Coloradoan and by sent by United States first

class mail to all owners of record within the District, to the Division of Local Government, and to the governing bodies of any municipality and special district levying an ad valorem tax in the next preceding tax year and which has boundaries within a three mile radius of the District's boundaries.

O. On May 20, 2025, Council held a public hearing on the proposed First Amendment, at which Council reviewed the First Amendment and considered the testimony and evidence presented at the public hearing.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The Council hereby determines that the changes proposed in the First Amendment constitute material modifications of the Amended and Restated Service Plan for the District, per Section XI thereof, for which notice, a hearing, and action by resolution are required, pursuant to C.R.S. §§ 32-1-204.5 and 32-1-207(2) and the Metro District Policy.

Section 2. The Council hereby determines that the notification requirements of the Metro District Policy, as well as the statutory notification requirements in Part 3, Article 1 of Title 32, C.R.S., have been complied with regarding the public hearing on the First Amendment.

Section 3. The Council, after considering the testimony and evidence presented, and after its review of the First Amendment, hereby finds that the First Amendment contains, or sufficiently provides for, the items described in C.R.S. § 32-1-202(2).

Section 4. The Council's findings are based solely upon the evidence in the First Amendment presented at the public hearing and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the District or the achievability of the desired results.

Section 5. The Council hereby approves the First Amendment, attached hereto as Exhibit A and incorporated herein by this reference.

Section 6. The approval of Council of the First Amendment is not a waiver or a limitation upon any power that the City Council is legally permitted to exercise with respect to the property within the District.

Passed and adopted on May 20, 2025.

---

Mayor

ATTEST:

---

City Clerk

Effective Date: May 20, 2025

Approving Attorney: Dianne Criswell

Exhibit A: First Amendment to the Amended and Restated Service Plan for Foothills  
Metropolitan District.



**FIRST AMENDMENT TO  
AMENDED AND RESTATED SERVICE PLAN  
FOR  
FOOTHILLS METROPOLITAN DISTRICT**

City of Fort Collins, Colorado

Prepared by:

Icenogle Seaver Pogue, P.C.  
4725 South Monaco Street, Suite 360  
Denver, Colorado 80237

December 18, 2024

## **I. INTRODUCTION**

The Amended and Restated Service Plan dated May 7, 2013 (the “Service Plan”) for the Foothills Metropolitan District (the “District”) was approved by the Council of the City of Fort Collins (the “City”) on May 7, 2013, pursuant to Resolution No. 2013-044. The District was organized by Order of the District Court in Larimer County on November 30, 2012, and subsequently recorded in the office of the Larimer County Clerk and Recorder on January 10, 2013. The District was organized to redevelop the existing Foothills Mall in order to adapt to changing market demands and maintain the Foothills Mall as a competitive retail development. Redevelopment of the Foothills Mall has not gone as anticipated and MXD Fort Collins, LLC (the “Developer”) is currently working on a new redevelopment plan better suited to accomplish the goals of the District.

The Board of Directors of the District (the “Board”) is requesting that the City approve this First Amendment to allow the Board to adapt to the unanticipated changes required for the redevelopment of the Foothills Mall. This includes: 1) increasing the Maximum Debt Authorization, the total Net Debt Service, the annual Net Debt Service; 2) extending the Maximum Debt Maturity Term and clarifying refundings of Debt; and 3) making corresponding changes to ensure consistency with the revised redevelopment plans, the Service Plan and the Redevelopment Agreement.

This First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District (the “First Amendment”) is intended to be read in conjunction with the Service Plan.

The District seeks to make these changes in accordance with Service Plan Section XI, Material Modifications.

## **II. FIRST AMENDMENT**

1. Section II of the Service Plan (Definitions) is hereby amended and replaces the following terms in the Service Plan, which appear in a capitalized format and shall have the meanings indicated below, unless the context clearly requires otherwise. All capitalized terms not otherwise defined herein shall have the meaning given them in the Service Plan and Redevelopment Agreement.

Add-On PIF Revenues: has the same meaning as in the Redevelopment Agreement, subject to adjustment as to amount as provided in the PIF Covenant. Throughout the term of the Redevelopment Agreement, the amount of the Add-On PIF Revenues shall not be reduced below 1.00%.

...

Developer: means MXD Fort Collins, LLC, a Delaware limited liability company.

...

Eligible Improvements: means those improvements, activities and costs described in the Redevelopment Agreement and as further depicted and described in **Attachment 1** to this First Amendment, as well as those improvements and purposes permitted to be funded by the District through the Foothills Mall Fund.

...

Financial Plan: means a Financial Plan, including the provisions of Section VI and the attached **Attachment 2**, as well as those provisions included herein by reference to the Redevelopment Agreement. The Financial Plan describes how the Eligible Improvements are to be financed and how the Debt is expected to be incurred. The Financial Plan is intended to represent an example of debt issuance and financing structure that may be used by the District. The Finance Plan attached as **Attachment 2** amends and replaces Exhibit E to the Service Plan.

...

2. The following provisions of Section VI of the Service Plan (Financial Plan) are hereby amended and replaced in their entirety as set forth below. All provisions of Section VI of the Service Plan not amended as set forth below shall remain in effect as written in the Service Plan.

A. General

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Financed Eligible Improvements, as defined in the Redevelopment Agreement, from the Pledged Revenue, by and through the Proceeds of Debt to be issued by the District, as is generally described in **Attachment 2**, and all other legally available revenues of the District. The Financial Plan is summarized as follows:

1. The District may issue Debt in an amount not-to-exceed (a) One Hundred Sixty-Six Million One Hundred Thousand Dollars (\$166,100,000) to fund the costs of the Eligible Improvements, as defined in the Service Plan and the Redevelopment Agreement, and (b) the Costs of Issuance (the “Maximum Debt Authorization”).
2. The Debt shall be paid from the Pledged Revenue and other legally available revenues of the District.
3. The total Net Debt Service shall not exceed Two Hundred Sixty Million Dollars (\$260,000,000).
4. The annual Net Debt Service shall not exceed the amounts set forth in **Attachment 2**.
5. The Maximum Debt Service Mill Levy is fifty (50) mills, as may be adjusted in accordance with the Service Plan and the Redevelopment Agreement.
6. The Maximum Debt Maturity Term is forty (40) years from the date of issuance of the Debt.

The Redevelopment Agreement sets forth the sources of revenues available to the District to satisfy the District’s financial obligations arising out of its administrative and operations and maintenance activities. The Redevelopment Agreement further

establishes the Foothills Mall Fund, which fund revenues shall be available to the District to finance continued upgrades and enhancements within the boundaries of the District, as limited by the “Permitted Uses of Foothills Mall Fund” Exhibit to the Redevelopment Agreement; provided, however, that improvements funded through the Foothills Mall Fund are only permitted to be funded from those revenue sources identified for the Foothills Mall Fund in the Redevelopment Agreement and not from District Debt.

Debt that is refunded shall not count against the Maximum Debt Authorization. The District anticipates issuing Debt in fiscal year 2026 in a par amount of One Hundred Sixty Six Million One Hundred Thousand Dollars (\$166,100,000) for the financing of the Eligible Improvements and refunding existing Bonds. All Bonds and other Debt issued by the District may be payable from the Pledged Revenue and all other legally available revenues of the District, except as otherwise limited in the Redevelopment Agreement.

...

D. Debt Issuance and Maturity.

The scheduled final maturity of any Debt or series of Debt issued by the District from time to time shall be limited to forty (40) years (the “Maximum Debt Maturity Term”). Refundings of the Debt are permitted in accordance with the provisions of the Redevelopment Agreement, while such Redevelopment Agreement is in effect. The Maximum Debt Maturity Term shall apply to refundings, from the date of issuing the refunding bonds such that the scheduled final maturity of all refundings shall be forty (40) years from the date of issuance of the refunding obligations.

The District shall not issue new Debt except as provided in the Redevelopment Agreement, so long as the Redevelopment Agreement is in effect, or as otherwise approved by the City Council during the term of the Redevelopment Agreement.

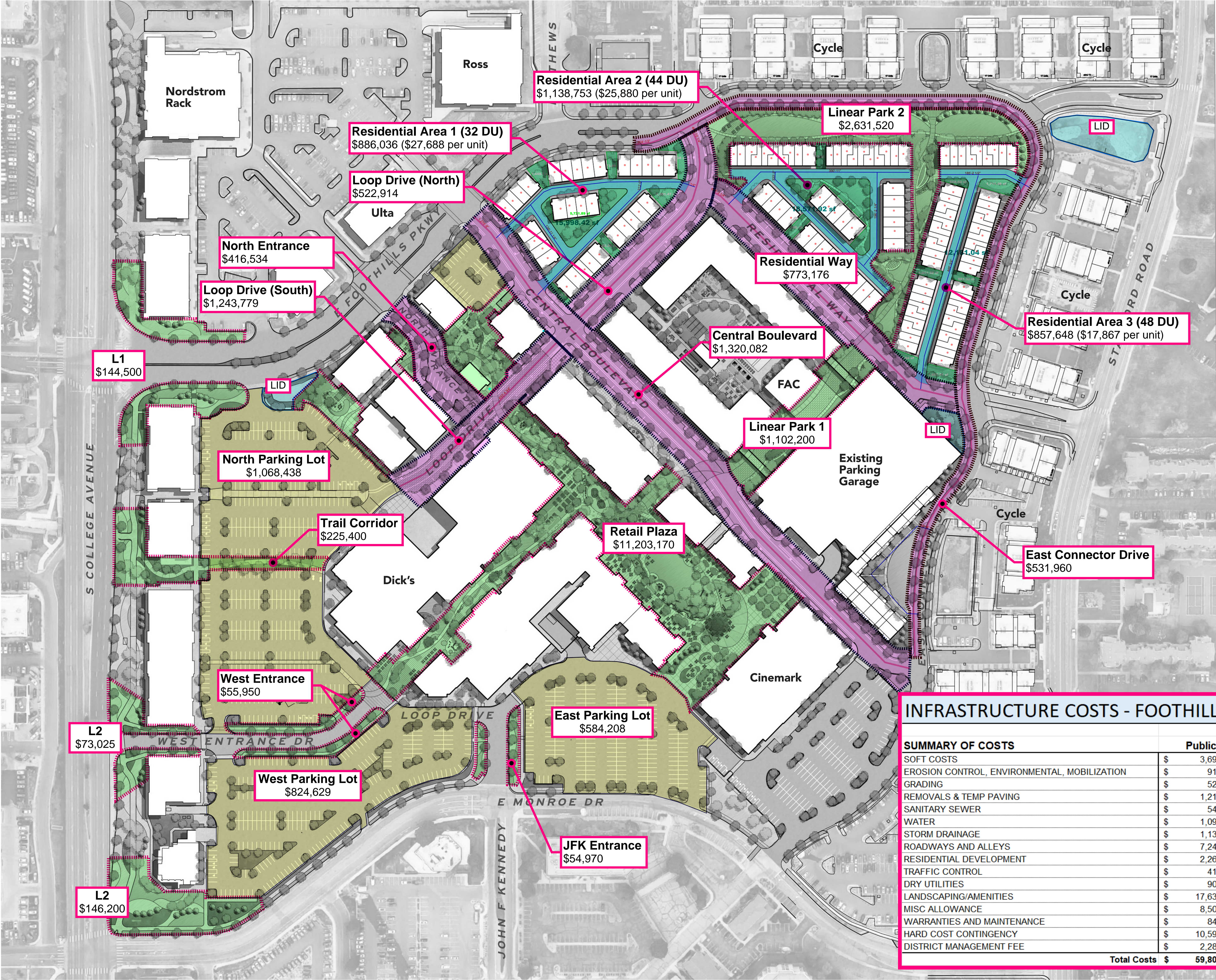
**III. EFFECT OF FIRST AMENDMENT**

Except as specifically amended as set forth above, all other provisions of the Service Plan shall remain in full force and effect. To the extent there are any inconsistencies between this First Amendment and the Service Plan, this First Amendment shall control. This First Amendment shall be effective on the date of the effective date of the City’s Resolution approving this First Amendment.

## **Attachment 1**

### **Eligible Improvements**





INFRASTRUCTURE COSTS - FOOTHILLS MALL			
SUMMARY OF COSTS	Public	Private	Total
SOFT COSTS	\$ 3,698,861	\$ 221,319	\$ 3,920,180
EROSION CONTROL, ENVIRONMENTAL, MOBILIZATION	\$ 918,226	\$ -	\$ 918,226
GRADING	\$ 520,606	\$ -	\$ 520,606
REMOVALS & TEMP PAVING	\$ 1,216,657	\$ -	\$ 1,216,657
SANITARY SEWER	\$ 542,112	\$ -	\$ 542,112
WATER	\$ 1,093,550	\$ -	\$ 1,093,550
STORM DRAINAGE	\$ 1,130,987	\$ -	\$ 1,130,987
ROADWAYS AND ALLEYS	\$ 7,244,224	\$ -	\$ 7,244,224
RESIDENTIAL DEVELOPMENT	\$ 2,262,438	\$ 620,000	\$ 2,882,438
TRAFFIC CONTROL	\$ 415,081	\$ -	\$ 415,081
DRY UTILITIES	\$ 900,000	\$ 1,266,250	\$ 2,166,250
LANDSCAPING/AMENITIES	\$ 17,633,685	\$ -	\$ 17,633,685
MISC ALLOWANCE	\$ 8,500,000	\$ -	\$ 8,500,000
WARRANTIES AND MAINTENANCE	\$ 847,551	\$ 37,725	\$ 885,276
HARD COST CONTINGENCY	\$ 10,594,391	\$ 471,563	\$ 11,065,954
DISTRICT MANAGEMENT FEE	\$ 2,287,008	\$ -	\$ 2,287,008
Total Costs	\$ 59,805,376	\$ 2,616,857	\$ 62,422,232



## **Attachment 2**

### **Finance Plan**

## Indicative Financing Results

	Refunding - Seniors Series 2026A	New Money - Seniors Series 2026A	New Money - Subordinates Series 2026B	Aggregate
<b>Bond Assumptions</b>				
Issuance Date	9/1/2026	9/1/2026	9/1/2026	
First Call Date	12/1/2031	12/1/2031	12/1/2031	
Final Maturity	12/1/2056	12/1/2056	12/15/2056	
Discharge Date	12/1/2066	12/1/2066	12/15/2066	
<b>Sources of Funds</b>				
Par Amount	\$69,940,000	\$78,000,000	\$18,160,000	\$166,100,000
Premium / Discount	\$0	\$0	\$0	\$0
Funds on Hand	\$0	\$0	\$0	\$0
<b>Total Sources of Funds</b>	<b>\$69,940,000</b>	<b>\$78,000,000</b>	<b>\$18,160,000</b>	<b>\$166,100,000</b>
<b>Uses of Funds</b>				
New Money Proceeds	\$756	\$57,170,742	\$17,832,934	\$75,004,431
Refunding Escrows	\$62,692,556	\$0	\$0	\$62,692,556
Capitalized Interest	\$0	\$12,747,450	\$0	\$12,747,450
Debt Service Reserve Fund	\$6,336,752	\$7,067,010	\$0	\$13,403,763
Costs of Issuance	\$210,536	\$234,798	\$54,666	\$500,000
Underwriter's Discount	\$699,400	\$780,000	\$272,400	\$1,751,800
<b>Total Uses of Funds</b>	<b>\$69,940,000</b>	<b>\$78,000,000</b>	<b>\$18,160,000</b>	<b>\$166,100,000</b>
<b>Debt Features</b>				
Senior Debt Service Coverage	1.25x	1.25x	N/A	
Tax Status	Tax-Exempt	Tax-Exempt	Tax-Exempt	
Bond Rating	Non-Rated	Non-Rated	Non-Rated	
All-in TIC	5.00-5.50%	5.00-5.50%	7.50%	6.66%
<b>Revenue Assumptions</b>				
District Debt Mill Levy				50 mills (adjusted)
District Debt Mill Levy Expiration				N/A
Property Tax TIF Expiration				2038
Property Tax TIF Mills				91.274 Mills
Sales Tax Increment Expiration				2038
Sales Tax Increment Rate				2.250%
PIF Expiration				2055
PIF Rate				1.250%
SOT				3.000%

## Coverage Analysis - 2026 Bonds

## Series 2026 Senior Bonds

Year	Revenues Available for Senior	Rated Revenues	2026A Refunding Bonds	2026A New Money Bonds	Interest on 2014 Bonds	Capl	DSRF	Net Debt Service	Coverage at Aggregate Mills
2025	4,378,469	6,068,325	-	-	-	-	-	-	-
2026	3,575,676	6,129,009	874,716	1,062,288	3,534,238	1,811,791	83,774	3,575,676	1.00
2027	3,569,159	6,190,299	3,498,863	4,249,150	-	3,843,760	335,094	3,569,159	1.00
2028	8,224,530	6,252,202	3,498,863	4,249,150	-	-	335,094	7,412,918	1.11
2029	11,617,964	6,314,724	8,603,863	4,249,150	-	7,091,899	335,094	5,426,019	2.14
2030	14,715,388	6,377,871	7,903,613	4,249,150	-	-	335,094	11,817,668	1.25
2031	15,348,940	6,441,650	8,410,613	4,249,150	-	-	335,094	12,324,668	1.25
2032	15,646,001	6,506,066	8,650,613	4,249,150	-	-	335,094	12,564,668	1.25
2033	15,634,651	6,571,127	8,640,113	4,249,150	-	-	335,094	12,554,168	1.25
2034	15,851,264	6,636,838	8,815,363	4,249,150	-	-	335,094	12,729,418	1.25
2035	15,839,686	6,703,206	8,806,363	4,249,150	-	-	335,094	12,720,418	1.25
2036	16,060,630	6,770,238	8,981,113	4,249,150	-	-	335,094	12,895,168	1.25
2037	16,048,819	6,837,941	8,974,613	4,249,150	-	-	335,094	12,888,668	1.25
2038	16,274,182	6,906,320	9,154,613	4,249,150	-	-	335,094	13,068,668	1.25
2039	7,774,307	6,975,383	2,330,863	4,249,150	-	-	335,094	6,244,918	1.24
2040	7,877,910	7,045,137	2,412,113	4,249,150	-	-	335,094	6,326,168	1.25
2041	7,877,910	7,115,589	784,113	5,879,150	-	-	335,094	6,328,168	1.24
2042	7,983,586	7,186,744	-	6,748,575	-	-	335,094	6,413,481	1.24
2043	7,983,586	7,258,612	-	6,747,863	-	-	335,094	6,412,768	1.24
2044	8,091,375	7,331,198	-	6,835,063	-	-	335,094	6,499,968	1.24
2045	8,091,375	7,404,510	-	6,830,188	-	-	335,094	6,495,093	1.25
2046	8,201,320	7,478,555	-	6,922,438	-	-	335,094	6,587,343	1.25
2047	8,201,320	7,553,341	-	6,921,300	-	-	335,094	6,586,206	1.25
2048	8,313,464	7,628,874	-	7,012,150	-	-	335,094	6,677,056	1.25
2049	8,313,464	7,705,163	-	7,012,325	-	-	335,094	6,677,231	1.25
2050	8,427,850	7,782,214	-	7,100,950	-	-	335,094	6,765,856	1.25
2051	8,427,850	7,860,037	-	7,102,525	-	-	335,094	6,767,431	1.25
2052	8,544,525	7,938,637	-	7,195,900	-	-	335,094	6,860,806	1.25
2053	8,544,525	8,018,023	-	7,195,300	-	-	335,094	6,860,206	1.25
2054	8,663,533	8,098,204	-	7,289,850	-	-	335,094	6,954,756	1.25
2055	8,734,641	8,179,186	-	7,348,500	-	-	335,094	7,013,406	1.25
2056	8,857,451	8,260,977	-	20,852,075	-	-	13,738,857	7,113,218	1.25
2057	8,857,451	8,343,587	-	-	-	-	-	-	-
2058	6,381,588	8,427,023	-	-	-	-	-	-	-
2059	6,381,588	8,511,293	-	-	-	-	-	-	-
2060	6,509,360	8,596,406	-	-	-	-	-	-	-
2061	6,509,360	8,682,370	-	-	-	-	-	-	-
<b>Total</b>	<b>356,334,700</b>		<b>100,340,403</b>	<b>185,544,538</b>		<b>12,747,450</b>	<b>23,540,358</b>	<b>253,131,370</b>	

## Surplus Analysis - 2026 Bonds

Year	Revenues Available for Debt	Senior & Sub DS	Surplus	Surplus Release	Cumulative Surplus	Interest on Surplus
	Service					
2025		-			0	-
2026	3,575,676	3,575,676	-		0	-
2027	3,569,159	3,569,159	-		0	-
2028	8,224,530	7,412,918	811,612		0	811,612
2029	11,617,964	5,426,019	6,191,945		0	7,003,557
2030	14,715,388	11,817,668	2,897,720		0	9,901,277
2031	15,348,940	12,324,668	3,024,272		0	12,925,549
2032	15,646,001	12,564,668	3,081,333	2,938,213		13,068,668
2033	15,634,651	12,554,168	3,080,482	3,080,482		13,068,668
2034	15,851,264	12,729,418	3,121,846	3,121,846		13,068,668
2035	15,839,686	12,720,418	3,119,267	3,119,267		13,068,668
2036	16,060,630	12,895,168	3,165,462	3,165,462		13,068,668
2037	16,048,819	12,888,668	3,160,151	3,160,151		13,068,668
2038	16,274,182	13,068,668	3,205,513	3,205,513		13,068,668
2039	7,774,307	6,244,918	1,529,388	1,529,388		13,068,668
2040	7,877,910	6,326,168	1,551,742	1,551,742		13,068,668
2041	7,877,910	6,328,168	1,549,742	1,549,742		13,068,668
2042	7,983,586	6,413,481	1,570,105	1,570,105		13,068,668
2043	7,983,586	6,412,768	1,570,818	1,570,818		13,068,668
2044	8,091,375	6,499,968	1,591,407	1,591,407		13,068,668
2045	8,091,375	6,495,093	1,596,282	1,596,282		13,068,668
2046	8,201,320	6,587,343	1,613,977	1,613,977		13,068,668
2047	8,201,320	6,586,206	1,615,114	1,615,114		13,068,668
2048	8,313,464	6,677,056	1,636,408	1,636,408		13,068,668
2049	8,313,464	6,677,231	1,636,233	1,636,233		13,068,668
2050	8,427,850	6,765,856	1,661,995	1,661,995		13,068,668
2051	8,427,850	6,767,431	1,660,420	1,660,420		13,068,668
2052	8,544,525	6,860,806	1,683,719	1,683,719		13,068,668
2053	8,544,525	6,860,206	1,684,319	1,684,319		13,068,668
2054	8,663,533	6,954,756	1,708,777	1,708,777		13,068,668
2055	8,734,641	7,013,406	1,721,235	1,721,235		13,068,668
2056	8,857,451	7,113,218	1,744,233	14,812,901		-
2057	8,857,451	-	8,857,451	-		-
2058	6,381,588	-	6,381,588	-		-
2059	6,381,588	-	6,381,588	-		-
2060	6,509,360	-	6,509,360	-		-
2061	6,509,360	-	6,509,360	-		-
	<b>351,956,231</b>	<b>253,131,370</b>	<b>98,824,861</b>	<b>64,185,513</b>	<b>344,290,037</b>	<b>0</b>



## Projected Subordinate Cash Flow - 2026 Bonds

Year	Available for Subordinate Debt Service	Subordinate Interest	Less Payments Toward Sub Bond Interest	Interest on Accrued Balance	Less Payments Toward Accrued Interest	Balance of Accrued Interest	Less Payments Toward Bond Principal	Balance of Subordinated Bond Principal	Surplus Cash Flow to District	Total Payments
2025	0	0	0	0	0	0	0	18,160,000	0	0
2026	0	340,500	0	0	0	340,500	0	18,160,000	0	0
2027	0	1,362,000	0	25,538	0	1,728,038	0	18,160,000	0	0
2028	0	1,362,000	0	129,603	0	3,219,640	0	18,160,000	0	0
2029	0	1,362,000	0	241,473	0	4,823,113	0	18,160,000	0	0
2030	0	1,362,000	0	361,734	0	6,546,847	0	18,160,000	0	0
2031	0	1,362,000	0	491,014	0	8,399,860	0	18,160,000	0	0
2032	2,938,213	1,362,000	1,362,000	629,990	1,576,213	7,453,637	0	18,160,000	0	2,938,213
2033	3,080,482	1,362,000	1,362,000	559,023	1,718,482	6,294,178	0	18,160,000	0	3,080,482
2034	3,121,846	1,362,000	1,362,000	472,063	1,759,846	5,006,395	0	18,160,000	0	3,121,846
2035	3,119,267	1,362,000	1,362,000	375,480	1,757,267	3,624,608	0	18,160,000	0	3,119,267
2036	3,165,462	1,362,000	1,362,000	271,846	1,803,462	2,092,991	0	18,160,000	0	3,165,462
2037	3,160,151	1,362,000	1,362,000	156,974	1,798,151	451,815	0	18,160,000	0	3,160,151
2038	3,205,513	1,362,000	1,362,000	33,886	485,701	0	1,357,812	16,802,188	0	3,205,513
2039	1,529,388	1,260,164	1,260,164	0	0	0	269,224	16,532,964	0	1,529,388
2040	1,551,742	1,239,972	1,239,972	0	0	0	311,770	16,221,194	0	1,551,742
2041	1,549,742	1,216,590	1,216,590	0	0	0	333,152	15,888,042	0	1,549,742
2042	1,570,105	1,191,603	1,191,603	0	0	0	378,502	15,509,540	0	1,570,105
2043	1,570,818	1,163,215	1,163,215	0	0	0	407,602	15,101,938	0	1,570,818
2044	1,591,407	1,132,645	1,132,645	0	0	0	458,761	14,643,176	0	1,591,407
2045	1,596,282	1,098,238	1,098,238	0	0	0	498,043	14,145,133	0	1,596,282
2046	1,613,977	1,060,885	1,060,885	0	0	0	553,092	13,592,041	0	1,613,977
2047	1,615,114	1,019,403	1,019,403	0	0	0	595,711	12,996,330	0	1,615,114
2048	1,636,408	974,725	974,725	0	0	0	661,683	12,334,647	0	1,636,408
2049	1,636,233	925,099	925,099	0	0	0	711,134	11,623,513	0	1,636,233
2050	1,661,995	871,763	871,763	0	0	0	790,231	10,833,282	0	1,661,995
2051	1,660,420	812,496	812,496	0	0	0	847,923	9,985,359	0	1,660,420
2052	1,683,719	748,902	748,902	0	0	0	934,817	9,050,542	0	1,683,719
2053	1,684,319	678,791	678,791	0	0	0	1,005,528	8,045,013	0	1,684,319
2054	1,708,777	603,376	603,376	0	0	0	1,105,401	6,939,612	0	1,708,777
2055	1,721,235	520,471	520,471	0	0	0	1,200,764	5,738,848	0	1,721,235
2056	14,812,901	430,414	430,414	0	0	0	5,738,848	0	8,643,639	6,169,262
2057	0	0	0	0	0	0	0	0	0	0
2058	0	0	0	0	0	0	0	0	0	0
2059	0	0	0	0	0	0	0	0	0	0
2060	0	0	0	0	0	0	0	0	0	0
2061	0	0	0	0	0	0	0	0	0	0
<b>Total</b>			<b>26,482,752</b>		<b>10,899,122</b>		<b>18,160,000</b>			<b>55,541,874</b>

## Aggregate Revenues

## Available for Debt Service

Y	AV Set	Tax Rev	Commercial	Residential	Property Tax - TIF Increment	Sales Taxes - TIF Increment	PIF	Gross Revenues	Less: Trustee	Projected Revenues for Debt
		Year							Fees	
0	2024	2025	816,196	410,014	1,084,259	825,000	1,250,000	4,385,469	-7,000	4,378,469
1	2025	2026	981,903	418,215	1,240,944	0	941,614	3,582,676	-7,000	3,575,676
2	2026	2027	981,903	418,215	1,234,427	0	941,614	3,576,159	-7,000	3,569,159
3	2027	2028	1,892,801	426,579	2,044,551	1,813,375	2,054,225	8,231,530	-7,000	8,224,530
4	2028	2029	2,708,966	426,579	3,105,254	2,783,037	2,601,129	11,624,964	-7,000	11,617,964
5	2029	2030	3,854,034	621,514	4,862,674	2,783,037	2,601,129	14,722,388	-7,000	14,715,388
6	2030	2031	3,854,034	895,637	5,222,103	2,783,037	2,601,129	15,355,940	-7,000	15,348,940
7	2031	2032	3,931,115	950,282	5,387,438	2,783,037	2,601,129	15,653,001	-7,000	15,646,001
8	2032	2033	3,931,115	950,282	5,376,087	2,783,037	2,601,129	15,641,651	-7,000	15,634,651
9	2033	2034	4,009,737	969,287	5,495,073	2,783,037	2,601,129	15,858,264	-7,000	15,851,264
10	2034	2035	4,009,737	969,287	5,483,495	2,783,037	2,601,129	15,846,686	-7,000	15,839,686
11	2035	2036	4,089,932	988,673	5,604,859	2,783,037	2,601,129	16,067,630	-7,000	16,060,630
12	2036	2037	4,089,932	988,673	5,593,048	2,783,037	2,601,129	16,055,819	-7,000	16,048,819
13	2037	2038	4,171,731	1,008,447	5,716,838	2,783,037	2,601,129	16,281,182	-7,000	16,274,182
14	2038	2039	4,171,731	1,008,447	0	0	2,601,129	7,781,307	-7,000	7,774,307
15	2039	2040	4,255,165	1,028,616	0	0	2,601,129	7,884,910	-7,000	7,877,910
16	2040	2041	4,255,165	1,028,616	0	0	2,601,129	7,884,910	-7,000	7,877,910
17	2041	2042	4,340,269	1,049,188	0	0	2,601,129	7,990,586	-7,000	7,983,586
18	2042	2043	4,340,269	1,049,188	0	0	2,601,129	7,990,586	-7,000	7,983,586
19	2043	2044	4,427,074	1,070,172	0	0	2,601,129	8,098,375	-7,000	8,091,375
20	2044	2045	4,427,074	1,070,172	0	0	2,601,129	8,098,375	-7,000	8,091,375
21	2045	2046	4,515,616	1,091,575	0	0	2,601,129	8,208,320	-7,000	8,201,320
22	2046	2047	4,515,616	1,091,575	0	0	2,601,129	8,208,320	-7,000	8,201,320
23	2047	2048	4,605,928	1,113,407	0	0	2,601,129	8,320,464	-7,000	8,313,464
24	2048	2049	4,605,928	1,113,407	0	0	2,601,129	8,320,464	-7,000	8,313,464
25	2049	2050	4,698,046	1,135,675	0	0	2,601,129	8,434,850	-7,000	8,427,850
26	2050	2051	4,698,046	1,135,675	0	0	2,601,129	8,434,850	-7,000	8,427,850
27	2051	2052	4,792,007	1,158,388	0	0	2,601,129	8,551,525	-7,000	8,544,525
28	2052	2053	4,792,007	1,158,388	0	0	2,601,129	8,551,525	-7,000	8,544,525
29	2053	2054	4,887,848	1,181,556	0	0	2,601,129	8,670,533	-7,000	8,663,533
30	2054	2055	4,924,033	1,216,479	0	0	2,601,129	8,741,641	-7,000	8,734,641
31	2055	2056	5,022,514	1,240,808	0	0	2,601,129	8,864,451	-7,000	8,857,451
32	2056	2057	5,022,514	1,240,808	0	0	2,601,129	8,864,451	-7,000	8,857,451
33	2057	2058	5,122,964	1,265,624	0	0	0	6,388,588	-7,000	6,381,588
34	2058	2059	5,122,964	1,265,624	0	0	0	6,388,588	-7,000	6,381,588
35	2059	2060	5,225,423	1,290,937	0	0	0	6,516,360	-7,000	6,509,360
36	2060	2061	5,225,423	1,290,937	0	0	0	6,516,360	-7,000	6,509,360
<b>Totals</b>			\$151,316,761	\$36,736,942	\$57,451,049	\$30,468,743	\$80,620,205	\$356,593,700	-\$259,000	\$356,334,700

## Projected Assessed Value - Commercial Existing

Bi-Re Rate

2%

Y	AV Set	Tax Rev Year	Beginning Comm Market Value	Value Adjustment	Biennial Reassessment	Cumulative Market Value	Assessed Value	Assessed Value	Total Assessed Value
1	2024	2025	54,835,893	0		54,835,893	15,902,409	64,351	15,966,760
2	2025	2026	54,835,893	11,178,024		66,013,917	19,144,036	64,351	19,208,387
3	2026	2027	66,013,917	0		66,013,917	19,144,036	64,351	19,208,387
4	2027	2028	66,013,917	61,667,982		127,681,899	37,027,751	0	37,027,751
5	2028	2029	127,681,899	0		127,681,899	37,027,751	0	37,027,751
6	2029	2030	127,681,899	0	2,553,638	130,235,537	37,768,306	0	37,768,306
7	2030	2031	130,235,537	0		130,235,537	37,768,306	0	37,768,306
8	2031	2032	130,235,537	0	2,604,711	132,840,248	38,523,672	0	38,523,672
9	2032	2033	132,840,248	0		132,840,248	38,523,672	0	38,523,672
10	2033	2034	132,840,248	0	2,656,805	135,497,053	39,294,145	0	39,294,145
11	2034	2035	135,497,053	0		135,497,053	39,294,145	0	39,294,145
12	2035	2036	135,497,053	0	2,709,941	138,206,994	40,080,028	0	40,080,028
13	2036	2037	138,206,994	0		138,206,994	40,080,028	0	40,080,028
14	2037	2038	138,206,994	0	2,764,140	140,971,134	40,881,629	0	40,881,629
15	2038	2039	140,971,134	0		140,971,134	40,881,629	0	40,881,629
16	2039	2040	140,971,134	0	2,819,423	143,790,556	41,699,261	0	41,699,261
17	2040	2041	143,790,556	0		143,790,556	41,699,261	0	41,699,261
18	2041	2042	143,790,556	0	2,875,811	146,666,367	42,533,247	0	42,533,247
19	2042	2043	146,666,367	0		146,666,367	42,533,247	0	42,533,247
20	2043	2044	146,666,367	0	2,933,327	149,599,695	43,383,911	0	43,383,911
21	2044	2045	149,599,695	0		149,599,695	43,383,911	0	43,383,911
22	2045	2046	149,599,695	0	2,991,994	152,591,689	44,251,590	0	44,251,590
23	2046	2047	152,591,689	0		152,591,689	44,251,590	0	44,251,590
24	2047	2048	152,591,689	0	3,051,834	155,643,522	45,136,622	0	45,136,622
25	2048	2049	155,643,522	0		155,643,522	45,136,622	0	45,136,622
26	2049	2050	155,643,522	0	3,112,870	158,756,393	46,039,354	0	46,039,354
27	2050	2051	158,756,393	0		158,756,393	46,039,354	0	46,039,354
28	2051	2052	158,756,393	0	3,175,128	161,931,521	46,960,141	0	46,960,141
29	2052	2053	161,931,521	0		161,931,521	46,960,141	0	46,960,141
30	2053	2054	161,931,521	0	3,238,630	165,170,151	47,899,344	0	47,899,344
31	2054	2055	165,170,151	0		165,170,151	47,899,344	0	47,899,344
32	2055	2056	165,170,151	0	3,303,403	168,473,554	48,857,331	0	48,857,331
33	2056	2057	168,473,554	0		168,473,554	48,857,331	0	48,857,331
34	2057	2058	168,473,554	0	3,369,471	171,843,025	49,834,477	0	49,834,477
35	2058	2059	171,843,025	0		171,843,025	49,834,477	0	49,834,477
36	2059	2060	171,843,025	0	3,436,861	175,279,886	50,831,167	0	50,831,167
37	2060	2061	175,279,886	0		175,279,886	50,831,167	0	50,831,167
Totals				\$72,846,006	\$47,597,987				

## Projected Revenues Available for Debt Service - Commercial

Y	AV Set	Tax Rev Year	Total Assessed Value	Debt Service Mill Levy	Debt Service Mill Levy Collections	Specific Ownership Taxes	Less Fees and Collections Expense	Tax Revenue Available for Debt Service
1	2024	2025	15,966,760	50.363	804,134	24,124	12,062	816,196
2	2025	2026	19,208,387	50.363	967,392	29,022	14,511	981,903
3	2026	2027	19,208,387	50.363	967,392	29,022	14,511	981,903
4	2027	2028	37,027,751	50.363	1,864,829	55,945	27,972	1,892,801
5	2028	2029	37,027,751	50.363	1,864,829	55,945	27,972	1,892,801
6	2029	2030	37,768,306	50.363	1,902,125	57,064	28,532	1,930,657
7	2030	2031	37,768,306	50.363	1,902,125	57,064	28,532	1,930,657
8	2031	2032	38,523,672	50.363	1,940,168	58,205	29,103	1,969,270
9	2032	2033	38,523,672	50.363	1,940,168	58,205	29,103	1,969,270
10	2033	2034	39,294,145	50.363	1,978,971	59,369	29,685	2,008,656
11	2034	2035	39,294,145	50.363	1,978,971	59,369	29,685	2,008,656
12	2035	2036	40,080,028	50.363	2,018,550	60,557	30,278	2,048,829
13	2036	2037	40,080,028	50.363	2,018,550	60,557	30,278	2,048,829
14	2037	2038	40,881,629	50.363	2,058,921	61,768	30,884	2,089,805
15	2038	2039	40,881,629	50.363	2,058,921	61,768	30,884	2,089,805
16	2039	2040	41,699,261	50.363	2,100,100	63,003	31,501	2,131,601
17	2040	2041	41,699,261	50.363	2,100,100	63,003	31,501	2,131,601
18	2041	2042	42,533,247	50.363	2,142,102	64,263	32,132	2,174,233
19	2042	2043	42,533,247	50.363	2,142,102	64,263	32,132	2,174,233
20	2043	2044	43,383,911	50.363	2,184,944	65,548	32,774	2,217,718
21	2044	2045	43,383,911	50.363	2,184,944	65,548	32,774	2,217,718
22	2045	2046	44,251,590	50.363	2,228,643	66,859	33,430	2,262,072
23	2046	2047	44,251,590	50.363	2,228,643	66,859	33,430	2,262,072
24	2047	2048	45,136,622	50.363	2,273,216	68,196	34,098	2,307,314
25	2048	2049	45,136,622	50.363	2,273,216	68,196	34,098	2,307,314
26	2049	2050	46,039,354	50.363	2,318,680	69,560	34,780	2,353,460
27	2050	2051	46,039,354	50.363	2,318,680	69,560	34,780	2,353,460
28	2051	2052	46,960,141	50.363	2,365,054	70,952	35,476	2,400,529
29	2052	2053	46,960,141	50.363	2,365,054	70,952	35,476	2,400,529
30	2053	2054	47,899,344	50.363	2,412,355	72,371	36,185	2,448,540
31	2054	2055	47,899,344	50.363	2,412,355	72,371	36,185	2,448,540
32	2055	2056	48,857,331	50.363	2,460,602	73,818	36,909	2,534,420
33	2056	2057	48,857,331	50.363	2,460,602	73,818	36,909	2,534,420
34	2057	2058	49,834,477	50.363	2,509,814	75,294	37,647	2,585,108
35	2058	2059	49,834,477	50.363	2,509,814	75,294	37,647	2,585,108
36	2059	2060	50,831,167	50.363	2,560,010	76,800	38,400	2,636,810
37	2060	2061	50,831,167	50.363	2,560,010	76,800	38,400	2,636,810
<b>Totals</b>					\$77,377,083	\$2,321,312	\$1,160,656	\$78,799,837

## Projected Assessed Value - Residential

Bi-Re Rate

2%

Vacant

Y	AV Set	Tax Rev Year	Beginning Market Value	New Market Value Added	Market Value Added to Rolls	Biennial Reassessment	Gross Market Value	Assessed Value	Market Value of Lots	Market Value with Lag	Assessed Value	Total Assessed Value
1	2024	2025	112,179,985	0			112,179,985	8,020,869	0	0	0	8,020,869
2	2025	2026	112,179,985	0	0	2,243,600	114,423,585	8,181,286		0	0	8,181,286
3	2026	2027	114,423,585	0	0		114,423,585	8,181,286		0	0	8,181,286
4	2027	2028	114,423,585	0	0	2,288,472	116,712,056	8,344,912		0	0	8,344,912
5	2028	2029	116,712,056	51,000,000		0	116,712,056	8,344,912		0	0	8,344,912
6	2029	2030	116,712,056	75,000,000	51,000,000	2,334,241	170,046,298	12,158,310		0	0	12,158,310
7	2030	2031	170,046,298	10,050,000	75,000,000		245,046,298	17,520,810		0	0	17,520,810
8	2031	2032	245,046,298	0	10,050,000	4,900,926	259,997,224	18,589,801		0	0	18,589,801
9	2032	2033	259,997,224	0		0	259,997,224	18,589,801		0	0	18,589,801
10	2033	2034	259,997,224		0	5,199,944	265,197,168	18,961,598		0	0	18,961,598
11	2034	2035	265,197,168		0		265,197,168	18,961,598		0	0	18,961,598
12	2035	2036	265,197,168		0	5,303,943	270,501,111	19,340,829		0	0	19,340,829
13	2036	2037	270,501,111		0		270,501,111	19,340,829		0	0	19,340,829
14	2037	2038	270,501,111		0	5,410,022	275,911,134	19,727,646		0	0	19,727,646
15	2038	2039	275,911,134		0		275,911,134	19,727,646		0	0	19,727,646
16	2039	2040	275,911,134		0	5,518,223	281,429,356	20,122,199		0	0	20,122,199
17	2040	2041	281,429,356		0		281,429,356	20,122,199		0	0	20,122,199
18	2041	2042	281,429,356		0	5,628,587	287,057,943	20,524,643		0	0	20,524,643
19	2042	2043	287,057,943		0		287,057,943	20,524,643				20,524,643
20	2043	2044	287,057,943		0	5,741,159	292,799,102	20,935,136				20,935,136
21	2044	2045	292,799,102		0		292,799,102	20,935,136				20,935,136
22	2045	2046	292,799,102		0	5,855,982	298,655,084	21,353,839				21,353,839
23	2046	2047	298,655,084		0		298,655,084	21,353,839				21,353,839
24	2047	2048	298,655,084		0	5,973,102	304,628,186	21,780,915				21,780,915
25	2048	2049	304,628,186		0		304,628,186	21,780,915				21,780,915
26	2049	2050	304,628,186		0	6,092,564	310,720,750	22,216,534				22,216,534
27	2050	2051	310,720,750		0		310,720,750	22,216,534				22,216,534
28	2051	2052	310,720,750		0	6,214,415	316,935,165	22,660,864				22,660,864
29	2052	2053	316,935,165		0		316,935,165	22,660,864				22,660,864
30	2053	2054	316,935,165		0	6,338,703	323,273,868	23,114,082				23,114,082
31	2054	2055	323,273,868		0		323,273,868	23,114,082				23,114,082
32	2055	2056	323,273,868		0	6,465,477	329,739,345	23,576,363				23,576,363
33	2056	2057	329,739,345		0		329,739,345	23,576,363				23,576,363
34	2057	2058	329,739,345		0	6,594,787	336,334,132	24,047,890				24,047,890
35	2058	2059	336,334,132		0		336,334,132	24,047,890				24,047,890
36	2059	2060	336,334,132		0	6,726,683	343,060,815	24,528,848				24,528,848
37	2060	2061	343,060,815		0		343,060,815	24,528,848				24,528,848
Totals				\$136,050,000	\$136,050,000	\$94,830,830			\$0	\$0		



Projected Revenues Available for Debt Service - Residential

							Less Fees	
			Total	Debt	Debt Service			
			Assessed	Service	Mill Levy			
Y	AV Set	Tax Rev Year	Value	Mill Levy	Collections	SOT	and Collections Expense	Tax Revenue Available for Debt Service
1	2024	2025	8,020,869	50.363	403,955	12,119	6,059	410,014
2	2025	2026	8,181,286	50.363	412,034	12,361	6,181	418,215
3	2026	2027	8,181,286	50.363	412,034	12,361	6,181	418,215
4	2027	2028	8,344,912	50.363	420,275	12,608	6,304	426,579
5	2028	2029	8,344,912	50.363	420,275	12,608	6,304	426,579
6	2029	2030	12,158,310	50.363	612,329	18,370	9,185	621,514
7	2030	2031	17,520,810	50.363	882,401	26,472	13,236	895,637
8	2031	2032	18,589,801	50.363	936,238	28,087	14,044	950,282
9	2032	2033	18,589,801	50.363	936,238	28,087	14,044	950,282
10	2033	2034	18,961,598	50.363	954,963	28,649	14,324	969,287
11	2034	2035	18,961,598	50.363	954,963	28,649	14,324	969,287
12	2035	2036	19,340,829	50.363	974,062	29,222	14,611	988,673
13	2036	2037	19,340,829	50.363	974,062	29,222	14,611	988,673
14	2037	2038	19,727,646	50.363	993,543	29,806	14,903	1,008,447
15	2038	2039	19,727,646	50.363	993,543	29,806	14,903	1,008,447
16	2039	2040	20,122,199	50.363	1,013,414	30,402	15,201	1,028,616
17	2040	2041	20,122,199	50.363	1,013,414	30,402	15,201	1,028,616
18	2041	2042	20,524,643	50.363	1,033,683	31,010	15,505	1,049,188
19	2042	2043	20,524,643	50.363	1,033,683	31,010	15,505	1,049,188
20	2043	2044	20,935,136	50.363	1,054,356	31,631	15,815	1,070,172
21	2044	2045	20,935,136	50.363	1,054,356	31,631	15,815	1,070,172
22	2045	2046	21,353,839	50.363	1,075,443	32,263	16,132	1,091,575
23	2046	2047	21,353,839	50.363	1,075,443	32,263	16,132	1,091,575
24	2047	2048	21,780,915	50.363	1,096,952	32,909	16,454	1,113,407
25	2048	2049	21,780,915	50.363	1,096,952	32,909	16,454	1,113,407
26	2049	2050	22,216,534	50.363	1,118,891	33,567	16,783	1,135,675
27	2050	2051	22,216,534	50.363	1,118,891	33,567	16,783	1,135,675
28	2051	2052	22,660,864	50.363	1,141,269	34,238	17,119	1,158,388
29	2052	2053	22,660,864	50.363	1,141,269	34,238	17,119	1,158,388
30	2053	2054	23,114,082	50.363	1,164,094	34,923	17,461	1,181,556
31	2054	2055	23,114,082	50.363	1,164,094	34,923	17,461	1,216,479
32	2055	2056	23,576,363	50.363	1,187,376	35,621	17,811	1,240,808
33	2056	2057	23,576,363	50.363	1,187,376	35,621	17,811	1,240,808
34	2057	2058	24,047,890	50.363	1,211,124	36,334	18,167	1,265,624
35	2058	2059	24,047,890	50.363	1,211,124	36,334	18,167	1,265,624
36	2059	2060	24,528,848	50.363	1,235,346	37,060	18,530	1,290,937
37	2060	2061	24,528,848	50.363	1,235,346	37,060	18,530	1,290,937
Totals					\$35,944,817	\$1,078,344	\$539,172	\$36,736,942

## Projected Assessed Value - Commercial

Bi-Re Rate

2%

Y	AV Set	Tax Rev Year	Beginning Market Value	New Market Value Added	Market Value Added to Rolls	Biennial Reassessment	Gross Market Value	Assessed Value
1	2024	2025	0	0	0		0	0
2	2025	2026	0	0	0	0	0	0
3	2026	2027	0	0	0		0	0
4	2027	2028	0	53,475,125	0	0	0	0
5	2028	2029	0	71,475,125	53,475,125		53,475,125	15,507,786
6	2029	2030	53,475,125	0	71,475,125	1,069,503	126,019,753	36,545,728
7	2030	2031	126,019,753	0	0		126,019,753	36,545,728
8	2031	2032	126,019,753		0	2,520,395	128,540,148	37,276,643
9	2032	2033	128,540,148		0		128,540,148	37,276,643
10	2033	2034	128,540,148		0	2,570,803	131,110,951	38,022,176
11	2034	2035	131,110,951		0		131,110,951	38,022,176
12	2035	2036	131,110,951		0	2,622,219	133,733,170	38,782,619
13	2036	2037	133,733,170		0		133,733,170	38,782,619
14	2037	2038	133,733,170		0	2,674,663	136,407,833	39,558,272
15	2038	2039	136,407,833		0		136,407,833	39,558,272
16	2039	2040	136,407,833		0	2,728,157	139,135,990	40,349,437
17	2040	2041	139,135,990		0		139,135,990	40,349,437
18	2041	2042	139,135,990		0	2,782,720	141,918,709	41,156,426
19	2042	2043	141,918,709		0		141,918,709	41,156,426
20	2043	2044	141,918,709		0	2,838,374	144,757,084	41,979,554
21	2044	2045	144,757,084		0		144,757,084	41,979,554
22	2045	2046	144,757,084		0	2,895,142	147,652,225	42,819,145
23	2046	2047	147,652,225		0		147,652,225	42,819,145
24	2047	2048	147,652,225		0	2,953,045	150,605,270	43,675,528
25	2048	2049	150,605,270		0		150,605,270	43,675,528
26	2049	2050	150,605,270		0	3,012,105	153,617,375	44,549,039
27	2050	2051	153,617,375		0		153,617,375	44,549,039
28	2051	2052	153,617,375		0	3,072,348	156,689,723	45,440,020
29	2052	2053	156,689,723		0		156,689,723	45,440,020
30	2053	2054	156,689,723		0	3,133,794	159,823,517	46,348,820
31	2054	2055	159,823,517		0		159,823,517	46,348,820
32	2055	2056	159,823,517		0	3,196,470	163,019,987	47,275,796
33	2056	2057	163,019,987		0		163,019,987	47,275,796
34	2057	2058	163,019,987		0	3,260,400	166,280,387	48,221,312
35	2058	2059	166,280,387		0		166,280,387	48,221,312
36	2059	2060	166,280,387		0	3,325,608	169,605,995	49,185,739
37	2060	2061	169,605,995		0		169,605,995	49,185,739
<b>Totals</b>				\$124,950,250	\$124,950,250	\$44,655,745		

## Projected Revenues Available for Debt Service - New Commercial

Y	AV Set	Tax Rev Year	Total Assessed Value	Debt Service Mill Levy	Debt Service Mill Levy Collections	SOT	Less Fees and Collections Expense	Tax Revenue Available for Debt Service
1	2024	2025	0	50.363	0	0	0	0
2	2025	2026	0	50.363	0	0	0	0
3	2026	2027	0	50.363	0	0	0	0
4	2027	2028	0	50.363	0	0	0	0
5	2028	2029	15,507,786	50.363	781,019	23,431	11,715	816,164
6	2029	2030	36,545,728	50.363	1,840,553	55,217	27,608	1,923,377
7	2030	2031	36,545,728	50.363	1,840,553	55,217	27,608	1,923,377
8	2031	2032	37,276,643	50.363	1,877,364	56,321	28,160	1,961,845
9	2032	2033	37,276,643	50.363	1,877,364	56,321	28,160	1,961,845
10	2033	2034	38,022,176	50.363	1,914,911	57,447	28,724	2,001,082
11	2034	2035	38,022,176	50.363	1,914,911	57,447	28,724	2,001,082
12	2035	2036	38,782,619	50.363	1,953,209	58,596	29,298	2,041,103
13	2036	2037	38,782,619	50.363	1,953,209	58,596	29,298	2,041,103
14	2037	2038	39,558,272	50.363	1,992,273	59,768	29,884	2,081,926
15	2038	2039	39,558,272	50.363	1,992,273	59,768	29,884	2,081,926
16	2039	2040	40,349,437	50.363	2,032,119	60,964	30,482	2,123,564
17	2040	2041	40,349,437	50.363	2,032,119	60,964	30,482	2,123,564
18	2041	2042	41,156,426	50.363	2,072,761	62,183	31,091	2,166,035
19	2042	2043	41,156,426	50.363	2,072,761	62,183	31,091	2,166,035
20	2043	2044	41,979,554	50.363	2,114,216	63,426	31,713	2,209,356
21	2044	2045	41,979,554	50.363	2,114,216	63,426	31,713	2,209,356
22	2045	2046	42,819,145	50.363	2,156,501	64,695	32,348	2,253,543
23	2046	2047	42,819,145	50.363	2,156,501	64,695	32,348	2,253,543
24	2047	2048	43,675,528	50.363	2,199,631	65,989	32,994	2,298,614
25	2048	2049	43,675,528	50.363	2,199,631	65,989	32,994	2,298,614
26	2049	2050	44,549,039	50.363	2,243,623	67,309	33,654	2,344,586
27	2050	2051	44,549,039	50.363	2,243,623	67,309	33,654	2,344,586
28	2051	2052	45,440,020	50.363	2,288,496	68,655	34,327	2,391,478
29	2052	2053	45,440,020	50.363	2,288,496	68,655	34,327	2,391,478
30	2053	2054	46,348,820	50.363	2,334,266	70,028	35,014	2,439,308
31	2054	2055	46,348,820	50.363	2,334,266	70,028	35,014	2,439,308
32	2055	2056	47,275,796	50.363	2,380,951	71,429	35,714	2,488,094
33	2056	2057	47,275,796	50.363	2,380,951	71,429	35,714	2,488,094
34	2057	2058	48,221,312	50.363	2,428,570	72,857	36,429	2,537,856
35	2058	2059	48,221,312	50.363	2,428,570	72,857	36,429	2,537,856
36	2059	2060	49,185,739	50.363	2,477,141	74,314	37,157	2,588,613
37	2060	2061	49,185,739	50.363	2,477,141	74,314	37,157	2,588,613
<b>Totals</b>					\$69,394,185	\$2,081,826	\$1,040,913	\$72,516,924

## Tax Increment Revenues - Property Tax

Y	Tax Rev		Assessed Value	Base Year Value	Aggregate Net TIF Increment	Mill Levy	Total Gross URA Collections	Admin & Collections	Adjustments to Match Budget	Tax Revenue Available for Debt Service
	AV Set	Year								
1	2024	2025	23,987,629	8,296,803	15,690,826	91.274	1,432,165	-21,482	-326,424	1,084,259
2	2025	2026	27,389,673	9,431,372	17,958,301	91.274	1,639,126	-24,587	-373,595	1,240,944
3	2026	2027	27,389,673	9,525,686	17,863,988	91.274	1,630,518	-24,458	-371,633	1,234,427
4	2027	2028	45,372,663	15,784,986	29,587,677	91.274	2,700,586	-40,509	-615,527	2,044,551
5	2028	2029	60,880,449	15,942,836	44,937,613	91.274	4,101,637	-61,525	-934,859	3,105,254
6	2029	2030	86,472,344	16,102,264	70,370,080	91.274	6,422,961	-96,344	-1,463,942	4,862,674
7	2030	2031	91,834,844	16,263,287	75,571,557	91.274	6,897,720	-103,466	-1,572,151	5,222,103
8	2031	2032	94,390,116	16,425,920	77,964,197	91.274	7,116,106	-106,742	-1,621,927	5,387,438
9	2032	2033	94,390,116	16,590,179	77,799,937	91.274	7,101,113	-106,517	-1,618,509	5,376,087
10	2033	2034	96,277,918	16,756,081	79,521,838	91.274	7,258,278	-108,874	-1,654,331	5,495,073
11	2034	2035	96,277,918	16,923,641	79,354,277	91.274	7,242,984	-108,645	-1,650,845	5,483,495
12	2035	2036	98,203,477	17,092,878	81,110,599	91.274	7,403,291	-111,049	-1,687,383	5,604,859
13	2036	2037	98,203,477	17,263,807	80,939,670	91.274	7,387,690	-110,815	-1,683,827	5,593,048
14	2037	2038	100,167,546	17,436,445	82,731,102	91.274	7,551,201	-113,268	-1,721,095	5,716,838
15	2038	2039	100,167,546	17,610,809						0
16	2039	2040	102,170,897	17,786,917						0
17	2040	2041	102,170,897	17,964,786						0
18	2041	2042	104,214,315	18,144,434						0
19	2042	2043	104,214,315	18,325,879						0
20	2043	2044	106,298,602	18,509,137						0
21	2044	2045	106,298,602	18,694,229						0
22	2045	2046	108,424,574	18,881,171						0
23	2046	2047	108,424,574							0
24	2047	2048	110,593,065							0
25	2048	2049	110,593,065							
26	2049	2050	112,804,926							
27	2050	2051	112,804,926							
28	2051	2052	115,061,025							
29	2052	2053	115,061,025							
30	2053	2054	71,013,425							
31	2054	2055	71,013,425							
32	2055	2056	72,433,694							
33	2056	2057	72,433,694							
34	2057	2058	73,882,368							
35	2058	2059	73,882,368							
36	2059	2060	75,360,015							
37	2060	2061	75,360,015							
Totals							\$75,885,377	-\$1,138,281	-\$17,296,047	\$57,451,049



## Sales Tax Revenues - Increment

Y	AV Set	Tax Rev		New Taxable		Sales Tax Rate	Sales credit	Less Base Year	Less Expenses	Total Sales Tax Revenues
		Year	Retail Sales	Sales	Total Taxable Sales					
1	2024	2025	119,741,255	0	119,741,255	2.25%	2,694,178	1,828,766	40,413	825,000
2	2025	2026	119,741,255	0	75,329,128	2.25%	1,694,905	1,828,766	25,424	0
3	2026	2027	75,329,128	0	75,329,128	2.25%	1,694,905	1,828,766	25,424	0
4	2027	2028	75,329,128	43,752,375	164,337,975	2.25%	3,697,604	1,828,766	55,464	1,813,375
5	2028	2029	164,337,975	43,752,375	208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
6	2029	2030	208,090,350	0	208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
7	2030	2031	208,090,350	0	208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
8	2031	2032	208,090,350	0	208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
9	2032	2033	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
10	2033	2034	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
11	2034	2035	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
12	2035	2036	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
13	2036	2037	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
14	2037	2038	208,090,350		208,090,350	2.25%	4,682,033	1,828,766	70,230	2,783,037
15	2038	2039	208,090,350							0
16	2039	2040	0							0
17	2040	2041	0							0
18	2041	2042	0							0
19	2042	2043	0							0
20	2043	2044	0							0
21	2044	2045	0							0
22	2045	2046	0							0
23	2046	2047	0							0
24	2047	2048	0							0
25	2048	2049	0							0
26	2049	2050	0							0
27	2050	2051	0							0
28	2051	2052	0							
29	2052	2053	0							
30	2053	2054	0							
31	2054	2055	0							
32	2055	2056	0							
33	2056	2057	0							
34	2057	2058	0							
35	2058	2059								
36	2059	2060								
37	2060	2061								
Totals				\$87,504,750	\$2,515,640,986		\$56,601,922	\$25,602,718	\$849,029	\$30,468,743

## PIF Revenues

Y	Tax Rev		New Taxable		PIF Rate	Sales credit	Total PIF
	AV Set	Year	Retail Sales	Sales			
1	2024	2025	100,000,000	0	1.25%	1,250,000	1,250,000
2	2025	2026	100,000,000	0	1.25%	941,614	941,614
3	2026	2027	75,329,128	0	1.25%	941,614	941,614
4	2027	2028	75,329,128	43,752,375	1.25%	2,054,225	2,054,225
5	2028	2029	164,337,975	43,752,375	1.25%	2,601,129	2,601,129
6	2029	2030	208,090,350	0	1.25%	2,601,129	2,601,129
7	2030	2031	208,090,350	0	1.25%	2,601,129	2,601,129
8	2031	2032	208,090,350	0	1.25%	2,601,129	2,601,129
9	2032	2033	208,090,350	0	1.25%	2,601,129	2,601,129
10	2033	2034	208,090,350	0	1.25%	2,601,129	2,601,129
11	2034	2035	208,090,350	0	1.25%	2,601,129	2,601,129
12	2035	2036	208,090,350	0	1.25%	2,601,129	2,601,129
13	2036	2037	208,090,350	0	1.25%	2,601,129	2,601,129
14	2037	2038	208,090,350		1.25%	2,601,129	2,601,129
15	2038	2039	208,090,350		1.25%	2,601,129	2,601,129
16	2039	2040	208,090,350		1.25%	2,601,129	2,601,129
17	2040	2041	208,090,350		1.25%	2,601,129	2,601,129
18	2041	2042	208,090,350		1.25%	2,601,129	2,601,129
19	2042	2043	208,090,350		1.25%	2,601,129	2,601,129
20	2043	2044	208,090,350		1.25%	2,601,129	2,601,129
21	2044	2045	208,090,350		1.25%	2,601,129	2,601,129
22	2045	2046	208,090,350		1.25%	2,601,129	2,601,129
23	2046	2047	208,090,350		1.25%	2,601,129	2,601,129
24	2047	2048	208,090,350		1.25%	2,601,129	2,601,129
25	2048	2049	208,090,350		1.25%	2,601,129	2,601,129
26	2049	2050	208,090,350		1.25%	2,601,129	2,601,129
27	2050	2051	208,090,350		1.25%	2,601,129	2,601,129
28	2051	2052	208,090,350		1.25%	2,601,129	2,601,129
29	2052	2053	208,090,350		1.25%	2,601,129	2,601,129
30	2053	2054	208,090,350		1.25%	2,601,129	2,601,129
31	2054	2055	208,090,350		1.25%	2,601,129	2,601,129
32	2055	2056	208,090,350		1.25%	2,601,129	2,601,129
33	2056	2057	208,090,350		1.25%	2,601,129	2,601,129
34	2057	2058					
35	2058	2059					
36	2059	2060					
37	2060	2061					
Totals				\$87,504,750	\$6,449,616,381	\$80,620,205	\$80,620,205



## Absorption Schedule - Residential

	Total	Condos	Townhomes	Brownstones
2024	-			
2025	-			
2026	-	0		
2027	-		0	
2028	86	50	20	16
2029	122	50	40	32
2030	15		8	7
2031	-			
2032	-			
2033	-			
2034	-			
2035	-			
	223	100	68	55

## Value of Closings - Residential

Pricing	\$540,000	\$600,000	\$750,000
Growth	0.00%	0.00%	0.00%

	Condos	Townhomes	Brownstones	Total Market Value
2024	\$0	\$0	\$0	\$0
2025	\$0	\$0	\$0	\$0
2026	\$0	\$0	\$0	\$0
2027	\$0	\$0	\$0	\$0
2028	\$27,000,000	\$12,000,000	\$12,000,000	\$51,000,000
2029	\$27,000,000	\$24,000,000	\$24,000,000	\$75,000,000
2030	\$0	\$4,800,000	\$5,250,000	\$10,050,000
2031	\$0	\$0	\$0	\$0
2032	\$0	\$0	\$0	\$0
2033	\$0	\$0	\$0	\$0
2034	\$0	\$0	\$0	\$0
2035	\$0	\$0	\$0	\$0
	\$54,000,000	\$40,800,000	\$41,250,000	\$136,050,000

## Vacant Land Value - Residential

29%

AV Set	Collection Year	Value of New Lots	Less: Lots to Final	Net Value with Lag	Adjustments	Cumulative Finished Lot Value	100% Lot Value	Assessed Value of Lots
2023	2024	\$0	\$0	\$0		\$0	\$0	\$0
2024	2025	\$0	\$0	\$0		\$0	\$0	\$0
2025	2026	\$0	\$0	\$0		\$0	\$0	\$0
2026	2027	\$0	\$0	\$0		\$0	\$0	\$0
2027	2028	\$5,100,000	\$0	\$0		\$0	\$0	\$0
2028	2029	\$7,500,000	-\$5,100,000	\$5,100,000		\$5,100,000	\$5,100,000	\$1,479,000
2029	2030	\$1,005,000	-\$7,500,000	\$2,400,000		\$7,500,000	\$7,500,000	\$2,175,000
2030	2031	\$0	-\$1,005,000	-\$6,495,000		\$1,005,000	\$1,005,000	\$291,450
2031	2032	\$0	\$0	-\$1,005,000		\$0	\$0	\$0
2032	2033	\$0	\$0	\$0		\$0	\$0	\$0
2033	2034	\$0	\$0	\$0		\$0	\$0	\$0
2034	2035	\$0	\$0	\$0		\$0	\$0	\$0
		\$13,605,000	-\$13,605,000					



## Absorption Schedule - Commercial

	Total	Office	Retail
2023	-		
2024	-		
2025	-		
2026	-		
2027	97,228		97,228
2028	137,228	40,000	97,228
2029	-		
2030	-		
2031	-		
2032	-		
2033	-		
2034	-		
2035	-		
	234,455	40,000	194,455

## Value of Closings - Commercial

Pricing	\$450	\$550
Growth	0.00%	0.00%

	Office	Retail	Total Market Value
2023	\$0	\$0	\$0
2024	\$0	\$0	\$0
2025	\$0	\$0	\$0
2026	\$0	\$0	\$0
2027	\$0	\$53,475,125	\$53,475,125
2028	\$18,000,000	\$53,475,125	\$71,475,125
2029	\$0	\$0	\$0
2030	\$0	\$0	\$0
2031	\$0	\$0	\$0
2032	\$0	\$0	\$0
2033	\$0	\$0	\$0
2034	\$0	\$0	\$0
2035	\$0	\$0	\$0
	\$18,000,000	\$106,950,250	\$124,950,250



### Vacant Land Value - Commercial

29%

AV Set	Collection Year	Value of New Lots	Less: Lots to Homes	Net Value with Lag	Adjustments	Cumulative Finished Lot Value	100% Lot Value	Assessed Value of Lots
2022	2023	\$0	\$0	\$0		\$0	\$0	\$0
2023	2024	\$0	\$0	\$0		\$0	\$0	\$0
2024	2025	\$0	\$0	\$0		\$0	\$0	\$0
2025	2026	\$0	\$0	\$0		\$0	\$0	\$0
2026	2027	\$5,347,513	\$0	\$0		\$0	\$0	\$0
2027	2028	\$7,147,513	-\$5,347,513	\$5,347,513		\$5,347,513	\$5,347,513	\$1,550,779
2028	2029	\$0	-\$7,147,513	\$1,800,000		\$7,147,513	\$7,147,513	\$2,072,779
2029	2030	\$0	\$0	-\$7,147,513		\$0	\$0	\$0
2030	2031	\$0	\$0	\$0		\$0	\$0	\$0
2031	2032	\$0	\$0	\$0		\$0	\$0	\$0
2032	2033	\$0	\$0	\$0		\$0	\$0	\$0
2033	2034	\$0	\$0	\$0		\$0	\$0	\$0
2034	2035	\$0	\$0	\$0		\$0	\$0	\$0

\$12,495,025      -\$12,495,025

**SOURCES AND USES OF FUNDS**

Item 15.

**Foothills Metropolitan District**  
**(In the City of Fort Collins, Colorado)**  
**2026 Financing**  
**2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds**  
**\*\*\*\* Preliminary \*\*\*\***

Dated Date 09/01/2026  
Delivery Date 09/01/2026

<b>Sources:</b>	<b>2026A Senior Refunding</b>	<b>2026A New Money</b>	<b>2026B Subordinate</b>	<b>Total</b>
Bond Proceeds:				
Par Amount	69,940,000.00	78,000,000.00	18,160,000.00	166,100,000.00
	69,940,000.00	78,000,000.00	18,160,000.00	166,100,000.00
<hr/>				
<b>Uses:</b>	<b>2026A Senior Refunding</b>	<b>2026A New Money</b>	<b>2026B Subordinate</b>	<b>Total</b>
Project Fund Deposits:				
New Money		57,167,065.87	17,832,934.13	75,000,000.00
Refunding Escrow Deposits:				
Cash Deposit	62,692,556.25			62,692,556.25
Other Fund Deposits:				
DSRF	6,336,752.39	7,067,010.11		13,403,762.50
Reserve/Capitalized Interest Fund		12,747,450.00		12,747,450.00
	6,336,752.39	19,814,460.11		26,151,212.50
Delivery Date Expenses:				
Cost of Issuance	210,535.82	234,798.31	54,665.87	500,000.00
Underwriter's Discount	699,400.00	780,000.00	272,400.00	1,751,800.00
	909,935.82	1,014,798.31	327,065.87	2,251,800.00
Other Uses of Funds:				
Contingency (COI or Bond Fund)	755.54	3,675.71		4,431.25
	69,940,000.00	78,000,000.00	18,160,000.00	166,100,000.00

**Foothills Metropolitan District**  
**(In the City of Fort Collins, Colorado)**  
**2026 Financing**  
**2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds**  
**\*\*\*\* Preliminary \*\*\*\***  
**Universal Bond Solution Component**

Period Ending	Proposed Principal	Proposed Debt Service	Debt Service Adjustments	Total Adj Debt Service	Revenue Constraints	Unused Revenues	Debt Service Coverage
12/15/2026		1,937,003	(1,146,061)	790,942	3,575,676	2,784,734	452.08%
12/15/2027		7,748,013	(4,584,244)	3,163,768	3,569,159	405,390	112.81%
12/15/2028		7,748,013	(4,584,244)	3,163,768	8,224,530	5,060,762	259.96%
12/15/2029	5,105,000	12,853,013	(3,521,957)	9,331,056	11,617,964	2,286,908	124.51%
12/15/2030	4,660,000	12,152,763	(335,094)	11,817,668	14,715,388	2,897,720	124.52%
12/15/2031	5,400,000	12,659,763	(335,094)	12,324,668	15,348,940	3,024,272	124.54%
12/15/2032	5,910,000	12,899,763	(335,094)	12,564,668	15,646,001	3,081,333	124.52%
12/15/2033	6,195,000	12,889,263	(335,094)	12,554,168	15,634,651	3,080,482	124.54%
12/15/2034	6,680,000	13,064,513	(335,094)	12,729,418	15,851,264	3,121,846	124.52%
12/15/2035	7,005,000	13,055,513	(335,094)	12,720,418	15,839,686	3,119,267	124.52%
12/15/2036	7,530,000	13,230,263	(335,094)	12,895,168	16,060,630	3,165,462	124.55%
12/15/2037	7,900,000	13,223,763	(335,094)	12,888,668	16,048,819	3,160,151	124.52%
12/15/2038	8,475,000	13,403,763	(335,094)	13,068,668	16,274,182	3,205,513	124.53%
12/15/2039	2,075,000	6,580,013	(335,094)	6,244,918	7,774,307	1,529,388	124.49%
12/15/2040	2,260,000	6,661,263	(335,094)	6,326,168	7,877,910	1,551,742	124.53%
12/15/2041	2,375,000	6,663,263	(335,094)	6,328,168	7,877,910	1,549,742	124.49%
12/15/2042	2,585,000	6,748,575	(335,094)	6,413,481	7,983,586	1,570,105	124.48%
12/15/2043	2,720,000	6,747,863	(335,094)	6,412,768	7,983,586	1,570,818	124.50%
12/15/2044	2,950,000	6,835,063	(335,094)	6,499,968	8,091,375	1,591,407	124.48%
12/15/2045	3,100,000	6,830,188	(335,094)	6,495,093	8,091,375	1,596,282	124.58%
12/15/2046	3,355,000	6,922,438	(335,094)	6,587,343	8,201,320	1,613,977	124.50%
12/15/2047	3,530,000	6,921,300	(335,094)	6,586,206	8,201,320	1,615,114	124.52%
12/15/2048	3,815,000	7,012,150	(335,094)	6,677,056	8,313,464	1,636,408	124.51%
12/15/2049	4,025,000	7,012,325	(335,094)	6,677,231	8,313,464	1,636,233	124.50%
12/15/2050	4,335,000	7,100,950	(335,094)	6,765,856	8,427,850	1,661,995	124.56%
12/15/2051	4,575,000	7,102,525	(335,094)	6,767,431	8,427,850	1,660,420	124.54%
12/15/2052	4,920,000	7,195,900	(335,094)	6,860,806	8,544,525	1,683,719	124.54%
12/15/2053	5,190,000	7,195,300	(335,094)	6,860,206	8,544,525	1,684,319	124.55%
12/15/2054	5,570,000	7,289,850	(335,094)	6,954,756	8,663,533	1,708,777	124.57%
12/15/2055	5,935,000	7,348,500	(335,094)	7,013,406	8,734,641	1,721,235	124.54%
12/15/2056	19,765,000	20,852,075	(13,738,857)	7,113,218	8,857,451	1,744,233	124.52%
	147,940,000	285,884,941	(36,287,808)	249,597,133	317,316,883	67,719,751	

**BOND PRICING**

Item 15.

**Foothills Metropolitan District**  
**(In the City of Fort Collins, Colorado)**  
**2026 Financing**  
**2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds**  
**\*\*\*\* Preliminary \*\*\*\***

Bond Component	Maturity Date	Amount	Rate	Yield	Price
2026A Senior Refunding, 2040:					
	12/01/2029	5,105,000	5.000%	5.000%	100.000
	12/01/2030	4,660,000	5.000%	5.000%	100.000
	12/01/2031	5,400,000	5.000%	5.000%	100.000
	12/01/2032	5,910,000	5.000%	5.000%	100.000
	12/01/2033	6,195,000	5.000%	5.000%	100.000
	12/01/2034	6,680,000	5.000%	5.000%	100.000
	12/01/2035	7,005,000	5.000%	5.000%	100.000
	12/01/2036	7,530,000	5.000%	5.000%	100.000
	12/01/2037	7,900,000	5.000%	5.000%	100.000
	12/01/2038	8,475,000	5.000%	5.000%	100.000
	12/01/2039	2,075,000	5.000%	5.000%	100.000
	12/01/2040	2,260,000	5.000%	5.000%	100.000
		<u>69,195,000</u>			
2026A Senior Refunding, 2046:					
	12/01/2041	745,000	5.250%	5.250%	100.000
	12/01/2046	<u>745,000</u>	5.250%	5.250%	100.000
2026A New Money, 2046:					
	12/01/2041	1,630,000	5.250%	5.250%	100.000
	12/01/2042	2,585,000	5.250%	5.250%	100.000
	12/01/2043	2,720,000	5.250%	5.250%	100.000
	12/01/2044	2,950,000	5.250%	5.250%	100.000
	12/01/2045	3,100,000	5.250%	5.250%	100.000
	12/01/2046	<u>3,355,000</u>	5.250%	5.250%	100.000
		16,340,000			
2026A New Money, 2056 Term Bond (Senior):					
	12/01/2047	3,530,000	5.500%	5.500%	100.000
	12/01/2048	3,815,000	5.500%	5.500%	100.000
	12/01/2049	4,025,000	5.500%	5.500%	100.000
	12/01/2050	4,335,000	5.500%	5.500%	100.000
	12/01/2051	4,575,000	5.500%	5.500%	100.000
	12/01/2052	4,920,000	5.500%	5.500%	100.000
	12/01/2053	5,190,000	5.500%	5.500%	100.000
	12/01/2054	5,570,000	5.500%	5.500%	100.000
	12/01/2055	5,935,000	5.500%	5.500%	100.000
	12/01/2056	<u>19,765,000</u>	5.500%	5.500%	100.000
		61,660,000			
2026B Subordinate, 2053 Cash Flow Bond (Subordinate):					
	12/15/2056	18,160,000	7.500%	7.500%	100.000
		<u>166,100,000</u>			

Dated Date	09/01/2026	
Delivery Date	09/01/2026	
Par Amount	166,100,000.00	
Original Issue Discount		
Production	166,100,000.00	100.000000%
Underwriter's Discount	(1,751,800.00)	(1.054666%)
Purchase Price	164,348,200.00	98.945334%
Accrued Interest		
Net Proceeds	164,348,200.00	



**BOND SUMMARY STATISTICS**

Item 15.

**Foothills Metropolitan District  
(In the City of Fort Collins, Colorado)**

**2026 Financing**

**2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds**

\*\*\*\* Preliminary \*\*\*\*

	2026A Senior Refunding	2026A New Money	2026B Subordinate	Aggregate
Dated Date	09/01/2026	09/01/2026	09/01/2026	09/01/2026
Delivery Date	09/01/2026	09/01/2026	09/01/2026	09/01/2026
First Coupon	12/01/2026	12/01/2026	12/15/2026	12/01/2026
Last Maturity	12/01/2041	12/01/2056	12/15/2056	12/15/2056
Arbitrage Yield	5.642493%	5.642493%	5.642493%	5.642493%
True Interest Cost (TIC)	5.152929%	5.531204%	7.629081%	5.741802%
Net Interest Cost (NIC)	5.119815%	5.502129%	7.549523%	5.788071%
All-In TIC	5.197773%	5.553927%	7.655096%	5.770460%
Average Coupon	5.004676%	5.462510%	7.500000%	5.732036%
Average Life (years)	8.685	25.241	30.289	18.822
Weighted Average Maturity (years)	8.685	25.241	30.289	18.822
Duration of Issue (years)	6.969	13.782	12.227	10.948
Par Amount	69,940,000.00	78,000,000.00	18,160,000.00	166,100,000.00
Bond Proceeds	69,940,000.00	78,000,000.00	18,160,000.00	166,100,000.00
Total Interest	30,400,403.13	107,544,537.50	41,253,466.67	179,198,407.30
Net Interest	31,099,803.13	108,324,537.50	41,525,866.67	180,950,207.30
Bond Years from Dated Date	607,440,000.00	1,968,775,000.00	550,046,222.22	3,126,261,222.22
Bond Years from Delivery Date	607,440,000.00	1,968,775,000.00	550,046,222.22	3,126,261,222.22
Total Debt Service	100,340,403.13	185,544,537.50	59,413,466.67	345,298,407.30
Maximum Annual Debt Service	9,154,612.50	20,852,075.00	19,522,000.00	40,374,075.00
Average Annual Debt Service	6,579,698.57	6,133,703.72	1,961,559.79	11,400,167.52
Underwriter's Fees (per \$1000)				
Average Takedown	10.000000	10.000000	15.000000	10.546659
Other Fee				
Total Underwriter's Discount	10.000000	10.000000	15.000000	10.546659
Bid Price	99.000000	99.000000	98.500000	98.945334

Bond Component	Par Value	Price	Average Coupon	Average Life	Duration	PV of 1 bp change
2040	69,195,000.00	100.000	5.000%	8.614	6.947	69,886.95
2046	17,085,000.00	100.000	5.250%	17.945	11.802	21,185.40
2056 Term Bond (Senior)	61,660,000.00	100.000	5.500%	27.141	14.335	90,023.60
2053 Cash Flow Bond (Subordinate)	18,160,000.00	100.000	7.500%	30.289	12.341	21,610.40
	166,100,000.00			18.822		202,706.35

	TIC	All-In TIC	Arbitrage Yield
Par Value	166,100,000.00	166,100,000.00	166,100,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	(1,751,800.00)	(1,751,800.00)	
- Cost of Issuance Expense		(500,000.00)	
- Other Amounts			
Target Value	164,348,200.00	163,848,200.00	166,100,000.00
Target Date	09/01/2026	09/01/2026	09/01/2026
Yield	5.741802%	5.770460%	5.642493%

**Foothills Metropolitan District**  
**(In the City of Fort Collins, Colorado)**  
**2026 Financing**  
**2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds**  
**\*\*\*\* Preliminary \*\*\*\***

Period Ending	2026A Senior Refunding	2026A New Money	2026B Subordinate	Total
12/15/2026	874,715.63	1,062,287.50	393,466.67	2,330,469.80
12/15/2027	3,498,862.50	4,249,150.00	1,362,000.00	9,110,012.50
12/15/2028	3,498,862.50	4,249,150.00	1,362,000.00	9,110,012.50
12/15/2029	8,603,862.50	4,249,150.00	1,362,000.00	14,215,012.50
12/15/2030	7,903,612.50	4,249,150.00	1,362,000.00	13,514,762.50
12/15/2031	8,410,612.50	4,249,150.00	1,362,000.00	14,021,762.50
12/15/2032	8,650,612.50	4,249,150.00	1,362,000.00	14,261,762.50
12/15/2033	8,640,112.50	4,249,150.00	1,362,000.00	14,251,262.50
12/15/2034	8,815,362.50	4,249,150.00	1,362,000.00	14,426,512.50
12/15/2035	8,806,362.50	4,249,150.00	1,362,000.00	14,417,512.50
12/15/2036	8,981,112.50	4,249,150.00	1,362,000.00	14,592,262.50
12/15/2037	8,974,612.50	4,249,150.00	1,362,000.00	14,585,762.50
12/15/2038	9,154,612.50	4,249,150.00	1,362,000.00	14,765,762.50
12/15/2039	2,330,862.50	4,249,150.00	1,362,000.00	7,942,012.50
12/15/2040	2,412,112.50	4,249,150.00	1,362,000.00	8,023,262.50
12/15/2041	784,112.50	5,879,150.00	1,362,000.00	8,025,262.50
12/15/2042		6,748,575.00	1,362,000.00	8,110,575.00
12/15/2043		6,747,862.50	1,362,000.00	8,109,862.50
12/15/2044		6,835,062.50	1,362,000.00	8,197,062.50
12/15/2045		6,830,187.50	1,362,000.00	8,192,187.50
12/15/2046		6,922,437.50	1,362,000.00	8,284,437.50
12/15/2047		6,921,300.00	1,362,000.00	8,283,300.00
12/15/2048		7,012,150.00	1,362,000.00	8,374,150.00
12/15/2049		7,012,325.00	1,362,000.00	8,374,325.00
12/15/2050		7,100,950.00	1,362,000.00	8,462,950.00
12/15/2051		7,102,525.00	1,362,000.00	8,464,525.00
12/15/2052		7,195,900.00	1,362,000.00	8,557,900.00
12/15/2053		7,195,300.00	1,362,000.00	8,557,300.00
12/15/2054		7,289,850.00	1,362,000.00	8,651,850.00
12/15/2055		7,348,500.00	1,362,000.00	8,710,500.00
12/15/2056		20,852,075.00	19,522,000.00	40,374,075.00
	100,340,403.13	185,544,537.50	59,413,466.67	345,298,407.30

Foothills Metropolitan District  
(In the City of Fort Collins, Colorado)  
2026 Financing  
2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds  
\*\*\*\* Preliminary \*\*\*\*

Date	Deposit	Interest	Principal	Scheduled Draws	Balance
12/15/2026	12,747,450		1,062,287.50	1,062,287.50	11,685,162.50
12/15/2027			4,249,150.00	4,249,150.00	7,436,012.50
12/15/2028			4,249,150.00	4,249,150.00	3,186,862.50
12/15/2029			3,186,862.50	3,186,862.50	
	12,747,450	0	12,747,450.00	12,747,450.00	

Average Life (years): 1.7500  
Arbitrage Yield: 5.6424933%  
Value of Negative Arbitrage: 1,168,599.79

**SUMMARY OF BONDS REFUNDED**

Item 15.

**Foothills Metropolitan District  
(In the City of Fort Collins, Colorado)  
2026 Financing  
2026A Senior Bonds and 2026B Subordinate Cash Flow Bonds  
\*\*\*\* Preliminary \*\*\*\***

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
2014, 2014, 2030, 2030:					
	12/01/2026	5.750%	2,365,000	09/01/2026	100.000
	12/01/2027	5.750%	2,600,000	09/01/2026	100.000
	12/01/2028	5.750%	2,895,000	09/01/2026	100.000
	12/01/2029	5.750%	3,160,000	09/01/2026	100.000
	12/01/2030	5.750%	3,490,000	09/01/2026	100.000
			14,510,000		
2014, 2014, 2038, 2038:					
	12/01/2031	6.000%	3,800,000	09/01/2026	100.000
	12/01/2032	6.000%	4,180,000	09/01/2026	100.000
	12/01/2033	6.000%	4,540,000	09/01/2026	100.000
	12/01/2034	6.000%	4,970,000	09/01/2026	100.000
	12/01/2035	6.000%	5,385,000	09/01/2026	100.000
	12/01/2036	6.000%	5,870,000	09/01/2026	100.000
	12/01/2037	6.000%	6,340,000	09/01/2026	100.000
	12/01/2038	6.000%	12,180,000	09/01/2026	100.000
			47,265,000		
			61,775,000		

**File Attachments for Item:**

**16. Resolution 2025-060 Approving the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment.**

The purpose of this item is to seek approval of a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment. This item is related to another item on the agenda, Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.



May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Josh Birks, Deputy Director, Sustainability Services and Acting Executive Director, Fort Collins Urban Renewal Authority

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## SUBJECT

**Resolution 2025-060 Approving the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment.**

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## EXECUTIVE SUMMARY

The purpose of this item is to seek approval of a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment. This item is related to another item on the agenda, Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.

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## STAFF RECOMMENDATION

Staff recommends consideration by Council, after conducting a hearing on Resolution 2025-059, of action on this related item, Resolution 2025-060.

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## BACKGROUND / DISCUSSION

### Legal and Procedural Requirements

Part 2, Article 1 of Title 32 of the Colorado Revised Statutes ("C.R.S.") authorizes the formation of a metropolitan district within the City by approval of Council of the district's proposed service plan, after a hearing on the proposed service plan which sets forth the public improvements and services which the district will provide, by adoption of a resolution and subsequent voter approval in favor of the organization of the district, per Part 3, Article 1 of Title 32, C.R.S.

Amendments to service plans which constitute a "material modification" of the originally approved service plan require additional approval and process that is similar to those upon formation of a district, including a public hearing on the proposed service plan amendments. C.R.S. § 32-1-207.

The City's Financial Management Policy 10 – Metro Districts (the "Policy"), as authorized by City Council Resolutions 2021-045, 2019-016, 2018-079, and 2008-069, further establishes the criteria, guidelines, and processes for the City in considering applications for service plans for proposed metropolitan districts and amendments to those plans. The Policy was originally adopted in 2008 and revised in both 2018 and 2021. The Policy sets expectations that metropolitan districts will provide broad public benefits, requires applicant assurances and specific commitments, and provides for enforcement of these public benefits by inclusion of related terms in district service plans, development agreements and other contracts. Policy Section 10.1 and Exhibit provide guidance to applicants on the evaluation of public benefits, including the delivery of

housing that meets City priorities as articulated in various plans, including affordable housing (permanent, 80% AMI), workforce housing (permanent, 81%-120% AMI), infill/redevelopment projects, and projects that serve the City's economic health.

### **History of the Foothills Mall Redevelopment**

Prior to redevelopment, the owner of Foothills Mall – Alberta Development Partners, in partnership with Walton Street Capital (the “Original Developer”) - requested the formation of a Metropolitan Districts as allowed by Title 32 of the Colorado Revised Statutes. On May 7, 2013, Council approved, by Resolution 2013-44, an Amended and Restated Service Plan for Foothills Metropolitan District (the “District”) to operationalize significant components of the Redevelopment and Reimbursement Agreement (the “Agreement”) between the City of Fort Collins (the “City”), Fort Collins Urban Renewal Authority, Walton Foothills Holdings VI, LLC and the District.

The Original Developers undertook a comprehensive redevelopment of the Foothills Fashion Mall (the “Original Project”). The Original Project included mixed use redevelopment with a commercial/retail component, a commercial parking structure and 402 multi-family dwelling units on 76.3 acres. Construction of the Project was completed in 2016.

### **Previous Public Finance Package**

The original redevelopment effort was supported by a bond issued by the District which facilitated \$53 million of net bond proceeds to fund public infrastructure improvements, the Foothills Mall Activity Center, and an underpass beneath College Avenue connecting the Original Project to the MAX Bus Rapid Transit. The bond was supported by a public finance package that included five revenue sources: (a) Metro District Capital Mills; (b) Metro District Specific Ownership Tax; (c) Property Tax Increment; (d) a Public Improvement Fee; and (e) Sales Tax Increment.

All revenues were pledged to the District for the duration of the tax increment collection period (2014 to 2038) to support repayment of the bond. The pledge of the sales tax revenue was intended to support the bond debt service only if needed and to fill a supplemental reserve account required by bond terms. Any pledged sales tax increment revenue more than that commitment was to be remitted back to the City. Currently, the City has not received any excess sales tax increment revenue.

### **Current Situation**

Since its completion, the Original Project has been able to consistently lease out the retail shops along College Avenue at approximately 90 percent occupancy. However, the interior portion of the property – the enclosed retail shops – have struggled to achieve similarly high rates of occupancy with only 49 percent occupancy today. Further, since 2016, there have been international and national trends that have impacted consumer and other market behaviors within the bounds of the Current Project, including retail consolidation, the 2020 COVID pandemic, rising construction costs, increasing housing costs. These international and national trends are major considerations that factor into renewed investment in the site.

In the near term, activities within Original Project are not generating robust tax and increment revenues. Presently, the pledged revenues, all together, are just sufficient for repayment of annual debt service. The Current Developer's bond underwriter's forecast indicates that pledged revenues may not be sufficient for annual debt service payments sometime in calendar year 2028. To address a potential insufficiency of revenues under the present financing structure, the Current Developer is proposing changes necessary to refinance the debt. To accomplish this, the existing principal balance of the original bonds, approximately \$62 million, would be refunded. Then, to align revenues with the debt obligation, the Current Developer is requesting the ability to issue new bonds based on revised and to pledge new revenue sources to support a second approach at redevelopment.

## CURRENT PROPOSED PROJECT

The proposed project builds upon a previous redevelopment seeking to address inefficiencies of the current site as well as additional redevelopment not possible under the previous attempt due to outstanding leases and property ownership, namely the redevelopment of the Macy's building. As a result, the proposed project will include the following major components:

- A **32 percent reduction in existing retail square footage** with a significant reimagining of the current enclosed mall portion of the property. The goal is to “right size” the amount of retail to position the site for long-term success.
- Approximately **300 new housing units** across a range of types including townhomes, stacked condominiums and affordable rental.
- Around **11 acres of new public space and trails**.

## PROPOSED AMENDMENT

The First Amendment to the Amended and Restated Service Plan for the Foothills Metropolitan District (the “First Amendment”) proposes several aspects of the current service plan. Please refer to the materials on that related item for additional information on the proposed First Amendment, Resolution 2025-059.

### METRO DISTRICT POLICY

As above, the City adopted its Policy for reviewing service plans for metropolitan districts. The 2021 Policy revisions focused on emphasizing disclosure and transparency requirements and add an evaluation points system for the public benefits provided by metropolitan districts (“Metro Districts”) serving primarily residential development.

### Residential Evaluation Point System

As above, the District was approved by Council in 2012 and later amended in 2013. The District primarily exists as a financial conduit to create public financing to offset the cost of infrastructure required by the redevelopment project. As such, its primary purpose is not to serve residential development; however, it clearly funds significant infrastructure that will support residential development. The original project included 402 multifamily units, and the current proposal will increase that number by approximately 300 units.

The original District was adopted before the 2021 policy revisions. Additionally, the proposed project builds upon a previous redevelopment not starting from scratch. As such, staff does not recommend strictly enforcing the residential evaluation point system. However, the project vision does deliver on several aspects of the residential point evaluation system. Below is an overview of the public benefits delivered by the proposed project:

- **Environmental Sustainability Outcomes**
  1. Green House Gas Reduction: shifting to a walkable urban-scaled village potentially reducing reliance on the car and reducing overall greenhouse gas emissions; adaptive re-use of existing structure over demolition; focus on recycling and re-use programs.
  2. Water and/or Energy Conservation: committed to LEED certification of new construction.
  3. Multimodal Transportation: Strengthen pedestrian and bike connections to College Ave underpass to Max BRT; provide additional dedicated bike lanes and related bike infrastructure; provide six new “bike gardens” throughout the site; 20-30% reduction in overall surface parking.

4. Enhance Community Resiliency: Repair and improve existing Low-Impact Development and district-wide stormwater management systems; dramatically increase percent of permeable area.

- **Smart Growth Management**

1. Increase Density: Densify a designated TOD site with approximately 300 new attached housing units (range of product types: townhomes, stacked condominiums, and affordable rental); leverage existing parking structure to achieve higher densities.
2. Walkability & Pedestrian Friendliness: Remove sprawling surface parking lots that act as a barrier between the commercial core and surrounding residential areas; provide new protected pedestrian connections between commercial core and College Avenue Shops.
3. Public Space: Re-envision east plaza; provide a new flexible “band shell” adjacent to the village green to enhance opportunities for activation; remove portions of the mall roof to create more outdoor shopping experience.

- **Strategic Priorities**

1. Affordable Housing: Commitment to set aside approximately 30,000 square foot lot adjacent to the existing parking structure at no cost for a 50–60-unit affordable housing project; project can leverage the district owned garage reducing the cost to construct higher density product.
2. Attainable Housing: No deed restricted for-sale homes are proposed; however, the project is anticipated to provide a range of attached housing types at a range of price points.
3. Infill/Redevelopment: Focus on 15-minute city design; redevelopment of 62 acres in the heart of midtown; consistent with Midtown Plan (2013); served by existing infrastructure; no threat to open space, farmland, or other greenfield sites that contribute to sprawl.

## **AFFORDABLE HOUSING PLEDGE**

The Current Developer has offered a donation or contribution pledge of a 30,000 square foot parcel of land for the “the exclusive use of Affordable Housing.” Based on zoning and average densities, the Current Developer believes such a parcel could support between fourteen (14) and twenty-eight (28) units. These units would be deed restricted in perpetuity and meet the following definition of “Affordable Housing” – affordable for households earning eighty percent (80%) of the area median income for a family of four for the Fort Collins/Loveland Metropolitan Statistical Area published annually by the U.S. Department of Housing and Urban Development (“AMI”). The units constructed on the parcel will remain affordable in perpetuity through a restrictive covenant or deed restriction.

This pledge would be secured by a Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment (“Public Benefits Agreement” or “PBA”) between the City and the Current Developer, by adoption of this Resolution. The Public Benefits Agreement, if approved, would be effective at the same time the First Amendment is effective, and obligate the Current Developer to taking actions to designate a parcel upon the approval of its Final Development Plan (“FDP”) by the City. The Current Developer may, pursuant to the PBA, fulfill its obligation in one of the two ways:

1. By executing a contract to donate or contribute the parcel to a non-profit or for-profit builder for the purpose of developing Affordable Housing; or
2. By making a reservation of the property by the Current Developer for the benefit of and legally enforceable by the City for the eventual donation or contribution to an entity for development of affordable housing.

The result of the pledge, if approved by this Resolution and taking effect upon the First Amendment, by adoption of Resolution 2025-059, and as further specified by actions conditional for approval of the FDP, would be a dedication by the Current Developer of an affordable housing pledge that would constitute of four percent (4%) to nine percent (9%) of the total potential residential units of up to three hundred (300) units, as per the Current Developer at the Council Finance Committee meeting on February 6, 2025.

### **CITY FINANCIAL IMPACTS**

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None; but please see information related to the connected item, Resolution 2025-059.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

Information related to the connected item, Resolution 2025-059, was presented to the Council Finance Committee on February 6, 2025, with a recommendation to refer to Council for consideration with additional information on district revenues, firm details on affordable housing commitment, and clarity on the Public Improvement Fee amount.

### **PUBLIC OUTREACH**

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None; but please see information related to the connected item, Resolution 2025-059.

### **ATTACHMENTS**

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1. Presentation
2. Resolution 2025-060



# Public Benefit Agreement for the Foothills Metro District

**Josh Birks**

Deputy Director, Sustainability Services



1. Consideration of Resolution 2025-XXX Approving the execution of a Public Benefits Agreement.
  - Codifies Affordable Housing Pledge.



Staff does not recommend strictly enforcing the 2021 Metro District policy:

- District approved in 2013 prior to policy revisions
- It **serves** primarily **as a financial conduit**
- Primary purpose is **not to serve/facilitate residential development**
- Delivers on the public benefit of **infill/redevelopment**
- Project still **delivers on several aspects of the residential point evaluation system**, notably:
  - **Increased density**: additional residential units (*fewer than in 2023*)
  - **Enhanced public space**
  - **Affordable housing**: set aside land for 14-28 affordable housing units in the project
  - **Infill/Redevelopment**: 15-minute city design, 62 acres in the heart of midtown; consistent with Midtown Plan (2013)





- Obtain and FDP including **approximately 300 attached and multifamily dwelling units**
- Designate **approximately 30,000 square feet for exclusive use of Affordable Housing** (*up to 80% AMI*)
  - Anticipate 14 to 28 units
  - Units will remain *affordable in perpetuity*
- Developer will **transfer or reserve the parcel for affordable housing** using one of two mechanism (*or any other mutually agreed upon*)
  - Execution of a contract for ***donation/contribution*** of the parcel to a non-profit or for-profit for development as Affordable Housing
  - ***Reservation of the parcel*** for the ***benefit and legally enforceable by the City*** for eventual donation/contribution



# Affordable Housing Parcel – Anticipated Location



*Affordable Parcel*







# Thank you!

RESOLUTION 2025-060  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE DEVELOPMENT AGREEMENT TO SECURE  
PUBLIC BENEFITS FOR THE FOOTHILLS MALL REDEVELOPMENT

A. On September 4, 2012, Council approved the formation of the Foothills Metropolitan District (the “District”), by adoption of Resolution 2012-084. On May 7, 2013, Council approved, by adoption of Resolution 2013-043, a Redevelopment and Reimbursement Agreement (the “Redevelopment Agreement”) by and between the City, the Fort Collins Urban Renewal Authority, the District, and the previous developer of the Foothills Mall property within the boundaries of the District. On May 7, 2013, Council approved the Amended and Restated Service Plan for the District by adoption of Resolution 2013-044.

B. MXD Fort Collins, LLC, a Delaware limited liability company (the “Developer”) is the owner of real property, which is a mixed-use development formerly referred to as the Foothills Mall (the “Property”) and intends to submit to the City a final development plan for the redevelopment of the Property. The Property is located within the boundaries of the District.

C. On December 18, 2024, the Board of Directors of the District requested, pursuant to Section XI of the Amended and Restated Plan, that the City consider a proposed First Amendment to the Amended and Restated Service Plan (the “First Amendment”) to restructure current debt and to provide additional financing authority.

D. On February 6, 2025, staff presented the proposed First Amendment to the Council Finance Committee with a recommendation to refer the First Amendment to Council for consideration, with additional information on District revenues, firm details on the affordable housing commitment of the Developer, and clarity on the public improvement fee amount.

E. Pursuant to the February 6, 2025, meeting of the Council Finance Committee, and the public benefit requirements set forth in the City’s Financial Management Policy 10 – Metro Districts (the “Metro District Policy”), the Developer has offered a pledge of a 30,000 square foot parcel of land, supporting between fourteen and twenty-eight housing units, to be restricted in perpetuity by deed as affordable housing (defined as households earning eighty percent of the area medium income for a family of four), and delivered either by executing a contract to donate or contribute the parcel to a third party for the purpose of developing the affordable housing units or by a reservation of the property for the eventual donation for the same purpose. This pledge is set forth in the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment (“Public Benefits Agreement”), attached hereto as Exhibit A to the Resolution.

F. On May 20, 2025, after a public hearing at which Council reviewed the First Amendment and considered the testimony and evidence presented at the public hearing, Council approved the First Amendment, by adoption of Resolution 2025-059.

G. The City Council finds and determines that adoption of this Resolution and approval of Public Benefits Agreement is in the City's best interest and advances the public's health, safety and welfare by facilitating the Developer's delivery of the agreed upon public benefits.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby approves the Public Benefits Agreement attached to this Resolution as Exhibit A.

Section 2. The Mayor is authorized to execute the Public Benefits Agreement on behalf of the City in substantially the same form attached to this resolution as Exhibit A, subject to minor modifications as the Mayor, in consultation with the City Attorney, may determine to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution.

Section 3. A copy of this resolution with all attachments shall be recorded in the Office of the Larimer County Clerk and Recorder promptly after the effective date of this resolution with all recording fees paid by the Developer.

Passed and adopted on May 20, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Effective Date: May 20, 2025

Approving Attorney: Dianne Criswell

Exhibit A: Development Agreement to Secure Public Benefits for the Foothills Mall  
Redevelopment

**DEVELOPMENT AGREEMENT TO  
SECURE PUBLIC BENEFITS FOR  
FOOTHILLS MALL REDEVELOPMENT**

THIS DEVELOPMENT AGREEMENT TO SECURE PUBLIC BENEFITS FOR FOOTHILLS MALL REDEVELOPMENT (the “Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the CITY OF FORT COLLINS, COLORADO, a home rule municipality of the State of Colorado (“City”) and MXD FORT COLLINS, LLC, a Delaware limited liability company (“Developer”). The City and the Developer shall be collectively referred to herein as the “Parties.”

WITNESSETH:

WHEREAS, the Developer is the owner of the real property described on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”), which is the retail development formerly referred to as the Foothills Mall; and

WHEREAS, the Developer desires to finance the necessary public improvements to redevelop the Property (the “Redevelopment”) and has caused to be submitted to the City all documents required for the approval of an amendment to the Service Plan (“Service Plan Amendment”) for the Foothills Metropolitan District (the “District”); and

WHEREAS, under the provisions of Article 1 of Title 32 of the Colorado Revised Statutes, the Council, by Resolution No. 2013-044, approved the Amended and Restated Service Plan for the District on May 7, 2013, and by Resolution 2025-059 approved the First Amendment to the Amended and Restated Service Plan (the “Service Plan Amendment”) for the District on May 20, 2025;

WHEREAS, on May 20, 2025, the Council approved this Agreement by Resolution 2025-060, to establish the manner by which public benefits are to be secured in conjunction with approval of the Service Plan Amendment and the Redevelopment; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements of the Parties contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

**I. PUBLIC BENEFITS**

**A. Affordable Housing.**

1. The Developer intends to submit to the City all plans, reports and other documents required for approval of a Final Development Plan (the “FDP”) for the Redevelopment, and the FDP is projected to include approximately three hundred (300) attached and multi-family dwelling units within the Property. A preliminary site plan of the Redevelopment is included as **Exhibit B** attached hereto and incorporated herein by this reference.

2. At the time Developer submits the FDP to the City, it will designate an approximately 30,000 square foot parcel (the “Affordable Housing Parcel”) for the exclusive use of Affordable Housing (defined below) generally located in the area depicted on **Exhibit C** attached hereto and incorporated herein by this reference. Developer estimates that approximately fourteen (14) to twenty-eight (28) Affordable Housing units could be constructed on such Affordable Housing Parcel. As used herein, “Affordable Housing” shall be defined as affordable for households earning eighty percent (80%) of the area median income for a family of four for the Fort Collins/Loveland Metropolitan Statistical Area published annually by the U.S. Department of Housing and Urban Development (“AMI”), whether owner-occupied or leased.

3. The units on the Affordable Housing Parcel must remain as Affordable Housing in perpetuity and this requirement must be secured by a restrictive covenant or deed restriction (the “Affordability Restriction”) in a form reasonably acceptable to the City that is for the City's benefit and enforceable by the City at law and in equity and recorded with the Larimer County Clerk and Recorder.

4. Concurrent with approval of the FDP by the City, Developer will transfer or reserve the Affordable Housing Parcel using one of the following mechanisms or any other mechanism mutually agreed upon by the Developer and the City:

a. Execution of a contract for the donation or contribution of the Affordable Housing Parcel by the Developer to a non-profit or for-profit builder and the subsequent development of that land by such builder as the Affordable Housing with a legally enforceable contract obligation to the City in a form reasonably acceptable to the City to develop such land as Affordable Housing and to impose the Affordability Restriction.

b. A reservation of the Affordable Housing Parcel within the Property by the Developer for the benefit of and legally enforceable by the City at law and in equity for the eventual donation or contribution to an entity for development of the Affordable Housing.

5. Notwithstanding anything in this Agreement to the contrary, the Developer and the City may agree to a different definition of AMI if it provides a better incentive for achieving a particular Affordable Housing project.

B. City & Developer Acknowledgement. The City and Developer specifically acknowledge and agree that the public benefits as described and secured in Section I.A. above shall only be deemed to have occurred if and when the contingency in Section II.R. below is satisfied.

## II. MISCELLANEOUS

A. City Findings. The City hereby finds and determines that the approval of this Agreement is in the best interests of the public health, safety and general welfare of the City.

B. City Approvals. Where this Agreement requires the City's future approval or consent, such approval or consent may be given by the City Manager of the City within his or her



sole discretion. Where this Agreement requires Council approval or consent, such approval or consent shall be within the Council's sole discretion.

C. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

D. Covenants/Binding Effect. This Agreement shall run with the Property, including any subsequent platting of all, or a portion of the Property. This Agreement shall also be binding upon and inure to the benefit of the Parties, their respective personal representatives, heirs, successors, grantees and assigns. The Parties agree that all improvements required pursuant to this Agreement touch and concern the Property regardless of whether such improvements are located on the Property. Assignment of interest within the meaning of this section shall specifically include, but not be limited to, a conveyance or assignment of any portion of the Developer's legal or equitable interest in the Property, as well as any assignment of the Developer's rights to develop the Property under the terms and conditions of this Agreement.

E. Default.

1. Notice; Cure. If any party defaults under this Agreement, a non-defaulting party may deliver written notice to the defaulting party of such default in accordance with Section II.L, and the defaulting party shall have thirty (30) days from and after receipt of such notice to cure such default. If such default is not of a type which can be cured within such thirty (30) day period and the defaulting party gives written notice to the non-defaulting party within such thirty (30) day period that it is actively and diligently pursuing such cure, the defaulting party shall have a reasonable period of time given the nature of the default following the end of such thirty (30) day period to cure such default, provided that such defaulting party is at all times within such additional time period actively and diligently pursuing such cure and provided further that in no event shall such cure period exceed a total of six (6) months. Notwithstanding the cure period set forth in this Section II.E.1, Developer, its successors and assigns, shall have the right to include a claim for breach of this Agreement in any action brought under C.R.C.P. Rule 106 if Developer, its successors and assigns, believes that the failure to include such claim may jeopardize its ability to exercise its remedies with respect to this Agreement at a later date. Any claim for breach of this Agreement brought before the expiration of the applicable cure period set forth in this Section II.F. shall not be prosecuted by any Party, its successors and assigns, until the expiration of such cure period except as set forth in this Agreement, and shall be dismissed by such Party, its successors and assigns, if the default is cured in accordance with this Section II.E.

2. Remedies. If any default under this Agreement is not cured as described above, any non-defaulting party shall have the right to enforce the defaulting party's obligation hereunder by an action at law or in equity, including, without limitation, injunction and/or specific performance, and shall be entitled to an award of any damages available at law or in equity.

F. Governing Law. This Agreement shall be construed under and governed by the laws of the State of Colorado.

G. Integration; Amendment. This Agreement represents the entire agreement between the Parties with respect to the subject matter hereof and there are no oral or collateral agreements or understandings. The Parties agree that this Agreement may be amended only by an instrument in writing signed by the City and the Developer, and successors and permitted assigns of the Developer to whom the Developer has granted in writing the right to consent to any such amendments.

H. Jurisdiction and Venue. The Parties, on behalf of themselves and their successors and assigns, stipulate and agree that in the event of any dispute arising out of this Agreement, the courts of the State of Colorado shall have exclusive jurisdiction over such dispute and venue shall only be proper in Larimer County, Colorado. The Parties hereby submit themselves to jurisdiction of the State District Court, 8<sup>th</sup> Judicial District, County of Larimer, State of Colorado.

I. Multiple-Fiscal Year Obligations. To the extent that any of the obligations of the City contained in this Agreement are or should be considered multiple-fiscal year obligations under TABOR or the City's Charter or Code, such obligations shall be subject to annual appropriation by the Council, in its sole discretion.

J. No Joint Venture or Partnership. No form of joint venture or partnership exists between the Developer and the City, and nothing contained in this Agreement shall be construed as making the Developer and the City joint venturers or partners.

K. No Third-Party Beneficiaries. Except as otherwise provided in this Agreement, enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City, the Developer and its successors and assigns, and nothing contained in this Agreement shall give or allow any such claim or right of action by any third party. Except as otherwise provided in this Agreement, it is the express intention of the City, the Developer and its successors and assigns that any other person receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

L. Notices. Any notice or communication required under this Agreement between the City and Developer must be in writing and may be given either personally, by registered or certified mail, return receipt requested, by Federal Express or other reliable courier service that guarantees next day delivery or by facsimile transmission (followed by an identical hard copy via registered or certified mail). If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If given by any other method, a notice shall be deemed to have been given and received on the first to occur of: (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent; or (b) as applicable: (i) three (3) days after a registered or certified letter, return receipt requested, containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail; (ii) the following business day after being sent via Federal Express or other reliable courier service that guarantees next day delivery; or (iii) the following business day after being sent by facsimile transmission (provided that such facsimile transmission is promptly followed by an identical hard copy sent via registered or certified mail, return receipt requested). Any party hereto may at any

time, by giving written notice to the other party hereto as provided in this Section II.L, designate additional persons to whom notices or communications shall be given and designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to City:	City of Fort Collins ATTN: City Manager 300 LaPorte Avenue Fort Collins, CO 80521 Email: _____
With a copy to:	City of Fort Collins ATTN: City Attorney 300 LaPorte Avenue Fort Collins, CO 80521 Email: _____
If to Developer:	MXD Fort Collins, LLC c/o McWhinney Real Estate Services, LLC ATTN: Will Little 1800 Wazee Street, Suite 200 Denver, CO 80202 Email: will.little@mcwhinney.com
With copies to:	McWhinney Real Estate Services, LLC ATTN: Legal Department 1800 Wazee Street, Suite 200 Denver, CO 80202 Email: legalnotices@mcwhinney.com  Brownstein Hyatt Farber Schreck, LLP ATTN: Carolynne White & Abby Kirkbride 675 15th Street, Suite 2900 Denver, CO 80202 Email: Cwhite@bhfs.com; Akirkbride@bhfs.com

M. Recording. The City shall record this Agreement with the Larimer County Clerk and Recorder, and the Developer shall pay the cost of the same.

N. Section Captions. The captions of the sections are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

O. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force.

P. Survival. The covenants, representations and warranties and agreements to be performed or complied with under this Agreement by the respective Parties shall be continuing obligations of the respective Parties until fully complied with or performed, respectively.

Q. Waiver. No waiver of one or more of the terms of this Agreement shall constitute a waiver of other terms. No waiver of any provision of this Agreement in any instance shall constitute a waiver of such provision in other instances.

R. Effective Date and Termination. This Agreement shall become effective on the date that City Council Resolution 2025-059, approving the Service Plan Amendment, takes effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first written above.

**CITY:**

CITY OF FORT COLLINS, COLORADO,  
a Municipal Corporation

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_, 2025

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Senior Assistant City Attorney

STATE OF COLORADO    )  
  ) ss  
COUNTY OF LARIMER    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ as Mayor of the City of Fort Collins.

Witness my hand and official seal.

My Commission expires:

\_\_\_\_\_  
Notary Public



**DEVELOPER:**

**MXD FORT COLLINS, LLC,**  
a Delaware limited liability company

By: MXD Fort Collins Partners, LLC,  
a Delaware limited liability company,  
its Manager

By: McWhinney Real Estate Services, Inc.,  
a Colorado limited liability company,  
its Manager

By: \_\_\_\_\_

STATE OF COLORADO    )  
  )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ as \_\_\_\_\_ of McWhinney Real Estate Services, Inc., a Colorado limited liability company, as Manager of MXD Fort Collins Partners, LLC, a Delaware limited liability company, as Manager of MXD Fort Collins, LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Exhibit A****Description of the Property****Parcel A:**

Lots 12, 13, 15, 16 and 17, Foothills Mall Redevelopment Subdivision, recorded June 4, 2014 at Reception No. 20140028776, County of Larimer, State of Colorado.

**For Informational Purposes Only**

Tax ID No.:	9725330012	Lot 12
	9725330013	Lot 13
	9725330015	Lot 15
	9725330016	Lot 16
	9725330017	Lot 17

**And**

Lots 11, 18 and 19, Foothills Mall Redevelopment Subdivision Filing No. 2, recorded April 8, 2015 at Reception No. 20150020510, County of Larimer, State of Colorado.

**For Informational Purposes Only**

Tax ID No.:	9725332011	Lot 11
	9725332018	Lot 18
	9725332019	Lot 19

**And**

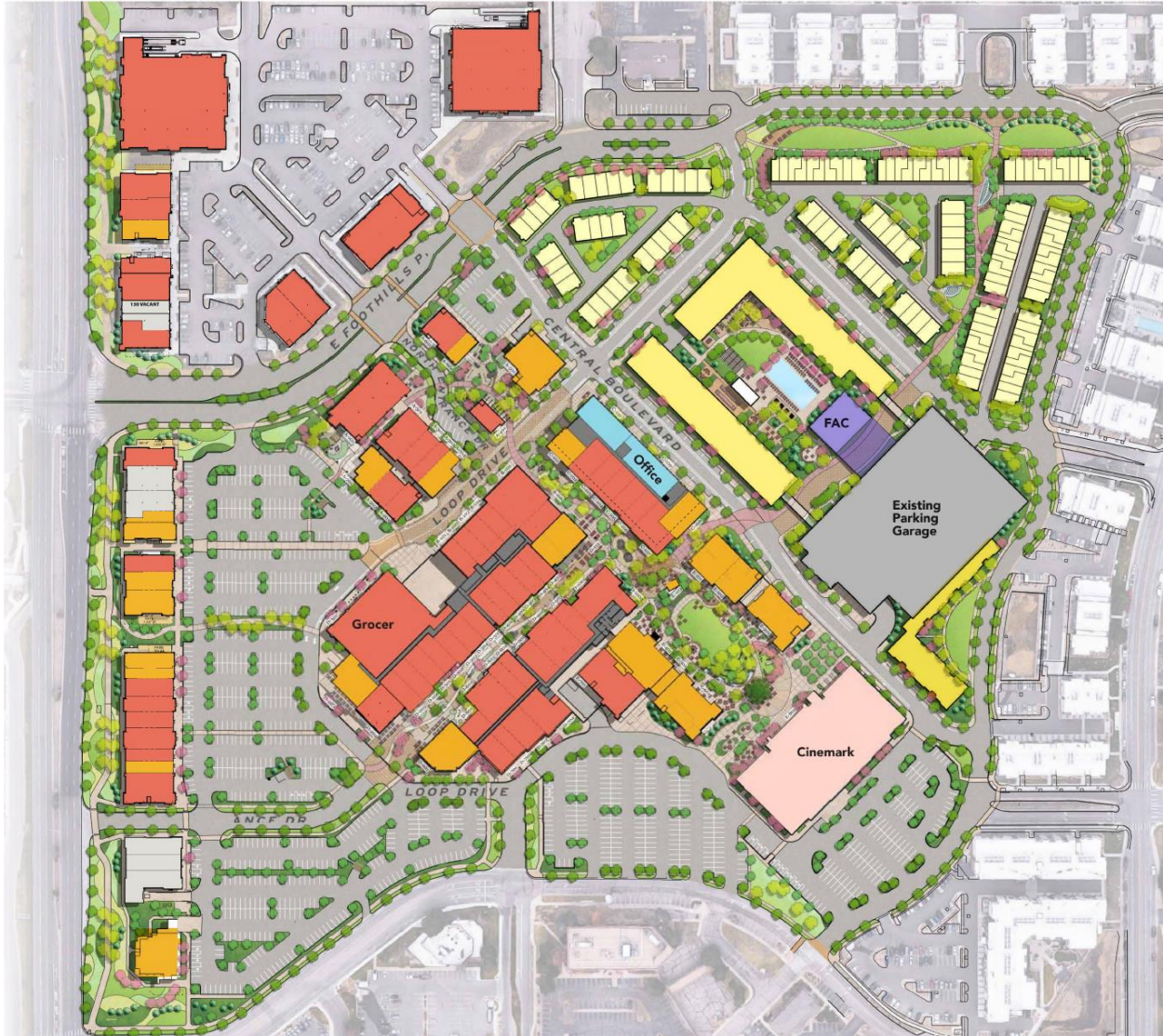
Lots 1, 2, 7, 9, 10, 14A, 14B, 21 and 22, Foothills Mall Redevelopment Subdivision Filing No. 3, recorded October 12, 2020 at Reception No. 20200083502, County of Larimer, State of Colorado.

**For Informational Purposes Only**

Tax ID No:	9725335001	Lot 1
	9725335002	Lot 2
	9725335007	Lot 7
	9725335009	Lot 9
	9725335010	Lot 10
	9725335014	Lot 14A
	9725335015	Lot 14B
	9725335021	Lot 21
	9725335022	Lot 22

**Exhibit B**

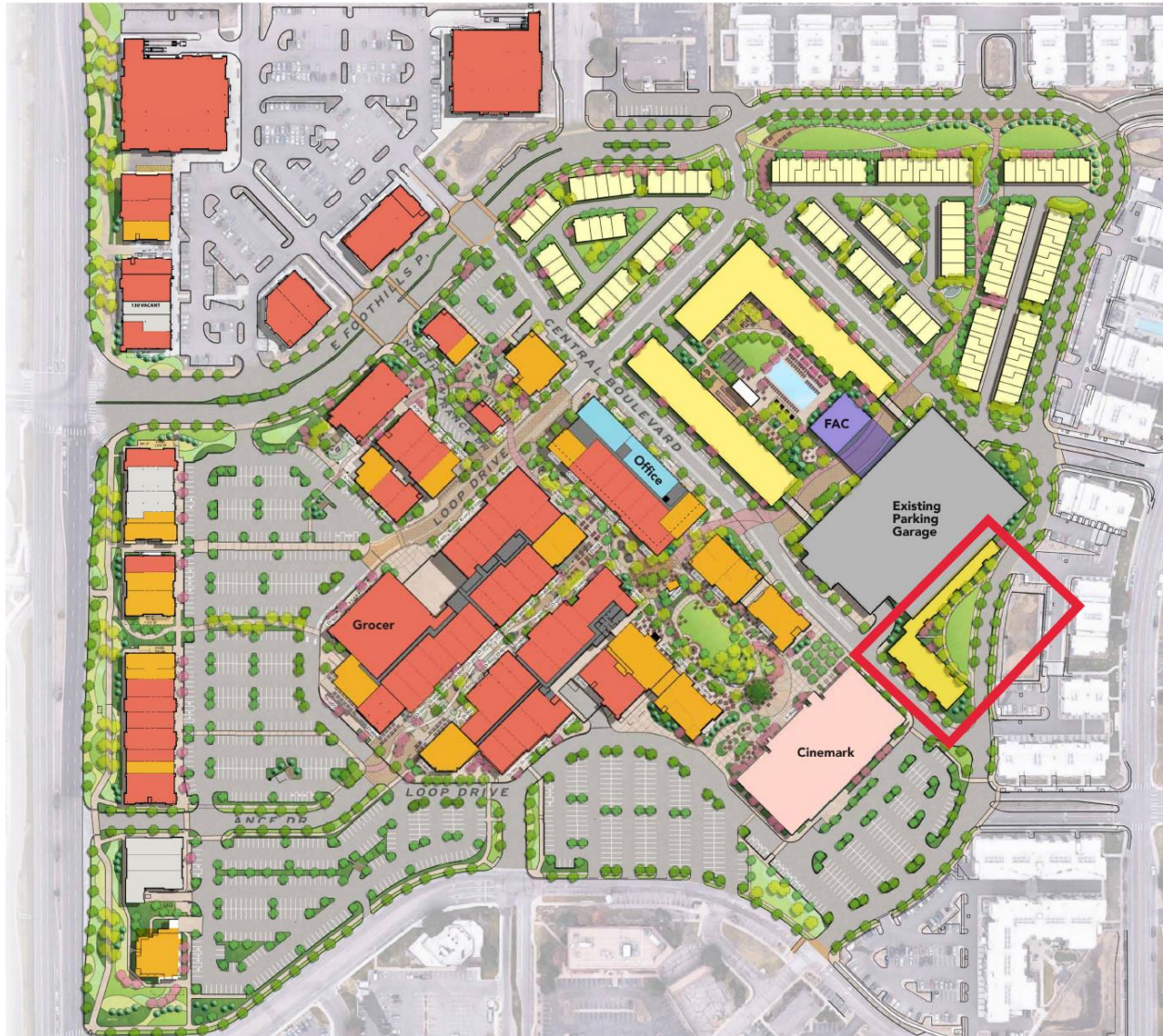
**Preliminary Redevelopment Site Plan – Foothills Mall**





**Exhibit C**

**Affordable Housing Parcel – Foothills Mall**



**File Attachments for Item:**

**17. Items Relating to Motor Vehicle Noise.**

A. First Reading of Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code.

B. First Reading of Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise.

C. First Reading of Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers.

D. First Reading of Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense.

The purpose of these items is to present recommended changes to the City Code and Fort Collins Traffic Code to address enforcement of unreasonable noise in the city related to Motor Vehicles.



May 20, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Jeff Swoboda, Police Chief  
Kristy Volesky, Assistant Chief

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## SUBJECT

**Items Relating to Motor Vehicle Noise.**

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## EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code.
- B. First Reading of Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise.
- C. First Reading of Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers.
- D. First Reading of Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense.

The purpose of these items is to present recommended changes to the City Code and Fort Collins Traffic Code to address enforcement of unreasonable noise in the city related to Motor Vehicles.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

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## BACKGROUND / DISCUSSION

A work session was conducted on April 22, 2025, addressing a phased approach to addressing updates to the City Code related to traffic, fireworks and other sound-related issues in the city. Phase 1 focused on low effort to implement but high impact as it relates to education and enforcement and Phase 2 will focus on amplified noise, requiring further research and community outreach.

Phase 1: Police Services – Traffic Noise

Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the City. These reports span a variety of sources, with examples including party complaints, general noise complaints, vehicle related noise complaints, and fireworks. In response, police staff have reviewed reported incidents and citations related to noise violations from 2023 to 2024. The goal was to assess how effectively current ordinances are being used in enforcement and what code updates would better assist police in enforcement of these violations. Through this analysis, two

primary areas related to traffic were identified and presented to the Council at the April 22 work session, adding a new unreasonable traffic noise ordinance and amending the current muffler ordinance in the Fort Collins Traffic Code.

### **Unreasonable Traffic Noise (Section 1418 Fort Collins Traffic Code)**

The first recommendation is to establish a new ordinance within the City's Traffic Code specifically addressing prohibited actions related to the operation of motor vehicles. While the existing Unreasonable Noise Prohibited section touches on some aspects of vehicle noise, it primarily focuses on residential noise occurrences. A dedicated ordinance would provide clearer, more targeted language, enabling more effective enforcement. This recommendation is driven by a noticeable increase in complaints about vehicle-related noise, including loud stereos, ineffective mufflers, engine revving, and similar concerns.

In the proposed new ordinance, unreasonable traffic noise would mean any sound of such level or duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property. Several factors such as time of day, location, and the type of noise generated will be taken into consideration when an officer makes a prima facie determination as to whether a noise is unreasonable. This change would also allow officers to write tickets more efficiently using the same process as other traffic violations.

### **Unreasonable Noise (Section 17-129 City Code)**

The second recommendation is to update Section 17-129- Unreasonable Noise Prohibited in the City Code to remove any reference of traffic noise. This update will provide clarity regarding which ordinance applies to traffic related noise violations vs all other general noise violations such as parties. The traffic noise provisions in the current code will be relocated into the new Unreasonable Traffic Noise Prohibited ordinance.

### **Mufflers (Section 225 Fort Collins Traffic Code)**

The third recommendation involves clarifying and restructuring the current muffler ordinance listed in Section 225 of the Fort Collins Traffic Code. Updating the muffler language will enhance clarity and allow police staff to apply the ordinance more effectively during enforcement efforts. Specifically, the ordinance is broken out into sections adding clarity for officers to enforce equipment violations related to noise.

### **General Penalties Traffic Offenses (Section 1-15 City Code)**

The final recommendation is to update City Code Section 1-15- General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions. The current code states that for all traffic offenses that do not have a state equivalent shall be deemed a traffic infraction. The new proposed unreasonable traffic noise ordinance does not have a state equivalent charge and therefore would be penalized as an infraction with a fine set by the Court's fine schedule that can be paid online and does not require an appearance in court. The proposed update would allow specified code provisions, such as unreasonable traffic noise, to be classified as a misdemeanor offense instead of a traffic infraction. This change will require the driver to appear in court where the prosecution can meet with the driver to encourage changed behaviors and future compliance with the law.

### **CITY FINANCIAL IMPACTS**

None.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

None.

## PUBLIC OUTREACH

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None.

## ATTACHMENTS

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1. Work Session Summary: Sounds of the City
2. Presentation
3. Ordinance No. 086, 2025
4. Ordinance No. 087, 2025
5. Ordinance No. 088, 2025
6. Ordinance No. 089, 2025



City Manager's Office  
300 Laporte Avenue  
PO Box 580, Fort Collins, CO 80522

Item 17.

## WORK SESSION MEMORANDUM

Date: May 1, 2025  
To: Mayor and City Councilmembers  
Through: Kelly DiMartino, City Manager <sup>Initial</sup> KD  
From: Rupa Venkatesh, Assistant City Manager <sup>Initial</sup> RV  
Kristy Volesky, Assistant Chief of Fort Collins Police Services <sup>Initial</sup> KV  
Subject: April 22, 2025 Work Session Summary: Sounds of the City

### BOTTOM LINE

The purpose of this memo is to document the summary of discussions during the April 22, 2025 Work Session, "Sounds of the City." All Councilmembers were present.

### DISCUSSION SUMMARY

- Discussed types of sound that current regulations are effective in enforcing when they become noise issues to include chronic animal sounds, construction activities, house parties, lawn care activities, etc.
- Discussed regulations that staff are recommending amendments to in order to enforce certain types of sounds more effectively including agricultural operations, fireworks and traffic/vehicle sounds. These recommendations can be brought forward more immediately in Phase 1.
- Discussed types of sounds, including ambient and amplified, that would require more staff research and neighborhood engagement before bringing forward information and recommendations for Council consideration. This is Phase 2.
- Recommended bringing forward Phase 1 amendments to the May 20<sup>th</sup> not May 6<sup>th</sup> Council meeting in order to give more time to realize implications of HB 1147 should it pass.
- For Phase 1, feedback was provided to explore educational opportunities with driver's education programs and ASCSU; and local shops that do modifications.
- For Phase 1, feedback to explore potential vehicle quiet zones to be established downtown.
- For Phase 2, feedback provided to look at the application for block parties, particularly any questions that require people to know decibel levels
- For Phase 2, feedback to research other comparable cities that are similar in size and culture

### NEXT STEPS

- Staff will bring forward amendments to Municipal Code related to agricultural exemptions, unreasonable traffic noise, mufflers, and fireworks for Council consideration on first reading on May 20<sup>th</sup>.

- Staff will conduct general outreach and noise level readings this summer through fall with the intention of providing findings and recommendations to Council during an October 2025 Work Session. Depending on feedback, first reading of proposed Code changes could be considered in November 2025.

## **FOLLOW-UP ITEMS**

In the Agenda Item Summary, it was stated that automated noise level tracking through red-light camera technology is currently prohibited under Colorado state law. This was not accurate as current state law does not prohibit use of this technology; however, state law has not authorized the use of automated devices for traffic violations that carry DMV consequences outside of speeding and redlight violations as outlined in the current AVIS statute and Municipal Code.

The City could draft a Municipal Ordinance to allow the use of noise cameras to detect decibel sound violations since those do not carry state DMV consequences. However, as outlined below staff believe adding a sound detection system is something that should be considered in the future based on some challenges for implementation now.

There have been a couple pilot projects done in Colorado and one in New York using automated noise detection traffic enforcement devices. In Colorado, the City of Longmont conducted two 30-day tests of a noise meter and camera system installed adjacent to a roadway. During those time periods, when the noise meter detected a noise above 85 decibels, the camera took a photo of the vehicle and license plate.

Throughout the testing periods, the city discovered several issues, including:

1. The readability of license plates was not very good. The device could only read about 50% of the vehicles passing through the area and the issue became more problematic at night. Only about 2% of license plates on motorcycles were able to be read.
2. The system showed an inability to distinguish which vehicle was the violator when more than one vehicle was in proximity.

Reportedly, those issues have been resolved, and Longmont is planning on running another test trial.

There are several additional considerations regarding using this type of technology to impact sound:



- The ability of the system to obtain necessary information from the noise meter and camera at this time and whether improvements in technology over time will occur.
- A review of the current allowable decibel levels in Fort Collins and whether adjustments need to be made.
- An understanding of where this technology best fits – police services vs. code compliance.
- An understanding of technology limitations of these systems such as location, speed limits, multi-lane roadways, other ambient noise, etc.
- Cost associated with implementation of a new camera system and vendor.

Based on the current challenges faced by other cities who utilize or have conducted studies of the sound detection systems, staff recommend gathering additional information and research as more reliable technology becomes available in the future.



# Traffic Code Update First Reading

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**Chief Jeff Swoboda**  
**Assistant Chief Kristy Volesky**

Police Services

- FCPS and City of Fort Collins staff receive numerous reports from community members regarding unreasonable traffic noise.
- Staff have reviewed current code and propose an ordinance be added as it relates to unreasonable traffic noise and clarification in other traffic ordinances.
- In addition to having the ability to enforce code changes, FCPS will work to educate community members regarding traffic noise as it relates to the behavior and operations of motor vehicles.
  - Social Media
  - PSD
  - Driving School

- The following 4 noise related code updates are being requested:
  1. Adopt newly created Section 1418, Unreasonable Vehicle Noise Prohibited in the Traffic Code to address specific noise violations related to the operation of a vehicle.
  2. Amend Section 17-129 of the Municipal Code to remove all reference of traffic noise and relocate those provisions to the newly created Unreasonable Vehicle Noise Prohibited in Section 1418 above.
  3. Amend Section 225, Mufflers in the Traffic Code to Clarify the different types of equipment violations related to mufflers.
  4. Amend Section 1-15 of the Municipal Code to allow some specified traffic violations that do not have a state equivalent charge to be designated as a misdemeanor offense, such as the newly created Section 1418 regarding Unreasonable Vehicle Noise Prohibited.



- Add municipal ordinance specific to unreasonable TRAFFIC noise with criteria, including:
  - Officer looks at all factors to determine reasonableness
    - Location
    - Duration
    - Type of noise
    - Time of day
    - Etc.
- Decibel reading not necessary
- Increases efficiency for officer – eliminates need for criminal report
- Addresses Behavior





- New ordinance provides clarity in the code
  - Sections re-organized to add clarity and to distinguish potential issues with mufflers so an officer can base enforcement decision on independent, usable subsections.
- Fine schedule to be determined by the court in summer, 2025. Clarity in ordinance
  - Recommendation to increase amount fined.
- Based on equipment, not operation/behavior.



ORDINANCE NO. 086, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING SECTION 1418, UNREASONABLE VEHICLE NOISE PROHIBITED IN  
THE FORT COLLINS TRAFFIC CODE

A. Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the city. These reports span a variety of sources including vehicle-related noise complaints.

B. In response, FCPS has reviewed reported incidents and citations related to noise violations from 2023 to 2024. The goal was to assess how effectively current ordinances are being used in enforcement and what code updates would better assist police in enforcement of these violations.

C. Based on this analysis, FCPS developed these proposed amendments to the Fort Collins Traffic Code to specifically address prohibited noise-related actions due to the operation of a motor vehicle. This proposed new provision, Unreasonable Vehicle Noise Prohibited, was presented to the Council as an option to consider at the April 22, 2025, work session.

D. While existing City Code Section 17-129, entitled Unreasonable Noise Prohibited, touches on some aspects of vehicle noise, it primarily focuses on residential noise occurrences. A dedicated Traffic Code provision is proposed to provide clearer, more targeted language, enabling more effective enforcement.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Fort Collins Traffic Code is hereby amended by the addition of a new Section 1418 which reads in its entirety as follows:

**1418. Unreasonable vehicle noise prohibited.**

- (1) No person shall make, continue or cause to be made or continued any unreasonable noise in, from, or upon any vehicle; and no person shall knowingly permit such unreasonable noise in, from, or upon any vehicle owned or possessed by such person; and no person shall operate a vehicle, regardless of ownership, in a manner or with equipment that makes or causes unreasonable noise.
- (2) For purposes of this Section, *unreasonable noise* means any sound of such level or duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property. A peace officer enforcing this provision is empowered to make a prima facie determination as to whether a noise is unreasonable based upon consideration of any of the following factors:
  - (a) The time of day;

- (b) Location where the vehicle is being operated;
- (c) The presence of pedestrians, bystanders, or other vehicles;
- (d) The continuous or repeated sounding of any horn or signal device of a motor vehicle for an unnecessary or unreasonable amount of time, except as a danger signal;
- (e) Operation of a motor vehicle in a manner that causes excessive or unreasonable noise, including, but not limited to one or more of the following: unnecessary or rapid acceleration, deceleration, steering or turning of the vehicle, revving the engine, or tire squeal;
- (f) Operation of a vehicle with equipment installed, not installed properly, removed, or otherwise altered so as to produce unreasonable or excessive noise. Such equipment includes, but is not limited to one or more of the following: an unlawful, defective or modified exhaust system, no exhaust system or muffler; or any other modification to any part of the vehicle;
- (g) The presence or absence of noise amplification equipment; or any use of a stereo or audio system at an unreasonable volume level;
- (h) Any other factors tending to show the magnitude and/or disruptive effect or impact of the noise.

(3) Any person who violates this Section commits a misdemeanor offense.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Effective Date: June 13, 2025  
Approving Attorney: Dawn Downs  
Exhibits: None

ORDINANCE NO. 087, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 17-129 OF THE CODE OF THE CITY OF  
FORT COLLINS TO REMOVE ALL REFERENCE TO TRAFFIC  
NOISE

A. Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the city. These reports span a variety of sources including vehicle-related noise complaints.

B. In response, FCPS has reviewed reported incidents and citations related to noise violations from 2023 to 2024. The goal was to assess how effectively current ordinances are being used in enforcement and what code updates would better assist police in enforcement of these violations.

C. Based on this analysis, FCPS developed proposed amendments to the Traffic Code and the City Code, including the addition of a new Section to the Fort Collins Traffic Code, Section 1418- Unreasonable Vehicle Noise Prohibited, to address vehicle noise violations specifically, which is also under consideration on this date, as Ordinance No. 086, 2025.

D. With the addition of a new Section 1418 to the Traffic Code to address unreasonable vehicle noise, it is necessary to amend City Code Section 17-129, entitled Unreasonable Noise Prohibited, to remove the references to vehicle noise.

E. Establishing a specific Traffic Code provision will prevent confusion as to the distinction between traffic-related noise violations and other general noise violations such as parties.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 17-129 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-129. - Unreasonable noise prohibited.**

(a) No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises ~~or in or upon any vehicle~~ owned or possessed by such person or under such person's control ~~or operation~~.

...

~~(d) With regard to the operation of motor vehicles, and without limiting the generality of Subsection (a) above, unreasonable noise shall include, but not be limited to:~~

~~(1) The continuous or repeated sounding of any horn or signal device of a motor vehicle, except as a danger signal. For the purposes of this Subsection, *continuous* shall mean continuing for an unnecessary or unreasonable period of time.~~

~~(2) The operation of any motor vehicle in a manner which causes excessive noise as a result of an unlawful, defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.~~

(ed) Any person who violates this § 17-129 commits a petty offense punishable by a fine in accordance with §1-15(h) unless such violation is a second or subsequent violation within a twelve (12) month period. Any person who commits a second or subsequent violation of this § 17-129 within a twelve (12) month period shall be guilty of a misdemeanor punishable by a fine or jail in accordance with § 1-15(a).

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dawn Downs

Exhibits: None



ORDINANCE NO. 088, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 225 OF THE FORT COLLINS TRAFFIC CODE TO CLARIFY  
THE DIFFERENT TYPES OF EQUIPMENT VIOLATIONS RELATED TO MUFFLERS

A. Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the City. These reports span a variety of sources including vehicle-related noise complaints.

B. In response, FCPS has reviewed reported incidents and citations related to noise violations from 2023 to 2024. The goal was to assess how effectively current ordinances are being used in enforcement and what code updates would better assist police in enforcement of these violations.

C. Based on this analysis, an amendment to the current muffler ordinance was identified and presented to the Council as an option to consider at the April 22, 2025, work session.

D. Amending the muffler ordinance language in Section 225 of the Fort Collins Traffic Code will enhance clarity and allow police staff to apply the ordinance more effectively during enforcement efforts. Specifically, the ordinance is broken out into sections adding clarity for officers to enforce equipment violations related to noise.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 225 of the Fort Collins Traffic Code is hereby amended to read as follows:

**225. - Mufflers** ~~— prevention of noise.~~

- (1) ~~Every~~ **No person shall operate a** motor vehicle subject to registration and operated on a ~~highway~~ **roadway** ~~shall at all times be equipped with~~ **without** an adequate muffler in constant operation and ~~that is~~ properly maintained to prevent any excessive or unusual noise.
- (2) No person shall operate a motor vehicle **with a muffler or exhaust system** that is equipped with a straight pipe exhaust system, a cut-off, bypass or similar device.
- (3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this Section.

- (24) Any commercial vehicle, as defined in Section 42-4-235, C.R.S., subject to registration and operated on a highway roadway, that is equipped with an engine compression brake device is required to have a muffler.
- (35) For the purposes of this Section, *muffler* shall mean a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise. *Straight pipe exhaust system* shall mean any straight muffler that does not contain baffles, including but not limited to glass packs, steel packs and straight pipes.
- (46) This Section shall not apply to electric motor vehicles.

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025  
Approving Attorney: Dawn Downs  
Exhibits: None

ORDINANCE NO. 089, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 1-15 OF THE CODE OF THE CITY OF  
FORT COLLINS TO ALLOW SOME SPECIFIED TRAFFIC  
VIOLATIONS TO BE DESIGNATED AS A MISDEMEANOR  
OFFENSE

A. Current City Code Section 1-15, regarding general penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions, states that all traffic offenses that do not have a state equivalent charge shall be deemed a traffic infraction.

B. New Section 1418, Unreasonable Vehicle Noise Prohibited under consideration in Ordinance No. 086, 2025, does not have a state equivalent charge and therefore would be penalized as an infraction with a possible penalty of a fine of up to \$3,000.

C. The specific fine for each traffic infraction is typically set at a specific amount as adopted in the Court's fine schedule. All fines for traffic infractions can be paid online and do not require a court appearance.

D. The proposed amendment to Section 1-15 of the City Code would allow specified traffic offenses, such as violation of Unreasonable Vehicle Noise Prohibited, to be classified as a misdemeanor offense instead of a traffic infraction. The penalty range for a misdemeanor is a fine up to \$3,000 and/or up to 180 days in jail.

E. By amending this section of the code, any traffic code provisions that are designated as a misdemeanor offense will require the driver to appear in court. Their appearance will allow the prosecution and court an opportunity to meet with the offenders and encourage changed behaviors for these types of violations.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 1-15(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 1-15. General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions**

...

(b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be

deemed to be a traffic infraction **unless otherwise designated**. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors punishable as described in Subsection (a) above. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed three thousand dollars (\$3,000), and shall not be subject to imprisonment on account of such judgment.

...

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dawn Downs

Exhibits: None

**File Attachments for Item:**

**18. First Reading of Ordinance No. 090, 2025 Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks.**

The purpose of this item is to present recommended changes to the Fort Collins City Code Section 9-23 to address enforcement for violations related to fireworks.



May 20, 2025

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jeff Swoboda, Police Chief  
Kristy Volesky, Assistant Chief

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### SUBJECT

**First Reading of Ordinance No. 090, 2025 Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks.**

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### EXECUTIVE SUMMARY

The purpose of this item is to present recommended changes to the Fort Collins City Code Section 9-23 to address enforcement for violations related to fireworks.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

A Council work session was conducted on April 22, 2025, outlining a phased approach to addressing updates to the municipal code related to traffic, fireworks and other sound-related issues in the City. Phase 1 focused on low effort to implement but high impact as it relates to education and enforcement and Phase 2 will focus on amplified noise, requiring further research and community outreach.

Phase 1: Police Services – Fireworks

Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the City. These reports span a variety of sources, including fireworks. In response, police staff have reviewed areas for consideration and potential updates were identified and presented to Council at the April 22 work session.

The update related to fireworks code includes amending City Code Section 9-23 to enable police staff to address and hold the person(s) that have a possessory interest in a location accountable for illegal fireworks being used. The current ordinance presents limitations in enforcement, often requiring police to identify the specific person who ignited the fireworks. This approach can present challenges identifying the specific person responsible when police respond to calls for service after the fireworks have already been used. The updated Code language would help improve accountability and support more effective regulation of fireworks within City limits. Specifically, the ordinance will allow an owner, occupant, tenant or person otherwise having any possessory control of any private place where fireworks are being used to be held accountable if they are present when fireworks are being used at that location. Exceptions still exist, including permitted events which meet the requirements of the International Fire Code and City Code.

## **CITY FINANCIAL IMPACTS**

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None.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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1. Presentation
2. Ordinance No. 090, 2025



# Fireworks Code update First Reading

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**Chief Jeff Swoboda**  
**Assistant Chief Kristy**  
**Volesky**

Police Services

- FCPS and City of Fort Collins staff receive numerous reports from community members regarding noise and negative effects from the use of fireworks.
- Staff have reviewed current code and propose an ordinance be added as it relates to fireworks.
- Municipal code 9-23 addresses fireworks.
- In addition to having the ability to enforce an added code, FCPS will work to educate community members regarding the negative impact fireworks use may have on others.



- Ordinance will allow an owner, occupant, tenant or person otherwise having any possessory control who is present when fireworks are being used to be held accountable.
- Exceptions still exist, including for permitted events which meet International Fire and Municipal Code requirements.
- Currently officers must observe fireworks being used in order to cite.





ORDINANCE NO. 090, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 9-23 OF THE CODE OF THE CITY OF  
FORT COLLINS REGARDING THE USE OF FIREWORKS

A. Fort Collins Police Services (FCPS) staff continue to receive numerous reports from community members regarding noise occurrences throughout the City. These reports span a variety of sources, including fireworks.

B. In response, police staff have reviewed areas for consideration and potential updates were identified and presented to City Council at the April 22, 2025, work session.

C. Amending the current fireworks ordinance in Section 9-23 of the Fort Collins Municipal Code enable police staff to address and hold the person(s) that have a possessory interest in a location accountable for illegal fireworks being used.

D. The current ordinance presents limitations in enforcement, often requiring police to identify the specific person who ignited the fireworks. This approach can present challenges identifying the specific person responsible when police respond to calls for service after the fireworks have already been used.

E. The proposed amended Code language would help improve accountability and support more effective regulation of fireworks within City limits.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 9-23 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 9-23. - Prohibited open fires and open burning.**

The following types of open fires and open burning are prohibited in the City at all times:

...

(2) ~~Use of fireworks, except as allowed under Section 9-2.65.~~ Any person using fireworks, or the owner, occupant, tenant or person otherwise having any possessory control, individually or jointly with others, who is present where fireworks are being used, except as allowed in the International Fire Code as adopted by City Council in this Chapter or by a special events permit issued by the City.

...

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dawn Downs

Exhibits: None