

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, February 18, 2025

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

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

NOTICE:

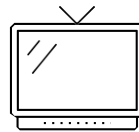
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

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.
Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

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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

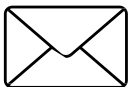
Meeting ID: 982 4141 6497

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



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

February 18, 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 February 2025 as Heart Health 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/*

- *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 February 4, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the February 4, 2025 Regular meeting.

2. Second Reading of Ordinance No. 010, 2025, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Mulberry Metropolitan Districts No. 1– 6, Bloom Filing One Development for Construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, appropriates \$2,069,417 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Bloom Filing One

developer's combined metro district, Mulberry Metropolitan District Nos. 1-6 (Developer), for its funding of the oversizing construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road. As part of the Bloom Filing One development plans and development agreement and permitted for construction under the Development Construction Permit, the Developer has constructed to City standards Greenfields Drive and International Boulevard, each as a two-lane arterial street, and Sykes Drive, Donella Drive, and Delozier Road as collector streets. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road, not attributed to the local portion obligation.

3. Second Reading of Ordinance No. 011, 2025, Making a Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating \$80,790 of unanticipated grant revenue awarded by the Colorado State Patrol.

In December 2024 the Colorado State Patrol 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 is under the BATTLE program's FY25 cycle as provided in the BATTLE Grant Award Letter. These state funds will be used for purchase of a vehicle and equipment to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

4. Second Reading of Ordinance No. 012, 2025, Making Supplemental Appropriations from the Colorado Department of Transportation Congestion Mitigation and Air Quality Grant and Authorizing Transfers from the Conservation Trust Fund for the Power Trail and Harmony Grade Separated Crossing Project.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will appropriate \$3,239,300 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project. Additionally, this item will transfer \$1,600,000 in Conservation Trust Funds to the Capital Project Fund for the Project

Previously appropriated funds will be used for local match requirements.

5. Second Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, amends municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunseting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will

provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

6. Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

A. Second Reading of Ordinance No. 014, 2025, Adopting the 2025 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 015, 2025, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 4, 2025, adopt changes to the 2025 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2025-2027 Collective Bargaining Agreement (the “Agreement”) with the Northern Colorado Lodge #3 of the Fraternal Order of Police (“FOP”). The Agreement was approved by Council by Resolution on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2025 City Classified Employee Pay Plan.

After First Reading, Exhibit A to the Ordinance has been amended to reflect a new salary for Police Sergeant Step 1 to mitigate compression. An updated version with the salary highlighted is attached to this AIS. A clean version of the Exhibit is attached to the Ordinance for Second Reading.

7. Second Reading of Ordinance No. 016, 2025, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, authorizes a permanent, non-exclusive utility easement over a portion of Northern Colorado Regional Airport property to allow for the installation and maintenance of a waterline to serve the Fort Collins-Loveland Water District’s (the “District”) public water system. The project will improve reliability and redundancy of the water system that serves the Airport and surrounding area. The Airport will receive fair market value compensation for the easement.

8. First Reading of Ordinance No. 018, 2025, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.

The purpose of this item is to request an appropriation of \$88,371.82 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.

9. First Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor.

The purpose of this item is to request an appropriation of \$450,000 in philanthropic revenue received by City Give from the Woodward Charitable Trust per the donor's designated purpose.

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.

10. First Reading of Ordinance No. 020, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Immigration Legal Fund, Neighborhood Services as Designated by the Donor.

The purpose of this item is to request an appropriation of \$100,000 in philanthropic revenue received by City Give from the Colorado Health Foundation for the designated purpose of the Immigration Legal Fund.

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.

11. First Reading of Ordinance No. 021, 2025, Appropriating Prior Year Reserves of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (Project). The funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane. If approved, this item will 1) appropriate \$20,000 received in 2018 as a development contribution to construction by an adjacent development and 2) appropriate \$200 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

12. First Reading of Ordinance No. 022, 2025, Making a Supplemental Appropriation of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

The purpose of this item is to appropriate a development contribution to construction from the developer of the Bas Bleu Development to the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (Project). The funds will be used for design services. If approved, this item will 1) appropriate \$29,545 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$295 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

13. First Reading of Ordinance No. 023, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers for the College Avenue - Trilby Road Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to provide supplemental appropriations for the College Avenue - Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved this item will: 1) appropriate \$1,294,934 from the Stormwater Reserves fund; 2) appropriate \$1,139,824 from Fort Collins-Loveland Water District (FCLWD) funds; 3) appropriate \$28,838 South Fort

Collins Sanitation District (SFCSD) funds; 4) appropriate the unanticipated revenues from the sale of real property at 945 East Prospect Road; 5) transfer \$1,600,000 in Community Capital Improvement Program (CCIP) Arterial Intersection Improvements funds; 6) transfer \$246,503 from the Suniga Improvements project; 7) appropriate \$265,393 in Transportation Capital Expansion Fee (TCEF) reserve funds; and 8) appropriate \$30,789 (1% of additional funding) from the Project to the Art in Public Places (APP) program.

14. First Reading of Ordinance No. 024, 2025, Authorizing Transfers of Appropriations from the Laporte Avenue Bridges Project to the Laporte Avenue Multimodal Improvements Project.

The purpose of this item is to transfer funding from the Laporte Avenue Bridges project (Bridges) to the Laporte Avenue Multimodal Improvements project (Project). If approved this item will transfer the remaining \$165,075 from the Bridges to the Project.

15. First Reading of Ordinance No. 025, 2025, Removing a Condition on the Zoning Classification and Amending the Zoning Map of the City of Fort Collins for that Certain Property Known as the Second Fischer Rezoning.

The purpose of this item is to remove the condition on the zoning of these two parcels, which condition was part of a 2020 rezoning into the current zone district.

This is a request to rezone 1185 and 1201 Westward Drive to remain in the current zone district, but to remove a previously approved condition for a specific parking requirement in potential future development. Such a condition is currently in place upon the zoning.

16. First Reading of Ordinance No. 026, 2025, Declaring Certain City-Owned Property at Pelican Marsh Natural Areas as Public Right-of-Way.

The purpose of this item is to declare approximately 0.073 acres of Pelican Marsh Natural Area as road right of way (ROW).

The City would construct road and intersection improvements, utility relocations, and fully signalize the intersection of U.S. 287 and Triangle Drive. The project would also install northbound left and southbound right turn lanes on Triangle Drive, and Americans with Disabilities Act (ADA) accessible sidewalk connections to provide multimodal connectivity for bicyclists and pedestrians linking the Ridgewood Hills and Shenandoah neighborhoods west of U.S. 287 to the Lakeview on the Rise Subdivision east of U.S. 287.

17. Items Relating to the Heritage Annexation.

A. Resolution 2025-011 Setting Forth Findings of Fact and Determinations Regarding the Heritage Annexation.

B. Public Hearing and First Reading of Ordinance No. 027, 2025, Annexing the Property Known as the Heritage Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex a 24.84-acre property located northeast of the intersection of International Boulevard and Mexico Way. The Initiating Resolution was adopted on January 7, 2025. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexation, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

18. Public Hearing and First Reading of Ordinance No. 028, 2025, Amending the Zoning Map of the City of Fort Collins, Classifying for Zoning Purposes the Property Included in the Heritage Annexation to the City of Fort Collins, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

The purpose of this item is to zone the property included in the Heritage Annexation into the Employment (E) zone district and place the property into the appropriate Non-residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council’s Rules of Meeting Procedures adopted in Resolution 2024-148.

19. Resolution 2025-012 Adopting Amendments to the City’s Financial Management Policies.

The purpose of this item is to update six of the internal Financial Management Policies:

- Financial Management Policy 1 – Budget
- Financial Management Policy 2 – Revenue
- Financial Management Policy 3 – General
- Financial Management Policy 5 – Fund Balance
- Financial Management Policy 7 – Debt
- Financial Management Policy 8 – Investments

Once a year a portion of Financial Policies are reviewed and updated as needed. Policies were reviewed in Council Finance Committee and accepted with minor edits as notated as redlines in attached policies and summarized in attached presentation. Staff is committed to reviewing each policy no less than every 3 years.

20. Resolution 2025-013 Approving Fort Fund Special Event 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 Special Event Grant – January 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.

21. Items Relating to Election Code Changes.

A. First Reading of Ordinance No. 029, 2025, Amending 7-145 of the Code of the City of Fort Collins to Clarify and Revise the Process for Enforcement of Campaign Violations.

B. First Reading of Ordinance No. 030, 2025, Amending Article V of Chapter 7 of the Code of the City of Fort Collins to Clarify and Revise the Restrictions and Requirements Related to Campaign Contributions in City Elections.

C. First Reading of Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections.

D. First Reading of Ordinance No. 032, 2025, Amending Section 7-165 of the Code of the City of Fort Collins to Clarify and Revise the Requirements for Petition Circulators.

E. First Reading of Ordinance No. 033, 2025, Amending Chapter 7 of the Code of the City of Fort Collins to Update Various Sections Related to City Elections for Consistency with the City Charter and Within Chapter 7.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

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.)

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.

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File Attachments for Item:

PP 1. Declaring February 2025 as Heart Health Month.



PROCLAMATION

WHEREAS, February is Heart Health Month, a time to raise awareness about heart health, CPR, and AED use through education, empowerment, and community resources; and

WHEREAS, you do not need to be a medical professional to help during a cardiac arrest – bystanders are critical in those first minutes, the time before first responders arrive; and

WHEREAS, only 40% of people who experience an out-of-hospital cardiac arrest receive the immediate help that they need before professionals arrive; and

WHEREAS, 9 out of 10 people who suffer a cardiac arrest and receive a shock from an AED in the first minute, live; and

WHEREAS, many people do not provide CPR because they are afraid to do it wrong, hurt someone, or even legal retaliation, but it is almost impossible to do chest compressions incorrectly and Colorado’s Good Samaritan Law protects those who render first aid; and

WHEREAS, hands-only CPR has been shown to be equally as effective in the first minutes as the method which includes breaths – you can save a life by placing your hands on the center of the chest and pushing hard and fast; and

WHEREAS, Poudre Fire Authority offers free CPR, AED, and Stop the Bleed classes the first Wednesday of every month at 5:30 p.m. at fire stations. They are non-certifying and can teach you what you need to know to help if someone you love needs your help.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim February 2025 as

HEART HEALTH MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 18th day of February, 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the February 4, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the February 4, 2025 Regular meeting.

February 18, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the February 4, 2025 Regular meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the February 4, 2025 Regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, February 4, 2025

February 4, 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

None scheduled.

**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

Councilmember Ohlson noted that due to a medical issue he would be watching from the Council conference room and would rejoin the meeting after public comment.

E) CITY MANAGER'S AGENDA REVIEW

Item 1.

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

- Corrected exhibit added to Ordinance No. 014, 2025 for Item No. 10, *Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.*
- Need to withdraw Item No. 4, *Second Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places*, for individual consideration as Mayor Arndt needs to recuse herself.
- Items 1-13, minus 4, on the Consent Calendar recommended for adoption.
- For Item No. 14, staff is requesting Council amend *Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions* to address conflicting definitions.
- Possible Executive Session to discuss strategic matters related to Connexion.

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.)

Ryan Call discussed plastic pollution and stated he has worked on dozens of waste-related campaigns. Call expressed support for any action the City can take to reduce single-use plastics and packaging as recycling is not going to be sufficient.

Roxanne Griffin shared a slide entitled “Refills Not Landfills” and expressed support for Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City’s Disposable Bag Ordinance*, which aligns with the State’s Plastic Pollution Reduction Act. Griffin discussed efforts to eliminate single-use water bottles and encouraged the City organization to make a formal commitment to eliminate their use.

Mary Anderson supported the “Refills Not Landfills” efforts and Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City’s Disposable Bag Ordinance*. Anderson discussed microplastics, the ways in which individuals are exposed to them, and their negative health impacts. Anderson also discussed mitigation measures that minimize exposure and urged Council to ban single-use plastic items under gallon size.

Guy Turenne supported the “Refills Not Landfills” efforts and provided information regarding the impacts of microplastics on fish and therefore on individuals who consume them as part of their diet. Turenne urged Council to approve Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City’s Disposable Bag Ordinance* as a step in the right direction toward climate and health goals.

Psyche Spangler stated she is proud of the City’s sustainability efforts and encouraged Council to adopt Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City’s Disposable Bag Ordinance* and form a plan to phase out single-use plastic water bottles under a gallon size. Spangler discussed the negative impacts of microplastics on individuals, wildlife, and waterways.

Kimberly Inez Miller applauded the City for banning single-use plastic bags noting there are cost effective replacements. Miller stated the same is true for water bottled in plastic and noted plastic continues to impact the health of individuals and the environment. Miller urged Council to adopt Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance*.

Elizabeth Mahon commented on the Urban Forestry Plan and expressed support for most of the Plan, including planting trees along streets to reduce speeding; however, she expressed concern that those trees could cause visibility issues and urged the City to keep that in mind.

Jerry Gavaldon discussed the year-end report from the Museo de las Tres Colonias noting over 1,000 people attended events throughout the year. Gavaldon stated the Museo will be doing a spring planting of vegetables and flowers again, provided Thanksgiving packages to 21 families in the area in conjunction with the Rotary Club, and provided school supplies for various families with the help of Ray Martinez and other community members.

Rich Stave shared frustration about the Republic trash service and being charged for services he is not receiving. He stated the arrangement is inflexible and questioned what would happen for individuals who may be out of town and not see the bill. Stave stated Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance* is inflationary, inconvenient, and prejudicial.

Kimberly Conner discussed the new federal administration and attack on individuals' rights that has been causing mass panic and fear. Conner urged Council to take necessary risks to stand up for people's rights and to keep Fort Collins safe.

Gailmarie Kimmel discussed the need to reduce plastic pollution and urged Council to adopt Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance*. Kimmel also urged Council to ban single-use plastics under one gallon size and discussed the plastic pollution in oceans.

Karen Rose, Fossil Creek Meadows HOA Chair, discussed the intersection at Fossil Ridge Drive and Fossil Ridge Drive West, which is dangerous during winter snows and has resulted in several vehicles sliding down a slope into 5336 Fossil Ridge Drive. She urged Council to have the City build a barrier in the location to prevent this from occurring.

Ethnie Treick urged Council to adopt Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance* and ban single-use plastics under one gallon in size. Treick discussed the negative impacts of plastic pollution and noted Colorado's plastic recycling rate is low.

Nicholas Sahwin spoke in support of the Connexion Workers' Coalition stating unions offer protections against fascists and provide an economic and social platform to those who may not otherwise have a voice. He stated the City has a moral responsibility to help create a municipal government that protects people in Fort Collins. Additionally, Sahwin urged Council to move forward with a ballot measure similar to Denver's 2U initiative.

Summer Karge spoke in support of the Connexion Workers' Coalition and requested the City recognize the union and move forward with a ballot measure like Denver's 2U initiative.

August-Carter Nelson spoke in support of the City recognizing the Connexion Workers' Coalition and commented on an item on the legislative policy agenda which relates to opposing proposals that require a municipality to collectively bargain with its employees. Nelson also spoke in support of reducing single-use plastics.

Trevor Rothanzl spoke in support of the Connexion Workers' Coalition and encouraged the City to move forward with a ballot item like Denver's 2U. Rothanzl also discussed the legislative policy agenda item and expressed support for reducing single-use plastics. Item 1.

Laura (no last name given) spoke about the importance of interconnectedness and urged the City to stop criminalizing members of the unhoused community.

Kaori Keyser spoke in support of the Connexion Workers' Coalition and urged the City to recognize the union and introduce something like Denver's 2U. Keyser also questioned the legislative policy agenda item.

Greg Zoda spoke in support of the "Refills Not Landfills" efforts and urged the City to recognize the Connexion Workers' Coalition. Zoda stated the City Manager is union busting and is urging Council to follow in that direction. He commented on the City's training related to creating a workplace that does not need unions.

Jonah Salehi spoke in support of the Connexion Workers' Coalition and asked the City to recognize the union and bargain with these employees. Salehi expressed his frustration with the City not engaging in collective bargaining and urged Council to move forward with a ballot measure like Denver's 2U initiative.

Harry Strharsky supported reducing single-use plastic items in the community and urged Council to adopt Ordinance No. 013, 2025, *Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance*. Strharsky discussed the negative impacts of microplastics and shared impacts to humans, wildlife, land and water.

Renga Subramanyam spoke in support of reducing single-use plastic items in the community and discussed the negative impacts of plastics, including health issues for humans. Subramanyam urged Council to ban single-use plastic bottles.

Public comment concluded at 7:08 pm.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson stated he would be pulling Item No. 9, *First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance*, to ask some questions.

Councilmember Canonico requested staff input regarding the Fossil Creek HOA roadway item. City Manager DiMartino replied staff will follow up.

Councilmember Potyondy thanked those who spoke and stated she looks forward to the discussion on plastics. She also thanked Jerry Gavaldon for highlighting the work of the Museo, thanked Laura for her comments, and requested additional information regarding the piece of the legislative policy agenda that was referenced. Deputy City Manager Tyler Marr replied that the human resources section of the policy agenda was modified after the 2022 legislative session and the passage of Senate Bill 230 which granted automatic collective bargaining rights to County employees. He noted the City had opposed that Bill in its original form as it included municipalities, and the section of the policy agenda remains in place.

Councilmember Pignataro asked if staff could address the street tree issue that was discussed and stated she was looking forward to discussing plastics.

Councilmember Gutowsky thanked the speakers who spoke regarding the plastics issue. She also thanked Jerry Gavaldon for his report on the Museo and commented on some of the improvements that have been made there since he became President.

Councilmember Potyondy requested additional information regarding avenues that may be available to address the legislative policy agenda. Deputy City Manager Marr replied a resolution could be brought before Council should it wish to take a stance on an issue when a related bill is introduced. Item 1.

Councilmember Potyondy expressed interest in the City taking a deeper look at the language since other legislation has been approved recently.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item No. 9, *First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance*, from the Consent Calendar.

Mayor Arndt noted Item No. 4, *Second Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places*, was withdrawn by staff to allow for her recusal.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the January 21, 2025 Regular meeting.

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

Approved.

2. Second Reading of Ordinance No. 004, 2025, Vacating the Riverbend Court Right-of-Way and Approving Easements.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, vacates the public right-of-way at Riverbend Court and creates drainage, utility, access, and emergency access easements over the property.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, adopts the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, appropriates additional design/project development funds in the amount of \$5.539M for advancing the design

to 100% for the entire corridor, necessary scope additions and design changes such as protected bike/ped infrastructure, BRT routing revisions and right-of-way services. The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode corridor for improvement in the City and was highlighted in City Plan and the Transit Master Plan. This appropriation would follow the same minimum grant/local match ratio of 80/20 that would apply to the Small Starts grant. The local funding source identified for the local match is the "2050 tax." Details of the amounts requested for the grant funds and local match fund appropriation are included in the Background/Discussion section of this AIS.

Removed from Consent Calendar – Adopted on Second Reading.

5. Items Relating to Adopting Landscaping Amendments to the City Code and Land Use Code.

A. Second Reading of Ordinance No. 007, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Revise Soil Loosening and Amendment Requirements.

B. Second Reading of Ordinance No. 008, 2025, Repealing and Reenacting Section 5.10.1 of the Land Use Code and Amending Definitions in Section 7.2.2 of the Land Use Code to Advance Adopted City Policy Goals to Reduce Water Usage in Landscapes to Comply with State Law and to Clarify and Reorganize Landscaping, Tree Protection, and Irrigation Standards.

These Ordinances, unanimously adopted on First Reading on January 21, 2025, adopt City Code and Land Use Code amendments related to landscape and soil that help to address Council’s adopted priorities for 2021-2023.

The proposed amendments to the Land Use Code are designed to minimize water consumption in landscaping for most new and redeveloped properties; they would not apply to single-unit, duplex, and accessory dwelling unit housing types. The code amendments ensure compliance with Colorado Senate Bill 24-005 (SB 24-005), which prohibits specific landscaping practices.

The proposed City Code amendments on soil amendment and soil loosening requirements aim to enhance clarity for applicability and allow soil amendments to be tailored to specific site conditions, which will support successful vegetation establishment and long-term growth.

Both Ordinances Adopted on Second Reading.

6. First Reading of Ordinance No. 010, 2025, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Mulberry Metropolitan Districts No. 1– 6, Bloom Filing One Development for Construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements.

The purpose of this item is to appropriate \$2,069,417 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Bloom Filing One developer’s combined metro district, Mulberry Metropolitan District Nos. 1-6 (Developer), for its funding of the oversizing construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road. As part of the Bloom Filing One development plans and development agreement and permitted for construction under the Development Construction Permit, the Developer has constructed to City standards Greenfields Drive and International Boulevard, each as a two-lane arterial street, and Sykes Drive, Donella Drive, and Delozier Road as collector streets. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road, not attributed to the local portion obligation.

Adopted on First Reading.

Item 1.

7. **First Reading of Ordinance No. 011, 2025, Making a Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

The purpose of this item is to support the Fort Collins Police Services' Property Crimes Unit by appropriating \$80,790 of unanticipated grant revenue awarded by the Colorado State Patrol.

In December 2024 the Colorado State Patrol 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 is under the BATTLE program's FY25 cycle as provided in the BATTLE Grant Award Letter. These state funds will be used for purchase of a vehicle and equipment to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on First Reading.

8. **First Reading of Ordinance No. 012, 2025, Making Supplemental Appropriations from the Colorado Department of Transportation Congestion Mitigation and Air Quality Grant and Authorizing Transfers from the Conservation Trust Fund for the Power Trail and Harmony Grade Separated Crossing Project.**

The purpose of this item is to enable the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will appropriate \$3,239,300 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project. Additionally, this item will transfer \$1,600,000 in Conservation Trust Funds to the Capital Project Fund for the Project

Previously appropriated funds will be used for local match requirements.

Adopted on First Reading.

9. **First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.**

The purpose of this item is to update municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

Removed from Consent Calendar – Adopted on First Reading.

10. **Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.**

A. First Reading of Ordinance No. 014, 2025, Adopting the 2025 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. *First Reading of Ordinance No. 015, 2025, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.*

Item 1.

The purpose of this item is to recommend changes to the 2025 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2025-2027 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council by Resolution on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2025 City Classified Employee Pay Plan.

Adopted on First Reading.

- 11. **First Reading of Ordinance No. 016, 2025, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.**

The purpose of this item is to authorize a permanent, non-exclusive utility easement over a portion of Northern Colorado Regional Airport property to allow for the installation and maintenance of a waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. The project will improve reliability and redundancy of the water system that serves the Airport and surrounding area. The Airport will receive fair market value compensation for the easement.

Adopted on First Reading.

- 12. **Resolution 2025-005 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Renovation and Redevelopment of East Mulberry and Chestnut Street Alleys.**

The purpose of this item is to request Council adoption of an Intergovernmental Agreement (IGA) between the City and the Downtown Development Authority (DDA) for renovation and redevelopment of the East Mulberry Street and Chestnut Street Alleys. The alley names listed are temporary and only specified for the purpose of this IGA and for identification during design and construction. They will be officially named in the future and with consideration of the City's theme of naming downtown alleys to honor exemplary individuals who reflect the historic and cultural geography of the downtown area.

Adopted on First Reading.

- 13. **Items Relating to FLEX Route Regional Transit Services Intergovernmental Agreements.**

A. Resolution 2025-006 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Loveland for FLEX Route Regional Transit Services.

B. Resolution 2025-007 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the Town of Berthoud for FLEX Route Regional Transit Services.

C. Resolution 2025-008 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the County of Boulder for FLEX Route Regional Transit Services.

D. Resolution 2025-009 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Boulder for FLEX Route Regional Transit Services. Item 1.

E. Resolution 2025-010 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Longmont for FLEX Route Regional Transit Services.

The purpose of these items is to authorize the City Manager to sign separate Intergovernmental Agreements (“IGAs”) with the City of Loveland, the Town of Berthoud, the City of Boulder, the County of Boulder, and the City of Longmont (collectively, the “FLEX Partners”) by which the FLEX Partners will contribute funds toward the operating cost of the FLEX Route Regional Transit Service bus route to further the goals of regional connectivity through transit.

All Resolutions adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to approve the recommended actions on items 1-13, minus 4 and 9, on the Consent Calendar.

The motion carried 7-0.

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

None.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Mayor Jeni Arndt

- Attended Destinations International Conference with the Executive Director and Board Chair of Visit Fort Collins – impressed by the work of Visit Fort Collins in being welcoming to tourists while still providing for residents to not feel overwhelmed.

Councilmember Melanie Potyondy

- Announced a listening session Saturday at the Harmony Library at 10:00 a.m.
- Acknowledged the hard work of Sarah Kane who took her place in reading a proclamation at Moby Arena during a CSU basketball game.

Councilmember Susan Gutowsky

- Attended the ribbon cutting at the new King Soopers opened on South College Avenue at the old K-Mart site.
- Attended the Fort Collins Police Services award ceremony.

Councilmember Tricia Canonico

- Attended the Colorado Preservation, Inc. Saving Places Historic Preservation conference – keynote speaker was a retired judge from Denver whose grandfather helped start one of the few Colorado resorts for Black individuals in the 1920’s. Attended sessions on how historic

preservation can be used to preserve and bring about more affordable housing in communities and on funding that is available for brownfield development.

Item 1.

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

4. **Second Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on January 21, 2025, appropriates additional design/project development funds in the amount of \$5.539M for advancing the design to 100% for the entire corridor, necessary scope additions and design changes such as protected bike/ped infrastructure, BRT routing revisions and right-of-way services. The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode corridor for improvement in the City and was highlighted in City Plan and the Transit Master Plan. This appropriation would follow the same minimum grant/local match ratio of 80/20 that would apply to the Small Starts grant. The local funding source identified for the local match is the "2050 tax." Details of the amounts requested for the grant funds and local match fund appropriation are included in the Background/Discussion section of this AIS.

(Secretary's Note: Mayor Arndt withdrew from the discussion on this item due to a conflict of interest.)

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places, on Second Reading.

The motion carried 6-0. (Recused: Arndt)

9. **First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.**

The purpose of this item is to update municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

PUBLIC COMMENT

Shirley Whiting spoke in support of the item and noted research has shown that the amount of microplastics in human brains has increased by 50% over the past eight years.

Ellen Richie commented on the need to move in a positive way and noted the plastic bag ban was successful. Richie stated it is important for the City to move forward with this item as it is something that can be controlled.

Doug Simons stated plastics have impacted our lives in countless ways, mostly positively; however, with the evidence of microplastic health and environmental issues, it seems an intelligent choice to limit plastic use and ban single-use plastics.

Councilmember Ohlson commented on the research related to microplastics in human brains increasing by 50% over the past eight years. He questioned why no formal recommendation was sought from the Natural Resources Advisory Board and commented on the fact that many items do not include Boards and Commissions recommendations. He discussed the money from the paper bag fee that was remitted to the City noting some of that money was to be spent on programs. He questioned whether those dollars going towards ensuring compliance are still necessary given the 100% compliance rate and discussed a mention of hiring an individual in Environmental Services to oversee compliance.

Amy King, Environmental Services Director, stated the road to getting to 100% compliance involved a great deal of business outreach and work with the tax office to ensure proper reporting. King stated a new position was changed from contractual to FTE classified in the recent budget using restricted revenue from the disposable bag ordinance and that position is meant to help install the best processes in education around this proposed plastic ban which would include retailers and restaurants.

Councilmember Ohlson commented on being involved in the creation of the then Natural Resources Department and requested information as to what the grocers are doing with their 40% share of the disposable bag ordinance fees. He questioned why he has not seen much product out of the Environmental Services Department around plastics. Jacob Castillo, Chief Sustainability Officer, replied movement has been made on waste reduction and recycling, particularly related to plastics, and asked what type of product would be helpful. Councilmember Ohlson stated it would be helpful to seek input from the Natural Resources Advisory Board and stated he would attempt to come up with a more specific recommendation.

King stated staff will follow-up and noted her department has strengthened relationships with other municipalities related to this.

Mayor Pro Tem Francis expressed support for the FTE position and asked if approving this ordinance would allow for a future ban on single-use plastics. Castillo replied in the affirmative noting this would open the door for that action, but it does not include it.

Councilmember Pignataro asked if this item did not go before the Natural Resources Advisory Board as the purpose of the Ordinance is simply to change the Code to align with the State's Plastic Pollution Reduction Act (PPRA). Castillo replied in the affirmative.

Councilmember Pignataro asked about the work that has been done around the Council priority of accelerating zero waste. Castillo replied waste reduction and recycling with a component focused on plastics will be discussed at the April 8th work session. He noted much of the work in the plastics spaces has been in preparation for PPRA compliance and associated work with retailers and restaurants.

Councilmember Potyondy noted the Ordinance includes a provision expanding to address single use polystyrene carry-out containers and asked if there are any provisions in either the State legislation or the local Ordinance that would curtail replacement of polystyrene with an additional single-use plastic. Ted Hewitt, Assistant City Attorney, replied the State legislation and the City Ordinance are limited to regulating expandable polystyrene and do not impact other forms of plastic that are used as food containers. He noted Council could add additional types of plastic to restrict.

King stated options that are recyclable or compostable can be identified and stated it would be valuable to be deliberate about choosing any next product to be banned or limited. Councilmember Potyondy suggested that could be a good topic for the April 8th work session.

Councilmember Canonico expressed support for this item and requested some consumer education be associated with efforts moving forward.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance, on First Reading.

Item 1.

The motion carried 7-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

14. **Second Reading of Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions.**

This Ordinance, adopted on First Reading on January 21, 2025, by a vote of 6-1 (Nay: Ohlson) adopts revisions, clarifications, and organization to the Land Use Code provisions that address specific areas that are the subject of two Colorado State House Bills passed last year. HB24-1152 requires the ability to build an ADU in more areas of the City, and HB24-1304 removes the minimum parking requirements for new multi-unit and residential mixed-use development. This item also includes clean-up to the Land Use Code.

*Attached to this AIS is Section 10 of the Ordinance, which shows the changes adopted on First Reading. Since this Ordinance was adopted on First Reading, staff has identified the need to clarify the definitions in Section 7.2.2 of the Land Use Code related to the identification of an ADU. **As a result, staff is requesting that Council move to amend the Ordinance on Second Reading to fix these conflicting definitions in the manner described below.***

PUBLIC COMMENT

Rich Stave opposed this ordinance specifically citing increased utility requirements and increased costs associated with basic services such as police, fire, and Code enforcement. He stated there are impacts to him from neighbors, including parking, insurance, and neighborhood conflicts. Additionally, he stated the City collects fees from development, but the onus is on property owners to pick up the slack when things happen. Stave questioned why the City is moving forward with these changes.

COUNCIL DISCUSSION

Councilmember Pignataro requested staff input regarding some of the changes that have occurred since First Reading. Noah Beals, Development Review Manager, replied the changes added clarity to definitions and to the fact that a single-unit dwelling could add an attached accessory dwelling unit (ADU).

Councilmember Ohlson requested clarification regarding the intent of the Planning and Zoning Commission related to having utilities, water, or sewer services in an accessory building. Beals replied that was brought forth as an item to help ensure accessory structures are safe and, if they have utilities, water, or sewer services should just be considered an ADU. However, currently, an ADU comes with additional capital expansion fees and development review fees, and the Planning and Zoning Commission did not feel it was appropriate to add that burden to projects that are just adding water and sewer for garages or studios, et cetera. Therefore, staff removed that from the recommendation for this item. He stated staff plans to bring the topic of making a clear distinction between an accessory building with water service and an ADU to the March work session.

Councilmember Ohlson asked why the primary building size went from 1,335 to 1,667. Clay Frickey, Planning Manager, replied the State statute requires permitting accessory dwelling units

between 500 and 750 square feet and the primary building size change allows for the percentage to align with the State requirements. Item 1.

Councilmember Gutowsky asked if both items are included in a single vote, and that was confirmed. She stated she voted yes on First Reading; however, she has reconsidered that given concerns about removing parking minimums she has heard from constituents.

Mayor Arndt noted this item does relate to alignment with State statute as required by law and stated she would support the item as amended.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions, with the following amendment: that Section 22 of Ordinance No. 009, 2025, be amended as follows: one, to the definition of accessory dwelling unit (ADU) detached, add to the end of the second sentence the words ‘as provided in Section 3.1.9,’ two, to add to the definition of accessory dwelling unit (ADU) attached, add to the end of the first sentence the words ‘and attached thereto,’ and add to the end of the second sentence the words ‘as provided in Section 3.1.9,’ three, add to the end of the current Land Use Code definition, dwelling, single-unit, and the phrase ‘whether or not it also contains an attached accessory dwelling unit,’ four, add to the current Land Use Code definition of dwelling, single-unit detached, before the phrase ‘by any means,’ a comma and the phrase ‘whether or not it also contains an attached dwelling unit,’ and five, add to the end of the current Land Use Code definition of dwelling, two-unit, a comma and the phrase ‘not considering any attached accessory dwelling units and meeting the description of a duplex under Section 3.1.5.

The motion carried 5-2.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Pignataro, Canonico, and Potyondy.

Nays: Councilmembers Ohlson and Gutowsky.

15. First Reading of Ordinance No. 017, 2025, Adopting Rooted in Community, Fort Collins’ Urban Forest Strategic Plan as a Component of City Plan.

The purpose of this item is to formally adopt Rooted in Community, Fort Collins’ first Urban Forest Strategic Plan. The adopted plan will align and guide future growth strategies for sustaining and growing a healthy and resilient urban forest for the people of Fort Collins and benefit the greater community as a whole.

Staff recommends scheduling second reading of this Ordinance on March 4, 2025, to allow the Planning and Zoning Commission to provide a recommendation during their meeting on February 20, 2025.

STAFF PRESENTATION

Dean Klingner, Community Services Director, noted this presentation is very similar to that heard by Council at a work session.

Kendra Boot, City Forester, commented on the community engagement process for the Urban Forest Strategic Plan and discussed the importance of trees in the community and the ways in which they support Council priorities related to climate adaptation and mitigation, making active modes of transportation more comfortable, and providing access to recreation and nature. Boot noted staff is recommending adoption of the Urban Forest Strategic Plan as a component of City

Plan and stated staff will be seeking a recommendation from the Planning and Zoning Commission at its next meeting with Second Reading going before Council in early March. Item 1.

PUBLIC COMMENT

Adam Hirschhorn commented on the acceleration of climate change and the importance of protecting the existing trees to create a more complete interaction of the ecosystems.

COUNCIL DISCUSSION

Councilmember Pignataro requested staff input regarding collaboration with other departments, including Streets. Boot replied Fort Collins is over 150 years old and many Old Town intersections have trees that predated stop signs; however, today, there are efforts through the development review process regarding not planting trees within the site triangle at stop signs or too close to a stop sign or signal. Boot also noted there are staff enforcing those regulations within developments as well.

Councilmember Ohlson thanked staff for their hard work on this effort and stated his concerns are organizational, not individual or departmental. He stated it has taken too long for this and other public good work to occur, yet policies that support developers seem to occur right away. He stated there was too much special interest involved and there are no changes to the tree protection standards, which he wanted to see. He opposed the language related to utilizing feedback from frequent Code users and stated tree users, including wildlife with no voice, are not represented. Councilmember Ohlson stated his comments are not directed at staff, but rather the organization and senior management and he will be opposing the item.

Councilmember Gutowsky thanked staff for the work that has been done and asked about the protections that exist for the larger trees in the community. Boot replied the tree protection and tree mitigation policy is forthcoming and noted staff is attempting to parallel that work with the work around the commercial corridors in the Land Use Code. She stated staff is anticipating a work session in the second quarter.

Councilmember Gutowsky commended the meandering sidewalk at the new King Soopers that incorporated the existing trees.

Mayor Arndt commended the work that has been done on this complex topic and stated this Plan will ensure the beauty of the city will remain. Boot noted there is funding to plant an additional 1,000 trees each year, hopefully for ten years.

Mayor Pro Tem Francis thanked staff for their work on this Plan and stated it is important to have a strategic plan to help prioritize the effective use of resources. She stated it is important to include the Code users as part of those providing input.

Councilmember Canonico thanked staff as well and stated staff has been responsive to what Council has asked for.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 017, 2025, Adopting Rooted in Community, Fort Collins' Urban Forest Strategic Plan as a Component of City Plan, on First Reading.

The motion carried 6-1.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Potyondy, Canonico, Pignataro, and Gutowsky.

Nays: Councilmembers Ohlson.

P) RESUMED PUBLIC COMMENT

Q) OTHER BUSINESS

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

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

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

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, that City Council go into executive session 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 matter allowed under Colorado Law, as permitted under Article XII, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.

The motion carried 7-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:35 p.m.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

2. Second Reading of Ordinance No. 010, 2025, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Mulberry Metropolitan Districts No. 1– 6, Bloom Filing One Development for Construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, appropriates \$2,069,417 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Bloom Filing One developer's combined metro district, Mulberry Metropolitan District Nos. 1-6 (Developer), for its funding of the oversizing construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road. As part of the Bloom Filing One development plans and development agreement and permitted for construction under the Development Construction Permit, the Developer has constructed to City standards Greenfields Drive and International Boulevard, each as a two-lane arterial street, and Sykes Drive, Donella Drive, and Delozier Road as collector streets. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road, not attributed to the local portion obligation.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Marc Virata, TCEF Program Manager
 Monica Martinez, Financial Planning and Analysis Manager
 Josh Birks, Deputy Director, Sustainability Services

SUBJECT

Second Reading of Ordinance No. 010, 2025, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Mulberry Metropolitan Districts No. 1– 6, Bloom Filing One Development for Construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 4, 2025, appropriates \$2,069,417 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Bloom Filing One developer's combined metro district, Mulberry Metropolitan District Nos. 1-6 (Developer), for its funding of the oversizing construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road. As part of the Bloom Filing One development plans and development agreement and permitted for construction under the Development Construction Permit, the Developer has constructed to City standards Greenfields Drive and International Boulevard, each as a two-lane arterial street, and Sykes Drive, Donella Drive, and Delozier Road as collector streets. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road, not attributed to the local portion obligation.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The TCEF Program (formerly Street Oversizing), instituted by ordinance in 1979, was established to manage the construction of new arterial and collector streets, and is an "Impact Fee" funded program. The TCEF Program determines and collects impact fees from development and redevelopment projects. The collection of these impact fees contributes funding for growth's related share towards City Capital Projects, including the City's Active Modes Plan, and reimburses development for constructing roadway improvements above the local street access standards. Section 24-112 of the City Code allows for reimbursement to developers for the construction of collector and arterial streets.

Bloom is a development on the north side of Mulberry Street, west of Greenfields Drive developed by Hartford Homes. This reimbursement is for the Developer's construction above the local street access

standards of Greenfields Drive and International Boulevard (2-lane arterials), and Sykes Drive, Donella Drive, and Delozier Road (collectors) as part of Bloom Filing One and permitted for construction under the Bloom Filing One Development Construction Permit.

Portions of pavement, landscaping, and sidewalk for Greenfields Drive and International Boulevard as 2-lane arterials, and portions of pavement Sykes Drive, Donella Drive, and Delozier Road as collectors are eligible for reimbursement and are depicted in the “Bloom Filing 1 TCEF Map” and itemized between City (TCEF) and local (Developer) responsibility in the “Final Bid Tab of Quantities and Total Cost for Improvements.”

Staff and Developer have reviewed the documentation and calculations and together agree that the requested reimbursement meets the requirements under City Code Section 24-112 for appropriation from TCEF funds. There are presently adequate funds in TCEF to reimburse the Developer and Staff recommends reimbursement in the amount of \$2,069,417.

Bloom Filing One is being developed within metro districts that were established with City Council approving the consolidated service plan for the Mulberry Metropolitan Districts Nos. 1-6 by adoption of Resolution 2019-050 on April 16, 2019. Six separate metro districts with six different connected boundaries comprise the overall Bloom planned development. District No. 1 is the coordinating district that receives money and makes payments on behalf of District Nos. 2 through 6. The combined districts are collectively known as Mulberry Metropolitan District Nos. 1-6. Hartford Homes has identified Mulberry Metropolitan District Nos. 1-6 as the party that funded the improvements identified in the requested reimbursement. Previous TCEF reimbursements on other developments with metro districts identified the developers as the eligible party for reimbursement, not their associated metro district, which necessitated affidavits from the metro districts to prevent where a developer could potentially secure a TCEF reimbursement from the City and a second reimbursement from the metro district for the same set of oversized improvement costs (sometimes referred to as the possibility for “double dipping”). Under a metro district funded model for Bloom Filing One, the metro district is the contracting entity and payor under the terms of the construction contract, and the metro district is accordingly the only party that is eligible for a reimbursement payment from the City in connection with the oversized improvements; therefore, the affidavit stating and swearing that no other reimbursement has been received for the same work is not necessary.

The City Manager is recommending this supplemental appropriation and has determined it will not cause the total amount appropriated in 2025 in the Transportation Improvement Fund, the fund into which TCEF revenues are deposited and from which these appropriated funds will be expended, to exceed the current estimate of actual and anticipated and all other funds to be received in the Transportation Improvement Fund during the 2025 fiscal year.

In addition, this reimbursement under the TCEF program is subject to the Council’s approval of this Ordinance to appropriate the needed funds, which approval is within the Council’s sole discretion.

CITY FINANCIAL IMPACTS

This item appropriates \$2,069,417 of TCEF Reserve Funds into the Transportation Capital Expansion Fee Program Budget for reimbursement to the Bloom Filing One developer’s metro district.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Council Finance Committee recommended approval at its January 2nd, 2025, meeting. A memo is attached (“Transportation Capital Expansion Fee (TCEF) collection and reimbursement”) in response to questions raised at Council Finance Committee related to the correlation and tracking of TCEF revenues collected by the City compared to the amount of TCEF reimbursements to developers for qualified improvements within a development.

PUBLIC OUTREACH

Public outreach is not required or contemplated in the requirements for reimbursement to developers as described under Municipal Code Sec. 24-112. – Transportation improvements reimbursement program.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 010, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 APPROPRIATING PRIOR YEAR RESERVES IN THE
 TRANSPORTATION CAPITAL EXPANSION FEE FUND FOR
 ELIGIBLE REIMBURSEMENT TO THE MULBERRY
 METROPOLITAN DISTRICTS NO. 1-6,
 BLOOM FILING ONE DEVELOPMENT,
 FOR CONSTRUCTION OF GREENFIELDS DRIVE,
 INTERNATIONAL BOULEVARD, SYKES DRIVE,
 DONELLA DRIVE, AND DELOZIER ROAD IMPROVEMENTS

A. City Code Section 7.5-32 establishes a transportation capital expansion fee (“TCEF”) that is one of the City’s capital expansion fees that are imposed on development at the time of building permit issuance to ensure that new growth and development in the City bears a proportional share of the City’s costs for certain capital improvements, including streets and related transportation improvements.

B. City Code Section 7.5-32 also provides that the TCEF revenues are to be deposited into the City’s Transportation Improvement Fund established in City Code Section 8-87 (the “TCEF Fund”).

C. City Code Section 8-87 directs that the monies in the TCEF Fund are to be used as provided in Division 2 of Article III of City Code Chapter 24 (“Division 2”).

D. Division 2 provides that the revenues in the TCEF Fund are to be used by the City to fund certain transportation improvements, including arterial and collector streets, either directly or as reimbursement to developers of real property who have constructed such improvements.

E. For a developer to be eligible for reimbursement of its costs for qualifying transportation improvements it has constructed, Division 2 requires the developer to submit proof of its costs to the City for the City Engineer’s review and approval consistent with the requirements of Division 2.

F. Mulberry Development, LLC is the developer of the Bloom Filing One (the “Developer”); the Developer and the City entered into a Development Agreement on December 5, 2022, which required the Developer to construct certain oversized public street improvements and for eligible reimbursements to be provided through Metropolitan District Nos. 1 through 6, (collectively, the “Metro District”).

G. The Developer has constructed portions of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements (collectively, “Road Improvements”) and submitted its request to the City for a reimbursement of \$2,069,417, representing its costs for the oversized portions of the Road Improvements (the “Reimbursement Request”).

H. The City Engineer has reviewed the Reimbursement Request and determined it meets the requirements of Division 2 and that the Developer is eligible to be reimbursed for the amount requested in its Reimbursement Request, but City Code Section 24-112(c) provides that all reimbursements under Division 2 must first be appropriated from the TCEF fund by City Council.

I. The monies necessary to satisfy the Reimbursement Request have not been appropriated from the TCEF Fund by Council, so this Ordinance must be adopted by Council before the reimbursement can be made to the Developer.

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 this appropriation is available and previously unappropriated from the Transportation Capital Expansion Fee Fund and will not cause the total amount appropriated in 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.

L. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of reimbursing the Developer for the costs it incurred to construct the Road Improvements to oversized standards, which standards the Developer was not legally required to satisfy considering the impacts of the development.

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 there is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO MILLION, SIXTY-NINE THOUSAND FOUR HUNDRED SEVENTEEN DOLLARS (\$2,069,417) to be expended in the Transportation Capital Expansion Fee Fund for eligible reimbursement to the Developer through the Metro District for the Road Improvements beyond local access standards.

Introduced, considered favorably on first reading on February 4, 2025, and approved on second reading for final passage on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

3. Second Reading of Ordinance No. 011, 2025, Making a Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating \$80,790 of unanticipated grant revenue awarded by the Colorado State Patrol.

In December 2024 the Colorado State Patrol 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 is under the BATTLE program's FY25 cycle as provided in the BATTLE Grant Award Letter. These state funds will be used for purchase of a vehicle and equipment to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Adam Ruehlen, Police Services
 Jason Lang, Police Services
 Kerri Ishmael, Grants Administration

SUBJECT

Second Reading of Ordinance No. 011, 2025, Making a Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 4, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating \$80,790 of unanticipated grant revenue awarded by the Colorado State Patrol.

In December 2024 the Colorado State Patrol 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 is under the BATTLE program's FY25 cycle as provided in the BATTLE Grant Award Letter. These state funds will be used for purchase of a vehicle and equipment to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on First Reading.

FIRST READING BACKGROUND / DISCUSSION

The BATTLE program is comprised of several regions throughout Colorado, including the BATTLE North region. Fort Collins Police Services, in capacity as a partner agency to the BATTLE North team, collaborates with other partner agencies to respond to motor vehicle theft-related crimes. The \$80,790 in BATTLE program funds supports Fort Collins Police Services' Property Crimes Unit to prevent auto theft crimes, which has seen a steady growth within the city over the past five years. These funds will provide an unmarked vehicle equipped with an automated license plate reader, supporting identifying and recovery of stolen vehicles.

CITY FINANCIAL IMPACTS

This item appropriates \$80,790 in unanticipated revenue from the Colorado Auto Theft Prevention Authority (CATPA) grant in support of Police Services Property Crimes Unit.

There is no match requirement by the City under this grant.

This grant is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$80,790.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 011, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION 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 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. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of

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. The purpose of this item is to appropriate \$80,790 of unanticipated grant revenue from Colorado Auto Theft Prevention Authority (CATPA) to support FCPS Property Crimes Unit work on motor vehicle theft related crimes.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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 EIGHTY THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$80,790) 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 February 4, 2025, and approved on second reading for final passage on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Dawn Downs

File Attachments for Item:

4. Second Reading of Ordinance No. 012, 2025, Making Supplemental Appropriations from the Colorado Department of Transportation Congestion Mitigation and Air Quality Grant and Authorizing Transfers from the Conservation Trust Fund for the Power Trail and Harmony Grade Separated Crossing Project.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will appropriate \$3,239,300 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project. Additionally, this item will transfer \$1,600,000 in Conservation Trust Funds to the Capital Project Fund for the Project

Previously appropriated funds will be used for local match requirements.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Dillon Willett, Project Manager
 Dana Hornkohl, Director, Civil Engineering
 Brad Buckman, City Engineer

SUBJECT

Second Reading of Ordinance No. 012, 2025, Making Supplemental Appropriations from the Colorado Department of Transportation Congestion Mitigation and Air Quality Grant and Authorizing Transfers from the Conservation Trust Fund for the Power Trail and Harmony Grade Separated Crossing Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 4, 2025, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will appropriate \$3,239,300 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project. Additionally, this item will transfer \$1,600,000 in Conservation Trust Funds to the Capital Project Fund for the Project

Previously appropriated funds will be used for local match requirements.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FIRST READING BACKGROUND / DISCUSSION

The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail.

The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, and to cross Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Project location, and several destinations are north of Harmony Road including multiple schools, businesses, a park and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, even resulting in a cyclist fatality. This Project will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor. The City is also working through design and construction of multiple projects to connect the Power Trail to the local trail network and

residential communities in southeast Fort Collins, including the pedestrian overpass crossing the Union Pacific Railroad tracks south of Harmony Road connecting the Mail Creek Trail heading east to Bacon Elementary, a future school side park, and several existing communities via an underpass of Timberline Road. Additionally, several residential developments near the Power Trail are in design and construction, adding to future trail demand and potential diversion of vehicle trips. Finally, the Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (NFRMPO) Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021.

In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program (TAP) grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and CDOT for the construction of the Project (Attachment 4).

In 2022, the City was awarded a CMAQ grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024 through the NFRMPO and CDOT for the construction of the Project (Attachment 5 – Note the \$2.7 million corresponds to CMAQ funding for FY2023, FY2024 and FY2025).

In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO (Attachment 2). These funds are required to complete construction of the Project planned for 2025.

Conservation Trust Funds are used to support the growth of the City’s paved trail network. The Project will construct a key piece of this network. As such, \$1.6M in funding will be transferred from the Conservation Trust Funds to the Project. Use of these funds will be monitored by both Engineering and Parks staff.

CITY FINANCIAL IMPACTS

This item appropriates \$4,839,000 to support the Power Trail and Harmony Grade Separated Crossing Project from:

- \$3,239,300 in unanticipated CMAQ funds (17.21% local match to be met with previously appropriated CCIP funds) and
- \$1,600,000 in Conservation Trust Funds.

The CMAQ funds apply on a reimbursement basis, meaning Capital Project Funds expenses will be reimbursed up to \$3,239,300.

The City’s required local match and overmatch funds were previously appropriated as follows:

Prior Appropriated Local Funds	
Transportation Capital Expansion Fee (TCEF) Funds	\$399,120
Transportation Fund	\$880
CCIP – Ped/Bike Grade Separated Crossing	\$2,900,000
Total Prior Appropriated Local Funds	\$3,300,000
Prior Appropriated Grant Funds	
Transportation Alternative Program (TAP) Grant Funds	\$800,000
Congestion Mitigation and Air Quality (CMAQ) Grant	\$2,700,000
Total Prior Appropriation	\$7,200,000

Funds to be Appropriated with this Action	
Congestion Mitigation and Air Quality (CMAQ) Grant	\$3,239,300
Conservation Trust Funds <i>(transfer to Capital Projects Fund)</i>	\$1,600,000
Total Funds to be Appropriated per this Action	\$4,839,300

Based upon appropriations under this Ordinance combined with previously appropriated funds, as noted above, a total of \$12,039,300 is available to support completion of the Project.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

City staff presented the Project to the Bicycle Advisory Committee, the Commission on Disabilities, the Transportation Board, and the Parks and Recreation Advisory Board, all of whom support the Project.

PUBLIC OUTREACH

Staff has developed a Public Engagement Plan for the Project. Staff has discussed and presented conceptual level drawings and renderings at several public outreach events including Kinard MS FC Moves Outreach Event, 2023 and 2024 Transportation Project Fairs and an upcoming Kruse ES Bike to School Day Open House. A Project website is regularly updated with Project information and upcoming milestones.

ATTACHMENTS

First Reading attachments not included.

- 1. Ordinance for Consideration

ORDINANCE NO. 012, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM THE
COLORADO DEPARTMENT OF TRANSPORTATION
CONGESTION MITIGATION AND AIR QUALITY GRANT AND
AUTHORIZING TRANSFERS FROM THE CONSERVATION
TRUST FUND FOR THE POWER TRAIL AND HARMONY GRADE
SEPARATED CROSSING PROJECT

A. This Ordinance concerns construction of and funding for a pedestrian and bicycle underpass to extend the Power Trail in the vicinity of East Harmony Road.

B. The Power Trail provides a north-south route through Fort Collins in two disconnected segments along the west side of the Union Pacific Railroad, traveling past neighborhoods, open spaces, two parks, a golf course, and Kruse Elementary School. The Trail's northern end begins at Edora Park and stretches to just north of Harmony Road via Golden Meadows Park, stopping at McMurry Avenue. The Trail resumes at Keenland Drive to the west side of the railroad, travels to Trilby Road and then continues south along Stanton Creek to the Carpenter Road underpass and a connection to the Larimer County Front Range Trail and the Loveland Boyd Lake trail.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, which involves crossing Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, parks, and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, including a crash resulting in a cyclist fatality.

D. The Power Trail and Harmony Grade Separated Crossing Project (the "Project") has been developed to improve bicycle and pedestrian safety and to facilitate trail connectivity. The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail. Together, this Project and the trail connections work will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins, including the pedestrian overpass crossing the Union Pacific Railroad tracks south of Harmony Road connecting the Mail Creek Trail heading east to Bacon Elementary, a future school side park, and several existing communities via an underpass of Timberline Road. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the “NFRMPO”) Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The grade separated crossing is identified in the City’s 2014 Bicycle Master Plan as a bicycle network priority.

G. In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program (“TAP”) grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and Colorado Department of Transportation (“CDOT”) for the construction of the Project.

H. In 2022, the City was awarded a Congestion Mitigation and Air Quality (“CMAQ”) grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024, through the NFRMPO and CDOT for the construction of the Project, and the \$2,700,000 corresponds to CMAQ funding for FY2023, FY2024, and FY2025.

I. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. These additional \$3,239,300 in CMAQ funds are programmed for FY2026, and Ordinance No. 041, 2024 explained the funds would be requested for appropriation as part of the City’s 2025-2026 Budget. CDOT administers the grant funds for the Project, and Resolution 2024-028 authorized the Mayor to execute—and the Mayor did then execute—an intergovernmental agreement to enable the City to receive and expend the grant funds for the Project.

J. The feasibility study and design phases that preceded the Project and the City’s required local match and overmatch funds were previously appropriated from Transportation Capital Expansion Fee funds, the Transportation Fund, and Community Capital Improvement Program funds for pedestrian and bicycle grade separated crossings.

K. The appropriations for this Project benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

L. 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.

M. 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.

N. The City Manager has recommended the transfer of \$1,600,000 from the Conservation Trust Fund to the Capital Projects Fund, and the purpose for which the transferred funds are to be expended remains unchanged.

O. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Capital Projects Fund and 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.

P. 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.

Q. The City Council wishes to designate the appropriation herein for the CMAQ grant as appropriations that shall not lapse until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

R. All the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by CDOT, the source of these funds.

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 Capital Projects Fund the sum of THREE MILLION TWO HUNDRED THIRTY-NINE THOUSAND THREE HUNDRED DOLLARS (\$3,239,300) to be expended in the Capital Projects Fund for the Power Trail and Harmony Grade Separated Crossing Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) is authorized for transfer from the Conservation Trust Fund to the Capital Projects Fund and appropriated therein to be expended for the Power Trail and Harmony Grade Separated Crossing Project.

Section 3. The appropriation herein for the CDOT CMAQ 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 February 4, 2025, and approved on second reading for final passage on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Heather N. Jarvis

File Attachments for Item:

5. Second Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, amends municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Amy King, Director, Environmental Sustainability
 Selina Lujan de Albers, Manager, Environmental Services Department
 Melinda Peterson, Lead Specialist, Environmental Services Department

SUBJECT

Second Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 4, 2025, amends municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In February of 2021, Council passed the Disposable Bag Ordinance (DBO), which was later affirmed by voters in the April 2021 election. DBO banned plastic bags and placed a 10-cent fee on paper bags at 19 large Fort Collins grocers starting May 1, 2022. The State also passed PPRA in 2021 with the goal to mitigate plastic pollution in Colorado through a phased approach.

In Phase 1 of implementation of the PPRA, which began January 1, 2023, Stores in Colorado were required to charge a minimum \$0.10 fee per paper and plastic checkout bag given to customers. The PPRA defined "Stores" to include grocery stores, conveniences stores, liquor stores, dry cleaners, pharmacies, clothing stores and other retail establishments at which carryout bags are traditionally provided to customers. Stores also include farmers markets, festivals, and other temporary vendors. Stores do not include any "small store," which is defined by the PPRA as "a store that operates solely in Colorado, has three or fewer locations in the state, and is not part of a franchise, corporation, or partnership that has physical locations outside of Colorado."

Phase 2 of PPRA, effective January 1, 2024, expanded the initiative to Stores and Retail Food Establishments (meaning restaurants, generally) to include the following:

1. A ban on plastic carryout bags at Stores and some Retail Food Establishments,
2. A 10-cent recycled paper carryout bag fee at Stores, of which 6-cents is remitted to local governments, and
3. A ban on expanded polystyrene food and beverage containers distributed at Retail Food Establishments.

Currently, the State of Colorado may enforce the PPRA. However, the City of Fort Collins is unable to enforce the requirements of the PPRA because those requirements have not been adopted into municipal code. Many Stores and Retail Food Establishments are voluntarily complying with the PPRA, even without City enforcement. 107 Stores in 2024 remitted on the distribution of recycled paper carryout bags.

Stores will keep 4-cents on the 10-cent bag fee and will be required to use their share of the fee to implement PPRA goals. The remaining 6-cents is remitted to the City. Remitted funds will be used for the purposes of managing operations and processes for compliance and remittance tracking, business education, and other waste reduction programs. The fee on disposable bags is not a tax, and none of the proceeds can be used for other expenses.

City staff is recommending the Council adopt the proposed Code changes to allow the City to enforce the requirements of the PPRA effective July 1, 2025. ESD staff is prepared to put in place measures for enforcement, which includes identifying necessary tools to track remittance and stores or food establishments required to remit and stop the use of plastic bags and expanded polystyrene containers.

CITY FINANCIAL IMPACTS

City resources are anticipated to increase by \$178,782 to \$283,257 per year through revenue generated by remittance of approximately 499 - 665 additional businesses due to PPRA criteria for stores. Generated revenue from the Disposable Bag Ordinance in 2024 totaled to \$199,284.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

No formal recommendation was sought, however, waste reduction and recycling is a priority of the Natural Resources Advisory Board.

PUBLIC OUTREACH

With significantly more, about 1,164, businesses impacted, staff will prioritize and amplify outreach efforts by working in tandem with community partners and businesses with the goal of minimizing financial impacts throughout the community.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 013, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF
FORT COLLINS TO ADOPT REQUIREMENTS TO REDUCE
PLASTIC POLLUTION AND TO UPDATE AND REENACT THE
CITY'S DISPOSABLE BAG ORDINANCE

A. On February 16, 2021, the City Council adopted Ordinance No. 26, 2021, the Disposable Bag Ordinance (“DBO”), which was referred to and approved by the City electorate at the April 2021 election. The DBO banned large grocery stores from distributing plastic bags to customers and placed a ten-cent fee on paper bags starting May 1, 2022. The DBO required the large grocery stores to remit six cents of each ten-cent fee to the City and required the City to expend that portion of the paper bag fee on the City’s waste reduction program. Each large grocer was required to develop a plan to implement the disposable bag fee program and expend its four-cent share on that plan.

B. In 2021, the State of Colorado adopted the Plastic Pollution Reduction Act at C.R.S. § 25-17-501 et seq (the “PPRA”), which, through a phased approach, banned the distribution of plastic bags to customers of “stores” and “retail food establishments.” Similarly to the City’s DBO, the PPRA also imposed a ten-cent fee on recycled paper carryout bags distributed by stores and required six-cents of each fee to be remitted to local governments and four-cents to be retained by the store. Further, the PPRA prohibits retail food establishments from distributing expanded polystyrene containers for ready-to-eat food. Finally, the PPRA authorizes local governments to adopt the requirements of the PPRA, enforce those requirements, and impose more stringent requirements than the PPRA.

C. The PPRA contains detailed definitions of: “stores,” which will encompass hundreds of commercial operations in the City of Fort Collins, including large grocery stores; “retail food establishments,” which will encompass many restaurants in the City of Fort Collins; and different types of “carryout bags,” which are similar to the City’s definitions of different types of bags in the DBO.

D. Under existing law, the City can enforce the DBO, but not the PPRA, and the State of Colorado can enforce the PPRA.

E. The City seeks to adopt and enforce the requirements of the PPRA, including: the prohibition on the distribution of single-use plastic carryout bags from stores and many retail food establishments; the ten-cent fee for stores to distribute recycled paper carryout bags to customers; and the ban on retail food establishments from distributing expanded polystyrene containers to customers for ready-to-eat food.

F. The City also seeks to adopt requirements that are more stringent than the PPRA, including requirements that: the City use its portion of the recycled paper carryout bag fee for the City’s established waste reduction program; each store must expend its four-cent share of the recycled paper carryout bag fee for implementation costs; each

store must comply with record-keeping and reporting requirements in excess of PPRA requirements; and make any violation of these requirements by a store or retail food establishment a civil infraction under the Code of the City of Fort Collins ("City Code,") which the City may enforce.

G. The City seeks to accomplish this by amending the City Code. The DBO is codified in Chapter 12, Article XIII of the Code. Article XIII will remain in effect until June 30, 2025, and any obligation of a large grocery store incurred under that Article through June 30, 2025, will continue to be an obligation of that large grocery store past June 30, 2025. The DBO will sunset on January 1, 2027, which will allow large grocery stores sufficient time to comply with and close out all requirements of the DBO. City Council is authorized to repeal an ordinance referred to and approved by the voters pursuant to Article X, Section 5 of the City Charter.

H. Additionally, the City Code will be amended to include a new Article XIV in Chapter 12 to adopt requirements of the PPRA and more stringent requirements, as noted above, for stores and retail food establishments. The requirements of this new Article will take effect on July 1, 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 as follows:

Section 1. Section 12-300 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 12-300. - Scope and purpose; Effective Dates; Sunset.

The purpose of this Article is to protect the public health, safety and welfare, to maintain and improve the health of the Cache la Poudre watershed and to further the City's Climate Action Plan and Road to Zero Waste, all of which serve the best interests of the residents of Fort Collins. The provisions of this Article shall be effective from May 1, 2022, through June 30, 2025. Any obligation of a large grocer incurred under this Article through June 30, 2025, shall continue to be an obligation of that large grocer past June 30, 2025. This Article shall be repealed January 1, 2027.

Section 2. Chapter 12 of the Code of the City of Fort Collins is hereby amended by the addition of a new Article XIV which reads in its entirety as follows:

ARTICLE XIV.

REGULATION OF DISPOSABLE BAGS AND MITIGATION OF OTHER SOURCES OF SINGLE USE PLASTIC POLLUTION

12-310. – Scope and Purpose; Effective Date.

This Article is enacted pursuant to the City's authority to regulate single-use plastics under the Plastic Pollution Reduction Act at C.R.S. § 25-17-501 et seq. The purpose of this Article is to protect the public health, safety and welfare, to maintain and improve the health of the Cache la Poudre watershed and to further the City's Climate Action Plan and Road to Zero Waste, all of which serve the best interests of the residents of Fort Collins. The provisions of this Article shall be effective beginning July 1, 2025.

12-311. Definitions.

The following terms used in this Article shall have the meanings ascribed to them below unless the context clearly indicates otherwise:

Carryout bag means a bag that is furnished to a customer at a store or retail food establishment at the point of sale for use by the customer to transport or carry purchased items.

- (a) *Carryout bag* does not include:
- (1) A bag made of paper when the paper has a basis weight of thirty pounds or less;
 - (2) A bag that a pharmacy provides to a customer purchasing prescription medication;
 - (3) A bag that a customer uses inside a store to:
 - (i) Package loose or bulk items, such as fruits, vegetables, nuts, grains, candy, or greeting cards; nails, bolts, screws, or other small hardware items; live insects, fish, crustaceans, mollusks, or other small species; and bulk seed, bulk livestock feed, or bulk pet feed;
 - (ii) Contain or wrap frozen foods, meat, seafood, fish, flowers, potted plants, or other items that, if they were to come in contact with other items, could dampen or contaminate the other items; or
 - (iii) Contain unwrapped prepared foods or bakery goods; or
 - (4) A laundry, dry cleaning, or garment bag.

Container means a receptacle upon which or inside which food may be placed for consumption, whether or not the receptacle can be fully closed. *Container* includes hinged food containers, plates, bowls, cups, and trays.

Drug means:

- (a) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary, or any supplement to any of them;

- (b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;
- (c) Articles, other than food, intended to affect the structure or any function of the body of a human or other animals;
- (d) Articles intended for use as a component of any article specified in paragraph (a), (b), or (c) of this definition of *drug* but does not include devices or their components, parts, or accessories.

Expanded polystyrene means blown polystyrene, commonly known as Styrofoam™, and any other expanded or extruded foam consisting of thermoplastic petrochemical materials utilizing a styrene monomer and processed by techniques that may include:

- (a) For expandable bead polystyrene, fusion of polymer spheres;
- (b) Injection molding;
- (c) Foam molding; and
- (d) For extruded foam polystyrene, extrusion blow molding.

Food means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption. *Food* does not include a drug.

Nonpotentially hazardous means any food or beverage that, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms that cause food infections or food intoxications.

Plastic means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal.

Point of sale means a check-out stand, cash register, or other point at which a sales transaction occurs in a store or retail food establishment or, for products that are ordered remotely from a store or retail food establishment and delivered, the location where the products are delivered.

Ready-to-eat food means food that is cooked or otherwise prepared in advance for immediate consumption.

Recycled paper carryout bag means a carryout bag made from one hundred percent:

- (a) Recycled material; or
- (b) Other post-consumer content.

Retail food establishment means a retail operation that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption

to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. *Retail food establishment* does not mean:

- (a) Any private home;
- (b) Private boarding houses;
- (c) Hospital and health facility patient feeding operations licensed by the Colorado department of public health and environment;
- (d) Child care centers and other child care facilities licensed by the Colorado department of human services;
- (e) Outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;
- (f) Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;
- (g) Motor vehicles used only for the transport of food;
- (h) Establishments preparing and serving only hot coffee, hot tea, instant hot beverages, and nonpotentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling;
- (i) Establishments that handle only nonpotentially hazardous prepackaged food and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;
- (j) Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;
- (k) Automated food merchandising enterprises that supply only prepackaged nonpotentially hazardous food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;
- (l) The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration if such donation, preparation, sale, or service of food:
 - (i) Does not exceed the duration of the event or celebration or a maximum of fifty-two (52) days within a calendar year; and
 - (ii) Takes place in the county in which such nonprofit or charitable organization resides or is principally located.

(m) A home, commercial, private, or public kitchen in which a person produces food products sold directly to consumers pursuant to the “Colorado Cottage Foods Act”, as the Colorado Cottage Foods Act was codified on February 28, 2025 at C.R.S. § 25-4-1614.

Reusable carryout bag means a carryout bag that is designed and manufactured for at least one hundred twenty-five uses, can carry at least twenty-two pounds over a distance of one hundred seventy-five feet, has stitched handles, and is made of cloth, fiber, or other fabric or a recycled material such as polyethylene terephthalate (PET) and includes any hemp bag that meets these standards. *Reusable carryout bag* does not include bags made of biologically based polymers such as corn or other plant sources.

School means a public school, including a charter school authorized by a Colorado school district, an institute charter school authorized by the state of Colorado, or a school operated by a board of cooperative services organized by a Colorado school district or the governing board of a Colorado postsecondary institution.

Single-use plastic carryout bag means a carryout bag that is a single-use plastic product made predominantly of plastic derived from natural gas, petroleum, or a biologically based source, such as corn or other plant sources, and that is provided to a customer at the point of sale. *Single-use plastic carryout bag* does not include a reusable carryout bag.

Small store means a store that operates solely in Colorado, has three or fewer locations in the state, and is not part of a franchise, corporation, or partnership that has physical locations outside of Colorado.

Store means a grocery store, supermarket, convenience store, liquor store, dry cleaner, pharmacy, drug store, clothing store, or other type of retail establishment at which carryout bags are traditionally provided to customers.

(a) *Store* includes a farmers market, roadside market or stand, festival, or other temporary vendor or event that includes temporary vendors.

(b) *Store* does not include a small store.

Waste reduction program means a plastic pollution mitigation and solid waste and litter reduction program carried out by the City, which may include, without limitation:

(a) The administration and operation of the waste reduction program and administration activities to collect all recycled paper recycled paper carryout bag fees;

(b) Activities and campaigns conducted by the City or its contractor to provide reusable carryout bags to residents and visitors, educate residents, businesses and visitors about the impact of single-use plastic bags, trash, single-use plastics and other waste on the waterways and environment and on the health and welfare of its residents and visitors, the importance of reducing the number of single-use

plastic bags entering the waste stream and to raise awareness about waste reduction and recycling;

- (c) Community clean-up events, City activities, and other community-led activities to reduce or mitigate solid waste and litter;
- (d) Programs and infrastructure to facilitate and encourage the community to reduce waste and recycle, including community-led efforts;
- (e) Creating, expanding, and maintaining equitable outreach and engagement strategies, including a public website to educate residents on the progress of waste reduction efforts;
- (f) Other activities directly related to the reduction of waste from single-use plastic bags, trash, other single-use plastics and other waste and its impact on the waterways and environment within the city and the Cache la Poudre watershed;
- (g) Providing assistance to members of the public in need of assistance to access and use reusable carryout bags and to enable and facilitate knowledge about and participation in waste reduction programs and strategies; and
- (h) Funding or providing other support for programs and activities conducted by others in furtherance of these purposes.

12-312. Ban on Single-Use Plastic Carryout Bags.

- (a) A store or retail food establishment is prohibited from providing a single-use plastic carryout bag to a customer; except that a retail food establishment need not comply with this section if the retail food establishment:
 - (1) Prepares or serves food in individual portions for immediate on- or off-premises consumption; and
 - (2) Is not a grocery store or convenience store.

12-313. Recycled Paper Carryout Bag Fee; Records; Reporting; Audits.

- (a) A store may provide a customer with one or more recycled paper carryout bags at the point of sale only if the customer pays a recycled paper carryout bag fee of ten cents per recycled paper carryout bag. For each recycled paper carryout bag fee collected pursuant to this subsection (a), the store is required to:
 - (1) Remit sixty percent (60%) to the City. The City shall use these funds to implement the waste reduction program. The City Manager may amend the waste reduction program from time to time, provided the amendments are consistent with the scope and purposes of this Article.
 - (2) Retain forty percent (40%), which portion of the fee does not count as revenue for the purpose of calculating sales tax. Each store must use its retained share for reimbursement of expenses directly related to implementation of this

Article, including for signage, staff training, and support for customers, as well as ongoing expenses for compliance and promotion of the use of reusable carryout bags and for plastic pollution and waste reduction in the store or in the community. No penalties or fines assessed for noncompliance may be paid using the retained share.

(3) The recycled paper carryout bag fee set forth in subsection (a) of this section does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

(b) In providing carryout bags for a fee pursuant to this section, a store is required to:

(1) For each customer provided a carryout bag for a fee, provide on the customer's transaction receipt a record of the number of carryout bags provided as part of the transaction and the total amount of fees charged for the carryout bags provided, itemized by type of carryout bag;

(2) Not refund to the customer any portion of the recycled paper carryout bag fee, either directly or indirectly, or advertise or otherwise convey to customers that any portion of the recycled paper carryout bag fee will be refunded;

(3) Conspicuously display a sign in a location inside or outside the store that alerts customers to the recycled paper carryout bag fee; and

(4) On a quarterly basis, remit to the City of Fort Collins Finance Department from the total amount of recycled paper carryout bag fees collected in the previous quarter the amount that is owed to the City.

(5) On an annual basis, report the number of reusable carryout bags sold and how it has expended its retained share of the recycled paper carryout bag fee. The City Manager will designate, from time to time, the form and timing of the annual report due under this subsection (b)(5). The store shall also maintain such books, accounts, invoices, or other documentation necessary to verify the accuracy and completeness of such records.

(6) It is the duty of each store to keep and preserve all documents and records required to be retained under this subsection (b) for a period of three (3) years from the end of the calendar year in which the documents or records were generated. If requested by the City, a store shall make the foregoing records available for inspection and audit by the City during regular business hours so that the City may verify compliance with the provisions of this Article. In the event of an audit, investigation or other enforcement action, records and documents must be retained until three (3) years after notice of completion or resolution of such audit, investigation or enforcement action. To the extent permitted by law, all such records must be treated as confidential commercial information.

(7) The requirements of this section only apply to stores that offer recycled paper carryout bags to customers. The City Manager or their designee may establish a process to determine whether a store is exempt from the requirements of this section because it does not offer recycled paper carryout bags to customers.

(8) Nothing in this Article prohibits stores from providing incentives for the use of reusable carryout bags through credits or rebates for customers who bring their own bags to the point of sale for the purpose of carrying away goods.

(9) Nothing in this Article prohibits customers from using bags of any type that they bring into the store themselves or from carrying away goods that are not placed in a bag.

12-314. Ban on Polystyrene Containers.

A retail food establishment shall not distribute an expanded polystyrene product for use as a container for ready-to-eat food.

12-315. Reporting to City Council.

(a) The City Manager will provide to the City Council an annual report on implementation and status of the matters described in this Article after the end of 2025 and each calendar year thereafter, which may address:

- (1) equity impacts;
- (2) compliance and outcomes including performance metrics related to number and type of bags distributed; and
- (3) other relevant and complementary metrics consistent with the scope and purpose of this Article as recommended by City staff.

12-316. Rulemaking.

The City Manager may adopt reasonable and necessary administrative rules and regulations to implement the provisions of this Article.

12-317. Violations and Penalties.

(a) Any person who violates any provision of this Article, whether by acting in a manner declared to be unlawful or by failing to act as required, commits a civil infraction and shall be subject to the penalty provisions of City Code subsection 1-15(f).

(b) For purposes of this section, each retail sales transaction in which a violation of this Article is committed, regardless of whether multiple violations of this Article are committed in one retail sales transaction, constitutes a single violation of this Article.

(c) The City shall not enforce a violation of this Article against a retail food establishment located within a school.

Introduced, considered favorably on first reading on February 4, 2025, and approved on second reading for final passage on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Ted Hewitt

File Attachments for Item:

6. Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

A. Second Reading of Ordinance No. 014, 2025, Adopting the 2025 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 015, 2025, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 4, 2025, adopt changes to the 2025 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2025-2027 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council by Resolution on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2025 City Classified Employee Pay Plan.

After First Reading, Exhibit A to the Ordinance has been amended to reflect a new salary for Police Sergeant Step 1 to mitigate compression. An updated version with the salary highlighted is attached to this AIS. A clean version of the Exhibit is attached to the Ordinance for Second Reading.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Kelley Vodden, Director of Compensation, Benefits, and Wellness
Teresa Roche, Human Resources Executive

SUBJECT

Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 014, 2025, Adopting the 2025 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 015, 2025, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 4, 2025, adopt changes to the 2025 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2025-2027 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council by Resolution on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2025 City Classified Employee Pay Plan.

After First Reading, Exhibit A to the Ordinance has been amended to reflect a new salary for Police Sergeant Step 1 to mitigate compression. An updated version with the salary highlighted is attached to this AIS. A clean version of the Exhibit is attached to the Ordinance for Second Reading.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City utilizes a common compensation methodology to assess jobs, combine them into job functions and establish pay ranges. Pay ranges are categorized and grouped, and become the Classified Employee Pay Plan which sets the minimum, midpoint, and maximum of pay ranges for the levels within each career group and function. While the methodology for assessing jobs and developing pay ranges for jobs within

the FOP's bargaining unit is outlined in the agreement, police collective bargaining unit positions are included in the Classified Employee Pay Plan.

Council approved the Agreement by Resolution No. 2024-141 on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes collection of market data as of early January. This analysis includes collecting pay range maximums for law enforcement positions from 12 identified benchmark agencies: Denver, Aurora, Boulder, Larimer County, Greeley, Thornton, Arvada, Lakewood, Longmont, Loveland, Westminster, and Broomfield. It also includes collecting salary data from dispatch centers for dispatch and communications centers.

The analysis resulted in the following recommended 2025 Pay Plan Structure adjustments:

- Police Officer, 4.94%
- Police Corporal, 4.94%
- Police Sergeant, 4.12%
- Police Lieutenant, 4.28%
- Community Service Officer, 4.94%
- Senior Supervisor, CSO, 4.94%
- Emergency Communications Dispatcher, 7.87%
- Senior Supervisor, Emergency Communications, 4.00%
- Senior Manager, Emergency Communications, 4.00%

Actual employee salary increases are determined administratively and implemented using the Council adopted employee pay increase budget and Police Services operational budget.

This appropriation does not cover costs related to City contribution increases to the Post Employment Health Plans for collective bargaining unit members. The contribution increases were included in the Agreement, which was approved by the Council on December 3, 2024. An additional appropriation will come forward to address those costs.

CITY FINANCIAL IMPACTS

The needed funds to cover the increases over budget in salary, overtime, and benefits total approximately \$750,000. These funds will come from General Fund Reserves already committed for these purposes.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration
2. Exhibit A to Ordinance A
3. Ordinance B for Consideration
4. First Reading Exhibit A – with change highlighted

ORDINANCE NO. 014, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 ADOPTING THE 2025 AMENDED CITY CLASSIFIED EMPLOYEE
 PAY PLAN TO UPDATE CLASSIFIED POSITIONS AS PROVIDED
 IN THE COLLECTIVE BARGAINING AGREEMENT WITH THE
 FRATERNAL ORDER OF POLICE

A. Section 2-566 of the City Code requires that the pay plan for all classified employees of the City shall be established by ordinance of the City Council.

B. On November 19, 2024, the City Council adopted Ordinance No. 162, 2024, approving a pay plan for its classified employees for pay to go into effect the first pay period of January 2025 (the "Pay Plan").

C. On December 3, 2024, the City Council adopted Resolution 2024-141 approving a collective bargaining agreement ("CBA") between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police ("CBA").

D. On December 28, 2024, the parties executed the CBA.

E. The CBA contains a provision giving the City until January 12, 2025, to collect market data from several identified benchmark agencies for the classified positions in the collective bargaining unit.

F. Such market data has been collected and analyzed and the recommended salary ranges for the bargaining unit classified employees are available to amend the Pay Plan.

G. The amendments to the Pay Plan recommended by the City Manager are consistent with City Council objectives and the Council-approved CBA, including the practice of establishing step levels by using pay range maximum salary data for benchmark positions, and matching the fourth highest salary ranking of the benchmark agencies, or matching the percentage increase given to City employees not in the collective bargaining unit, whichever is higher.

H. City Council believes that the adoption of the recommended, amended pay plan is in the best interests of the City and further believes that the allocation of individual salaries within the Pay Plan should be related to employee performance.

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 hereby adopts the 2025 Amended City of Fort Collins Classified Employees Pay Plan (the "Amended Plan"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 2. The effective date of the Amended Plan shall commence as of the effective date of this Ordinance.

Section 3. The City Manager shall fix the compensation levels of all classified employees within the pay levels established in the Amended Plan except as allowed by the terms of the CBA.

Introduced, considered favorably on first reading on February 4, 2025, and approved on second reading for final passage on February 18, 2025

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Sara Arfmann



**City of Fort Collins
Open Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 1 SUSTAINABILITY, PLANNING, CULTURE, PARKS & RECREATION, DEVELOPMENT & COMPLIANCE

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A2-1	Annual	\$39,156.03	\$48,945.80	\$58,736.60
	Biweekly	\$1,506.00	\$1,882.53	\$2,259.10
A3-1	Annual	\$43,507.15	\$54,384.45	\$65,260.73
	Biweekly	\$1,673.35	\$2,091.71	\$2,510.03
A4-1	Annual	\$48,341.05	\$60,426.83	\$72,511.58
	Biweekly	\$1,859.27	\$2,324.11	\$2,788.91
A5-1	Annual	\$53,174.95	\$66,469.20	\$79,763.45
	Biweekly	\$2,045.19	\$2,556.51	\$3,067.83
A6-1	Annual	\$58,492.65	\$73,115.30	\$87,740.00
	Biweekly	\$2,249.72	\$2,812.13	\$3,374.62

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M1-1	Annual	\$78,531.40	\$104,708.88	\$130,885.33
	Biweekly	\$3,020.44	\$4,027.26	\$5,034.05
M2-1	Annual	\$87,960.38	\$117,274.35	\$146,586.28
	Biweekly	\$3,383.09	\$4,510.55	\$5,637.93
S1-1	Annual	\$59,767.75	\$79,689.65	\$99,612.58
	Biweekly	\$2,298.76	\$3,064.99	\$3,831.25
S2-1	Annual	\$66,939.68	\$89,252.90	\$111,566.13
	Biweekly	\$2,574.60	\$3,432.80	\$4,291.00



**City of Fort Collins
Open Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 1 SUSTAINABILITY, PLANNING, CULTURE, PARKS & RECREATION, DEVELOPMENT & COMPLIANCE

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O1-1	Annual	\$35,661.80	\$44,576.23	\$53,491.68
	Biweekly	\$1,371.61	\$1,714.47	\$2,057.37
O2-1	Annual	\$39,623.43	\$49,530.05	\$59,434.63
	Biweekly	\$1,523.98	\$1,905.00	\$2,285.95
O3-1	Annual	\$44,025.80	\$55,033.28	\$66,037.68
	Biweekly	\$1,693.30	\$2,116.66	\$2,539.91
O4-1	Annual	\$48,918.13	\$61,147.40	\$73,375.65
	Biweekly	\$1,881.47	\$2,351.82	\$2,822.14
O5-1	Annual	\$54,352.68	\$67,941.10	\$81,529.53
	Biweekly	\$2,090.49	\$2,613.12	\$3,135.75
O6-1	Annual	\$60,391.98	\$75,490.23	\$90,588.48
	Biweekly	\$2,322.77	\$2,903.47	\$3,484.17

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1-1	Annual	\$51,932.65	\$69,241.83	\$86,553.05
	Biweekly	\$1,997.41	\$2,663.15	\$3,328.96
P2-1	Annual	\$59,013.35	\$78,684.13	\$98,354.90
	Biweekly	\$2,269.74	\$3,026.31	\$3,782.88
P3-1	Annual	\$67,060.63	\$89,414.85	\$111,768.05
	Biweekly	\$2,579.25	\$3,439.03	\$4,298.77
P4-1	Annual	\$76,171.85	\$101,575.45	\$126,979.05
	Biweekly	\$2,929.69	\$3,906.75	\$4,883.81



City of Fort Collins
Open Pay Plan

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 2

OPERATIONS

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M1-2	Annual	\$84,676.28	\$112,906.83	\$141,137.38
	Biweekly	\$3,256.78	\$4,342.57	\$5,428.36
M2-2	Annual	\$99,623.85	\$132,831.80	\$166,035.65
	Biweekly	\$3,831.69	\$5,108.92	\$6,385.99
S1-2	Annual	\$62,344.60	\$83,126.48	\$103,907.33
	Biweekly	\$2,397.87	\$3,197.17	\$3,996.44
S2-2	Annual	\$70,924.88	\$94,566.50	\$118,210.18
	Biweekly	\$2,727.88	\$3,637.17	\$4,546.55

TABLE: 2 OPERATIONS

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O1-2	Annual	\$39,801.78	\$49,752.48	\$59,703.18
	Biweekly	\$1,530.84	\$1,913.56	\$2,296.28
O2-2	Annual	\$43,781.85	\$54,727.83	\$65,673.80
	Biweekly	\$1,683.92	\$2,104.92	\$2,525.92
O3-2	Annual	\$48,160.65	\$60,201.33	\$72,239.95
	Biweekly	\$1,852.33	\$2,315.44	\$2,778.46
O4-2	Annual	\$52,977.13	\$66,220.13	\$79,465.18
	Biweekly	\$2,037.58	\$2,546.93	\$3,056.35
O5-2	Annual	\$58,274.33	\$72,840.60	\$87,409.95
	Biweekly	\$2,241.32	\$2,801.56	\$3,361.92
O6-2	Annual	\$64,101.45	\$80,126.30	\$96,152.18
	Biweekly	\$2,465.44	\$3,081.78	\$3,698.16

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1-2	Annual	\$49,405.00	\$65,871.63	\$82,340.30
	Biweekly	\$1,900.19	\$2,533.52	\$3,166.93
P2-2	Annual	\$56,141.30	\$74,854.73	\$93,569.18
	Biweekly	\$2,159.28	\$2,879.03	\$3,598.81



**City of Fort Collins
Open Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 3 SCIENCES & ENGINEERING, TECHNOLOGY

ADMINISTRATIVE		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A4-3	Annual	\$49,513.65	\$61,893.60	\$74,271.50
	Biweekly	\$1,904.37	\$2,380.52	\$2,856.60
A5-3	Annual	\$54,465.43	\$68,082.55	\$81,699.68
	Biweekly	\$2,094.82	\$2,618.56	\$3,142.30
A6-3	Annual	\$59,912.28	\$74,891.63	\$89,868.93
	Biweekly	\$2,304.32	\$2,880.45	\$3,456.50
MANAGERIAL		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M1-3	Annual	\$90,414.23	\$120,554.35	\$150,691.40
	Biweekly	\$3,477.47	\$4,636.71	\$5,795.82
M2-3	Annual	\$103,978.05	\$138,635.35	\$173,295.73
	Biweekly	\$3,999.16	\$5,332.13	\$6,665.22
S1-3	Annual	\$69,186.48	\$92,250.00	\$115,311.48
	Biweekly	\$2,661.02	\$3,548.08	\$4,435.06
S2-3	Annual	\$78,621.60	\$104,828.80	\$131,036.00
	Biweekly	\$3,023.91	\$4,031.88	\$5,039.85

TABLE: 3 SCIENCES & ENGINEERING, TECHNOLOGY

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
01-3	Annual	\$39,877.63	\$49,845.75	\$59,810.80
	Biweekly	\$1,533.75	\$1,917.14	\$2,300.42
02-3	Annual	\$44,303.58	\$55,384.85	\$66,466.13
	Biweekly	\$1,703.98	\$2,130.19	\$2,556.39
03-3	Annual	\$50,215.78	\$62,769.98	\$75,328.28
	Biweekly	\$1,931.38	\$2,414.23	\$2,897.24
04-3	Annual	\$55,782.55	\$69,743.05	\$83,685.10
	Biweekly	\$2,145.48	\$2,682.43	\$3,218.66
05-3	Annual	\$62,090.40	\$77,482.83	\$92,990.05
	Biweekly	\$2,388.09	\$2,980.11	\$3,576.54

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1-3	Annual	\$66,211.93	\$88,281.20	\$110,352.53
	Biweekly	\$2,546.61	\$3,395.43	\$4,244.33
P2-3	Annual	\$75,240.13	\$100,319.83	\$125,399.53
	Biweekly	\$2,893.85	\$3,858.45	\$4,823.06
P3-3	Annual	\$85,501.40	\$114,001.53	\$142,499.60
	Biweekly	\$3,288.52	\$4,384.67	\$5,480.75
P4-3	Annual	\$97,159.75	\$129,545.65	\$161,930.53
	Biweekly	\$3,736.91	\$4,982.53	\$6,228.10



**City of Fort Collins
Open Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 4 HUMAN RESOURCES, FINANCE & ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A2-4	Annual	\$36,803.65	\$46,005.08	\$55,205.48
	Biweekly	\$1,415.53	\$1,769.43	\$2,123.29
A3-4	Annual	\$40,892.38	\$51,115.73	\$61,339.08
	Biweekly	\$1,572.78	\$1,965.99	\$2,359.20
A4-4	Annual	\$45,436.20	\$56,795.25	\$68,154.30
	Biweekly	\$1,747.55	\$2,184.43	\$2,621.32
A5-4	Annual	\$49,979.00	\$62,475.80	\$74,969.53
	Biweekly	\$1,922.27	\$2,402.92	\$2,883.44
A6-4	Annual	\$54,977.93	\$68,721.13	\$82,466.38
	Biweekly	\$2,114.54	\$2,643.12	\$3,171.78

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M1-4	Annual	\$81,360.40	\$108,478.83	\$135,600.33
	Biweekly	\$3,129.25	\$4,172.26	\$5,215.40
M2-4	Annual	\$93,564.05	\$124,751.73	\$155,940.43
	Biweekly	\$3,598.62	\$4,798.14	\$5,997.71
S1-4	Annual	\$56,419.08	\$75,220.65	\$94,023.25
	Biweekly	\$2,169.96	\$2,893.10	\$3,616.28
S2-4	Annual	\$64,106.58	\$86,505.90	\$106,850.10
	Biweekly	\$2,465.64	\$3,327.15	\$4,109.62



**City of Fort Collins
Open Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 4 HUMAN RESOURCES, FINANCE & ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O3-4	Annual	\$40,551.05	\$50,689.33	\$60,826.58
	Biweekly	\$1,559.66	\$1,949.59	\$2,339.48
O4-4	Annual	\$45,056.95	\$56,321.70	\$67,585.43
	Biweekly	\$1,732.96	\$2,166.22	\$2,599.44

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1-4	Annual	\$54,671.45	\$72,894.93	\$91,118.40
	Biweekly	\$2,102.75	\$2,803.65	\$3,504.55
P2-4	Annual	\$62,126.28	\$82,834.35	\$103,544.48
	Biweekly	\$2,389.47	\$3,185.94	\$3,982.48
P3-4	Annual	\$70,600.98	\$94,130.88	\$117,661.80
	Biweekly	\$2,715.42	\$3,620.42	\$4,525.45
P4-4	Annual	\$80,217.53	\$106,966.95	\$133,707.15
	Biweekly	\$3,085.29	\$4,114.11	\$5,142.58



City of Fort Collins
Open Pay Plan

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

TABLE: 5 PROTECTIVE SERVICES (non-CBU)

ADMINISTRATIVE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A2-5	Annual	\$44,131.38	\$55,156.28	\$66,196.55
	Biweekly	\$1,697.36	\$2,121.40	\$2,546.02
A3-5	Annual	\$49,030.88	\$61,286.80	\$73,540.68
	Biweekly	\$1,885.80	\$2,357.18	\$2,828.49
A4-5	Annual	\$53,930.38	\$67,414.25	\$80,896.08
	Biweekly	\$2,074.25	\$2,592.86	\$3,111.39
A5-5	Annual	\$61,631.20	\$77,035.93	\$92,440.65
	Biweekly	\$2,370.43	\$2,962.92	\$3,555.41
A6-5	Annual	\$67,800.68	\$84,739.83	\$101,691.28
	Biweekly	\$2,607.72	\$3,259.22	\$3,911.20

MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M1-5	Annual	\$74,631.28	\$99,508.03	\$124,384.78
	Biweekly	\$2,870.43	\$3,827.23	\$4,784.03
M2-5	Annual	\$87,800.48	\$117,068.33	\$146,334.13
	Biweekly	\$3,376.94	\$4,502.63	\$5,628.24
S1-5	Annual	\$52,934.08	\$70,576.38	\$88,220.73
	Biweekly	\$2,035.93	\$2,714.48	\$3,393.10
S2-5	Annual	\$60,150.08	\$80,200.10	\$100,252.18
	Biweekly	\$2,313.46	\$3,084.62	\$3,855.85

TABLE: 5 PROTECTIVE SERVICES (non-CBU)

OPERATIONS & SKILLED TRADE

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
O2-5	Annual	\$39,699.28	\$49,624.35	\$59,549.43
	Biweekly	\$1,526.90	\$1,908.63	\$2,290.36
O3-5	Annual	\$44,109.85	\$55,137.83	\$66,164.78
	Biweekly	\$1,696.53	\$2,120.69	\$2,544.80
O4-5	Annual	\$49,011.40	\$61,264.25	\$73,517.10
	Biweekly	\$1,885.05	\$2,356.32	\$2,827.58

PROFESSIONAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P1-5	Annual	\$54,264.53	\$72,346.55	\$90,437.80
	Biweekly	\$2,087.10	\$2,782.56	\$3,478.38
P2-5	Annual	\$60,769.18	\$81,027.28	\$101,281.28
	Biweekly	\$2,337.28	\$3,116.43	\$3,895.43
P3-5	Annual	\$68,060.00	\$90,750.43	\$113,439.83
	Biweekly	\$2,617.69	\$3,490.40	\$4,363.07
P4-5	Annual	\$102,742.93	\$136,971.78	\$171,228.30
	Biweekly	\$3,951.65	\$5,268.15	\$6,585.70



City of Fort Collins
2025 Step Pay Plan

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

JOB TITLE	1	2	3	4	5	6	7	8	9	10
LINE GROUNDWORKER										
	\$63,976	\$67,045	\$70,265	\$73,637	\$77,173	\$80,878	\$84,839	\$89,070		
ELECTRIC LINeworkER										
	\$89,193	\$94,231	\$97,037	\$99,933	\$102,965	\$106,042	\$109,212	\$113,148	\$117,335	\$124,443
LINE CREW CHIEF										
	\$130,043	\$135,719								
ELECTRIC METER SYSTEM TECH										
	\$69,570	\$76,518	\$81,718	\$86,877	\$91,997	\$97,064	\$101,187	\$105,338	\$109,474	\$113,611
SUBSTATION SPECIALIST										
	\$89,263	\$99,786	\$108,074	\$116,273	\$124,540					
SUBSTATION ELEC/COMM SPEC										
	\$101,523	\$111,934	\$121,900	\$131,447	\$141,645					
ELECTRIC SYSTEMS OPERATOR										
	\$86,315	\$92,001	\$97,686	\$103,371	\$109,057	\$114,742	\$120,428			
WATER OPERATOR										
	\$65,564	\$71,295	\$75,556	\$80,101	\$84,925	\$91,475				
FLEET MAINTENANCE TECHNICIAN										
	\$58,215	\$64,528	\$67,080	\$69,790	\$72,578	\$75,485	\$78,508	\$81,223		
BUILDING INSPECTOR										
	\$69,514	\$76,313	\$79,382	\$82,920	\$86,161	\$89,612	\$93,193	\$96,985		
LEAD BUILDING INSPECTOR										
	\$76,464	\$83,557	\$86,901	\$90,788	\$94,383	\$98,146	\$102,033	\$106,168		



**City of Fort Collins
2025 CBU Pay Plan**

EXHIBIT A TO ORDINANCE NO. 014, 2025

Item 6.

JOB TITLE	1	2	3	4	5	6
POLICE OFFICER	\$ 85,789.50	\$ 92,645.23	\$ 99,504.11	\$ 106,413.36	\$ 116,758.00	
POLICE CORPORAL	\$ 124,931.06	\$ 128,433.80				
POLICE SERGEANT	\$ 137,400.00	\$ 142,397.00				
POLICE LIEUTENANT	\$ 165,155.54	\$ 179,273.00				
	1	2	3	4	5	
COMMUNITY SERVICE OFFICER	\$ 70,172.33	\$ 75,801.31	\$ 81,846.90	\$ 88,398.31	\$ 95,506.94	
COMMUNITY SERVICE OFFICER SUPERVISOR	\$ 109,832.98	\$ 114,608.33				
	1	2	3	4	5	6
COMMUNICATIONS DISPATCHER	\$ 72,475.70	\$ 76,823.94	\$ 80,811.89	\$ 86,467.51	\$ 92,065.97	\$ 98,654.00
COMMUNICATIONS SUPERVISOR	\$ 100,276.80	\$ 118,027.52				
COMMUNICATIONS MANAGER	\$ 142,456.08	\$ 162,507.28				

ORDINANCE NO. 015, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL
FUND FOR THE COST OF POLICE SERVICES SALARY AND
BENEFIT INCREASES AS PROVIDED IN THE COLLECTIVE
BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF
POLICE

A. On December 3, 2024, the City Council adopted Resolution 2024-141 approving a collective agreement between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police (“CBA”).

B. On December 28, 2024, the parties executed the CBA.

C. The CBA contains a provision giving the City until January 12, 2025, to collect salary market data from several different identified benchmark agencies for the classified positions in the collective bargaining unit.

D. The Fort Collins Police Services (“FCPS”) operational budget includes employee salary expenses.

E. The terms of the CBA call for salary increases equal to or greater than 4% for members of the collective bargaining unit.

F. The budget shortfall is \$750,000.

G. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose to include enforcement of the provisions of the City Code and state law and such other functions and duties necessary to preserve the public peace, prevent crime, apprehend criminals and protect rights of persons and property through enforcement of penal laws of the City and the state.

H. 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 such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

I. 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.

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 there is hereby appropriated from prior year reserves in the General Fund the sum of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000) to be expended in the General Fund for the cost of Police Services salary and benefit increases as provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

Introduced, considered favorably on first reading on February 4, 2025, and approved on second reading for final passage on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Sara Arfmann



**City of Fort Collins
2025 CBU Pay Plan**

Item 6.

JOB TITLE	1	2	3	4	5	6
POLICE OFFICER	\$ 85,789.50	\$ 92,645.23	\$ 99,504.11	\$ 106,413.36	\$ 116,758.00	
POLICE CORPORAL	\$ 124,931.06	\$ 128,433.80				
POLICE SERGEANT	\$ 137,400.00	\$ 142,397.00				
POLICE LIEUTENANT	\$ 165,155.54	\$ 179,273.00				
	1	2	3	4	5	
COMMUNITY SERVICE OFFICER	\$ 70,172.33	\$ 75,801.31	\$ 81,846.90	\$ 88,398.31	\$ 95,506.94	
COMMUNITY SERVICE OFFICER SUPERVISOR	\$ 109,832.98	\$ 114,608.33				
	1	2	3	4	5	6
COMMUNICATIONS DISPATCHER	\$ 72,475.70	\$ 76,823.94	\$ 80,811.89	\$ 86,467.51	\$ 92,065.97	\$ 98,654.00
COMMUNICATIONS SUPERVISOR	\$ 100,276.80	\$ 118,027.52				
COMMUNICATIONS MANAGER	\$ 142,456.08	\$ 162,507.28				

File Attachments for Item:

7. Second Reading of Ordinance No. 016, 2025, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.

This Ordinance, unanimously adopted on First Reading on February 4, 2025, authorizes a permanent, non-exclusive utility easement over a portion of Northern Colorado Regional Airport property to allow for the installation and maintenance of a waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. The project will improve reliability and redundancy of the water system that serves the Airport and surrounding area. The Airport will receive fair market value compensation for the easement.

February 18, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Aaron Ehle, Airport Planning & Development Specialist

SUBJECT

Second Reading of Ordinance No. 016, 2025, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 4, 2025, authorizes a permanent, non-exclusive utility easement over a portion of Northern Colorado Regional Airport property to allow for the installation and maintenance of a waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. The project will improve reliability and redundancy of the water system that serves the Airport and surrounding area. The Airport will receive fair market value compensation for the easement.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Northern Colorado Regional Airport is a public facility jointly owned and operated by the Cities of Fort Collins and Loveland. In 2015, the Cities entered into an intergovernmental agreement ("IGA") that formed the Northern Colorado Regional Airport Commission, which delegated certain powers and authority to operate and maintain the Airport. However, only the City Councils have the authority to grant easements as permanent property rights at the Airport.

In connection with planned upgrades to the District's water system, an agreement for a permanent non-exclusive easement for a waterline (the "Easement") has been negotiated by staff from the Airport, both Cities, and the District. The Easement area consists of 3,032 square feet (0.0696 acres) in the northwest area of the Airport.

Under City Code Section 23-111, the City Council may sell, convey, exchange, or otherwise dispose of any and all interests in City-owned real property if the City Council finds, by ordinance, that such sale or disposition is in the best interests of the City. City Code Section 23-114 requires that any sale, lease or other conveyance of property must be for an amount equal to or greater than the fair market value of such interest unless the City Council or City Manager, as applicable, determines that such sale or lease serves a bona fide public purpose by meeting certain criteria.

Here, the conveyance of the Easement will result in the City, at a minimum, receiving fair market value, because the District has agreed to install certain water infrastructure improvements on Airport property that will benefit the Airport.

The Airport conducted an appraisal in conformance with the guidelines and recommendations set forth in the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Relocation Assistance and Real Property Acquisition Act. It also conforms to the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. The appraisal determined the fair market value of the Easement to be \$3,675, which the District will pay to the Airport upon its execution.

The conveyance of the Easement benefits the City because it will allow the District to create a more robust and reliable water system that serves, in part, much of south Fort Collins. The Airport will benefit by receiving financial compensation.

The Airport Commission considered the conveyance of the Easement at a public meeting and voted to recommend its approval by the City Councils.

CITY FINANCIAL IMPACTS

The Easement does not have a material financial impact to the City but does result in a net benefit to the Airport of \$3,675.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Northern Colorado Regional Airport Commission recommended that the Councils approve the Easement with a 6-0 vote at their January 16, 2025, meeting.

PUBLIC OUTREACH

The item was discussed at one Airport Planning & Development Subcommittee meetings and one Airport Commission meeting, both of which are public meetings.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 016, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-
EXCLUSIVE UTILITY EASEMENT ON PROPERTY JOINTLY
OWNED BY THE CITY OF FORT COLLINS AND THE CITY OF
LOVELAND AT THE NORTHERN COLORADO REGIONAL
AIRPORT TO THE FORT COLLINS-LOVELAND WATER
DISTRICT

A. The City of Fort Collins (“City”) and the City of Loveland (“Loveland”) (collectively, the “Cities”) jointly own property in Loveland (the “Property”) known as the Northern Colorado Regional Airport (the “Airport”).

B. The Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the “IGA”).

C. In 2024, the Cities granted the Fort Collins-Loveland Water District (the “District”) a permanent, non-exclusive easement for installation of one or more domestic waterlines for transmission and distribution of domestic water to serve the terminal (the “2024 Waterline Easement”).

D. In connection with ongoing construction, including the installation of a necessary suction line, and related to the 2024 Waterline Easement, the District has requested a permanent, non-exclusive easement for installation, construction, operation, replacement of one or more domestic waterlines for transmission and distribution of domestic water to serve the terminal (the “2025 Waterline Easement”) over and across that portion of the Airport property legally described and depicted in the Easement Agreement, attached hereto and incorporated herein by this reference as Exhibit “A.”

E. The Cities desire to grant the Easement on the terms and conditions as substantially set forth in the Easement Agreement, which includes fair market value payment of \$3,675 to the Cities from the District, but which also benefits the Airport by serving to provide water service necessary for the terminal.

F. City Code Section 23-111(a) authorizes the City Council to sell, convey, or otherwise dispose of any interest in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interest of 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 City Council hereby finds that the City’s conveyance of the Easement subject to terms and conditions substantially set forth in the Easement

Agreement for less than fair market value serves a bona fide public purpose and is in the best interests of the City as required by City Code Section 23-114 because:

- a. The use to which the Easement will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by facilitating public investment in and improvement of the Airport and the users it serves, and will allow domestic water service for the new public terminal facility currently being constructed;
- b. The use to which the Easement will be put supports one (1) or more of the City Council's goals, adopted policies, projects or plans, including the Airport Master Plan, which was approved by Council;
- c. The financial support provided by the City through the below-market disposition of the Easement will be leveraged with other funding or assistance enabling the construction and operation of the new terminal facility, which the City has partnered with the City of Loveland to complete;
- d. The sale or lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served because it will enable continued development of the new public terminal facility for the benefit of the Cities and the greater public; and
- e. Granting the Easement for fair market value will not interfere with current City projects or work programs, hinder workload schedules, or divert resources for primary City functions or responsibilities and will ultimately benefit the Airport and the Cities.

Section 2. The City Council hereby authorizes the Mayor to execute the Easement Agreement substantially in the form attached hereto as Exhibit "A" with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City of Fort Collins or to effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on February 4, 2025, and approved on second reading for final passage on the February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 28, 2025
Approving Attorney: Dianne Criswell

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2025, by and between the City of Fort Collins, Colorado, a municipal corporation, and the City of Loveland, Colorado, a municipal corporation, hereinafter referred to jointly as “the Grantors”, and Fort Collins-Loveland Water District, a Political Subdivision of the State of Colorado, hereinafter referred to as “the District”.

WHEREAS, Grantors jointly own and operate the Northern Colorado Regional Airport (the “Airport”) located in Loveland, Colorado, on a parcel of property legally described in “Exhibit A” attached hereto and incorporated herein (hereinafter the “Grantors’ Property”); and

WHEREAS, the Grantors previously granted an easement for a regional waterline under and through Grantors’ Property through an Easement Agreement dated February 16, 2024 (the “Waterline Easement”); and

WHEREAS, the Easement granted herein relates to the Waterline Easement and is necessary to connect a suction line to the regional waterline installed in the area of the Waterline Easement.

WITNESSETH:

For and in consideration of the mutual promises and covenants herein contained and the sum of three thousand six hundred fifty-four Dollars (\$3,654.00) and other good and valuable consideration, the receipt and adequacy of which is hereby confessed and acknowledged, the Grantors have granted and conveyed and by these presents does grant and convey unto the District, its successors and assigns, a permanent non-exclusive easement for the installation, construction, maintenance, inspection, operation, replacement, or removal of one (1) or more domestic waterlines for the transmission and distribution of domestic water, and all underground and surface appurtenances thereto, including metering stations and other fixtures (collectively, the “Facilities”), in, over, across, and upon that portion of the Grantors’ Property described and depicted below (the “Easement Area”):

See “Exhibit B” – Legal Description of Easement Area
See “Exhibit C” – Easement Area Depiction

In addition to the foregoing grant of Easement by the Grantors to the District, the Grantors further grant and convey to the District the following rights and privileges:

A. The right to grade the Easement for the full width thereof in such manner as the District may reasonably determine to be necessary or advisable.

B. The right to support pipelines located within the Easement across ravines and watercourses with such structures as the District shall reasonably determine to be necessary or advisable.

C. Subject to Airport security requirements and prior written consent of Airport staff which shall not be unreasonably withheld, the right of ingress and egress to and from the Easement by means of existing roads (whether public or private) located on the Grantors’ Property, if any, or in the absence of such roads, by such other routes as the District shall determine to be reasonably necessary taking into consideration the minimization of damage to the Grantor’s Property. For purposes of this Agreement, the term “Airport staff” shall mean the individual(s) designated and authorized by Grantors to make the decisions and take the actions described and directed herein. The District may rely on the information and direction given by Airport staff pursuant to this Agreement and shall have no obligation to verify that any particular individual has been duly authorized by the Grantors to provide such information and/or direction.

D. The right to grade, construct, maintain, and use any access roads upon the Grantor’s Property within the Easement Area for such purposes of initial construction and ongoing maintenance with prior written consent of Airport staff in the exercise of its right of ingress and egress to and from the Easement. For any construction or alteration on the Easement or Grantors’ Property, the District will be required to complete and submit the Federal Aviation Administration a Form 7460-1 “Notice of Proposed Construction or Alteration.”

F. To mark the location of the Easement Area and/or the waterline with markers set in the ground provided that any such markers remaining after the period of construction of the domestic waterline and

appurtenances shall be placed in locations which will minimize interference with any reasonable use of the Easement Area by the Grantors.

G. For all of the District's access needs to the Easement Area or any other portion of Grantors' Property, such access is subject to the prior written consent of Airport staff pursuant to the Airport's security requirements and other applicable laws, plans, policies, and rules and regulations. It is the parties' intent to provide the District with as much access as possible to the Easement Area while complying with the various rules and regulations associated with operating the Airport.

H. All other rights necessary and incident to the full and complete use and enjoyment of the Easement for the purposes herein granted.

I. Other public utilities, such as sanitary sewer, storm sewer, gas, electric, and cable lines may be installed in the Easement Area as long as they do not interfere with the District's rights hereunder and meet the District's requirements for separation and crossing of utilities.

The Grantor hereby covenants and agrees to and with the District, its successors and assigns that:

A. Except as otherwise provided in subparagraph A, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall not erect or place any permanent building, structure, improvement, fence, tree, or other landscaping on the Easement Area, excluding the installation of permanent paved surfaces, including but not limited to roadways and taxiways needed for Airport purposes over the Easement Area by the Grantors. In the event of the placement of such obstacles within the Easement Area contrary to the provisions of this subparagraph A, the District shall have the right to require the Grantors to remove such disallowed obstacles from the Easement Area and, in the event the Grantors fail to do so upon request, the District may remove such obstacles at the Grantors' expense and without any liability for repair or replacement thereof. Notwithstanding the foregoing, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall have the right, without the consent of the District, to plant grasses and other groundcover and small shrubs upon the Easement Area which are usual and customary for the full use and enjoyment of the Grantors' Property. However, the District shall be responsible at its sole cost and expense for repair or replacement of any permanent paved surfaces and associated landscaping damaged or removed by the District.

B. The Grantors do hereby covenant and agree to and with the District that the Grantors are lawfully seized of the Easement Area and the Grantors' Property, and that the Grantors has a good and lawful right to convey the Easement Area to the District and that the Grantors warrant the title thereto.

C. The District shall have the right of subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and undisturbed enjoyment of the rights described in this Agreement. The Grantors shall take no action that would impair the earth cover over, or the lateral or subjacent support for, any of the Facilities within the Easement Area.

The District does hereby covenant and agree to and with the Grantors as follows:

A. The District shall not fence or otherwise enclose the Easement Area, except during periods of construction and repair.

B. All trenches and excavations made in the laying or repairing of the domestic waterline shall be properly backfilled and as much of the original surface soil as reasonably possible shall be placed on top. All large gravel, stones, and clods will be removed from the finished backfill. The District will finish the backfill after normal settling of the soil so that the use and enjoyment of said Easement by the Grantors shall be suitable for the purpose now used. The District will maintain the trench area and the domestic waterline.

C. The District may not use the Easement Area of any of Grantors' Property for any purpose other than to transport, serve and distribute potable water. If the Easement Area is used by the District for any purpose other than stated herein, the Easement may be terminated at the Grantors' sole discretion and all of the right, title and interest of District (and District's successors or assigns) in and to the Easement become null and void, and the Easement shall absolutely revert to and revest in Grantors as fully and completely as if this instrument had not been executed, without the necessity for suit or re-entry and District shall remove improvements. No act or omission on the part of any beneficiary of this paragraph shall be a waiver of the operation or enforcement of this paragraph.

D. Grantors reserve the right to use the Easement Area and Grantors' Property for any purposes that will not interfere with District's full enjoyment of the rights granted herein.

F. To the extent allowed by law, District agrees to indemnify and hold harmless the Grantors, their officers, employees, and agents, from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with District's use of the Easement Area, if such injury, loss, or

damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the District or any officer, employee, agent, or contractor of the District, or any other person for whom the District is responsible. The District shall notify Grantors and provide a copy of any and all written claims or demands within two business days of receipt. The District's indemnification obligation shall not be construed to extend to any injury, loss, or damage caused by the negligent act or omission of the Grantors.

Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed to the then-current email address for the addressee, or three days after being sent by certified mail, return receipt requested:

If to Grantors:

City of Fort Collins
Attn: City Manager
City Hall West
300 LaPorte Avenue
Fort Collins, CO 80521

With a copy to:

City Attorney
City of Fort Collins
City Hall West
300 LaPorte Avenue
Fort Collins, CO 8 0521

City of Loveland
Attn: City Manager
500 E. Third Street
Loveland, CO 80537

With a copy to:

City Attorney
City of Loveland
500 E. Third Street
Loveland, CO 80537

If to District:

District Engineer
Fort Collins-Loveland Water District
5150 Snead Drive
Fort Collins, CO 80525

It is mutually agreed between the parties hereto that:

A. Except to the extent that such rights may be inconsistent with or interfere with the rights and privileges herein granted to the District, the Grantors shall retain the right to use and enjoy the Easement Area.

B. The benefit and burdens of this Agreement shall inure to and be binding upon the respective heirs, personal representatives, successors, or assigns of the parties hereto.

C. Whenever used herein, the singular shall include the plural and the plural the singular and the use of any gender shall apply to all genders.

D. This Easement is and shall be subordinate to the provisions of existing and future agreements between the Grantors and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the obtaining or expenditure of federal funds for the benefit of the Airport. Grantors shall give the District adequate written notice of any future agreements that may impair any grant contained in this Agreement.

E. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Easement. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

F. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement. Facsimile, scanned and other electronic signatures permitted by law, for purposes of this Agreement, shall be deemed as original signatures.

G. This Agreement shall be recorded in the real property records of the Clerk and Recorder of Larimer County, Colorado.

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

GRANTORS:

City of Fort Collins, Colorado
A municipal corporation,

By: _____
Jeni Arndt, Mayor

ATTEST:

City Clerk Date

APPROVED AS TO FORM:

Senior Assistant City Attorney

City of Loveland, Colorado
A municipal corporation,

By: _____
Jim Thompson, City Manager

ATTEST:

City Clerk Date

APPROVED AS TO FORM:

Deputy City Attorney

GRANTEE:

FORT COLLINS LOVELAND – WATER DISTRICT,
a Political Subdivision of the State of Colorado

By: _____
District Engineer

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this __ day of _____, 20__ by
_____.

Witness my hand and official seal.

My Commission Expires:

Notary Public

EXHIBIT "A"**EASEMENT DESCRIPTION****PARCEL ONE**

Being a portion of Tract B of Barnstorm Second Addition to the City of Loveland, Colorado, as recorded August 12, 1986 at Reception No. 86044345 in the Larimer County Clerk and Recorder's Office, located in Section 28, Township 6 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Section 28, as monumented by a 3/4" rebar with 2-1/2" aluminum cap, LS29407, 2009, which bears North 00° 05' 42" East, a distance of 2692.36 feet from the West Quarter Corner of said Section 28, as monumented by a 2-1/2" aluminum cap on 3/4" rebar, LS5028, 2005, with all bearings herein relative thereto;

Thence South 61°32'42" East a distance of 115.95 feet to a point on the Southerly Right-of-Way of East Larimer County Road 30 as recorded at Reception No. 86044332 in the Larimer County Clerk and Recorder's Office, the POINT OF BEGINNING;

Thence continuing on said southerly right-of-way, South 87°05'27" East a distance of 30.01 feet, parallel with and 50.00 feet south of the North line of said Section 28;

Thence departing said Southerly Right-of-Way, South 04°38'20" West a distance of 32.99 feet;

Thence South 27°37'02" West a distance of 68.65 feet to the North line of that easement to Fort Collins-Loveland Water District recorded at Reception No. 20240018146 in the Larimer County Clerk and Recorder's Office;

Thence along said North line, North 87°05'52" West a distance of 27.71 feet to the Northwest corner of said easement to Fort Collins-Loveland Water District;

Thence departing said North line, North 00°05'42" East a distance of 10.45 feet, parallel with and 70.00 feet east of the West line of said Section 28;

Thence North 27°37'02" East a distance of 64.86 feet;

Thence North 04°38'20" East a distance of 25.99 to the POINT OF BEGINNING.

The above-described parcel contains 3,032 square feet or 0.0696 acres, more or less, and is subject to any rights-of-way or other easements of record now existing on said described parcel of land.

Basis of Bearings: The West line of the Northwest Quarter of Section 28, Township 6 North, Range 68 West, of the 6th/ Principal Meridian bears North 00°05'42" East 2692.36 feet from the West Quarter Corner, being marked by a 2 1/2" Aluminum Cap on 3/4" rebar, LS5028, 2005, to the Northwest Corner, being marked by a 3/4" rebar with 3 1/4" Aluminum Cap, LS29407, 2009, based upon G.P.S. observations and modified Colorado North Zone State Plane Coordinates with a combined scale factor of 1.00027973, with all bearings herein relative thereto.

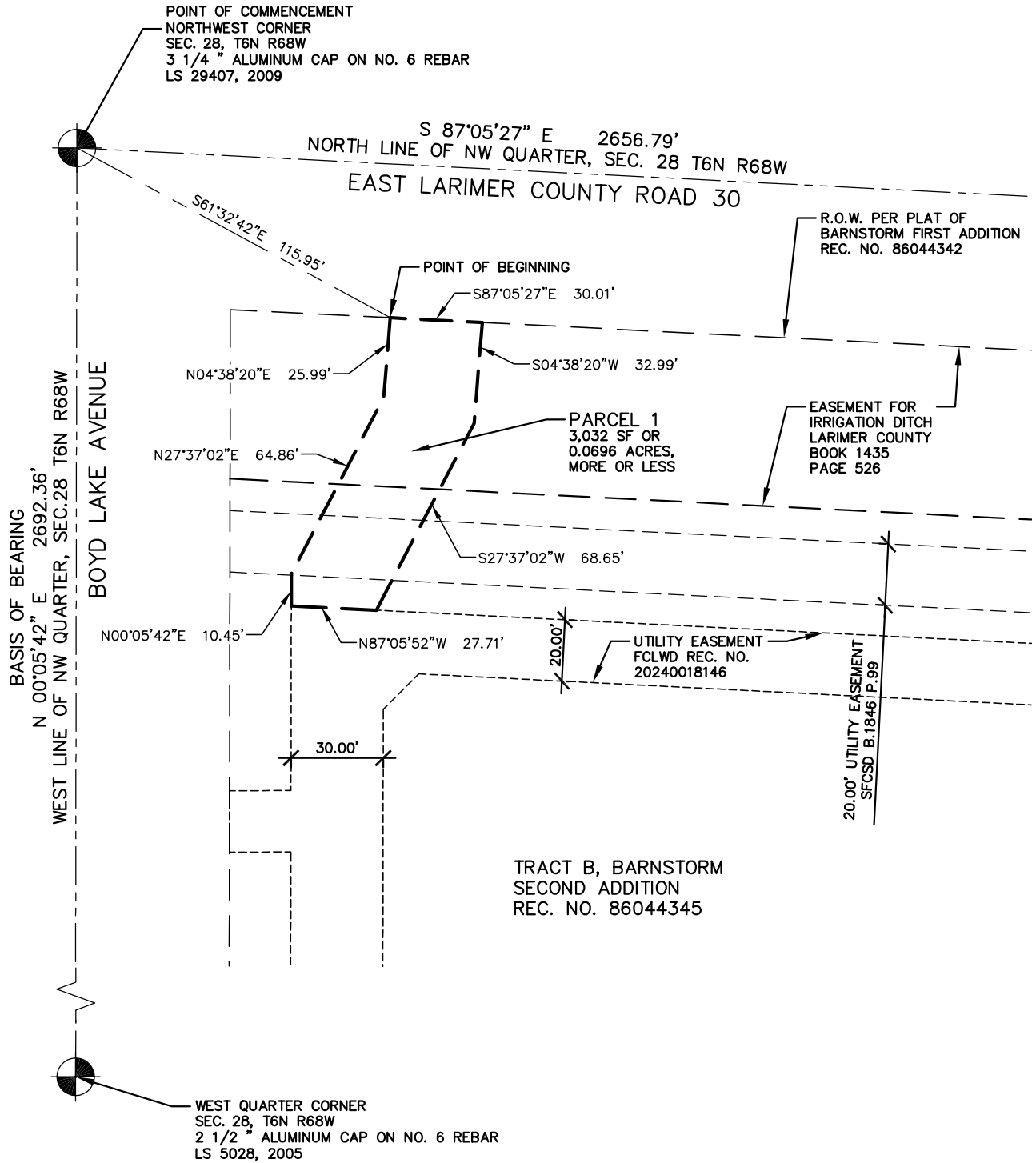
SURVEYOR'S CERTIFICATION STATEMENT

I, Peter E. Paulus, a Professional Licensed Land Surveyor in the State of Colorado, do hereby certify that this Property Description was prepared by me or under my direct personal supervision and that it is correct based upon my knowledge, information, and belief.



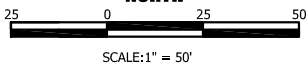
EXHIBIT A-1

EASEMENT MAP PARCEL ONE



NOTE: THIS EXHIBIT DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERSEDES THE EXHIBIT DRAWING.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (13-80-105 C.R.S. 2012)



File Attachments for Item:

8. First Reading of Ordinance No. 018, 2025, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.

The purpose of this item is to request an appropriation of \$88,371.82 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.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 018, 2025, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of \$88,371.82 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.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on 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 totaling \$88,371.82 to support various departments, and these funds are currently unappropriated. 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.

This item requests an appropriation of \$88,371.82 in philanthropic revenue received by City Give as follows:

- A gift of \$25,000 in 2025 from OtterCares Foundation was awarded to NextGenServe, Volunteer Services;
- A gift of \$40,000 in 2024 from the estate of Patricia Berhost designated for the Pottery Studio, Recreation; and

- Gifts totaling \$23,371.82 in 2024 which were received for various programs and services, including gifts for Conflict Transformation, Forestry, Parks, Payment Assistance Fund, The Farm at Martinez Park, including a gift of \$4,378.82 for Fort Collins Police Services from Murdoch’s Ranch & Home Supply.

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

Upon adoption, this Ordinance will appropriate in the current fiscal year into the City’s Benefits, Cultural Services and Facilities, General, Golf and Recreation Funds new philanthropic revenue received by City Give in the amount of \$88,371.82 and authorize expenditures against those revenues for the purposes and in the amounts as directed by donors to support various programs and services.

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

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 018, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND
UNANTICIPATED PHILANTHROPIC REVENUE RECEIVED BY
CITY GIVE FOR VARIOUS PROGRAMS AND SERVICES AS
DESIGNATED BY THE DONORS

A. The City has received generous donations in 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 throughout the city, including, but not limited to, volunteer services, cultural and arts, parks and recreation police services, conflict transformation, and forestry.

C. 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.

D. The City Manager has recommended the appropriation described in Section 1 of this Ordinance and determined that the funds to be appropriated in that Section are available and previously unappropriated from the relevant Fund and that these appropriations will not cause the total amount appropriated in the any referenced Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in such Fund during this fiscal year.

E. 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.

F. The City Manager recommended the appropriation described in Section 2 of this Ordinance and determined that the funds to be appropriated in Section 2 are available and previously unappropriated from the General Fund and that the appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in the General Fund during this fiscal year.

G. 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.

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 held in prior year reserves to be expended as designate by the donors in support of the various City programs and services as described in The Agenda Item Summary.

Benefits Fund	\$ 2,000
Cultural Services and Facilities Fund	\$ 200
General Fund	\$ 19,082
Golf Fund	\$ 90
Recreation Fund	\$ 42,000

Section 2. There is hereby appropriated from the following fund the stated amount of philanthropic revenue received in 2025 to be expended as designated by the donor in support of the NextGenServe, Volunteer Services Program, as described in the Agenda Item Summary.

General Fund	\$ 25,000
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Section 3. The appropriations herein of various donations 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 relevant donation or the City's expenditure of all funds received from such or donation.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

9. First Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor.

The purpose of this item is to request an appropriation of \$450,000 in philanthropic revenue received by City Give from the Woodward Charitable Trust per the donor's designated purpose.

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.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of \$450,000 in philanthropic revenue received by City Give from the Woodward Charitable Trust per the donor's designated purpose.

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.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on 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.

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.

This item requests an appropriation of \$450,000 in philanthropic revenue received from Woodward Charitable Trust into an established fund within the City and for expenditure authority against that amount for the designated repurposing of the currently unused jail space into a co-working environment for the newly established Mental Health Response Team (MHRT). This space, designed to foster collaboration, will serve as the operational hub for three officer-clinician teams comprised of licensed professional counselors and clinicians, addiction counselors,

The Mental Health Co-Responder Program was designed to achieve two essential objectives: 1) to connect families and individuals in crisis with the appropriate community services they need, and 2) to improve the safety of both these individuals and the officers who respond to them. With an opportunity to foster

collaboration among teams from diverse specialties, departments, and agencies, we can significantly enhance their effectiveness and broaden their impact in our community.

This gift will underwrite the design and remodel of the entire lower level of the Timberline station to create ten workspaces plus two offices. The renovated space will not only house the MHRT unit but also create options to include other community-based units such as the dedicated homelessness response team.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the General Fund new philanthropic revenue received by City Give in the amount of \$450,000 and authorize expenditures against those revenues for the purpose of renovating City property to build out a co-working environment for the newly established Mental Health Response Team (MHRT). These revenues have been received and accepted per the City Give Policies.

The City Manager has also determined that these appropriations are 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 revenue during fiscal year 2025.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 019, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED BY CITY GIVE FOR FORT COLLINS
PUBLIC SAFETY SERVICES AS DESIGNATED BY THE DONOR

A. The Woodward Charitable Trust has generously donated \$450,000 to support City programs and services relating to public safety and mental health.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the newly established Mental Health Response Team (MHRT), which was formed to improve the safety of individuals experiencing mental health and addiction crises and responding police officers, as well as connecting individuals and their families with appropriate community services.

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. 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.

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 there is hereby appropriated from prior year reserves in the General Fund the sum of FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) to be expended in the General Fund for the Woodward Charitable Trust for the designated repurposing of the currently unused jail space into a co-working environment for the newly established MHRT.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

10. First Reading of Ordinance No. 020, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Immigration Legal Fund, Neighborhood Services as Designated by the Donor.

The purpose of this item is to request an appropriation of \$100,000 in philanthropic revenue received by City Give from the Colorado Health Foundation for the designated purpose of the Immigration Legal Fund.

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.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

First Reading of Ordinance No. 020, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Immigration Legal Fund, Neighborhood Services as Designated by the Donor.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of \$100,000 in philanthropic revenue received by City Give from the Colorado Health Foundation for the designated purpose of the Immigration Legal Fund.

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.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on 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.

Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by 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.

This item requests an appropriation of \$100,000 in philanthropic revenue received from the Colorado Health Foundation into an established fund within the City and for expenditure authority against that amount for the purposes set forth in that fund. The Colorado Health Foundation invests in programs, services, and policies that promote health equity and racial justice across our state.

In 2021, Council authorized creating the Municipal Immigration Legal Defense Fund by approving Ordinance No. 064, 2021, to establish a pilot program to provide necessary and important public services. Continued funding for the program (the "Program") has been approved in the 2025 and 2026 City budget. The Program is administered in the City by Sustainability Services appropriations support services related

to Fort Collins residents' immigration issues, including, but not limited to, the following: pursuing a pathway to citizenship or permanent residency, legal representation, education and outreach, and legal clinics.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the Municipal Immigration Legal Defense Fund new philanthropic revenue received by City Give in the amount of \$100,000 and authorize expenditures against those revenues for purposes of the Program. These revenues have been received and accepted per the 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

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 020, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED BY CITY GIVE FOR IMMIGRATION
LEGAL FUND, NEIGHBORHOOD SERVICES AS DESIGNATED
BY THE DONOR

A. The Colorado Health Foundation has generously donated \$100,000 to support City programs and services relating to legal representation, education and outreach, and legal clinics for City residents' immigration issues.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the necessary programs and services for which the Immigration Legal Fund was established.

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. 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.

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 there is hereby appropriated from new philanthropic revenue in the General Fund the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) to be expended in the General Fund for Immigration Legal Fund.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

11. First Reading of Ordinance No. 021, 2025, Appropriating Prior Year Reserves of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (Project). The funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane. If approved, this item will 1) appropriate \$20,000 received in 2018 as a development contribution to construction by an adjacent development and 2) appropriate \$200 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Florian Fiebig, Project Manager
Dana Hornkohl, Capital Projects Manager
Cortney Geary, Active Modes Manager

SUBJECT

First Reading of Ordinance No. 021, 2025, Appropriating Prior Year Reserves of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (Project). The funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane. If approved, this item will 1) appropriate \$20,000 received in 2018 as a development contribution to construction by an adjacent development and 2) appropriate \$200 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Active Modes Plan recommends bicycle and pedestrian improvements at locations where these improvements could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities. FC Moves and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact. The City applied for Highway Safety Improvement Program (HSIP) grant funds to make improvements at these locations, two in 2022 and three in 2023. The work includes a mix of improvements including a Pedestrian Hybrid Beacon (PHB), infrastructure intended to address Americans with Disabilities Act (ADA) requirements, a full signal, and Rectangular Rapid Flashing Beacons (RRFBs). The locations and proposed improvements are listed below, and a vicinity map is included in these materials (Attachment 2).

Location	Improvements
West Prospect Road & Prospect Lane	PHB
East Mulberry Street & Remington Street	ADA Improvements in conjunction with the full signal
Sharp Point Drive and March Court	RRFB
Lake Street and Aggie Trail	RRFB East of Lake Street and Shields Street
Kechter Road and Old Mill Road	RRFB

In 2018, The Standard at Fort Collins, LLC entered into a Development Agreement (DA) with the City (Attachment 3). The DA laid out the requirements and conditions for the development of The Standard at Fort Collins property on West Prospect Road. Section II.D.3 of the DA contemplated construction of a pedestrian signal across Prospect Road near the proposed development and obligated the development to contribute \$20,000 to the City for the design and construction of this improvement. The City collected the development contribution to construction. This payment is proposed to be appropriated to the Project, which will construct the pedestrian signal improvement contemplated by the DA.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Pedestrian Intersection Improvements project.

Prior Appropriated Funds	
Highway Safety Improvement Program (HSIP) Funds	\$ 1,250,326
Community Capital Improvement Program (CCIP) Bicycle Program (previously appropriated)	\$ 88,925
Transportation Services Funds (previously appropriated)	\$ 50,500
Total Prior Appropriation	\$ 1,389,751

Funds to be Appropriated per this Action	
Development Contribution to Construction	\$ 20,000
Total Funds to be Appropriated per this Action	\$ 20,000
Transfer to Art in Public Places	\$ 200
Total Project Funds	\$ 1,409,751

The total fund amount projected for this Project is \$1,409,751 composed of prior appropriated funds and funds appropriated with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Project locations were identified as part of the Active Modes Plan adopted by Council in December 2022. The adoption of the Active Modes Plan involved outreach and presentations to Air Quality Advisory Board, Bicycle Advisory Committee, Dial-A-Ride Transit Advisory Committee, Disability Advisory Board, Downtown Development Authority, Land Conservation and Stewardship Board, Natural Resources Advisory Board, Parks and Recreation Board, Planning and Zoning Commission, Senior Advisory Board, Transportation Board, and Youth Advisory Board.

PUBLIC OUTREACH

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

ATTACHMENTS

1. Ordinance for Consideration
2. Project Vicinity Map
3. Development Agreement

ORDINANCE NO. 021, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT AND
RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (the “Project”). These funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane.

B. The Active Modes Plan that the City adopted in 2022 recommends bicycle and pedestrian improvements at locations where these improvements could reduce vehicular-pedestrian and vehicle-cyclist crashes. The Project has been developed to install a mix of improvements including signal beacons and Americans with Disabilities Act infrastructure to improve pedestrian and bicycle safety. The evaluation, design, and installation of the Project is explained in additional detail in Ordinance No. 132, 2024, and Resolution 2024-111.

C. In 2018, The Standard at Fort Collins, LLC, entered into a development agreement with the City, which described the requirements and conditions for the development of The Standard at Fort Collins property on West Prospect Road. The Development Agreement contemplated construction of a pedestrian signal across Prospect Road near the proposed development and obligated the developer to contribute \$20,000 to the City for the design and construction of this improvement. The contribution was a payment-lieu-of not having constructed the adequate public facilities under Transitional Land Use Regulations Sections 3.6.4(B) and 3.7.3(D)(1)(b).

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 appropriation described herein and determined that the funds for this appropriation are available and previously unappropriated from the Transportation Capital Expansion Fee fund and that this appropriation will not cause the total amount appropriated in 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.

F. 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.

G. The City Manager has recommended the transfer of \$20,000 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

H. 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.

I. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

J. This Project involves construction that is 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.

K. The Project cost of \$20,000 has been used to calculate the contribution to the APP program.

L. The amount to be contributed by this Ordinance will be \$200.

M. 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. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of TWENTY THOUSAND DOLLARS: (\$20,000) to be expended in the Transportation Capital Expansion Fee fund for Transfer to the Capital Projects fund for the Pedestrian Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIFTY-SIX DOLLARS: (\$156) 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 FORTY DOLLARS: (\$40) 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 FOUR DOLLARS: (\$4) 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 Pedestrian Intersection Improvements 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 capital project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

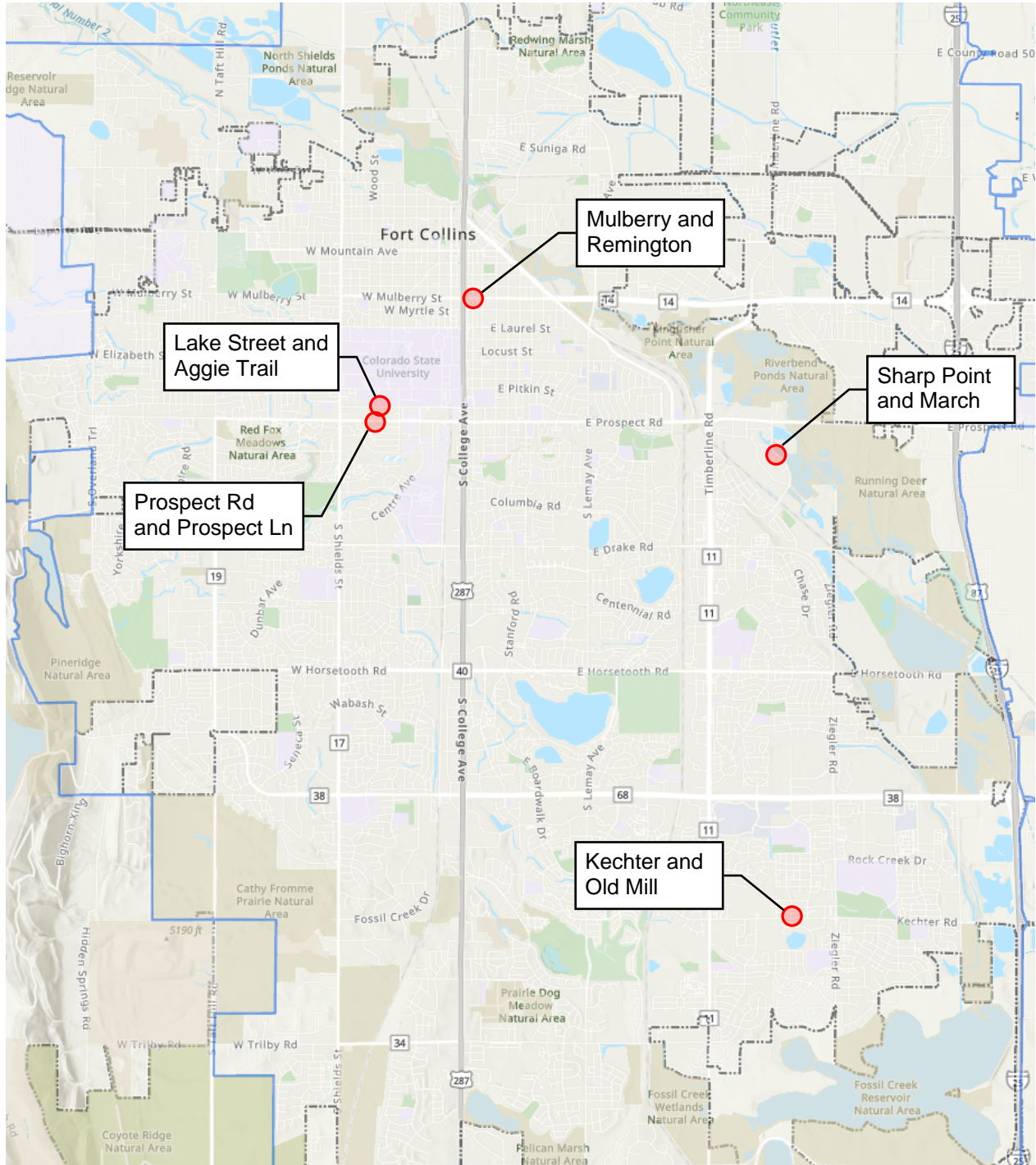
Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis

HSIP IGA 2 - Pedestrian Safety Improvements Project Locations



RECEPTION #20180031981, 5/29/2018 3:58:38 PM,
1 of 37, \$193.00
Angela Myers, Clerk & Recorder, Larimer County, CO

**DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FORT COLLINS; AND
THE STANDARD AT FORT COLLINS, LLC,
AND RIDGE GATE PARTNERS, LLC**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this 22ND day of MAY 2018, by and between the CITY OF FORT COLLINS, COLORADO, a Municipal Corporation, hereinafter referred to as the "City"; THE STANDARD AT FORT COLLINS, LLC, a Delaware limited liability company, hereinafter referred to as the "Developer"; and RIDGE GATE PARTNERS, LLC, a Nevada limited liability company, hereinafter referred to as the "Owner."

WITNESSETH:

WHEREAS, the Developer is the owner of a portion of certain real property situated in the County of Larimer, State of Colorado, (hereafter sometimes referred to as the "Property" or "Development") and legally described as follows:

Standard at Fort Collins, a portion thereof being a replat of Lots 5, 6, and 19, and portions of Lots 4, 7, 16, 17, 18 and 20, Block 2, College Heights, a Subdivision Plat, located in the Southwest Quarter of Section 14, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado.

WHEREAS, the Developer has entered into an agreement with Ridge Gate Partners, LLC, to acquire a long-term ground lease interest in and to a portion of the Property; and

WHEREAS, the Developer desires to develop the Property and has submitted to the City all plats, plans (including utility plans), reports and other documents required for the approval of a final plan according to the City's development application submittal requirements master list (the "Final Development Plan Documents") copies of which are on file in the office of the City Engineer and made a part hereof by reference; and

WHEREAS, the parties hereto have agreed that the development of the Property will require increased municipal services from the City in order to serve such area and will further require the installation of certain improvements primarily of benefit to the Property and not to the City of Fort Collins as a whole; and

WHEREAS, the City has approved the Final Development Plan Documents submitted by the Developer, subject to certain requirements and conditions, which involve the installation of and construction of utilities and other municipal improvements in connection with the development of the Property.

NOW, THEREFORE, in consideration of the promises of the parties hereto and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, it is agreed as follows:

I. General Conditions

A. The Recitals set forth above are hereby incorporated in and made a part of this Agreement by this reference.

B. The terms of this Agreement shall govern all development activities of the Developer pertaining to the Property. For the purposes of this Agreement, "development activities" shall include, but not be limited to, the following: (1) the actual construction of improvements, (2) obtaining a permit therefor, or (3) any change in grade, contour or appearance of the Property caused by, or on behalf of, the Developer with the intent to construct improvements thereon.

C. All water lines, sanitary sewer collection lines, storm sewer lines and facilities, streets, curbs, gutters, sidewalks, and bikepaths shall be installed as shown on the Final Development Plan Documents and in full compliance with the standards and specifications of the City on file in the office of the City Engineer at the time of approval of the utility plans relating to the specific utility, subject to a three (3) year time limitation from the date of approval of the site specific development plan. In the event that the Developer commences or performs any construction pursuant hereto after the passage of three (3) years from the date of approval of the site specific development plan, the Developer shall resubmit the utility plans to the City Engineer for reexamination. The City may then require the Developer to comply with the approved standards and specifications of the City on file in the office of the City Engineer at the time of the resubmittal.

D. No building permit for the construction of any structure within the Property shall be issued by the City until the public water lines and stubs to each lot, fire hydrants, electrical lines, sanitary sewer lines and stubs to each lot, and public streets (including curb, gutter, sidewalk, and pavement with at least the base course completed) serving such structure have been completed and accepted by the City. No building permits shall be issued for any structure located in excess of six hundred and sixty feet (660') from a single point of access, unless the structures contain sprinkler systems that are approved by the Poudre Fire Authority.

E. Any water lines, sanitary sewer lines, storm drainage lines, electrical lines, and/or streets described on Exhibit A, attached hereto and incorporated herein by

reference, shall be installed within the time and/or sequence required on Exhibit A. If the City Engineer has determined that any water lines, sanitary sewer lines, storm drainage facilities and/or streets are required to provide service or access to other areas of the City, those facilities shall be shown on the Final Development Plan Documents and shall be installed by the Developer within the time as established under "Special Conditions" in this Agreement.

F. Except as otherwise herein specifically agreed, the Developer agrees to install and pay for all water, sanitary sewer, and storm drainage facilities and appurtenances, and all streets, curbs, gutters, sidewalks, bikeways and other public improvements required by this Development as shown on the Final Development Plan Documents.

G. Street improvements shall not be installed until all utility lines to be placed therein have been completely installed, including all individual lot service lines (water and sewer) leading in and from the main to the property line and all electrical lines.

H. The installation of all utilities shown on the Final Development Plan Documents shall be inspected by the Engineering Department of the City and shall be subject to such department's approval. The Developer agrees to correct any deficiencies in such installations in order to meet the requirements of the plans and/or specifications applicable to such installation. In case of conflict, the Final Development Plan Documents shall supersede the standard specifications, except that if the conflicts are a result of Federal or State mandated requirements, then the Federal or State mandated requirements shall prevail.

I. Unless authorized by the City pursuant to law the public right-of-way shall not be used for staging or storage of materials or equipment ("Staging") associated with the Development, nor shall it be used for parking by any contractors, subcontractors, or other personnel working for or hired by the Developer to construct the Development. The Developer shall find a location(s) on private property to accommodate any necessary Staging and/or parking needs associated with the completion of the Development. Information on the location(s) of these areas shall be provided to the City as a part of the Development Construction Permit application.

J. All storm drainage facilities shall be designed and constructed by the Developer so as to protect downstream and adjacent properties against injury and to adequately serve the Property (and other lands as may be required, if any). The Developer shall meet or exceed the minimum requirements for storm drainage facilities as have been established by the City in its Drainage Master Plans and Design Criteria. The Developer, for itself and its successor(s) in interest, does hereby indemnify and hold harmless the City from any and all claims that might arise, directly or indirectly, as a result of the discharge of injurious storm drainage or seepage waters from the Property in a manner or quantity different from that which was historically discharged and caused by the design or construction of the storm drainage facilities, except for (1) such claims and damages as are caused by the acts or omissions of the City in

maintenance of such facilities as have been accepted by the City for maintenance; (2) errors, if any, in the general concept of the City's master plans (but not to include any details of such plans, which details shall be the responsibility of the Developer); and (3) specific written or otherwise documented directives that may be given to the Developer by the City. No language in this Paragraph shall be construed or interpreted as establishing in any way the City's liability for any act or omission and the terms of this Paragraph solely relate to the Developer's obligation to indemnify and hold harmless the City. The City agrees to give notice to the Developer of any claim made against it to which this indemnity and hold harmless agreement by the Developer could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give notice of any such claim to the Developer within ninety (90) days after the City first receives a notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause this indemnity and hold harmless agreement by the Developer to not apply to such claim and such failure shall constitute a release of this indemnity and hold harmless agreement as to such claim. Approval of and acceptance by the City of any storm drainage facility design or construction shall in no manner be deemed to constitute a waiver or relinquishment by the City of the aforesaid indemnification. The Developer shall engage a Colorado licensed professional engineer to design the storm drainage facilities as aforesaid and it is expressly affirmed hereby that such engagement shall be intended for the benefit of the City, and subsequent purchasers of property in the Development.

K. The Developer shall pay the applicable "stormwater plant investment fee" in accordance with Chapter 26, Article VII of the Code of the City of Fort Collins (the "City Code"). This fee is included with building permit fees and shall be paid prior to the issuance of each building permit.

L. The Developer shall provide the City Engineer with certified Record Plan Transparencies on Black Image Diazo Reverse Mylars upon completion of construction. Progress prints for each phase of utility installation may be provided to the City in paper format. Utilities will not be initially accepted prior to as-built drawings being submitted to and approved by the City of Fort Collins.

M. The Developer specifically represents that to its actual knowledge all property dedicated (both in fee simple and as easements) to the City associated with this Development (whether on or off-site) is in compliance with all environmental protection and anti-pollution laws, rules, regulations, orders or requirements, including solid waste requirements, as defined by the U. S. Environmental Protection Agency Regulations at 40 C.F.R., Part 261, and that such property as is dedicated to the City pursuant to this Development, is in compliance with all such requirements pertaining to the disposal or existence in or on such dedicated property of any hazardous substances, pollutants or contaminants, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, and regulations promulgated thereunder. The Developer, for itself and its successor(s) in interest, does hereby indemnify and hold harmless the City from any liability whatsoever that may be imposed

upon the City by any governmental authority or any third party, pertaining to the disposal of hazardous substances, pollutants or contaminants, and cleanup necessitated by leaking underground storage tanks, excavation and/or backfill of hazardous substances, pollutants or contaminants, or environmental cleanup responsibilities of any nature whatsoever on, of, or related to any property dedicated to the City in connection with this Development, provided that such damages or liability are not caused by circumstances arising entirely after the date of acceptance by the City of the public improvements constructed on the dedicated property, except to the extent that such circumstances are the result of acts or omissions of the Developer. Said indemnification shall not extend to claims, actions or other liability arising as a result of any hazardous substance, pollutant or contaminant generated or deposited by the City, its agents or representatives, upon the property dedicated to the City in connection with this Development. The City agrees to give written notice to the Developer of any claim made against it to which this indemnity and hold harmless agreement by the Developer could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided the Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give written notice of any such claim to the Developer within ninety (90) days after the City first receives a notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause this indemnity and hold harmless agreement by the Developer to not apply to such claim and such failure shall constitute a release of this indemnity and hold harmless agreement as to such claim.

N. The Developer acknowledges and agrees that the City, as the owner of any adjacent property (the "City Property") on which off-site improvements may be constructed, or that may be damaged by the Developer's activities hereunder, expressly retains (and does not by this Agreement waive) its rights as property owner. The City's rights as owner of the City Property may include without limitation those rights associated with the protection of the City Property from damage, and/or the enforcement of restrictions, limitations and requirements associated with activities on the City Property by the Developer as an easement recipient.

O. If the Developer or Contractor or any agent or representative thereof causes damage to any public infrastructure (including without limitation, any surface pavers, flagstones, or other stone or concrete surfaces, planters, street and decorative lights, or canopies) such damage shall be promptly repaired with the same kind, quality, color, serviceability and material composition aspects as was possessed by the infrastructure damaged, unless otherwise expressly agreed to by the City in writing. Paver repair and replacement in Downtown alleys shall comply with the City's specific requirements for pavers.

II. Special Conditions

A. Water Lines

1. The Development includes a private domestic water main system that is to be owned and maintained in its entirety by the Developer. The transition locations from the public system to the private system are specified in the Final Development Plan Documents. The Developer shall at all times maintain the private system in good operating condition and comply with all laws and standards applicable to the private system. The City shall under no circumstances be responsible for any costs, maintenance or otherwise, associated with the private water main and any associated service.

2. The private domestic water main system provides fire suppression. The Developer shall provide ongoing maintenance in perpetuity of the private fire line and fire hydrant in a manner that ensures that an adequate water supply is available at all times for fire suppression activities. Standard operating procedures for the Developer's ongoing maintenance responsibilities required by the Poudre Fire Authority have been identified in Exhibit B of this Agreement, attached hereto and incorporated herein by reference. The City shall not be responsible for, and the Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City and the Poudre Fire Authority against any claim of damages arising from the Developer's failure to adequately maintain in perpetuity the fire water line and fire hydrant services throughout the Development.

B. Sewer Lines

Not Applicable

C. Storm Drainage Lines and Appurtenances

1. The Developer agrees to provide and maintain erosion and sediment control Improvements as shown on the Final Development Plan Documents until all disturbed areas in and adjacent to this Development's construction activities are stabilized. The Developer shall also be required to post a security deposit in the amount of \$14,633.70 (Fourteen Thousand Six Hundred Thirty-Three Dollars and Seventy Cents) prior to beginning construction to guarantee the proper installation and maintenance and, upon completion, removal of the erosion and sediment control measures shown on the Final Development Plan Documents. Said security deposit(s) shall be made in accordance with the criteria set forth in the City's Storm Drainage Design Criteria and Construction Standards ("Criteria"). When said security deposit(s) is a letter of credit or a bond, the Developer shall replace the security no later than 30 days before its expiration date, as necessary to continue to provide a letter of credit or bond for the period required by City Code. If the security posted by Developer is a Letter of Credit, and such Letter of Credit has not been replaced renewed within 30 days of its expiration date, as provided above, the City, at its option, may elect to draw and hold the funds as a cash security deposit. The City shall have the option in any case to also withhold building permits and certificates of occupancy, as stated in Paragraph III.D of

this Agreement, as it deems necessary in order to ensure that at all times the Developer is maintaining appropriate levels of security to guarantee completion of the erosion and sediment control improvements. If, at any time, the Developer fails to abide by the erosion control provisions of the Final Development Plan Documents or the erosion control provisions of the Criteria after receiving written notice of the same or an emergency situation exists which would reasonably require immediate mitigation measures, then, in either event, and notwithstanding any provisions contained in Paragraph III.J to the contrary, the City may enter upon the Property for the purpose of making such improvements and undertaking such activities as may be necessary to ensure that the provisions of said Final Development Plan Documents and the Criteria are properly enforced. The City may apply such portion of the security deposit(s) as may be necessary to pay all costs incurred by the City in undertaking the administration, construction, and/or installation of the erosion control improvements required by said Final Development Plan Documents and the Criteria. In addition, the City shall have the option to withhold building permits and certificates of occupancy, as stated in Paragraph III.D of this Agreement, as it deems necessary in order to ensure that the Developer installs, maintains, and ultimately removes the erosion and sediment control improvements throughout the build-out of this Development. When identified, any significant issues are to be corrected immediately per Part I.D.8 of the Developer's Colorado Discharge Permit System ("CDPS") Permit for Stormwater Discharges Associated with Construction Activity as required by the Colorado Department of Public Health and Environment ("CDPHE"). Failure to correct the significant issue will prevent the Developer from building in any future phases. Upon stabilization of the disturbed areas, and upon the request of the Developer, the City will confirm that the site is stabilized from potential erosion and sediment control issues from the construction activities and that all temporary erosion and sediment control improvements used by the Developer are removed. In confirmation by the City that the site is stabilized, any remaining portions of the security deposit shall be returned.

2. All on-site and off-site storm drainage improvements associated with this Development, as shown on the Final Development Plan Documents, shall be completed by the Developer in accordance with said Final Development Plan Documents prior to the issuance any certificate of occupancy. Completion of improvements shall include the certification by a professional engineer licensed in Colorado that the drainage facilities which serve this Development have been constructed in conformance with said Final Development Plan Documents. Said certification shall be submitted to the City at least two weeks prior to the issuance of any certificate of occupancy in this Development.

3. For private permanent stormwater quality improvements located on private property associated with this Development, on-site inspection by a City Inspector is required to verify the proper installation of such improvements at different stages of construction for compliance with the Final Development Plan Documents, as specified in the "Overall Site and Drainage Certification" form. In the event of non-compliance, the City Inspector shall have the option to withhold certificates of occupancy; in addition, the City may avail itself of any other legal remedy that may be provided in the City Code,

the Land Use Code and/or this Development Agreement, as deemed necessary in order to ensure that the Developer properly installs and maintains the private permanent stormwater quality improvements located on private property associated with this Development as specified in the Final Development Plan Documents.

4. The Developer shall be responsible for maintaining the structural integrity and operational function of all drainage facilities constructed as part of this Development including, but not limited to, all drainage facilities and water quality features, extended detention water quality basins, bioretention facilities and/or permeable pavement systems. These drainage facilities and/or features must be maintained in their original operational integrity throughout the build-out of this Development, following the completion of the construction of said facilities and features, and after acceptance of said facilities and features as certified to the City. If at any time following construction and certification (as required pursuant to Paragraph II.C.2 above) or during the construction of additional structures and/or lots within this Development, the City determines that said drainage facilities and features no longer comply with the Final Development Plan Documents, the City must give written notice to the Developer of all items that do not comply with the Final Development Plan Documents and request the restoration of the drainage facilities and features back to the function, standards and specifications designed and specified in the Final Development Plan Documents. Failure to maintain the structural integrity and operational function of said drainage facilities and features following certification, after written notice and a reasonable period to cure, will result in the withholding of the issuance of additional building permits and/or certificates of occupancy and, in addition, the City may avail itself of any other legal remedy that may be provided in the City Code, the Land Use Code and/or this Development Agreement until said drainage facilities and water quality features are repaired and restored to the physical characteristics, operational function and structural integrity originally specified in the Final Development Plan Documents approved by the City for this Development.

5. It is important that all lots be graded to drain in the configuration shown on the Final Development Plan Documents. For this reason the following requirements shall be followed for all buildings/structures on all lots:

Prior to the issuance of a certificate of occupancy for any lot or building the Developer shall provide the City with certification that the lot and or the building has been graded correctly. This grading certification shall demonstrate that the lot or building finish floor elevation has been built in accordance with the elevation specified on the Final Development Plan Documents. The certification shall also show that the minimum floor elevation or minimum opening elevation for any building constructed is in compliance with the minimum elevation as required on the Final Development Plan Documents. The certification shall demonstrate as well that any minor swales adjacent to the building or on the lot have been graded correctly and in accordance with the grades shown on the Final Development Plan Documents. The certification shall also show that the

elevations of all corners of the lot are in accordance with the elevations shown on the Final Development Plan Documents. Said certification shall be completed by a Colorado licensed professional engineer and shall be submitted to the City at least two weeks prior to the requested date of issuance of the applicable certificate of occupancy.

6. The Developer shall obtain the City's prior approval of any changes from the Final Development Plan Documents in grade elevations and/or storm drainage facility configuration that occur as a result of the construction of houses and/or development of lots, whether by the Developer or third parties controlled by, or acting at the direction of, the Developer. If any such change occurs without the City's prior approval, the City reserves the right to withhold the issuance of building permits and certificates of occupancy for this Development until the City has deemed such changes as being acceptable for the safe and efficient delivery of storm drainage water.

7. The Developer shall limit the construction of the off-site storm drainage improvements to the limits of construction as shown on the Final Development Plan Documents. The Developer shall re-seed and/or restore all areas that are disturbed during construction of the off-site storm drainage improvements in accordance with the Final Development Plan Documents promptly following construction. The Developer shall ensure that no negative impact occurs to the adjoining properties during the construction of these facilities. No grading shall be done outside of the approved areas as shown on the Final Development Plan Documents.

8. The drainage design for this Development provides for the evacuation of storm drainage runoff in a reasonable amount of time through a sand filter facility and into the drainage outfall system. The facility has been designed to discharge stormwater runoff from frequent storms over a 12-hour period. Under the intended operation of the facility, there will not be standing water in the pond more than 24 hours after the end of a rainfall event. If after construction and acceptance of the facility associated with this Development, surfacing or standing water conditions persist; and if such conditions are beyond what can be expected in accordance with the approved stormwater design, the Developer shall promptly, upon such discovery, take appropriate action in order to return the facility to the designed operation per the Final Development Plan Documents.

9. Developer shall be responsible for maintenance of all storm drainage facilities not identified as public in the Final Development Plan Documents per the Standard Operating Procedures (SOPs) contained in Exhibit C, attached hereto and incorporated herein by reference.

10. The bioretention facility specific to this Development is a sand filter system within a concrete chamber located on the first level of the parking garage. The bioretention facility is not located in a drainage easement; therefore, the Developer shall grant the City access, upon the City's request and at a mutually agreeable date and time, into and through the building to the bioretention facility in order to allow for regular inspection by City inspectors.

D. Streets

1. Subject to the conditions of this Agreement, the City agrees to reimburse the Developer for oversizing public street improvements along Prospect Road for those portions of said street abutting the Property as shown on the Final Development Plan Documents. Reimbursement for Prospect Road shall be for increasing the sidewalk width from local (4.5 feet) access standards to arterial (varies from 7 to 10 feet) standards. The City shall make reimbursement to the Developer for the aforesaid oversized street improvements in the manner provided in and in accordance with City Code Section 24-112. As identified in the City Code, the City shall not participate in the cost of transportation improvements required solely for the special use and benefit of the Development required by the transportation impact study for the Development, or by the City Traffic Engineer. The Developer agrees and understands that the City shall have no obligation to make reimbursement payments for street oversizing unless funds for such payments shall first have been budgeted and appropriated from the transportation improvements fund by the City Council. The Developer further understands that to the extent that funds are not available for such reimbursement, the City may not, in the absence of the Developer's agreement, require the construction, at the Developer's expense, of any oversized portion of streets not reasonably necessary to offset the traffic impacts of the Development. The Developer does hereby agree to construct the aforesaid oversized street improvements with the understanding that the Developer may not be fully reimbursed by the City for the cost of such construction. The Developer further agrees to accept payment, for the aforesaid oversized street improvements, in accordance with City Code Section 24-112(d) as full and final settlement and complete accord and satisfaction of all obligations of the City to make reimbursements to the Developer for such described oversized transportation improvements. Nothing herein shall be construed as a waiver by the Developer and its successors and assigns of any right it or they may have to reimbursement pursuant to applicable law, including but not limited to the City's regulations, in connection with the Developer's dedication of twenty-one feet (21') of right-of-way adjacent to Prospect Road for the entire length of the Property ("Prospect Road ROW") as more particularly shown on the Final Development Plan Documents. By its execution of this Agreement and its dedication of the Prospect Road ROW, the Developer does not waive such right that may exist to reimbursement and the Developer shall have the right to continue to assert and maintain a claim for such reimbursement. The City's position is that it is requiring the dedication of the Prospect Road ROW pursuant to City Code Section 24-95 as part of the required local access portion, a position the Developer disputes. The City reserves any right it may have to impose additional obligations related to the local access portion that are not set forth in this Agreement, including Developer payment for previously installed improvements along Prospect Road and Lake Street, and the Developer reserves any right it may have to contest any imposition of such additional obligations.

2. It is understood that the improvements that are to be constructed in the public right-of-way as described in this Section II.D are "City improvements" (as defined below) and, as such, any contract for the construction of the same must be executed in writing. If the cost of such improvements exceeds the sum of Sixty Thousand Dollars (\$60,000), the contract for the construction of the same must be submitted to a competitive bidding process resulting in an award to the lowest responsible bidder; and evidence must be submitted to the City prior to the commencement of the work showing that the award was given to the lowest responsible bidder. If the cost of such Improvements exceeds One Hundred Thousand Dollars (\$100,000), the contract for the construction of the improvements must be insured by a performance bond or other equivalent security. For purposes of this Paragraph, the term "City improvements" shall mean either (1) existing improvements owned by the City that are to be modified or reconstructed, or (2) any improvements funded in whole or in part by the City.

3. Prior to the issuance of any certificate of occupancy (whether full or temporary), the Developer shall pay \$20,000 to the City to be used toward the future HAWK signal that is anticipated to be provided for a pedestrian/bike crossing of Prospect Road. The Developer and the City agree that should the HAWK signal be constructed by the City in advance of the City's receiving this payment, the City shall have the right to utilize the \$20,000 payment as a reimbursement to the City for the City's construction of the HAWK signal.

4. Prospect and Whitcomb Turn Lane

a. The City shall attempt to obtain the necessary right-of-way from the Board of Governors of Colorado State University ("CSU") for a westbound right turn lane at Prospect Road and Whitcomb Street (the "Turn Lane") no later than January 1, 2019.

b. The Developer shall diligently pursue the preparation of and submission to the City of mylars of the Turn Lane construction plans (the "Turn Lane Plans") in order to obtain final City approval of such mylars no later than January 1, 2019.

c. If the City obtains the right-of-way for the Turn Lane from CSU by January 1, 2019 and the Developer obtains final City approval of the Turn Lane Plans by January 1, 2019, then the Developer shall have the obligation to construct the Turn Lane in accordance with the Turn Lane Plans. Upon completion of the Turn Lane by the Developer and acceptance thereof by the City, the City shall reimburse the Developer for fifty percent (50%) of the total cost of construction of the Turn Lane in accordance with the City's transportation improvements reimbursement program in City Code Section 24-112. Construction of the Turn Lane shall be completed

by the Developer prior to issuance of a certificate of occupancy for the Development.

d. In the event that either (i) the City is unable to acquire the right-of-way for the Turn Lane from CSU by January 1, 2019 or, (ii) notwithstanding its diligent efforts, the Developer is unable to obtain final City approval of the Turn Lane Plans by January 1, 2019 due to delays in the City review process for such plans, the Developer shall not be required to construct the Turn Lane. In either such event, the Developer shall be obligated, in lieu of construction of the Turn Lane, to pay to the City a sum equal to fifty percent (50%) of the total cost of construction of the Turn Lane, the initial estimate of which total construction cost is Three Hundred Thousand Dollars (\$300,000). Such payment shall be made by the Developer to the City prior to March 1, 2019, in order to afford the City sufficient time to coordinate the construction of the Turn Lane with the Developer's contribution and the City's completion of the Turn Lane in advance of the Developer's desired occupancy of fall of 2020. In the event that the City does not have a final actual cost for construction of the Turn Lane prior to March 1, 2019, the Developer shall pay to the City a sum equal to One Hundred Fifty Thousand Dollars (\$150,000), which is fifty percent (50%) of the total estimated cost of the Turn Lane. In that event, if the City's final cost of Turn Lane construction demonstrates that the Developer's fifty percent (50%) of such cost is more than One Hundred Fifty Thousand Dollars (\$150,000), the City shall give notice of such additional cost to the Developer and the Developer shall pay such additional cost to the City within sixty (60) days thereafter.

5. As identified in Article III, Chapter 23 of the City Code (the "Encroachment Regulations") no encroachments or obstructions are allowed within the public rights-of-way without a permit ("Encroachment Permit"). The Developer understands and acknowledges that if the Final Development Plan Documents now or in the future, through an amendment process, include any encroachments or obstructions in the public rights-of-way the Developer shall apply for, meet any requirements or conditions, and obtain an approved Encroachment Permit prior to the installation of the encroachment(s).

a. All requirements and conditions as identified on the Encroachment Permit and identified in the Encroachment Regulations shall be met and maintained both prior to and after issuance of the Encroachment Permit. The Encroachment Permit, which is non-transferable, is issued to the property owner or to the lessee of the property (with the property owners consent) in which the encroachment is adjacent to or benefits and the Developer

understands that at such time as ownership of that parcel changes and/or a new lessee exists (as applicable) a new encroachment permit will need to be applied for and new liability insurance will need to be provided by the property owner. The permit is revocable pursuant to the Encroachment Regulations.

b. The Developer, for itself and its successor(s) in interest, does hereby release and hold harmless the City from any damages to the encroachment arising from the City's actions in maintaining, repairing and/or replacing the public infrastructure including utilities, except as caused by the City's gross negligence or willful misconduct.

c. The City shall have no responsibility for the installation and maintenance of any encroachment and the Developer, for itself and its successor(s) in interest, does hereby indemnify and hold harmless the City from any and all claims that might arise, directly or indirectly, as a result of the Developer's installation or maintenance of any encroachments onto the public right-of-way.

d. Only public utilities (defined as utilities owned and maintained by the City and gas utilities owned by Xcel Energy) or utility providers that have a franchise agreement with the City are allowed to be installed and located within public rights-of-way and public easements. Private utilities are allowed to cross public rights-of-way and easements provided that the crossing is perpendicular to the public right-of-way or easement, that sleeves are provided for the crossing in accordance with City standards, encroachment permits for such crossing are obtained, and the utility is registered with the utility locate center. Any private utilities found within public rights-of-way or easements not meeting the above criteria serving the site shall be required to be removed by the Developer at the Developer's expense or apply for and obtain an approved Encroachment Permit. All sleeves across the right-of-way shall be designed and installed in accordance with City standards then in effect.

e. If there is any conflict between this provision and the Encroachment Regulations, then the Encroachment Regulations will control. The Developer acknowledges that, as with any regulation, the Encroachment Regulations are subject to change and Developer agrees to abide by any changes to the Encroachment Regulations.

6. Notwithstanding any provision herein to the contrary, the Developer shall be responsible for all costs for the initial installation of traffic signing and striping

for this Development, including both signing and striping related to the Developer's internal street operations and the signing and striping of any adjacent or adjoining local, collector or arterial streets that is made necessary because of the Development.

7. Following completion of all public infrastructure improvements, the Developer shall continue to have responsibility for maintenance and repair of said improvements in accordance with Sections 2.2.3, 3.3.1 and 3.3.2 of the Land Use Code of the City.

E. Natural Resources

Not Applicable

F. Soil Amendment

In all areas associated with this Development that are to be landscaped or planted in accordance with the Final Development Plan Documents, and do not require a building permit, the soils shall be loosened and amended by the Developer in accordance with Section 3.8.21 of the Land Use Code prior to the issuance of a Certificate of Occupancy in this Development. In all areas associated with this Development that are to be landscaped or planted in accordance with the Final Development Plan Documents and do require a building permit, the completion of soil amendments shall include certification by the Developer that the work has been completed in accordance with Section 12-132 of the City Code. This certification shall be submitted to the City at least two (2) weeks prior to the date of issuance of any certificate of occupancy in this Development.

G. Ground Water, Subdrains and Water Rights

1. The Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City against any damages or injuries sustained in the Development as a result of ground water seepage or flooding, structural damage, or other damage unless such damages or injuries are proximately caused by the City's negligent operation or maintenance of the City's storm drainage facilities in the Development. No language in this Paragraph shall be construed or interpreted as establishing in any way the City's liability for any act or omission and the terms of this Paragraph solely relate to the Developer's obligation to indemnify and hold harmless the City.

2. If the Development includes a subdrain system, any such subdrain system, whether located within private property or within public property such as street rights-of-way or utility or other easements, shall not be owned, operated, maintained, repaired or reconstructed by the City and it is agreed that all ownership, operation, maintenance, repair and reconstruction obligations shall be those of the Developer or the Developer's successor(s) in interest. Such subdrain system is likely to be located

both upon private and public property and, to the extent that it is located on public property, all maintenance, operation, repair or reconstruction shall be conducted in such a manner that such public property shall not be damaged, or if damaged, shall, upon completion of any such project, be repaired in accordance with then existing City standards. The City shall not be responsible for, and the Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City against, any damages or injuries sustained in the Development as the result of groundwater seepage or flooding, structural damage or other damage resulting from failure of any such subdrain system.

3. Without admitting or denying any duty to protect water rights, the Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City against any damages or injuries to water rights caused, directly or indirectly by the construction, establishment, maintenance or operation of the Development.

4. The City agrees to give notice to the Developer of any claim made against it to which the foregoing indemnities and hold harmless agreements by the Developer contained in Paragraph II.G could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided the Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give notice of any such claim to the Developer within ninety (90) days after the City first receives notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause the foregoing indemnities and hold harmless agreements by the Developer to not apply to such claim and such failure shall constitute a release of the foregoing indemnities and hold harmless agreements as to such claim.

H. Hazards and Emergency Access

1. No combustible material will be allowed on the site until a permanent water system is installed by the Developer and approved by the City.

2. Prior to beginning any building construction, and throughout the build-out of this Development, the Developer shall provide and maintain at all times a reasonable accessway to each building. Such accessway shall be adequate to handle any emergency vehicles or equipment, and the accessway shall be kept open during all phases of construction. Such accessway shall be constructed to an unobstructed width of at least 20 feet with 4 inches of aggregate base course material compacted according to City standards and with an 100 foot diameter turnaround at the building end of said accessway. The turnaround is not required if an exit point is provided at the end of the accessway. Prior to the construction of said accessway, a plan for the accessway shall be submitted to and approved by the Poudre Fire Authority and City Engineer. (Three plan sets shall be submitted to the Poudre Fire Authority at 102 Remington Street for review and processing.) If such accessway is at any time deemed inadequate by the Poudre Fire Authority or City Engineer, the accessway shall be promptly brought into

compliance and until such time that the accessway is brought into compliance, the City and/or the Poudre Fire Authority may issue a stop work order for all or part of the Development.

3. The Developer, for itself and its successor(s) in interest, agrees to provide ongoing maintenance of the emergency access shown on the Final Development Plan Documents to ensure that the access is controlled with the use of bollards/access gate for emergency use only.

I. Footing and Foundation Permits

Notwithstanding any provision in this Agreement to the contrary, the Developer shall have the right to obtain Footing and Foundation permits under either of the following circumstances:

1. Upon the installation of all underground water, sanitary sewer, and storm sewer facilities, and an emergency accessway for the phase in which the permit is being requested (the "Required Improvements"). The Required Improvements shall include but not be limited to all mains, lines, services, fire hydrants and appurtenances for the site as shown on the Final Development Plan Documents; or

Upon the installation of only those Required Improvements deemed necessary or desirable in order to issue the Footing and Foundation permit as determined in the sole discretion of the City after discussion with the Developer prior to issuance of the Development Construction Permit. Should the City allow the Developer to install certain Required Improvements after issuance of the Footing and Foundation permit, the remaining Required Improvements that must be installed by the Developer and the timing for such installation shall be memorialized in the Development Construction Permit. The Developer agrees to comply with the Development Construction Permit with regards to the installation and timing of the remaining Required Improvements.

J. Development Construction Permit

The Developer shall apply for and obtain a Development Construction Permit for this Development, in accordance with Division 2.6 of the Land Use Code, prior to the Developer commencing construction. The Developer shall pay the required fees for said Permit and construction inspection, and post security to guarantee completion of the public improvements required for this Development, prior to issuance of the Development Construction Permit.

K. Maintenance and Repair Guarantees

The Developer agrees to provide a two-year maintenance guarantee and a five-year repair guarantee covering all errors or omissions in the design and/or construction of the public improvements required for this

Development, which guarantees shall run concurrently and shall commence upon the date of completion of the public improvements and acceptance thereof by the City. More specific elements of these guarantees are noted in Exhibit D, attached hereto and incorporated herein by reference. Security for the maintenance guarantee and the repair guarantee shall be as provided in Section 3.3.2(C) of the Land Use Code. Notwithstanding the provisions of Paragraphs III (H) and (I) of this Agreement to the contrary, the obligations of the Developer pursuant to this Paragraph and Exhibit D may not be assigned or transferred to any other person or entity unless the warranted improvements are completed by, and a letter of acceptance of the warranted improvements is received from the City by, such other person or entity.

L. Public Transit

1. Transit service is planned to serve the Property but such service is not currently operational. In accordance with Section 3.6.5 of the Land Use Code, the Developer is responsible for construction and installation of bus stops and the associated passenger amenities as described in the Final Development Plan Documents and the City of Fort Collins Bus Stop Design Standards & Guidelines. Accordingly, the Developer shall:

a. Construct the concrete pad for the bus stop as described in the Final Development Plan Documents, adjacent to the Property.

b. Deliver to the City a cash payment sufficient to fund the acquisition and installation of the applicable passenger amenities. The amount of said payment shall be Twenty-five Thousand Dollars (\$25,000), which amount represents the estimated cost of the applicable passenger amenities described in the City of Fort Collins Bus Stop Design Standards & Guidelines in effect at the time of approval of the Final Development Plan Documents and provided by an amenity fabricator approved by the City. The full payment shall be deposited with the City prior to the issuance of any building permits for this Development. The City agrees to return to the Developer any remaining balance should the City's cost of the acquisition and installation of the applicable passenger amenities be less than the \$25,000 amount. Any interest earned by the City as a result of said deposit shall be the property of the City.

2. The City or its contractors shall acquire and install the applicable passenger amenities within two years of transit service provision adjacent to the Property.

3. Upon inspection and acceptance of the concrete pad for the bus stop by the City, such bus stop shall become the property of the City and the City shall be responsible for all maintenance. As City property, the City, in its sole discretion and at its own cost, shall have the right to upgrade, relocate, or remove any or all portions of the bus stop. All passenger amenity improvements shall be the property of the City and the City shall be responsible for all maintenance. As City property, the City, in its sole discretion and at its own cost, shall have the right to upgrade, relocate, or remove any or all portions of the passenger amenities.

III. Miscellaneous

A. The Developer agrees to provide and install, at its expense, adequate barricades, warning signs and similar safety devices at all construction sites within the public right-of-way and/or other areas as deemed necessary by the City Engineer and Traffic Engineer in accordance with the City's "Work Area Traffic Control Handbook" and shall not remove said safety devices until the construction has been completed.

B. As required pursuant to Chapter 20, Article IV of the City Code, the Developer, except as permitted pursuant to an Encroachment Permit, shall, at all times, keep the public right-of-way free from accumulation of waste material, rubbish, or building materials caused by the Developer's operation, or the activities of individual builders and/or subcontractors; shall remove such rubbish as often as necessary, but no less than daily and; at the completion of the work, shall remove all such waste materials, rubbish, tools, construction equipment, machinery, and surplus materials from the public right-of-way. The Developer further agrees to maintain the finished street surfaces so that they are free from dirt caused by the Developer's operation or as a result of building activity. Any excessive accumulation of dirt and/or construction materials shall be considered sufficient cause for the City to withhold building permits and/or certificates of occupancy until the problem is corrected to the satisfaction of the City Engineer. If the Developer fails to adequately clean such streets within two (2) days after receipt of written notice, the City may have the streets cleaned at the Developer's expense and the Developer shall be responsible for prompt payment of all such costs. The Developer also agrees to require all contractors within the Development to keep the public right-of-way clean and free from accumulation of dirt, rubbish, and building materials.

C. The Developer hereby agrees that it will require its contractors and subcontractors to cooperate with the City's construction inspectors by ceasing operations when winds are of sufficient velocity to create blowing dust that, in the inspector's opinion, is hazardous to the public health and welfare.

D. The Developer shall, pursuant to the terms of this Agreement, complete all improvements and perform all other obligations required herein, as such improvements or obligations may be shown on the Final Development Plan Documents, or any documents executed in the future that are required by the City for the approval of an amendment to a development plan, and the City may withhold (or to the extent

permitted by law, revoke) such building permits and certificates of occupancy as it deems necessary to ensure performance in accordance with the terms of this Agreement. The processing and "routing for approval" of the various development plan documents may result in certain of said documents carrying dates of approval and/or execution that are later than the date of execution of this Agreement. The Developer hereby waives any right to object to any such discrepancy in dates.

E. Nothing herein contained shall be construed as a waiver of any requirements of the City Code or the Land Use Code and the Developer agrees to comply with all requirements of the same.

F. In the event the City waives any breach of this Agreement, no such waiver shall be held or construed to be a waiver of any subsequent breach hereof.

G. All financial obligations of the City arising under this Agreement that are payable after the current fiscal year are contingent upon funds for that purpose being annually appropriated, budgeted and otherwise made available by the Fort Collins City Council, in its discretion.

H. This Agreement shall run with the Property, including any subsequent replatting of all, or a portion of the Property. This Agreement shall also be binding upon and inure to the benefit of the parties hereto, their respective personal representatives, heirs, successors, grantees and assigns. It is agreed 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 paragraph 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.

I. In the event the Developer transfers title to the Property and is thereby divested of all equitable and legal interest in the Property, the Developer shall be released from liability under this Agreement with respect to any breach of the terms and conditions of this Agreement occurring after the date of any such transfer of interest. In such event, the succeeding property owner shall be bound by the terms of this Agreement.

J. Each and every term of this Agreement shall be deemed to be a material element hereof. In the event that either party shall fail to perform according to the terms of this Agreement, such party may be declared in default. In the event that a party has been declared in default hereof, such defaulting party shall be given written notice specifying such default and shall be allowed a period of ten (10) days within which to cure said default. In the event the default remains uncorrected, the party declaring default may elect to: (a) terminate the Agreement and seek damages; (b) treat the Agreement as continuing and require specific performance or; (c) avail itself of any other remedy at law or equity.

K. In the event of the default of any of the provisions hereof by either party which shall require the party not in default to commence legal or equitable action against said defaulting party, the defaulting party shall be liable to the non-defaulting party for the non-defaulting party's reasonable attorney's fees and costs incurred by reason of the default. Nothing herein shall be construed to prevent or interfere with the City's rights and remedies specified in Paragraph III.D of this Agreement.

L. Except as may be otherwise expressly provided herein, this Agreement 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.

M. It is expressly understood and agreed by and between the parties hereto that this Agreement shall be governed by and its terms construed under the laws of the State of Colorado and the City of Fort Collins, Colorado.

N. Any notice or other communication given by any party hereto to any other party relating to this Agreement shall be hand-delivered or sent by certified mail, return receipt requested, addressed to such other party at their respective addresses as set forth below; and such notice or other communication shall be deemed given when so hand-delivered or three (3) days after so mailed:

If to the City: Engineering Development Review
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522

With a copy to: City Attorney's Office
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522

If to the Developer: The Standard at Fort Collins, LLC
 C/O Landmark Properties
 Attn: Wes Rogers
 315 Oconee Street
 Athens, GA 30601

With a copy to: The Standard at Fort Collins
 C/O Landmark Properties
 Attn: Chris Hart
 315 Oconee Street
 Athens, GA 30601

If to the Owner: Tom Bailey
 Ridge Gate Partners, LLC
 13621 Northgate Estate Drive
 Colorado Springs, CO 80921-7633

Notwithstanding the foregoing, if any party to this Agreement, or its successors, grantees or assigns, wishes to change the person, entity or address to which notices under this Agreement are to be sent as provided above, such party shall do so by giving the other parties to this Agreement written notice of such change.

O. When used in this Agreement, words of the masculine gender shall include the feminine and neuter gender, and when the sentence so indicates, words of the neuter gender shall refer to any gender; and words in the singular shall include the plural and vice versa. This Agreement shall be construed according to its fair meaning, and as if prepared by all parties hereto, and shall be deemed to be and contain the entire understanding and agreement between the parties hereto pertaining to the matters addressed in this Agreement. There shall be deemed to be no other terms, conditions, promises, understandings, statements, representations, expressed or implied, concerning this Agreement, unless set forth in writing signed by all of the parties hereto. Further, paragraph headings used herein are for convenience of reference and shall in no way define, limit, or prescribe the scope or intent of any provision under this Agreement.

P. The Owner is made a party to this Agreement solely for the purpose of subjecting the Property to the covenants contained in this Agreement. The City and the Developer expressly acknowledge and agree that the Owner shall not be liable for any obligations of the Developer under this Agreement, unless the Owner exercises the rights of the Developer to develop the Property, in which event the obligations of the Developer shall become those of the Owner.

Q. Lender Acknowledgment

1. The City acknowledges (i) that it has been informed by the Developer that there will be a lender ("Lender") to finance the costs of constructing and equipping the Development, but that the Developer has not yet selected the Lender.

2. The Developer has the right to provide the City with the name, address and other contact information for the Lender ("Lender Information") no later than one hundred twenty (120) days after the recordation of the Final Development Plan Documents, in writing or via email to the addresses set forth below:

To the City: Engineering Development Review
 Attn: Marc Virata
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522

Email: EngDevRev@fcgov.com

With a copy to: City Attorney's Office
Attn: Brad Yatabe, Assistant City Attorney
City of Fort Collins
P.O. Box 580
Fort Collins, CO 80522
Email: byatabe@fcgov.com

Provided that Lender Information has been timely provided to the City, all notices given under this Agreement by the City to the Developer thereafter shall also be given to the Lender at the address in the Lender Information. The City acknowledges that the Lender has a right (but not the obligation) to remedy or cure any default by the Developer under this Agreement on behalf of the Developer and that the City will accept such remedy or cure if properly carried out by the Lender on behalf of the Developer.


3. Nothing contained herein shall be construed to impose any liability or obligation of the City to the Lender, except as expressly provided in this Paragraph III.Q.

R. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, CRS §24-10-101 et seq., or under any other law.

S. This Agreement may be simultaneously executed in any number of counterparts, each of which shall be deemed an original but all of which constitute one and the same Agreement.

THE CITY OF FORT COLLINS, COLORADO,
a Municipal Corporation



By: 
Darin Atteberry, City Manager

ATTEST:


City Clerk

APPROVED AS TO CONTENT:

[Signature]
for City Engineer

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

DEVELOPER:
THE STANDARD AT FORT COLLINS, LLC, a
Delaware limited liability company

By: [Signature]
J. Wesley Rogers, Authorized Signatory

ATTEST:

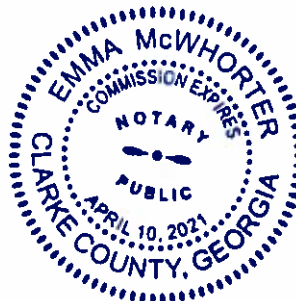
By: [Signature]
Chris Hart, General Counsel

STATE OF GEORGIA)
) ss.
COUNTY OF CLARKE)

The foregoing instrument was acknowledged before me this 11 day of May, 2018, by J. Wesley Rogers as Authorized Signatory and by Chris Hart as General Counsel of The Standard at Fort Collins, LLC.

[Signature]
Notary Public

My Commission Expires: April 10, 2021



OWNER:

RIDGE GATE PARTNERS, LLC, a Nevada limited liability company

By: *Thomas M. Bailey*
Thomas M. Bailey, Manager

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 10 day of May, 2018, by Thomas M. Bailey as Manager of Ridge Gate Partners, LLC.

EMILY KATHARINE POTTS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174011190
MY COMMISSION EXPIRES MARCH 13, 2021

Emily Katharine Potts
Notary Public

My Commission Expires: MARCH 13, 2021

EXHIBIT A

1. Schedule of electrical service installation.

Electrical lines need to be installed prior to the installation of the sidewalk, curb returns, handicap ramps, paving and landscaping. If the Developer installs any curb return, sidewalk or handicap ramp prior to the installation of electrical lines in an area that interferes with the installation of the electrical line installation, the Developer shall be responsible for the cost of removal and replacement of those items and any associated street repairs.

2. Schedule of water lines to be installed out of sequence.

Not Applicable.

3. Schedule of sanitary sewer lines to be installed out of sequence.

Not Applicable.

4. Schedule of street improvements to be installed out of sequence.

Not Applicable

5. Schedule of storm drainage improvements to be installed out of sequence.

Not Applicable.

EXHIBIT B

PRIVATE FIRE LINE/FIRE HYDRANT MAINTENANCE STANDARD OPERATING PROCEDURES (SOPs)

The Developer and/or its successor(s) in interest, shall contract with a Certified Operator to inspect, test, and maintain the private water distribution system. "Certified Operator" shall be any person who is certified in Colorado as a "Certified Water Professional" ("CWP") in accordance with the provisions of *Regulation No. 100 - Water and Wastewater Facility Operators Certification Requirements*, 5 CCR 1003-2. The contracted CWP shall hold a Class 1 or higher certificate for both the water distribution system.

Private fire service mains and appurtenances shall be installed in accordance with National Fire Protection Association (NFPA) 24 and maintained in accordance with NFPA 25. The water distribution system and its connected fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Said systems shall be inspected, tested and maintained annually in accordance with the applicable regulations and standard practices for such operations.

Private fire hydrants shall be inspected, maintained, and flow tested annually and after each operation in accordance with NFPA 25. Fire service main piping shall be flow tested every five (5) years and any exposed sections shall be inspected annually. Fire service main piping strainers, if present, shall be inspected and subject to maintenance after each use.

The water distribution system and its connected fire hydrant systems shall be flushed every three (3) years. Flushing shall be performed by the CWP following the applicable regulations and standard practices for such operations. Flushing operations shall be coordinated with the City of Fort Collins Stormwater Utility.

The Developer and/or its successor(s) in interest, shall keep records of all maintenance activities, testing results, and associated documentation. Said records shall be maintained on site and made available upon request to the City of Fort Collins and the Colorado Department of Public Health and Environment (CDPHE). Said records shall be provided to the Poudre Fire Authority annually and no later than August 31 of any given year.

The Developer and/or its successor(s) in interest, shall provide a Fire Watch for affected areas during any time that the hydrant system or portion of the system is offline for any reason whatsoever.

EXHIBIT C

STANDARD OPERATING PROCEDURES (SOPs)

A. Purpose

In order for physical stormwater Best Management Practices (BMPs) to be effective, proper maintenance is essential. Maintenance includes both routinely scheduled activities, as well as non-routine repairs that may be required after large storms, or as a result of other unforeseen problems. Standard Operating Procedures (SOP' s) clearly identify BMP maintenance responsibility. BMP maintenance is the responsibility of the entity owning the BMP.

Identifying who is responsible for maintenance of BMPs and ensuring that an adequate budget is allocated for maintenance is critical to the long-term success of BMPs. For this project, the privately owned BMPs shown in Section B below are to be maintained by the property owner, Homeowners Association (HOA), or property manager.

B. Site-Specific SOPs

The following stormwater facilities contained within this development are subject to SOP requirements:

- Directly Connected Downspouts
- Permeable Modular Block Pavers (MBPs)
- Perforated Subdrain
- Storm Drain Lines
- Drywells
- Sand Filter
- Underground Detention

The location of said facilities can be found on the Standard of Fort Collins Utility Plans and Landscape Plans. Required inspection and specific maintenance procedures and frequencies are outlined in the following pages. General maintenance requirements and activities, as well as BMP-specific constraints and considerations shall follow the guidelines outlined in Volume 3 of the Urban Drainage and Flood Control District (UDFCD) Urban Storm Drainage Criteria Manual.

SOP Maintenance Summary Table

Stormwater Facility / BMP	Ownership / Responsibility	UDFCD Maintenance Reference
Directly Connected Downspouts	Private	N/A
Permeable Modular Block Pavers (MBPs)	Private	Follow guidelines for <i>Permeable Pavement Systems</i> (Chapter 6, Section 11.0) (Also, Refer to <i>Section 5: Maintenance</i> from <u>Permeable Interlocking Concrete Pavements, 4th</u> <u>Edition (PICP Manual)</u>)
Perforated Subdrain	Private	N/A
Storm Drain Lines	Private	Follow guidelines for <i>Storm Sewer System Cleaning</i> (Chapter 5, <i>Source Control BMP Fact Sheet S-12</i>)
Drywells	Private	N/A
Sand Filter	Private	Follow guidelines for <i>Sand Filter</i> (Chapter 6, Section 8.0)
Underground Detention	Private	Follow guidelines for <i>Underground BMPs</i> (Chapter 6, Section 12.0)

Directly Connected Downspouts

Many of the downspouts connect directly to the storm drain system. The following SOP generally applies to all direct downspout connections.

This SOP can more specifically apply to those which drain directly to the reservoir areas beneath the Modular Block Pavers. At each of these connections, the downspout discharges to a perforated drain basin. The drain basins discharge directly to the MBP reservoir. The drain basins are designed to prevent debris and sediment from entering the MBP reservoir area. Debris and sediment compromise the functionality and effectiveness of the system.

Routine Maintenance Table for Directly Connected Downspouts

Required Action	Maintenance Objective	Frequency of Action
Inspections	Inspect the downspout and basin to ensure the system functions as it was designed. Repair or replace damaged downspouts as needed.	Routine
Sediment, Debris and Litter removal	Remove debris and litter from the basin. Remove sediment from the sump.	Routine – just before annual storm seasons (i.e., April/May); at the end of storm season after leaves have fallen; and following significant rainfall events.

Permeable Modular Block Pavers (MBPs)

There are MBP sections associated with the project serving the purpose of reducing runoff from the site as is required by the City per their stated LID goals and ordinances. These systems provide storage and important water quality benefits.

Proper maintenance is critical to ensure lasting performance and integrity of the system. The more frequent and diligent the routine maintenance procedures are, the more likely it is to avoid and/or postpone significant repair and replacement actions. Such major remedies would include removal of the surface pavers to access (and potentially replace) the underlying sub-base material and/or underdrain pipes should either become clogged or otherwise fail to function properly.

For additional information on the maintenance of the Modular Block Pavers, refer to Section 5: Maintenance from Permeable Interlocking Concrete Pavements, 4th Edition (PICP Manual) by the Interlocking Concrete Pavement Institute.

Routine Maintenance Table for Permeable Pavement Systems

Required Action	Maintenance Objective	Frequency of Action
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Inspection	Inspect the pavement condition and observe infiltration either during a rain event or with a garden hose to ensure that water infiltrates into the surface.	Bi-annual inspections - late Spring- after snowmelt and late Fall - after leaves fall.
Debris Removal, Sweeping and Vacuuming	Use a regenerative air or vacuum sweeper to maintain infiltration rates. Replace infill aggregate between pavers with #8 crushed rock (3/8" washed).	As necessary - the frequency depends on use types (e.g., foot traffic only versus vehicle traffic) and patterns as well as specific site conditions such as tributary basin characteristics. Suggested twice per year, required annually at a minimum.
Snow Removal and Stockpiling	DO NOT apply sand to the MBP surface. Mechanical snow and ice removal should be used. Conventional plowing operations should not cause damage to the pavement. Snow shall not be stockpiled on pavers due to sediment accumulation which causes premature clogging of the system.	Routine – throughout winter season
Full and Partial Replacement of the Pavement or Infill Material	If the surface is completely clogged and rendering minimal surface infiltration rate, restoration of surface infiltration can be achieved by removing the first ½ to 1 inch of soiled aggregate infill material with a vacuum sweeper. Refill the openings with clean #8 aggregate infill materials.	Routine – Annual inspection of hydraulic and structural facilities. Also check for obvious problems during routine maintenance visits, especially for plugging of outlets.
Trash Enclosure Leakage, or other Surface Contamination/ Pollution	Should stormwater leach out pollutants from the trash enclosure area, or should other similar contaminants collect in the paver joint filler aggregate, said material shall be removed and properly disposed of, and replaced with new infill aggregate.	As necessary, based on routine observation and inspection by the professional property management and maintenance contractor.

<p>Replenish Aggregate in Joints</p>	<p>Replenish aggregate in joints when it is more than ½ inch below the chamfer bottoms on paver surfaces to bring the aggregate in the joints up to the paver surface.</p>	<p>As necessary, based on routine observation and inspection by the professional property management and maintenance contractor.</p>
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Perforated Subdrain

The perforated subdrain system storm drain outfall at the bottom of the Low Impact Development (LID) system is critical to the overall function of the system subbase. As such, special maintenance has been identified to ensure these perforated drain systems perform as they were designed.

Perforated subdrains leading away from the LID system is designed to provide faster release of water when accumulation occurs under the LID system. Outflow should be seen into downstream storm boxes. If not seen it is recommended that the system is inspected using a video camera to verify no clogging has occurred.

Perforated subdrains leading toward the LID system are designed to provide an opportunity for infiltration. These subdrains may lead to a drywell where additional infiltration capacity is available to reduce runoff per the stated LID goals adopted by the City.

Routine Maintenance Table

Required Action	Maintenance Objective	Frequency of Action
Inspection	Use a video camera to inspect the condition of the perforated drain pipes. Cleanout pipes as needed. If the integrity of the pipe is compromised, then repair the damaged section(s).	Every two to five years.
Inspection	Where accessible, expose inlet and/or outlet of perforated pipe and watch for water inflow and/or	Minimum Annually

outflow.

Storm Drain Lines Maintenance Plan

Storm drain lines are subject to sedimentation as well as tree roots clogging the flow path or altering the pipe slope. Maintenance is important to ensure these storm drain systems perform as they were designed.

Routine Maintenance Table

Required Action	Maintenance Objective	Frequency of Action
Inspection	Use a video camera to inspect the condition of the storm drain pipes. Cleanout pipes as needed. If the integrity of the pipe is compromised, then repair the damaged section(s).	Every two to five years.

Drywell Maintenance Plan

Drywells are provided to reduce runoff from the site, contributing to the implementation of the overall LID goals for the site. Runoff enters the drywells through either inlets provided at the top of the structure or through connected storm pipes. The drywell is perforated and bedded in highly pervious/porous materials that easily accept water.

Routine Maintenance Table

Required Action	Maintenance Objective	Frequency of Action
Inspections	Water quality and sedimentation facilities upstream of any drywell should be maintained properly to extend the useful life of the drywell. Geotextile/Filter fabrics, if used, should be inspected regularly and replaced when sediment load prevents runoff from	Routine – Inspect at least every other year or as conditions apply.

free passing through the fabric. Gravels, if installed within the drywell, should be removed and replaced as sediment accumulates within the media.

Surrounding materials should be replaced along with an additional 4" of native material adjacent the surrounding material if fabrics and gravels are replaced but function is not restored.

Media surrounding the drywell will need to be replaced if clogging occurs from sedimentation in the media.

Sand Filter

Routine Maintenance Table (Summary from Volume 3, Chapter 6 of UDFCD)

Required Action	Maintenance Objective	Frequency of Action
Lawn mowing and vegetative care	Occasional mowing of grasses and weed removal to limit unwanted vegetation. Maintain irrigated turf grass as 2 to 4 inches tall and non-irrigated native turf grasses at 4 to 6 inches.	Routine – Depending on aesthetic requirements, planting scheme and cover. Weeds should be removed before they flower.
Debris and litter removal and snow stockpiling	Remove debris and litter from sand filter area and upstream concrete forebay to minimize clogging of the sand media. Remove debris and litter from the pond area and outlet orifice plate to minimize clogging. Remove debris and litter from curb channel and sidewalk chase outlets adjacent to pond if applicable to minimize clogging. Avoid stockpiling snow in the sand filter area to minimize clogging from sediment accumulation.	Routine – Including just before annual storm seasons and after snow season (April or May), end of storm season after leaves have fallen, and following significant rainfall events.

Inspections	Inspect detention area to determine if the sand media is allowing acceptable infiltration. If standing water persists for more than 24 hours after storm runoff has ceased, clogging should be further investigated and remedied.	Routine – Biannual inspection following precipitation events to check for infiltration hydraulic performance.
Growing media replacement	Restore infiltration capacity of sand filter facilities. Performed when clogging is due to the migration of sediment leaches deep into the pore spaces of the media	Non-routine – Frequency of replacement will depend on site-specific pollutant loading characteristics. Scarify the top 2 inches of sand on the surface of the filter. This may be required once every two to five years depending on observed drain times. After this has been done two or three times replenish the top few inches of the filter with clean coarse sand (AASHTO C-33 or CDOT Class C filter material) to the original elevation. Maintain a minimum sand depth of 12 inches. Eventually, the entire sand layer may require replacement.

Underground Detention - StormTech Subsurface Stormwater Management Chambers

Subsurface stormwater management chambers are located under the parking lot. The primary purpose of this system is to provide detention quantity storage. However, the chambers and associated Isolator Row provide additional water quality and low-impact development benefits as well.

An important component of any stormwater BMP is proper inspection and maintenance. The StormTech Isolator Row is a patented technique to improve Total Suspended Solids (TSS) removal and provide easy access for inspection and maintenance.

Routine Maintenance Table for Subsurface Stormwater Management Chambers

Required	Maintenance Objective	Frequency of Action
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Action		
Inspection of Isolator Row	<p>Inspect the Isolator Row for sediment. Using a flashlight and stadia rod, measure depth of sediment and record on maintenance log. If sediment is at, or above, a 1.5" depth Isolator Row must be cleaned.</p> <p>Reference StormTech Operations & Maintenance Guidelines for further information.</p>	<p>Inspect immediately following construction and every 6 months thereafter during the first year of operation. Adjust the Inspection interval based on previous observations of sediment accumulation and high water elevations.</p>
Cleaning of Isolator Row	<p>Use a JetVac process with a fixed culvert cleaning nozzle and a rear facing spread of 45" or more.</p> <p>Apply multiple passes of JetVac until backflush water is clean.</p> <p>Vacuum structure sump as required.</p> <p>Reference StormTech Operations & Maintenance Guidelines for further information.</p>	<p>If sediment is at, or above, a 1.5" depth Isolator Row must be cleaned.</p>
Inspection of Upstream and Downstream Structures	<p>Inspect and clean all basins, manholes, and associated structures upstream and immediately downstream of the system.</p>	<p>Follow same schedule as Isolator Row inspections, or more frequently, if desired.</p>

EXHIBIT D

MAINTENANCE GUARANTEE:

The Developer hereby warrants and guarantees to the City, for a period of two (2) years from the date of completion and first acceptance by the City of the public improvements warranted hereunder, the full and complete maintenance and repair of the public improvements constructed for this Development. This warranty and guarantee is made in accordance with the City of Fort Collins Land Use Code. This guarantee applies to the streets and all other appurtenant structures and amenities lying within the rights-of-way, easements and other public properties, including, without limitation, all curbing, sidewalks, bike paths, drainage pipes, culverts, catch basins, drainage ditches and landscaping. Any maintenance and/or repair required on utilities shall be coordinated with the owning utility company or city department.

The Developer shall maintain said public improvements in a manner that will assure compliance on a consistent basis with all construction standards, safety requirements and environmental protection requirements of the City. The Developer shall also correct and repair, or cause to be corrected and repaired, all damages to said public improvements resulting from development-related or building-related activities. In the event the Developer fails to correct any damages within thirty (30) days after written notice thereof, then said damages may be corrected by the City and all costs and charges billed to and paid by the Developer. The City shall also have any other remedies available to it as authorized by this Agreement. Any damages which occurred prior to the end of said two (2) year period and which are unrepaired at the termination of said period shall remain the responsibility of the Developer.

REPAIR GUARANTEE:

The Developer agrees to hold the City of Fort Collins, Colorado, harmless for a five (5) year period, commencing upon the date of completion and acceptance by the City of the public improvements constructed for this Development, from any and all claims, damages, or demands arising on account of the design and construction of public improvements of the Property shown on the approved plans and documents for this Development; and the Developer furthermore commits to make necessary repairs to said public improvements, to include, without limitation, the roads, streets, fills, embankments, ditches, cross pans, sub-drains, culverts, walls and bridges within the right-of-way easements and other public properties, resulting from failures caused by design and/or construction defects. This agreement to hold the City harmless includes defects in materials and workmanship, as well as defects caused by or consisting of settling trenches, fills or excavations.

Further, the Developer agrees that the City shall not be liable to the Developer during the warranty period, for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers, and any other matter whatsoever on private property. Any and all monetary liability occurring under this paragraph shall be the liability of the Developer.

The obligations of the Developer pursuant to the "maintenance guarantee" and "repair guarantee" provisions set forth above may not be assigned or transferred to any other person or entity unless the warranted improvements are completed by, and a letter of acceptance of the warranted improvements is received from the City by, such other person or entity.

File Attachments for Item:

12. First Reading of Ordinance No. 022, 2025, Making a Supplemental Appropriation of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

The purpose of this item is to appropriate a development contribution to construction from the developer of the Bas Bleu Development to the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (Project). The funds will be used for design services. If approved, this item will 1) appropriate \$29,545 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$295 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

John Gerwel, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

First Reading of Ordinance No. 022, 2025, Making a Supplemental Appropriation of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate a development contribution to construction from the developer of the Bas Bleu Development to the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (Project). The funds will be used for design services. If approved, this item will 1) appropriate \$29,545 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$295 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 2004, Bas Bleu Development, LLC entered into a Development Agreement (DA) with the City (Attachment 2). The DA laid out the requirements and conditions for the redevelopment of the Bas Bleu Theatre Company property at 401 Pine Street, with frontage on Willow and Pine streets. Section II.D.3 of the DA contemplated construction improvements on Willow and Pine streets and obligated the development to contribute \$50,000 to the City to for the design and construction of these improvements. This obligation was originally collected as non-expiring escrow rather than a payment. The escrow was grouped with other development bonding documents and was not reviewed again until an internal audit of these documents brought the escrow to staff's attention in 2024. Staff sought out the financial institution holding the escrow (First Western Trust) and determined it was still in place.

The City entered into successive intergovernmental agreements with the Downtown Development Authority (DDA) for the design and construction of two successive River District improvements projects: 1) Linden Street – Jefferson Street to the Poudre River (completed in 2011) and 2) Willow Street – Linden Street to the BNSF Railroad (completed in 2020). This second project constructed the improvements contemplated for Willow Street in the DA with the Bas Bleu Development. The Pine Street improvements have never been constructed as there has never been a second phase of Bas Bleu redevelopment.

Once the escrow was discovered as part of a 2024 audit of development bonding documents and determined to be available for collection, staff sought to calculate the payment due for the Willow Street improvements. In negotiating with First Western Trust, this amount was determined to be \$29,545. A letter to First Western Trust (Attachment 3) details this amount and Bas Bleu’s remaining obligation for the design and construction of the Pine Street improvements.

The City is contemplating a new IGA with the DDA for the Project to design the next phase of improvements along Willow Street between Linden Street and Lincoln Avenue. As the western section of Willow Street improvements is complete, staff believe the Bas Bleu development contribution to construction may be appropriated to this next phase of the Project. It is contemplated that once the IGA with the DDA is finalized and reviewed by the City Attorney’s Office, a resolution will be brought before City Council for seeking execution of the IGA and appropriation of the other funding identified in the IGA.

CITY FINANCIAL IMPACTS

The following table is a summary of the proposed funding appropriation for the Willow Street Improvements – Linden Street to Lincoln Avenue Project.

Funds to be Appropriated per this Action	
Development Contributions to Construction	\$ 29,545
Total Funds to be Appropriated per this Action	\$ 29,545
Transfer to Art in Public Places	\$ 295
Total Project Funds	\$ 29,545

The total fund amount projected for the Project is \$29,545 composed of funds appropriated with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None currently.

PUBLIC OUTREACH

None currently. Staff will work with the Communications and Public Involvement Office to develop and implement a comprehensive public engagement plan for the Project.

ATTACHMENTS

1. Ordinance for Consideration
2. Development Agreement
3. Letter to First Western Trust

ORDINANCE NO. 022, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
WILLOW STREET IMPROVEMENTS – LINDEN STREET TO
LINCOLN AVENUE PROJECT AND RELATED ART IN PUBLIC
PLACES

A. The purpose of this item is to appropriate a development contribution to construction from the developer of the Bas Bleu Development, which was contributed under City Code Section 24-95 as a payment-in-lieu of constructing the local portion of frontage improvements adjacent to the development on Willow Street and Pine Street.

B. In 2004, Bas Bleu Development, LLC entered into a development agreement, which described the requirements and conditions for the redevelopment of the Bas Bleu Theatre Company property at 401 Pine Street, with frontage on Willow and Pine streets. The development agreement contemplated construction improvements on Willow and Pine streets and obligated the development to contribute to the City to for the design and construction of these improvements. The obligation was collected as non-expiring escrow rather than a payment.

C. As a result of a Downtown River District improvement project, the City and the Downtown Development Authority constructed a portion (from Linden Street to the BNSF Railroad) of the improvements contemplated for Willow Street in the development agreement with Bas Bleu Development.

D. The City and First Western Trust, the financial institution holding the Bas Bleu Development escrow, calculated the payment due for the Willow Street improvements to be \$29,545.

E. Bas Bleu's remaining obligation for the design and construction of the Pine Street improvements has never been constructed as there has never been a second phase of the Bas Bleu redevelopment.

F. The City and the Downtown Development Authority are planning for and designing the next phase of improvements along Willow Street, the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (the "Project"). Because the western section of Willow Street improvements is complete, the Bas Bleu development contribution to construction is being herein appropriated to this next phase of the Project.

G. Article V, Section 9 of the City Charter permits the City Council, upon the 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, does 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 this appropriation is available and previously unappropriated from the Transportation Services fund and will not cause the total amount appropriated in the Transportation Services 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 \$29,545 from the Transportation Services fund to the Capital Projects fund 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 capital project that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but will continue until the completion of the capital project.

L. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

M. This Project involves the estimated construction cost to be 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.

N. The project cost of \$29,545 has been used to calculate the contribution to the APP program.

O. The amount to be contributed by this Ordinance will be \$295.

P. The appropriations in this Ordinance benefit the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving 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. There is hereby appropriated from new revenue or other funds in the Transportation Services fund the sum of TWENTY-NINE THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS (\$29,545) to be expended in the Transportation Services fund for Transfer to the Capital Projects fund for the Project.

Section 2. The unexpended and unencumbered appropriated amount TWO HUNDRED THIRTY DOLLARS (\$230) 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 FIFTY-NINE DOLLARS (\$59) 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 SIX DOLLARS (\$6) 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 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 capital project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis

DEVELOPMENT AGREEMENT

THIS AGREEMENT, is made and entered into this 22ND day of September 2004, by and between the CITY OF FORT COLLINS, COLORADO, a Municipal Corporation, hereinafter referred to as the "City"; and Bas Bleu Development, LLC, a Colorado limited liability company, hereinafter referred to as the "Developer."

WITNESSETH:

WHEREAS, the Developer is the owner of certain real property situated in the County of Larimer, State of Colorado, (hereafter sometimes referred to as the "Property" or "Development") and legally described as follows, to wit:

That portion of Lots 2 and 4, Block 3, City of Fort Collins, being located in the Northwest $\frac{1}{4}$ of Section 12, Township 7 North, Range 69 West of the 6th P.M., in the County of Larimer, State of Colorado, which, considering the Southwesterly line of said Block 3 as bearing N. $44^{\circ}38'26''$ W, and with all bearings contained herein relative thereto, is more particularly described by the following boundary lines:

BEGINNING at the Southeast corner of said Lot 2, Block 3; thence N $44^{\circ}38'26''$ W, along the Northeasterly right-of-way line of Willow Street, 95.00 feet; thence N $45^{\circ}21'34''$ E, along the centerline of a proposed Private Drive, 129.74 feet; thence 58.33 feet along the arc of a curve to the right, having a radius of 37.00 feet, a central angle of $01^{\circ}02'15''$, and a long-chord which bears S $89^{\circ}28'53''$ E 52.47 feet; thence S $44^{\circ}19'19''$ E 57.80 feet to the end of said centerline of Private Drive, said point also being on the Northwesterly right-of-way line of Pine Street; thence along said right-of-way line S $45^{\circ}21'34''$ W 166.42 feet, more or less, to the POINT OF BEGINNING, containing 15,538 square feet (0.357 Acres \pm), more and less, and being subject to any easements, rights-of-way, or restrictions now existing or on record.

WHEREAS, the Developer desires to develop the Property and has submitted to the City all plats, plans (including utility plans), reports and other documents required for the approval of a final plan according to the City's development application submittal requirements master list (the "Final Development Plan Documents") copies of which are on file in the office of the City Engineer and made a part hereof by reference; and

WHEREAS, the parties hereto have agreed that the development of the Property will require increased municipal services from the City in order to serve such area and will further require the installation of certain improvements primarily of benefit to the lands to be developed and not to the City of Fort Collins as a whole; and

WHEREAS, the City has approved the Final Development Plan Documents submitted by the Developer subject to certain requirements and conditions, which involve the installation of and construction of utilities and other municipal improvements in connection with the Property.

NOW, THEREFORE, in consideration of the promises of the parties hereto and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, it is agreed as follows:

I. General Conditions

A. The terms of this Agreement shall govern all development activities of the Developer pertaining to the Property. For the purposes of this Agreement, "development activities" shall include, but not be limited to, the following: (1) the actual construction of improvements, (2) obtaining a permit therefor, or (3) any change in grade, contour or appearance of the Property caused by, or on behalf of, the Developer with the intent to construct improvements thereon.

B. All water lines, sanitary sewer collection lines, storm sewer lines and facilities, streets, curbs, gutters, sidewalks, and bikepaths shall be installed as shown on the Final Development Plan Documents and in full compliance with the standards and specifications of the City on file in the office of the City Engineer at the time of approval of the utility plans relating to the specific utility, subject to a three (3) year time limitation from the date of approval of the site specific development plan. In the event that the Developer commences or performs any construction pursuant hereto after the passage of three (3) years from the date of approval of the site specific development plan, the Developer shall resubmit the utility plans to the City Engineer for reexamination. The City may then require the Developer to comply with the approved standards and specifications of the City on file in the office of the City Engineer at the time of the resubmittal.

C. No building permit for the construction of any structure within the Property shall be issued by the City until the public water lines and stubs to each lot, fire hydrants, electrical lines, sanitary sewer lines and stubs to each lot, and public streets (including curb, gutter, and pavement with at least the base course completed) serving such structure have been completed and accepted by the City. No building permits shall be issued for any structure located in excess of six hundred and sixty feet (660') from a single point of access, unless the structures contain sprinkler systems that are approved by the Poudre Fire Authority.

D. Any water lines, sanitary sewer lines, storm drainage lines, electrical lines, and/or streets described on Exhibit "A," attached hereto, shall be installed within the time and/or sequence required on Exhibit "A." If the City Engineer has determined that any water lines, sanitary sewer lines, storm drainage facilities and/or streets are required to provide service or access to other areas of the City, those facilities shall be

shown on the Final Development Plan Documents and shall be installed by the Developer within the time as established under "Special Conditions" in this document.

E. Except as otherwise herein specifically agreed, the Developer agrees to install and pay for all water, sanitary sewer, and storm drainage facilities and appurtenances, and all streets, curbs, gutters, sidewalks, bikeways and other public improvements required by this Development as shown on the Final Development Plan Documents and other approved documents pertaining to this Development on file with the City.

F. Street improvements shall not be installed until all utility lines to be placed therein have been completely installed, including all individual lot service lines (water and sewer) leading in and from the main to the property line and all electrical lines.

G. The installation of all utilities shown on the Final Development Plan Documents shall be inspected by the Engineering Department of the City and shall be subject to such department's approval. The Developer agrees to correct any deficiencies in such installations in order to meet the requirements of the plans and/or specifications applicable to such installation. In case of conflict, the Final Development Plan Documents shall supersede the standard specifications, except that if the conflicts are a result of Federal or State mandated requirements, then the Federal or State mandated requirements shall prevail.

H. All storm drainage facilities shall be so designed and constructed by the Developer as to protect downstream and adjacent properties against injury and to adequately serve the Property (and other lands as may be required, if any). The Developer shall meet or exceed the minimum requirements for storm drainage facilities as have been established by the City in its Drainage Master Plans and Design Criteria. The Developer, for itself and its successor(s) in interest, does hereby indemnify and hold harmless the City from any and all claims that might arise, directly or indirectly, as a result of the discharge of injurious storm drainage or seepage waters from the Property in a manner or quantity different from that which was historically discharged and caused by the design or construction of the storm drainage facilities, except for (1) such claims and damages as are caused by the acts or omissions of the City in maintenance of such facilities as have been accepted by the City for maintenance; (2) errors, if any, in the general concept of the City's master plans (but not to include any details of such plans, which details shall be the responsibility of the Developer); and (3) specific written or otherwise documented directives that may be given to the Developer by the City. The City agrees to give notice to the Developer of any claim made against it to which this indemnity and hold harmless agreement by the Developer could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give notice of any such claim to the Developer within ninety (90) days after the City first receives a notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause this indemnity and hold harmless agreement by the Developer to not apply to such claim and such

failure shall constitute a release of this indemnity and hold harmless agreement as to such claim. Approval of and acceptance by the City of any storm drainage facility design or construction shall in no manner be deemed to constitute a waiver or relinquishment by the City of the aforesaid indemnification. The Developer shall engage a Colorado licensed professional engineer to design the storm drainage facilities as aforesaid and it is expressly affirmed hereby that such engagement shall be intended for the benefit of the City, and subsequent purchasers of property in the Development.

I. The Developer shall pay storm drainage basin fees in accordance with Chapter 26, Article VII of the City Code. Storm drainage improvements eligible for credit or City repayment under the provisions of Chapter 26 are described together with the estimated cost of the improvements on the attached Exhibit "B," which improvements, if applicable, shall include right-of-way, design and construction costs. See Section II.C, Special Conditions, Storm Drainage Lines and Appurtenances, for specific instructions.

J. The Developer shall provide the City Engineer with certified Record Plan Transparencies on Black Image Diazo Reverse Mylars upon completion of each phase of the construction. Utilities will not be initially accepted prior to as-built drawings being submitted to and approved by the City of Fort Collins.

K. The Developer specifically represents that to the best of its knowledge all property dedicated (both in fee simple and as easements) to the City associated with this Development (whether on or off-site) is in compliance with all environmental protection and anti-pollution laws, rules, regulations, orders or requirements, including solid waste requirements, as defined by the U. S. Environmental Protection Agency Regulations at 40 C.F.R., Part 261, and that such property as is dedicated to the City pursuant to this Development, is in compliance with all such requirements pertaining to the disposal or existence in or on such dedicated property of any hazardous substances, pollutants or contaminants, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, and regulations promulgated thereunder. The Developer, for itself and its successor(s) in interest, does hereby indemnify and hold harmless the City from any liability whatsoever that may be imposed upon the City by any governmental authority or any third party, pertaining to the disposal of hazardous substances, pollutants or contaminants, and cleanup necessitated by leaking underground storage tanks, excavation and/or backfill of hazardous substances, pollutants or contaminants, or environmental cleanup responsibilities of any nature whatsoever on, of, or related to any property dedicated to the City in connection with this Development, provided that such damages or liability are not caused by circumstances arising entirely after the date of acceptance by the City of the public improvements constructed on the dedicated property, except to the extent that such circumstances are the result of acts or omissions of the Developer. Said indemnification shall not extend to claims, actions or other liability arising as a result of any hazardous substance, pollutant or contaminant generated or deposited by the City, its agents or representatives, upon the property dedicated to the City in connection with this Development. The City agrees to give notice to the Developer of any claim made

against it to which this indemnity and hold harmless agreement by the Developer could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided the Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give notice of any such claim to the Developer within ninety (90) days after the City first receives a notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause this indemnity and hold harmless agreement by the Developer to not apply to such claim and such failure shall constitute a release of this indemnity and hold harmless agreement as to such claim.

L. The Developer acknowledges and agrees that the City, as the owner of any adjacent property (the "City Property") on which off-site improvements may be constructed, or that may be damaged by the Developer's activities hereunder, expressly retains (and does not by this Development Agreement waive) its rights as property owner. The City's rights as owner may include without limitation those rights associated with the protection of the City Property from damage, and/or the enforcement of restrictions, limitations and requirements associated with activities on the City Property by the Developer as an easement recipient.

II. Special Conditions

A. Water Lines

Not Applicable

B. Sewer Lines

Not Applicable

C. Storm Drainage Lines and Appurtenances

1. No on-site or off-site storm drainage improvements are associated with Phase 1 of this Development, and accordingly no drainage certification shall be required for this Phase. Future phases shall provide any needed drainage infrastructure for this Development and drainage certification shall be done at such time.

D. Streets.

1. Subject to the conditions of this Agreement, the City agrees to reimburse the Developer for oversizing public street improvements along Willow Street for those portions of said street abutting the Property as shown on the Final Development Plan Documents. Reimbursement for Willow Street shall be for oversizing the street from local (access) standards to minor collector standards. Any additional oversizing or amenities not a part of the standard minor collector section are not eligible for reimbursement. The City shall make reimbursement to the Developer for the

aforesaid oversized street improvements in accordance with Section 24-112 of the Code of the City. The Developer agrees and understands that the City shall have no obligation to make reimbursement payments for street oversizing unless funds for such payments shall first have been budgeted and appropriated from the Street Oversizing Fund by the City Council; and the Developer further understands that to the extent that funds are not available for such reimbursement, the City may not, in the absence of the Developer's agreement, require the construction, at the Developer's expense, of any oversized portion of streets not reasonably necessary to offset the traffic impacts of the Development. The Developer does hereby agree to construct the aforesaid oversized street improvements with the understanding that the Developer may not be fully reimbursed by the City for the cost of such construction. The Developer further agrees to accept payment in accordance with Section 24-112 (d) of the Code of the City as full and final settlement and complete accord and satisfaction of all obligations of the City to make reimbursements to the Developer for street oversizing expenses. It is anticipated by the City that the City's reimbursement, in accordance with Section 24-112 (d), would not be less than fifty percent (50%) of the Developer's actual expenses incurred and will be calculated in accordance with the formula as set forth in Section 24-112 (d).

2. It is understood that the improvements that are to be constructed in the public right-of-way as described in this Section II(D) are "City improvements" (as defined below) and, as such, any contract for the construction of the same must be executed in writing. If the cost of such improvements exceeds the sum of Thirty Thousand Dollars (\$30,000), the contract for the construction of the same must be submitted to a competitive bidding process resulting in an award to the lowest responsible bidder; and evidence must be submitted to the City prior to the commencement of the work showing that the award was given to the lowest responsible bidder. If the cost of such improvements exceeds Fifty Thousand Dollars (\$50,000), the contract for the construction of the improvements must be insured by a performance bond or other equivalent security. For purposes of this paragraph, the term "City improvements" shall mean either (1) existing improvements owned by the City that are to be modified or reconstructed, or (2) any improvements funded in whole or in part by the City.

3. In accordance with Section 24-95 of the City Code the Developer is responsible for constructing the portion of Willow Street and Pine Street adjacent to the site prior to the issuance of any building permit. Notwithstanding the foregoing, the Developer shall have the option to postpone the design and construction of Willow Street and Pine Street to phase 2 of this Development by delivering to the City a non-expiring escrow sufficient to guarantee completion of the design and construction of the improvements necessary for Willow Street and Pine Street to meet City street design standards. The amount of said funds shall be \$ 50,000.00, which is the estimated cost to design and construct said improvements, including but not limited to any the future inlet(s), stormdrain line(s), pavement, subgrade, curb, gutter, sidewalks, crossspans, sidewalk ramps, and the street trees. Said amount shall be deposited with the City prior to the issuance of any building permit or certificate of occupancy for this Development. If after 3 years from the date that the escrow was posted the street design has not been

completed, the street improvement work has not begun, and the building is still being utilized as a theater, then the City shall have the right to utilize said escrow funds for the design and construction of the frontage improvements along Willow Street and Pine Street.

4. The parking placement and layout on Willow Street and Pine Street as shown on the Phase 2 plans is "concept only". It is agreed that public on-street parking is desired and can be placed on both streets, but no final layout or design has been agreed upon. The final parking layout and design shall be determined, reviewed and approved as a part of the Phase 2 plan approval process.

5. For Pine Street, if "head-in" parking is designed and constructed on Pine Street, the curb, gutter and parking area shall be concrete. If the drainage from this parking area cannot be designed to drain entirely to the front of the parking area, either fully or partially draining to a pan behind the parking stall, then the maintenance of said parking area shall be the responsibility of the Developer.

6. With Phase 1 of this Development, no parking on Willow Street or the west side of the building can occur. Parking in these areas is not allowed until such areas are improved in connection with Phase 2. The "head-in" parking as shown on the Phase 1 plans shall be allowed on Pine Street until such time as Phase 2 improvements are made, at which time no parking in this area shall be allowed until the improvements as shown on the Phase 2 plans are constructed. The Developer shall be responsible for the installation and maintenance of the parking stall striping on Pine Street and shall be responsible for the maintenance of the parking area on Pine Street.

7. Prior to the commencement of any construction of Phase 2 improvements or the issuance of any building permit therefore, the Developer shall submit for City review and approval site, landscape, elevation, utility plans and drainage reports addressing the design and extent of work to be done with Phase 2. The plans shall include designs for Willow Street, Pine Street and all off-site design as required by the City.

8. Notwithstanding any provision herein to the contrary, the Developer shall be responsible for all costs for the initial installation of traffic signing and striping for this Development, including both signing and striping related to the Developer's internal street operations and the signing and striping of any adjacent or adjoining local, collector or arterial streets that is made necessary because of the Development.

9. Following completion of all public infrastructure improvements, the Developer shall continue to have responsibility for maintenance and repair of said improvements in accordance with for LUC projects, Sections 2.2.3, 3.3.1 and 3.3.2 of the Land Use Code of the City.

E. Natural Resources

Not Applicable

F. Soil Amendment

In all areas associated with this Development that are to be landscaped or planted in accordance with the Final Development Plan Documents, and do not require a building permit, the soils shall be loosened and amended by the Developer in accordance with Section 3.8.21 of the Land Use Code prior to the issuance of a certificate of occupancy in this development. Completion of soil amendments shall include certification by the Developer that the work has been completed. This certification shall be submitted to the City at least two (2) weeks prior to the date of issuance of a certificate of occupancy in this Development.

G. Ground Water, Subdrains and Water Rights

1. The City shall not be responsible for, and the Developer (for itself and its successor(s) in interest) hereby agrees to indemnify and hold harmless the City against any damages or injuries sustained in the Development as a result of ground water seepage or flooding, structural damage, or other damage unless such damages or injuries are proximately caused by the City's negligent operation or maintenance of its storm drainage facilities in the Development. However, nothing herein shall be deemed a waiver by the City of its immunities, defenses, and limitations to liability under the Colorado Governmental Immunity Act (Section 24-20-101 CRS, et. seq.) or under any other law.

2. If the Development includes a subdrain system, any such subdrain system, whether located within private property or within public property such as street rights-of-way or utility or other easements, shall not be owned, operated, maintained, repaired or reconstructed by the City and it is agreed that all ownership, operation, maintenance, repair and reconstruction obligations shall be those of the Developer or the Developer's successor(s) in interest. Such subdrain system is likely to be located both upon private and public property and, to the extent that it is located on public property, all maintenance, operation, repair or reconstruction shall be conducted in such a manner that such public property shall not be damaged, or if damaged, shall, upon completion of any such project, be repaired in accordance with then existing City standards. The City shall not be responsible for, and the Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City against any damages or injuries sustained in the Development as the result of groundwater seepage or flooding, structural damage or other damage resulting from failure of any such subdrain system.

3. Without admitting or denying any duty to protect water rights, the Developer, for itself and its successor(s) in interest, hereby agrees to indemnify and hold harmless the City against any damages or injuries to water rights caused, directly or indirectly by the construction, establishment, maintenance or operation of the Development.

4. The City agrees to give notice to the Developer of any claim made against it to which the foregoing indemnities and hold harmless agreements by the Developer could apply, and the Developer shall have the right to defend any lawsuit based on such claim and to settle any such claim provided the Developer must obtain a complete discharge of all City liability through such settlement. Failure of the City to give notice of any such claim to the Developer within ninety (90) days after the City first receives notice of such claim under the Colorado Governmental Immunity Act for the same, shall cause the foregoing indemnities and hold harmless agreements by the Developer to not apply to such claim and such failure shall constitute a release of the foregoing indemnities and hold harmless agreements as to such claim.

H. Hazards and Emergency Access

1. No combustible material will be allowed on the site until a permanent water system is installed by the Developer and approved by the City.

2. Prior to beginning any building construction, and throughout the build-out of this Development, the Developer shall provide and maintain at all times an accessway to said building or buildings. Such accessway shall be adequate to handle any emergency vehicles or equipment, and the accessway shall be kept open during all phases of construction. Such accessway shall be constructed to an unobstructed width of at least 20 feet with 4 inches of aggregate base course material compacted according to city standards and with an 80 foot diameter turnaround at the building end of said accessway. The turnaround is not required if an exit point is provided at the end of the accessway. Prior to the construction of said accessway, a plan for the accessway shall be submitted to and approved by the Poudre Fire Authority and City Engineer. (Three plan sets shall be submitted to the Poudre Fire Authority at 102 Remington Street for review and processing.) If such accessway is at any time deemed inadequate by the Poudre Fire Authority or City Engineer, the accessway shall be promptly brought into compliance and until such time that the accessway is brought into compliance, the City and/or the Poudre Fire Authority may issue a stop work order for all or part of the Development.

I. Footing and Foundation Permits

1. Notwithstanding any provision in this Agreement to the contrary, the Developer shall have the right to obtain a Footing and Foundation permit upon the installation of all underground water, sanitary sewer, and storm sewer facilities, and an emergency accessway for the Phase in which the permit is being requested. Facilities shall include but not be limited to all mains, lines, services, fire hydrants and appurtenances for the Phase as shown on the Final Development Plan Documents.

J. Development Construction Permit

1. The Developer shall apply for and obtain a Development Construction Permit for this Development, in accordance with Division 2.6 of the Land Use Code (or Section 29-12 of the Transitional Land Use Regulations, if applicable), prior to the Developer commencing construction. The Developer shall pay the required fees for said Permit and construction inspection, and post security to guarantee completion of the public improvements required for this Development, prior to issuance of the Development Construction Permit.

K. Maintenance and Repair Guarantees

1. The Developer agrees to provide a two-year maintenance guarantee and a five-year repair guarantee covering all errors or omissions in the design and/or construction of the public improvements required for this Development, which guarantees shall run concurrently and shall commence upon the date of completion of the public improvements and acceptance thereof by the City. More specific elements of these guarantees are noted in Exhibit "C." Security for the maintenance guarantee and the repair guarantee shall be as provided in Section 3.3.2(C) of the Land Use Code, or Section 29-14 of the Transitional Land Use Regulations, as applicable. Notwithstanding the provisions of paragraphs III (H) and (I) of this Agreement to the contrary, the obligations of the Developer pursuant to this paragraph and Exhibit "C" may not be assigned or transferred to any other person or entity unless the warranted improvements are completed by, and a letter of acceptance of the warranted improvements is received from the City by, such other person or entity.

III. Miscellaneous

A. The Developer agrees to provide and install, at its expense, adequate barricades, warning signs and similar safety devices at all construction sites within the public right-of-way and/or other areas as deemed necessary by the City Engineer and Traffic Engineer in accordance with the City's "Work Area Traffic Control Handbook" and shall not remove said safety devices until the construction has been completed.

B. As required pursuant to Chapter 20, Article IV of the City Code, the Developer shall, at all times, keep the public right-of-way free from accumulation of waste material, rubbish, or building materials caused by the Developer's operation, or the activities of individual builders and/or subcontractors; shall remove such rubbish as often as necessary, but no less than daily and; at the completion of the work, shall remove all such waste materials, rubbish, tools, construction equipment, machinery, and surplus materials from the public right-of-way. The Developer further agrees to maintain the finished street surfaces so that they are free from dirt caused by the Developer's operation or as a result of building activity. Any excessive accumulation of dirt and/or construction materials shall be considered sufficient cause for the City to withhold building permits and/or certificates of occupancy until the problem is corrected to the satisfaction of the City Engineer. If the Developer fails to adequately clean such streets within two (2) days after receipt of written notice, the City may have the streets

cleaned at the Developer's expense and the Developer shall be responsible for prompt payment of all such costs. The Developer also agrees to require all contractors within the Development to keep the public right-of-way clean and free from accumulation of dirt, rubbish, and building materials.

C. The Developer hereby agrees that it will require its contractors and subcontractors to cooperate with the City's construction inspectors by ceasing operations when winds are of sufficient velocity to create blowing dust which, in the inspector's opinion, is hazardous to the public health and welfare.

D. The Developer shall, pursuant to the terms of this Agreement, complete all improvements and perform all other obligations required herein, as such improvements or obligations may be shown on the Final Development Plan Documents, or any documents executed in the future that are required by the City for the approval of an amendment to a development plan, and the City may withhold (or to the extent permitted by law, revoke) such building permits and certificates of occupancy as it deems necessary to ensure performance in accordance with the terms of this Development Agreement. The processing and "routing for approval" of the various development plan documents may result in certain of said documents carrying dates of approval and/or execution that are later than the date of execution of this Development Agreement or the Memorandum Of Agreement (if any) recorded to give record notice of this Agreement. The Developer hereby waives any right to object to any such discrepancy in dates.

E. Nothing herein contained shall be construed as a waiver of any requirements of the City Code, Land Use Code, or Transitional Land Use Regulations (as applicable) and the Developer agrees to comply with all requirements of the same.

F. In the event the City waives any breach of this Agreement, no such waiver shall be held or construed to be a waiver of any subsequent breach hereof.

G. All financial obligations of the City arising under this Agreement that are payable after the current fiscal year are contingent upon funds for that purpose being annually appropriated, budgeted and otherwise made available by the Fort Collins City Council, in its discretion.

H. This Agreement shall run with the Property and shall be binding upon and inure to the benefit of the parties hereto, their respective personal representatives, heirs, successors, grantees and assigns. It is agreed 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 paragraph 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.

I. In the event the Developer transfers title to the Property and is thereby divested of all equitable and legal interest in the Property, the Developer shall be released from liability under this Agreement with respect to any breach of the terms and conditions of this Agreement occurring after the date of any such transfer of interest. In such event, the succeeding property owner shall be bound by the terms of this Agreement.

J. Each and every term of this Agreement shall be deemed to be a material element hereof. In the event that either party shall fail to perform according to the terms of this Agreement, such party may be declared in default. In the event that a party has been declared in default hereof, such defaulting party shall be given written notice specifying such default and shall be allowed a period of ten (10) days within which to cure said default. In the event the default remains uncorrected, the party declaring default may elect to: (a) terminate the Agreement and seek damages; (b) treat the Agreement as continuing and require specific performance or; (c) avail itself of any other remedy at law or equity.

K. In the event of the default of any of the provisions hereof by either party which shall require the party not in default to commence legal or equitable action against said defaulting party, the defaulting party shall be liable to the non-defaulting party for the non-defaulting party's reasonable attorney's fees and costs incurred by reason of the default. Nothing herein shall be construed to prevent or interfere with the City's rights and remedies specified in Paragraph III.D of this Agreement.

L. Except as may be otherwise expressly provided herein, this Agreement 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.

M. It is expressly understood and agreed by and between the parties hereto that this Agreement shall be governed by and its terms construed under the laws of the State of Colorado and the City of Fort Collins, Colorado.

N. Any notice or other communication given by any party hereto to any other party relating to this Agreement shall be hand-delivered or sent by certified mail, return receipt requested, addressed to such other party at their respective addresses as set forth below; and such notice or other communication shall be deemed given when so hand-delivered or three (3) days after so mailed:

If to the City:	Engineering Development Review City of Fort Collins P.O. Box 580 Fort Collins, CO 80522
-----------------	--------------------------------------------------------------------------------------------------

With a copy to: City Attorney's Office
City of Fort Collins
P.O. Box 580
Fort Collins, CO 80522

If to the Developer: Tom Sutherland, Manager
Bas Bleu Development, LLC
812 Garfield St
Fort Collins, Co 80524

With a copy to: Bob Brandes
Myatt, Brandes & Gast
323 S. College Ave
Fort Collins, Co 80524

Notwithstanding the foregoing, if any party to this Agreement, or its successors, grantees or assigns, wishes to change the person, entity or address to which notices under this Agreement are to be sent as provided above, such party shall do so by giving the other parties to this Agreement written notice of such change.


O. When used in this Agreement, words of the masculine gender shall include the feminine and neuter gender, and when the sentence so indicates, words of the neuter gender shall refer to any gender; and words in the singular shall include the plural and vice versa. This Agreement shall be construed according to its fair meaning, and as if prepared by all parties hereto, and shall be deemed to be and contain the entire understanding and agreement between the parties hereto pertaining to the matters addressed in this Agreement. There shall be deemed to be no other terms, conditions, promises, understandings, statements, representations, expressed or implied, concerning this Agreement, unless set forth in writing signed by all of the parties hereto. Further, paragraph headings used herein are for convenience of reference and shall in no way define, limit, or prescribe the scope or intent of any provision under this Agreement.

THE CITY OF FORT COLLINS, COLORADO,
a Municipal Corporation

By: 

City Manager

ATTEST:



City Clerk / Chief Deputy

APPROVED AS TO CONTENT:


City Engineer

APPROVED AS TO FORM:


Deputy City Attorney

DEVELOPER:
Bas Bleu Development, LLC, a Colorado
limited liability company

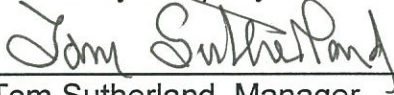
By: 
Tom Sutherland, Manager

EXHIBIT "A"

1. Schedule of electrical service installation.

Electrical lines need to be installed prior to the installation of the sidewalk, curb returns, handicap ramps, paving and landscaping. If the Developer installs any curb return, sidewalk or handicap ramp prior to the installation of electrical lines in an area that interferes with the installation of the electrical line installation, the Developer shall be responsible for the cost of removal and replacement of those items and any associated street repairs.

2. Schedule of water lines to be installed out of sequence.

Not Applicable.

3. Schedule of sanitary sewer lines to be installed out of sequence.

Not Applicable.

4. Schedule of street improvements to be installed out of sequence.

Not Applicable

5. Schedule of storm drainage improvements to be installed out of sequence.

Not Applicable.

EXHIBIT "B"

Not Applicable

EXHIBIT "C"**MAINTENANCE GUARANTEE:**

The Developer hereby warrants and guarantees to the City, for a period of two (2) years from the date of completion and first acceptance by the City of the public improvements warranted hereunder, the full and complete maintenance and repair of the public improvements constructed for this Development. This warranty and guarantee is made in accordance with the City of Fort Collins Land Use Code and/or the Transitional Land Use Regulations, as applicable. This guarantee applies to the streets and all other appurtenant structures and amenities lying within the rights-of-way, easements and other public properties, including, without limitation, all curbing, sidewalks, bike paths, drainage pipes, culverts, catch basins, drainage ditches and landscaping. Any maintenance and/or repair required on utilities shall be coordinated with the owning utility company or city department.

The Developer shall maintain said public improvements in a manner that will assure compliance on a consistent basis with all construction standards, safety requirements and environmental protection requirements of the City. The Developer shall also correct and repair, or cause to be corrected and repaired, all damages to said public improvements resulting from development-related or building-related activities. In the event the Developer fails to correct any damages within thirty (30) days after written notice thereof, then said damages may be corrected by the City and all costs and charges billed to and paid by the Developer. The City shall also have any other remedies available to it as authorized by this Agreement. Any damages which occurred prior to the end of said two (2) year period and which are unrepaired at the termination of said period shall remain the responsibility of the Developer.

REPAIR GUARANTEE:

The Developer agrees to hold the City of Fort Collins, Colorado, harmless for a five (5) year period, commencing upon the date of completion and acceptance by the City of the public improvements constructed for this Development, from any and all claims, damages, or demands arising on account of the design and construction of public improvements of the Property shown on the approved plans and documents for this Development; and the Owner furthermore commits to make necessary repairs to said public improvements, to include, without limitation, the roads, streets, fills, embankments, ditches, cross pans, sub-drains, culverts, walls and bridges within the right-of-way easements and other public properties, resulting from failures caused by design and/or construction defects. This agreement to hold the City harmless includes defects in materials and workmanship, as well as defects caused by or consisting of settling trenches, fills or excavations.

Further, the Developer agrees that the City shall not be liable to the Developer during the warranty period, for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers, and any other matter whatsoever on private property. Any and all monetary liability occurring under this paragraph shall be the liability of the Developer.

The obligations of the Developer pursuant to the "maintenance guarantee" and "repair guarantee" provisions set forth above may not be assigned or transferred to any other person or entity unless the warranted improvements are completed by, and a letter of acceptance of the warranted improvements is received from the City by, such other person or entity.




Engineering Department
281 N. College Ave.
PO Box 580
Fort Collins, CO 80522
970-221-6605
engineering@fcgov.com

Dan Spoelma
First Western Trust
3003 E. Harmony Rd. Suite 200
Fort Collins, CO 80528

The City has reviewed your offer of \$29,545 to satisfy the construction obligation of Willow Street for improvements completed by our Capital Project. The original amount of \$50,000 referenced in the Development agreement, recorded September 22, 2004, between Bas Bleu Development, LLC and the City of Fort Collins. This amount mentioned in the agreement for \$50,000 was applicable to improvements on Willow Street and Pine Street. The improvements to Willow Street were completed through a Capital Improvement Project in 2023. The City, Bas Bleu, LLC, and First Western Trust have come to agreement that the amount of \$29,545 will meet the Development Agreement reimbursement for the improvements built on Willow Street by the Capital Project.

Bas Bleu will still be obligated to update Pine Street Improvements as required by City Code at the time of development. Pine Street, being a local street, does not fall under the improvement standards of the Capital Project and would only be constructed at such a time when a development proposal is submitted to the City by Bas Bleu property.

Sincerely,

DocuSigned by:

1FFA5163614F48B...
Brad Buckman
City Engineer

File Attachments for Item:

13. First Reading of Ordinance No. 023, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers for the College Avenue - Trilby Road Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to provide supplemental appropriations for the College Avenue - Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved this item will: 1) appropriate \$1,294,934 from the Stormwater Reserves fund; 2) appropriate \$1,139,824 from Fort Collins-Loveland Water District (FCLWD) funds; 3) appropriate \$28,838 South Fort Collins Sanitation District (SFCSD) funds; 4) appropriate the unanticipated revenues from the sale of real property at 945 East Prospect Road; 5) transfer \$1,600,000 in Community Capital Improvement Program (CCIP) Arterial Intersection Improvements funds; 6) transfer \$246,503 from the Suniga Improvements project; 7) appropriate \$265,393 in Transportation Capital Expansion Fee (TCEF) reserve funds; and 8) appropriate \$30,789 (1% of additional funding) from the Project to the Art in Public Places (APP) program.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Mark Laken, Project Manager
 Dana Hornkohl, Capital Projects Manager
 Brad Buckman, City Engineer

SUBJECT

First Reading of Ordinance No. 023, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers for the College Avenue - Trilby Road Intersection Improvements Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The purpose of this item is to provide supplemental appropriations for the College Avenue - Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved this item will: 1) appropriate \$1,294,934 from the Stormwater Reserves fund; 2) appropriate \$1,139,824 from Fort Collins-Loveland Water District (FCLWD) funds; 3) appropriate \$28,838 South Fort Collins Sanitation District (SFCSD) funds; 4) appropriate the unanticipated revenues from the sale of real property at 945 East Prospect Road; 5) transfer \$1,600,000 in Community Capital Improvement Program (CCIP) Arterial Intersection Improvements funds; 6) transfer \$246,503 from the Suniga Improvements project; 7) appropriate \$265,393 in Transportation Capital Expansion Fee (TCEF) reserve funds; and 8) appropriate \$30,789 (1% of additional funding) from the Project to the Art in Public Places (APP) program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Staff came before Council in August/September 2024 seeking an additional appropriation for the Project. The supplemental funding was requested to cover right-of-way and easement acquisition costs over and above the estimated cost for this phase of the Project. Since the request was granted, right-of-way acquisition has been completed.

Delays associated with right-of-way acquisition led the Project team to divide construction into three packages based on the estimated acquisition dates for specific parcel locations. This allowed construction to begin in areas where acquisition was complete. Construction Package One (CP1) began in Spring 2024 and was completed in the Fall of 2024. CP1 included Project earthwork and walls. The remaining construction included new stormwater infrastructure and utility relocation (Package 2) as well as new paving, sidewalks, signals, signing, striping, landscaping, irrigation, and urban design elements (Package

3). Staff began negotiating construction pricing for these packages with the City's Construction Manager/General Contractor (CM/GC).

It became evident that there were significant additional costs for 1) splitting the construction packages to take advantage of available acquisitions and 2) longer construction schedules. With construction season ending, and acquisition complete, the Project team decided to recombine all remaining work of Package 2 and Package 3 into Construction Package Two (CP2) to minimize these additional costs. The estimated cost for CP2 was still significantly higher than the City's remaining Project budget. While construction cost inflation is not as severe as in 2022 and 2023, it remains challenging, especially for projects that take significant time for planning, design, and acquisition. The quarterly trendline for annual inflation percentage is 8.51% as measured by the Colorado Department of Transportation (CDOT) Construction Cost Index (Attachment 2).

The Project team has since undergone a significant value engineering effort to help bring the remaining construction cost within the City's budget. This effort in conjunction with reduced mobilization, duration of project, and traffic and erosion control setups, has brought the estimated construction cost of CP2 to within ~\$1.3 million of the City's available funding. Staff has identified traditional transportation capital project funding sources that can be used to cover the shortfall (see City Financial Impacts section).

The Project includes significant water line replacement work for the FCLWD and limited sewer work for the SFCSO. Including this work in the Project will minimize disruption to the traveling public. The City has entered into intergovernmental agreements with the districts (Attachments 3 and 4) and will be reimbursed for this work as it is constructed and accepted by district staff. This is a routine partnership practice on transportation capital projects. However, the total scope and estimated cost (\$1,168,662) of the districts' work in the Project is relatively high compared to other recent capital projects. Now that agreements are executed and pricing is fixed, a supplemental appropriation is needed to cover the cost of the districts' work.

The Project also includes significant new stormwater infrastructure. This includes normal surface water collection inlets and pipes associated with intersection improvement projects. It also includes significant stormwater outfall infrastructure that is not typically included in this type of transportation work. The Fossil Creek Stormwater Master plan was originally completed in 2001. Since this area in 2001 was within Larimer County but not within City limits, it was not studied for proposed future major stormwater improvements. The area that includes the Project was annexed into the City in October 2006 as part of the Southwest Enclave Annexation.

The existing site and stormwater conveyance conditions have not changed significantly since the annexation, including stormwater routinely overtopping the intersection and College Avenue north of the intersection. At the onset of the Project, it was not envisioned that Stormwater Reserves funding would be needed to assist with covering construction costs. This request was not planned for in the adopted City budget for 2025-2026.

The cost of establishing adequate stormwater outfalls was seen as above and beyond the typical costs associated with transportation capital improvement projects (Attachment 5). Fort Collins Utilities has agreed and is prepared to contribute Stormwater Reserves funding (\$1,294,934) to the Project to cover the construction costs associated with establishing these outfalls. This work will allow for future development and redevelopment in and around the intersection of South College Avenue and Trilby Road.

Project Details and Background

In 2020, the City's Arterial Intersection Prioritization Study identified the intersection of Trilby Road and South College Avenue (also known as State Highway 287) as a high priority due to traffic safety and congestion issues, as well as a lack of active modes infrastructure. CDOT has also identified this intersection as a high priority to address serious injury crashes.

Engineering, Traffic Operations and FC Moves staff identified the following safety and operational concerns with the current intersection: 1) high frequencies of approach turn crashes and rear-end crashes; 2) a lack of bicycle and pedestrian accessibility and infrastructure; 3) high volumes of motorists on the north-south legs of South College Avenue; and 4) increasing volumes on the east-west approach legs of Trilby Road. The Project design effort began in 2020.

The reconstructed intersection (Attachments 6 and 7) will improve safety for current and future traffic levels as growth continues in the region and will create a safer intersection for all users. The new intersection will feature dual left turn lanes from South College Avenue to Trilby Road, right turn lanes for each direction of travel, and a widened Trilby Road approach to South College Avenue. Pedestrians and bicycles will benefit from shared use paths on South College Avenue (8-foot wide detached) and Trilby Road (8-foot wide attached). Transit users will benefit from new bus stops on the south side of the intersection on South College Avenue.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the College Avenue-Trilby Road Intersection Improvements project.

Prior Appropriated Funds	
Grant Funding (Federal and State)	
Highway Safety Improvement Program (HSP) Grant Funds	\$ 2,250,000
Congestion Mitigation and Air Quality (CMAQ) Improvement Program Grant Funds	\$ 748,732
Funding Advancements for Surface Transportation and Economic Recovery (FASTER) Act Grant Funds	\$ 3,500,000
Highway Improvement Program (HIP) Grant Funds	\$ 1,870,000
Surface Transportation Block Grant (STBG) Program Funds	\$ 5,272,260
SUBTOTAL	\$13,640,992
Local Funding	
Transportation Capital Expansion Fee (TOEF) Funds	\$ 1,511,420
Transportation Services Fund	\$ 20,750
Transportation Improvement Fund	\$ 11,900
Development Contributions to Construction	\$ 52,963
Community Capital Improvement Program (CCIP) Arterial Intersection Improvements	\$ 2,800,000
SUBTOTAL	\$ 4,397,033
TOTAL PRIOR APPROPRIATION	\$18,038,025

Funds to be Appropriated per this Action (Local Funding)	
Stormwater Reserves Fund	\$ 1,294,934
Fort Collins Loveland Water District (FCLWD)	\$ 1,139,824
South Fort Collins Sanitation District (SFCSD)	\$ 28,838
Proceeds from Sale of 945 East Prospect Road	\$ 352,854
Community Capital Improvement Program (CCIP) Arterial Intersection Improvements*	\$ 400,000
Transfer of Suniga Improvements Project to College Avenue-Trilby Road Intersection Improvements Project**	\$ 246,503
Transportation Capital Expansion Fee (TOEF) Funds	\$ 293,212
Total Funds to be Appropriated per this Action	\$ 3,756,165

Proposed Transfer to Art in Public Places	\$ 30,789
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Total Proposed Project Funds	\$21,794,190
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* CCIP funds previously appropriated through 2025-2026 budget adoption.

** Transfer of previously appropriated funds.

The total fund amount projected for this Project is \$21,794,190 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Project has received full environmental and historical clearances through CDOT during the design, acquisition, and construction phases. The proposed appropriation was brought before the Council Finance Committee at their February 6, 2025, meeting. The committee supported an off-cycle supplemental appropriation and was in favor of forwarding the appropriation request to City Council. At the time this Agenda Item Summary was prepared, meeting minutes had not been drafted or approved. As mentioned earlier, the project was brought before the Council Finance Committee and City Council in August/September 2024.

PUBLIC OUTREACH

Staff has developed and continues to implement a comprehensive public engagement plan for the Project.

As part of the design and acquisition process, staff has discussed the Project with the adjacent property owners, current business owners, and prospective developers immediately abutting the Project improvements. In addition, staff and an outside acquisition consultant have met or conversed individually with property owners on multiple occasions regarding design and construction details.

Staff has discussed and presented conceptual level drawings at several public outreach events including a virtual neighborhood public meeting on March 3, 2022, and an open house held on November 13, 2023. Project information was shown at the Transportation Projects Fairs in February 2023 and February 2024. A Project website is regularly updated with Project information and upcoming milestones.

City staff continues to engage with local businesses and property owners impacted by ongoing work and traffic patterns that are affected by construction traffic control needs and requirements.

ATTACHMENTS

1. Ordinance for Consideration
2. 2024 Construction Cost Index Report
3. Intergovernmental Agreement – FCLWD
4. Intergovernmental Agreement – SFCSD
5. Memo: Request to Share Stormwater Costs
6. Vicinity Map
7. Design Exhibit

ORDINANCE NO. 023, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATION AND
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS FOR THE COLLEGE AVENUE–TRILBY ROAD
INTERSECTION IMPROVEMENTS PROJECT AND RELATED
ART IN PUBLIC PLACES

A. The Ordinance appropriates supplemental funding for the College Avenue–Trilby Road Intersection Improvements Project (the “Project”).

B. In 2020, the City’s Arterial Intersection Prioritization Study identified improvement of the intersection of Trilby Road and South College Avenue (also known as State Highway 287) as a high priority due to traffic safety and congestion issues, and due to a lack of active modes infrastructure. The Colorado Department of Transportation has also identified improvement of this intersection as a high priority to address serious injury crashes.

C. Engineering, Traffic Operations and FC Moves staff further identified safety and operational concerns with the current intersection, including high frequencies of approach turn crashes and rear-end crashes; a lack of bicycle and pedestrian accessibility and infrastructure; high volumes of motorists on the north-south legs of South College Avenue; and increasing volumes of traffic on the east-west approach legs of Trilby Road.

D. In 2020, design of the Project began, aimed at addressing the issues identified, reconstructing the intersection, improving safety for current and future traffic levels as growth continues in the region, and creating a safer intersection for all users. The new intersection will feature dual left turn lanes from South College Avenue to Trilby Road, right turn lanes for each direction of travel, and a widened Trilby Road approach to South College Avenue. Pedestrians and bicycles will benefit from shared use paths on South College Avenue (ten-foot wide detached) and Trilby Road (eight-foot wide attached). Transit users will benefit from new bus stops on the south side of the intersection on South College Avenue.

E. Funds that were appropriated to the Project before this action were used primarily for design, acquisition, and construction. Most recently, City Council adopted Ordinance No. 113, 2024, appropriating supplemental funding to cover right-of-way and easement acquisition costs over and above the estimated cost for that phase of the Project. Since that appropriation ordinance, right-of-way acquisition has been completed.

F. The Project team divided construction into packages based on the estimated acquisition dates for specific parcel locations. This allowed construction to begin in areas where acquisition was complete. Project earthwork and wall building on some parcels has been completed, and the remaining construction includes new

stormwater infrastructure, utility relocation, and installing new paving, sidewalks, signals, signing, striping, landscaping, irrigation, and urban design elements.

G. The Project team has undertaken value engineering efforts to help bring the remaining construction cost within the City's budget and has brought the estimated remaining construction cost to within approximately \$1.3 million of the City's available funding. Staff has identified traditional transportation capital project funding sources that can be used to cover the shortfall.

H. The Project includes significant water line replacement work for the Fort Collins-Loveland Water District and limited sewer work for the South Fort Collins Sanitation District. Including this work in the Project will minimize disruption to the traveling public. The City has entered into intergovernmental agreements with the districts and will be reimbursed for this work as it is constructed and accepted by district staff. This is a routine partnership practice on transportation capital projects.

I. The Project also includes significant new stormwater infrastructure. This includes normal surface water collection inlets and pipes associated with intersection improvement projects. It also includes significant stormwater outfall infrastructure that is not typically included in this type of transportation work. The cost of establishing adequate stormwater outfalls was seen as above and beyond the typical costs associated with transportation capital improvement projects, and Fort Collins Utilities has agreed and is prepared to contribute Stormwater Reserves funding to the Project to cover the construction costs associated with establishing these outfalls. This work will allow for future development and redevelopment in and around the intersection of South College Avenue and Trilby Road.

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 Storm Water Fund and Transportation Capital Expansion Fee fund, and that this appropriation will not cause the total amount appropriated in Stormwater fund and Transportation Capital Expansion Fee fund 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 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.

M. 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 Projects fund and that this appropriation 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.

N. 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.

O. The City Manager has recommended the transfer of \$352,854 from the Transportation Services fund and \$1,294,934 from the Stormwater fund and \$293,212 from the Transportation Capital Expansion Fee fund and \$400,000 from the Community Capital Intersection Improvements budget in the Capital Projects fund and \$246,503 from the Suniga Improvements Project budget in the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project budget in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged the proposed transfer is from a capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

P. 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.

Q. The Project cost of \$3,078,900 has been used to calculate the contribution to the APP program.

R. The amount to be contributed by this Ordinance will be \$30,789.

S. 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 shall continue until the completion of the capital project.

T. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

U. 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. There is hereby appropriated from prior year reserves in the Stormwater fund the sum of ONE MILLION TWO HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$1,294,934) to be expended in the Stormwater fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of ONE MILLION ONE HUNDRED THIRTY-NINE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS (\$1,139,824) to be expended in the Capital Projects fund for College Avenue–Trilby Road Intersection Improvements Project.

Section 3. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWENTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-EIGHT DOLLARS (\$28,838) to be expended in the Capital Projects fund for College Avenue–Trilby Road Intersection Improvements Project.

Section 4. There is hereby appropriated from new revenue or other funds in the Transportation Services Fund the sum of THREE HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS (\$352,854) to be expended in the Transportation Services fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 5. The unexpended and unencumbered appropriated amount FOUR HUNDRED THOUSAND DOLLARS (\$400,000) is authorized for transfer from the Community Capital Improvement Program Arterial Intersection Improvements capital project account in the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project capital project account in the Capital Projects fund and appropriated therein to be expended for the College Avenue–Trilby Road Intersection Improvements Project.

Section 6. The unexpended and unencumbered appropriated amount TWO HUNDRED FORTY-SIX THOUSAND FIVE HUNDRED THREE DOLLARS (\$246,503) is authorized for transfer from the Suniga Improvements Projects capital project account in

the Capital Projects fund to the College Avenue–Trilby Road Intersection Improvements Project capital project account in the Capital Projects fund and appropriated therein to be expended for the College Avenue–Trilby Road Intersection Improvements Project.

Section 7. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO HUNDRED NINETY-THREE TWO HUNDRED TWELVE DOLLARS (\$293,212) to be expended in the Transportation Capital Expansion Fee fund for transfer to and expended therein the Capital Projects fund for the College Avenue–Trilby Road Intersection Improvements Project.

Section 8. The unexpended and unencumbered appropriated amount of TWENTY-FOUR THOUSAND FIFTEEN DOLLARS (\$24,015) 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 9. The unexpended and unencumbered appropriated amount of SIX THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS (\$6,158) 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 10. The unexpended and unencumbered appropriated amount of SIX HUNDRED SIXTEEN DOLLARS (\$616) 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 11. The appropriations herein for the College Avenue–Trilby Road 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 shall continue until the completion of the Project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis



2024 Construction Cost Index Report (July – September)

Compiled By:
Cost Estimating Services Unit of the
Construction Engineering Services Branch

November 15, 2024

2022 CCI Report Summary

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Relative change from last quarter, quarterly data	-9.40%*
Cumulative change from same quarter last year, quarterly data	-5.69%*
Relative change from last year, annual data**	-3.26%

* Calculations based on quarterly data may vary significantly due to strong seasonality in Colorado. ** Calculations derived from the most recent four consecutive quarters of data compared to the previous four consecutive quarters of data. For example, relative change for Second Quarter Ending June 30, 2017 is derived from July 1, 2016 to June 30, 2017 data compared to July 1, 2015 to June 30, 2016 data.

Summary for all Design-Bid-Build projects awarded between 07/01/2024 and 09/30/2024.

Project Amount	Number of Projects	Number of Bidders	Biddable Items Total Amount	Average Number of Bidders
\$0.00 to \$999,999.99	3	10	\$1,455,533.00	3.33
\$1,000,000.00 to \$4,999,999.99	10	32	\$19,165,152.71	3.20
\$5,000,000.00 to \$19,999,999.99	3	9	\$22,177,125.50	3.00
\$20,000,000.00 or Greater	1	4	\$105,158,918.35	4.00
Total	17	55	\$147,956,729.56	3.24

Item 13.

Average number of bidders per project decreased to **3.24** this quarter, from **3.78** the previous quarter. Average cost per Design-Bid-Build project was **\$8,703,337.03**.

Colorado Construction Cost Index Tabulations: Quarterly Data

Year	Quarter	Earthwork		Hot Mix Asphalt		Concrete Pavement*		Structural Concrete		Reinforcing Steel		Fisher Ideal Index	
		Price (\$/CY)	Qty (CY)	Price (\$/TON)	Qty (TON)	Price (\$/SY)	Qty (SY)	Price (\$/CY)	Qty (CY)	Price (\$/LB)	Qty (LB)	Relative	Cumulative
2012	Q1	9.32	295,331.00	83.52	611,829.00	29.47	459,695.83	433.44	7,636.00	0.88	1.9		1.0000
2012	Q2	10.61	367,636.10	82.65	328,357.21	31.18	264,194.31	472.96	5,910.00	0.97	8		1.0190
2012	Q3	11.92	212,117.00	90.76	59,799.23	34.76	107,643.81	487.93	2,388.20	1.04	4	Item 13.	1.1204
2012	Q4	9.49	246,805.00	102.24	146,197.04	n/a**	n/a**	527.68	1,972.00	0.94	3		
2013	Q1	8.08	659,125.00	76.07	393,759.56	31.81	549,580.81	487.00	9,010.00	0.87	1,929,721.00	0.8044	0.9322
2013	Q2	12.75	316,498.00	84.37	501,946.32	52.18	60,482.78	427.09	6,857.00	0.91	1,048,761.00	1.2121	1.1300
2013	Q3	8.72	419,967.00	85.00	147,064.84	35.57	170,833.67	372.83	9,917.00	0.77	2,350,291.00	0.8947	1.0110
2013	Q4	10.00	75,520.00	80.78	198,528.45	42.64	92,749.00	309.40	1,752.00	0.85	486,791.00	1.0086	1.0197
2014	Q1	20.16	99,605.00	92.28	433,692.17	76.84	57,552.78	476.21	3,265.00	0.98	2,624,246.00	1.2581	1.2829
2014	Q2	12.88	610,731.00	88.13	548,253.70	34.34	302,520.17	517.01	8,249.90	0.90	1,468,119.00	0.8421	1.0803
2014	Q3	13.30	708,794.00	100.07	102,680.99	52.39	147,911.17	592.26	16,294.30	1.01	2,949,194.00	1.1740	1.2683
2014	Q4	10.73	695,288.00	113.42	141,154.23	46.12	156,635.11	549.86	6,657.10	1.03	948,029.00	0.9591	1.2164
2015	Q1	16.60	301,494.80	83.80	736,968.84	34.36	311,378.67	744.81	1,964.00	1.66	368,665.00	0.8798	1.0702
2015	Q2	15.12	167,066.00	94.22	311,989.59	46.36	219,498.00	577.73	1,119.00	1.64	205,245.00	1.1391	1.2190
2015	Q3	20.32	40,649.00	98.61	89,024.05	75.70	12,880.78	739.20	76.90	1.33	86,554.00	1.1536	1.4063
2015	Q4	12.16	309,414.10	81.21	66,957.40	47.46	128,174.06	598.73	3,702.00	1.42	362,651.00	0.7434	1.0454
2016	Q1	12.27	939,477.00	84.03	1,078,315.35	39.18	243,518.78	617.10	6,507.71	1.02	1,627,487.00	0.9767	1.0211
2016	Q2	11.34	14,104.00	110.17	118,434.28	104.99	1,936.89	1,028.57	126.00	2.79	12,189.00	1.4571	1.4878
2016	Q3	10.66	503,305.00	83.55	286,987.61	52.59	275,462.06	606.80	1,952.80	0.94	331,788.70	0.6500	0.9671
2016	Q4	18.00	81,788.00	106.93	108,909.09	47.97	51,601.88	978.88	300.80	2.28	18,840.00	1.2318	1.1913
2017	Q1	24.99	110,497.40	82.20	480,758.14	36.08	60,069.44	1,138.99	67.00	2.17	26,054.00	0.8105	0.9655
2017	Q2	11.28	153,010.00	88.48	302,427.67	36.44	147,787.36	592.94	2,168.00	1.06	416,630.00	0.9916	0.9574
2017	Q3	27.34	51,552.00	115.01	19,675.64	97.88	2,088.89	629.83	2,292.00	1.15	346,069.00	1.4673	1.4048
2017	Q4	16.17	23,686.00	95.90	152,110.33	72.95	2,823.00	1,068.73	263.00	2.32	24,850.00	0.9449	1.3274
2018	Q1	13.97	163,772.00	90.91	302,427.23	92.58	7,834.00	862.30	1,167.00	1.39	260,568.00	0.9415	1.2497
2018	Q2	15.58	47,167.00	110.11	42,157.74	n/a**	n/a**	809.61	887.00	1.54	139,494.00	1.1643	1.4551
2018	Q3	15.69	77,482.00	107.51	38,587.91	60.91	11,825.11	711.51	5,097.00	1.07	1,480,110.00	0.8995	1.3088
2018	Q4	16.51	174,175.00	89.89	594,326.44	35.97	974,214.00	674.59	2,017.00	1.29	213,561.00	0.8238	1.0785
2019	Q1	12.73	545,088.00	101.34	491,723.60	53.33	197,389.61	840.94	4,276.90	1.40	871,380.00	1.1848	1.2778
2019	Q2	26.64	55,197.00	119.73	116,528.65	79.43	13,611.17	479.34	8,463.00	1.05	1,230,972.00	1.1236	1.4357
2019	Q3	n/a**	n/a**	n/a**	n/a**	104.00	4,074.22	n/a**	n/a**	n/a**	n/a**	1.0100	1.4501
2019	Q4	16.30	207,333.00	95.42	275,273.38	43.76	41,068.89	798.39	468.00	1.39	145,577.00	0.8508	1.2337
2020	Q1	20.76	456,146.00	93.02	867,587.63	62.82	53,818.89	805.97	4,026.00	1.22	820,456.00	1.0204	1.2589
2020	Q2	9.86	764,455.00	104.16	156,927.56	51.27	177,038.39	809.92	1,804.90	1.43	363,733.00	0.9156	1.1527
2020	Q3	18.41	38,940.00	119.00	26,251.98	46.08	108,008.22	874.51	829.50	1.35	142,067.00	1.1208	1.2920
2020	Q4	7.97	236,919.00	103.21	204,957.94	118.13	129.78	663.99	1,372.40	1.50	170,260.00	1.1677	1.5087
2021	Q1	29.41	70,042.00	86.42	717,198.89	75.43	38,200.44	776.10	1,205.40	1.44	193,123.00	0.9550	1.4408
2021	Q2	15.43	336,448.00	90.69	153,802.91	61.18	44,898.56	988.80	2,639.00	1.61	431,045.00	0.9405	1.3550
2021	Q3	15.10	614,822.00	104.66	60,911.11	83.54	7,714.89	879.03	2,306.00	1.51	302,787.00	1.0677	1.4467
2021	Q4	18.77	279,454.00	114.06	772,464.56	49.21	107,696.78	733.07	1,857.40	1.52	409,460.00	1.0811	1.5461
2022	Q1	21.57	158,601.00	118.27	377,371.40	66.87	79,738.72	1,027.78	1,812.50	1.60	537,299.00	1.0708	1.6748
2022	Q2	21.01	368,073.00	119.68	350,768.54	61.64	75,600.88	936.83	1,583.60	1.60	570,628.00	0.9971	1.6700
2022	Q3	27.51	212,003.00	188.25	29,884.24	88.39	8,176.00	1,214.56	3,082.70	2.43	766,514.00	1.4597	2.4377
2022	Q4	28.25	390,484.00	133.85	653,275.51	100.75	10,902.00	969.78	9,549.00	1.99	2,502,608.00	0.8024	1.9559
2023	Q1	27.03	61,605.00	126.73	238,040.15	100.75	10,902.00	969.78	9,549.00	2.16	10,645.00	0.9592	1.8761
2023	Q2	35.41	62,225.00	141.34	129,616.77	100.75	10,902.00	1,171.30	3,770.00	1.95	159,583.00	1.1378	2.1346
2023	Q3	27.74	46,034.00	147.68	82,792.32	84.77	51,409.44	1,195.41	5,832.00	1.85	1,109,313.00	0.9933	2.1204
2023	Q4	32.05	130,828.00	128.90	706,131.09	84.77	51,409.44	1,287.29	7,025.00	2.44	205,353.00	0.9465	2.0070
2024	Q1	31.63	196,210.00	139.37	306,279.71	115.14	14,538.17	1,052.46	5,027.00	1.76	1,314,768.00	0.9455	2.0888
2024	Q2	24.54	661,929.00	164.82	166,573.82	83.30	49,104.56	1,344.71	67.00	1.72	510,777.00		
2024	Q3	21.03	607,073.00	138.91	45,534.45	102.17	140,495.94	1,242.58	4,967.00	1.46	1,468,693.00		

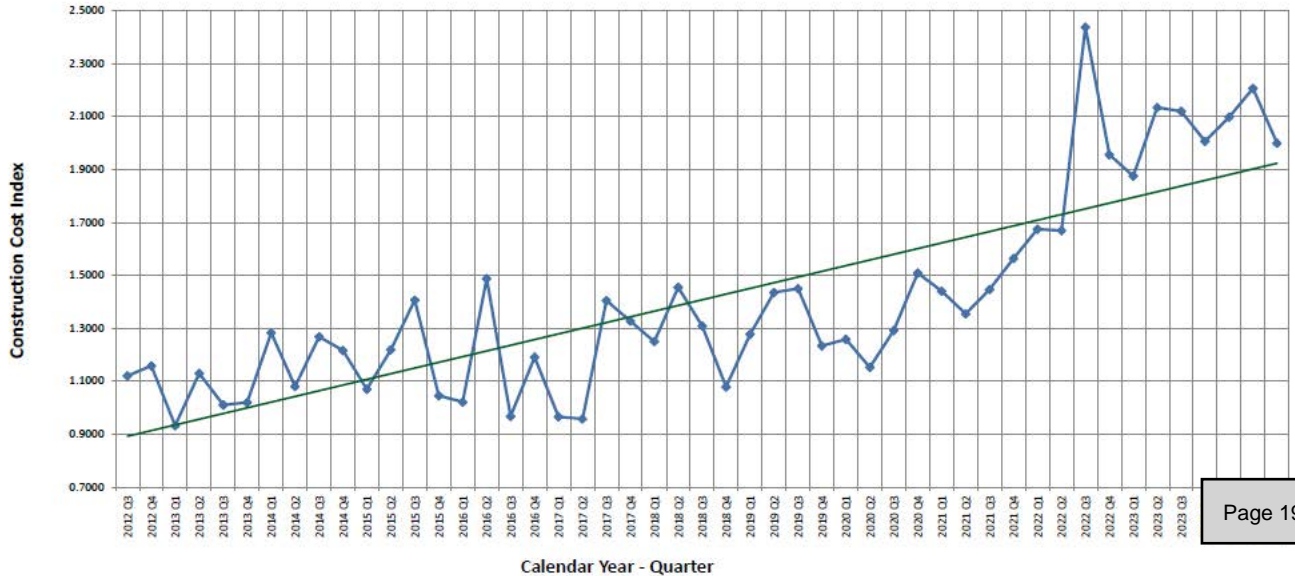
Weighted average prices and quantities are calculated after outliers (< 5% and > 95%) are removed in the preceding 7 years for a given quarter.

* Concrete Pavement is normalized to 2 inches thick.
 ** Assuming same price and quantity as previous quarter for index calculations, due to insufficient data of this sub group

Colorado CCI - Quarterly Data, Cumulative Assuming 2012 Q1 = 1.0000

Item 13.

Quarterly Trendline: Annual Percentage = 8.51%



Colorado Construction Cost Index Tabulations: Annual Percentage Change

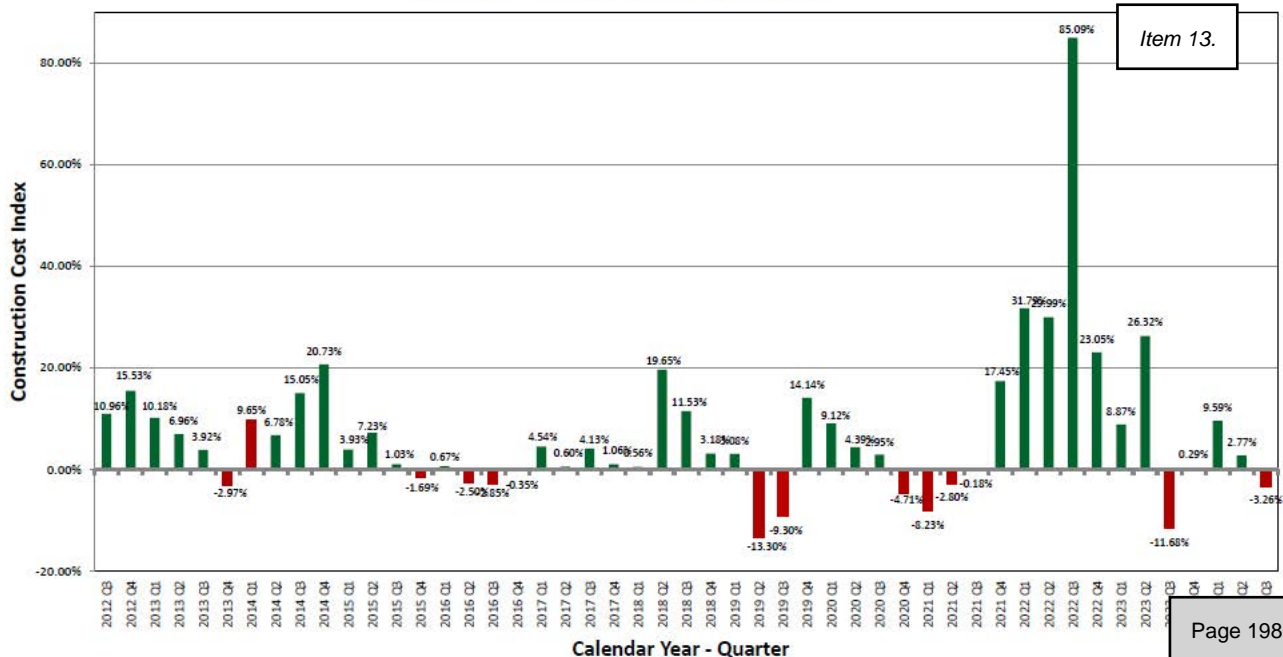
Year	Quarter	Earthwork		Hot Mix Asphalt		Concrete Pavement*		Structural Concrete		Reinforcing Steel		Fisher Ideal Index (Annual Change)			
		Price (\$/CY)	Qty (CY)	Price (\$/TON)	Qty (TON)	Price (\$/SY)	Qty (SY)	Price (\$/CY)	Qty (CY)	Price (\$/LB)	Qty (LB)	Q1	Q2	Q3	Q4
2012	Q1	8.54	1,643,084.00	83.57	1,241,881.88	31.36	667,746.33	425.94	719,256.60	0.86	7,149,441.00	15.75%	-	-	-
2012	Q2	9.14	1,480,770.10	85.60	1,177,201.54	30.19	816,996.14	443.73	482,553.33	0.90	4,772,516.00	-	10.6%	-	-
2012	Q3	9.26	1,540,869.10	85.79	1,121,413.82	31.08	843,324.44	453.18	246,336.20	0.91	4,774,608.00	-	-	-	-
2012	Q4	10.28	1,123,054.10	86.44	1,075,973.36	30.75	832,137.83	461.30	231,142.60	0.93	3,571,733.00	-	-	-	3%
2013	Q1	9.06	1,640,490.10	81.96	917,016.69	32.04	921,360.25	486.13	171,271.80	0.92	3,544,580.00	10.18%	-	-	-
2013	Q2	9.43	1,589,152.00	83.62	1,091,967.52	34.03	717,397.39	469.76	439,498.40	0.90	3,760,240.00	-	6.96%	-	-
2013	Q3	8.97	1,797,152.00	83.46	1,179,429.29	34.27	780,587.25	433.64	110,260.00	0.84	5,637,961.00	-	-	3.92%	-
2013	Q4	8.94	1,624,766.00	81.91	1,233,105.61	35.13	872,983.69	419.68	82,635.00	0.83	5,815,564.00	-	-	-	-2.97%
2014	Q1	11.48	911,590.00	87.61	1,263,123.94	46.14	381,618.22	400.29	348,656.00	0.84	4,515,089.00	9.65%	-	-	-
2014	Q2	11.85	1,205,823.00	87.98	1,303,383.13	39.83	623,655.61	433.90	417,310.20	0.84	4,934,523.00	-	6.78%	-	-
2014	Q3	13.42	1,494,650.00	89.33	1,258,855.88	44.14	600,788.11	541.68	916,397.20	0.96	5,533,272.00	-	-	15.05%	-
2014	Q4	12.87	1,905,718.00	93.84	1,194,508.19	45.71	535,731.67	552.98	445,708.90	0.98	5,959,513.00	-	-	-	20.73%
2015	Q1	13.05	2,107,558.80	89.29	1,505,390.18	38.96	789,770.89	573.93	628,474.40	1.02	5,704,023.00	3.93%	-	-	-
2015	Q2	13.33	1,663,898.80	91.88	1,278,350.68	43.24	706,748.72	592.19	129,733.50	1.09	4,441,073.00	-	7.23%	-	-
2015	Q3	13.63	995,753.80	91.69	1,264,591.17	41.62	571,919.33	582.12	20,378.60	1.26	1,575,781.00	-	-	1.03%	-
2015	Q4	14.79	818,579.90	88.28	1,197,470.58	41.60	672,400.83	622.80	51,661.40	1.54	1,029,400.00	-	-	-	-1.69%
2016	Q1	12.76	1,464,883.10	87.31	1,536,858.49	43.45	634,327.61	584.07	257,857.82	1.14	2,283,131.00	0.67%	-	-	-
2016	Q2	12.65	1,311,916.10	87.76	1,343,198.17	44.34	386,502.72	589.95	21,455.62	1.10	2,068,744.00	-	-2.50%	-	-
2016	Q3	11.90	1,774,241.10	86.35	1,540,764.97	46.66	648,828.00	600.27	109,230.39	1.08	2,336,431.70	-	-	-2.85%	-
2016	Q4	12.11	1,546,589.00	88.15	1,579,655.43	46.60	572,255.83	614.48	43,736.55	1.02	1,988,525.70	-	-	-	-0.35%
2017	Q1	13.86	707,879.40	89.72	982,654.73	51.86	403,163.94	671.29	4,832.80	1.14	387,092.70	4.54%	-	-	-
2017	Q2	13.10	846,760.40	87.35	1,166,127.13	47.43	548,620.42	623.09	35,667.20	1.08	792,864.70	-	0.60%	-	-
2017	Q3	18.01	394,566.40	89.14	899,330.24	42.66	275,247.25	634.52	24,023.00	1.16	807,026.00	-	-	4.13%	-
2017	Q4	17.96	335,196.40	87.05	969,483.05	41.83	226,468.36	644.35	28,740.00	1.17	813,026.00	-	-	-	1.06%
2018	Q1	14.50	389,889.00	89.19	827,260.46	39.65	159,163.97	678.88	58,760.00	1.17	988,218.00	0.56%	-	-	-
2018	Q2	16.44	342,507.00	89.03	607,596.81	85.48	12,034.39	746.16	25,415.00	1.29	792,847.00	-	-	19.65%	-
2018	Q3	14.80	368,871.00	89.18	626,447.65	70.50	21,592.61	747.97	85,976.00	1.14	1,925,915.00	-	-	-	11.53%
2018	Q4	15.46	520,654.00	89.21	1,047,318.74	36.62	992,983.61	723.69	95,700.00	1.15	2,114,731.00	-	-	-	3.18%
2019	Q1	14.08	902,010.00	94.81	1,206,169.09	39.10	1,183,250.72	752.85	231,190.20	1.21	2,784,865.00	3.08%	-	-	-
2019	Q2	14.64	851,604.00	97.70	1,240,977.52	39.56	1,196,861.89	634.01	139,523.30	1.15	3,794,578.00	-	-	-	-13.30%
2019	Q3	15.25	1,153,471.00	93.10	1,488,059.22	39.84	1,193,589.00	621.84	202,577.40	1.18	5,583,068.00	-	-	-	-9.30%
2019	Q4	15.25	1,186,629.00	95.28	1,169,006.16	54.92	260,443.89	621.10	128,855.60	1.18	5,519,004.00	-	-	-	14.14%
2020	Q1	18.80	1,097,687.00	92.08	1,544,870.18	61.24	116,873.17	613.90	222,691.00	1.16	5,468,160.00	9.12%	-	-	-
2020	Q2	14.30	1,428,945.00	94.94	1,301,967.57	53.19	276,000.39	806.51	44,099.30	1.29	1,333,770.00	-	-	4.39%	-
2020	Q3	14.39	1,466,874.00	95.35	1,326,004.54	50.62	379,934.39	814.45	42,770.40	1.30	1,475,837.00	-	-	-	2.95%
2020	Q4	13.11	1,496,460.00	96.62	1,255,725.10	51.48	338,995.28	789.68	48,196.80	1.31	1,496,863.00	-	-	-	-4.71%
2021	Q1	10.99	1,110,356.00	92.83	1,105,336.37	52.44	323,696.83	773.95	41,697.60	1.43	869,530.00	-8.23%	-	-	-
2021	Q2	14.45	682,349.00	90.91	1,102,211.72	55.57	191,557.00	856.99	60,463.00	1.52	936,838.00	-	-	-2.80%	-
2021	Q3	14.64	1,258,231.00	91.00	1,136,870.85	69.17	91,263.67	861.81	37,614.00	1.54	1,097,558.00	-	-	-	-0.18%
2021	Q4	16.74	1,300,766.00	99.98	1,704,377.47	58.33	198,830.67	865.86	32,031.20	1.54	1,336,415.00	-	-	-	17.45%
2022	Q1	16.69	1,391,205.00	112.57	1,394,922.03	61.12	276,289.17	912.48	34,459.60	1.56	1,744,736.00	31.79%	-	-	-
2022	Q2	18.12	1,422,830.00	116.25	1,591,887.66	61.24	306,991.50	890.94	37,797.50	1.56	1,884,319.00	-	-	29.99%	-
2022	Q3	21.90	1,020,011.00	118.08	1,560,860.79	61.40	307,452.61	1013.91	58,353.40	1.85	2,348,046.00	-	-	-	85.09%
2022	Q4	24.87	1,131,041.00	127.38	1,441,671.74	69.67	210,657.83	1020.16	256,444.80	1.96	4,441,194.00	-	-	-	20.32%
2023	Q1	25.47	1,031,565.00	129.89	1,271,968.46	68.45	94,678.89	1020.16	256,444.80	2.16	10,645.00	8.87%	-	-	-
2023	Q2	28.55	725,717.00	134.71	1,050,816.67	95.46	19,078.00	1047.93	29,033.40	2.09	3,433,350.00	-	-	26.32%	-
2023	Q3	28.87	559,748.00	134.23	1,103,724.74	87.57	62,311.44	1067.99	69,064.00	1.95	3,776,151.00	-	-	-	-11.68%
2023	Q4	31.07	300,092.00	131.19	1,156,580.33	84.77	51,409.44	1204.58	45,610.00	1.94	1,478,896.00	-	-	-	-
2024	Q1	31.88	435,297.00	134.11	1,224,819.89	91.46	65,947.61	1150.53	56,596.00	1.86	2,783,019.00	9.59%	-	-	-
2024	Q2	26.98	1,035,001.00	137.42	1,261,776.94	87.98	115,052.17	1149.99	12,331.00	1.83	3,140,213.00	-	-	2.77%	-
2024	Q3	24.69	1,596,040.00	136.78	1,224,519.08	98.55	204,138.67	1167.00	22,932.00	1.67	3,499,591.00	-	-	-	-3

Item 13.

Weighted average prices and quantities are calculated after outliers (< 5% and > 95%) are removed in the preceding 7 years for a given quarter

* Concrete Pavement is normalized to 9 inches thick.

Colorado CCI - Annual Percentage Change



Calculations derived from the most recent four consecutive quarters of data compared to the previous four consecutive quarters of data.

Comments:

The methodology for preparing the CCI is documented in a brief report attached to the '2012 CCI Q2 (Quarter Two)' report at the link below under the 'Construction Cost Index' heading and '2012 CCI Q2' report (<https://www.codot.gov/business/eema/constructioncostindex>).

Starting with 2016 Q3, this quarterly CCI report includes calculations based on annual data. The annual data calculations are less volatile than the quarterly data calculations, partially due to the strong seasonal nature of transportation construction in Colorado.

For the current quarter, price changes for the five subgroups, as shown in the 'Colorado Construction Cost Index Tabulations: Quarterly Data', are listed as follows:

Earthwork (Excavation and Embankment):

The average price was \$21.03/CY (cubic yard), which is down \$3.51/CY, with 91.71% of the quantity, from the previous quarter.

Hot Mix Asphalt:

The average price was \$138.91/Ton, which is down \$25.91/TON, with 27.34% of the quantity, from the previous quarter.

Concrete Pavement:

The average price was \$102.17/SY (square yard), which is up \$18.86, with 286.12% of the quantity, from the previous quarter.

Structural Concrete:

The average price was \$1,242.58/CY, which is down \$392.13 SY, with 7,413.43% of the quantity, from the previous quarter.

Reinforcing Steel:

The average price was \$1.46/LB (pound), which is down \$0.26, with 287.54% the quantity, from the previous quarter.

Additional Information:

This quarter, based on preceding quarterly data, one subgroup, Concrete Pavement, showed an increase in price. While Earthwork, Structural Concrete, Reinforcing Steel and Hot Mix Asphalt showed a decrease in price. 17 Design-Bid-Build projects for a total of \$147,956,729.56 were bid and awarded this quarter. The five categories for CCI items totaled \$41,759,333.59, which is 28.22% of the total Design-Bid-Build awarded amount. Last quarter, by comparison, had 41 Design-Bid-Build projects bid and awarded.

Projects Awarded This Quarter and Not Used in the CCI Calculations

Project Type	Number of Projects	Biddable Items Total Amount
Design-Build	0	\$0.00
Hybrid / Modified / Streamlined Design-Build	0	\$0.00
Construction Manager / General Contractor	3	\$0.00
Emergency	0	\$0.00
Sub Total	3	\$112,286,291.37

**AGREEMENT BETWEEN THE CITY OF FORT COLLINS
AND THE FORT COLLINS-LOVELAND WATER DISTRICT
REGARDING INFRASTRUCTURE IMPROVEMENTS
IN AND AROUND THE COLLEGE AND TRILBY INTERSECTION**

This Agreement is made by and between the City of Fort Collins, Colorado, a Colorado municipal corporation (City), and the Fort Collins-Loveland Water District, a quasi-municipal corporation and a political subdivision of the State of Colorado (District). This Agreement shall be effective upon the last date of its signing by all parties. The City and the District are sometimes referred to herein individually as a “party” and collectively as the “parties.”

RECITALS

A. The City plans to reconstruct the intersection of Trilby Road and U.S. 287/College Avenue (the Project) in south Fort Collins. Plans for the Project involve roadway improvements; bicycle, pedestrian, and transit improvements; drainage improvements; urban design enhancements; and development-related work on and relocation of utilities in and around the intersection. Project construction involves gaining access to various utility infrastructure.

B. The District is a water district that owns and operates water utility infrastructure in the vicinity of the Project. The District’s service area includes areas in and around the vicinity of the Project. The Project requires relocation of existing District water infrastructure. The District desires to avail itself of the City’s Project construction to develop and improve its infrastructure.

C. This Agreement concerns rights and responsibilities of the City and the District related to the design and construction work for the Project (defined and described below as: Project Work). The City has retained a contractor, Zak Dirt, Inc. (Contractor) to perform the Project Work pursuant to a contract and work order with the City for RFP 9621 CM/GC Services for Intersection Improvements at College & Trilby. The District will reimburse the City for the District’s portion of the Project Work as described below.

D. This Agreement also concerns rights and responsibilities of the City and the District related to the acceptance and ownership of certain infrastructure related to the Project (defined and described below as: New Infrastructure).

E. Pursuant to Article XIV, Section 18 of the Constitution of the State of Colorado, Article II, Section 16 of the Charter of the City of Fort Collins, and C.R.S. §§29-1-203 and 32-1-1001, the parties may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government.

F. The parties have accordingly negotiated the terms and conditions set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing recitals are hereby incorporated as if fully restated in their entirety.

2. **PROJECT WORK.**

a. **THE SCOPE OF THE PROJECT WORK.** The parties will meet to jointly develop and fully define the Project Work to be completed. Before the City issues a work order for the Contractor to begin the Project Work, each of the parties shall confirm in writing (such as by email or otherwise) that the Project Work is acceptable as fully defined. The jointly developed and fully defined Project Work shall be referred to by and incorporated into the work order and any change orders between the City and the Contractor and shall include:

- I. Design and plan for New Infrastructure to be installed, allocating ownership for all New Infrastructure;
- II. A total cost estimate, including rates for any change orders or project delays;
- III. A proportional allocation of costs to each party based on the amount of the Project Work attributed to each party's needs;
- IV. Timelines and deadlines for the agreed upon Project Work;
- V. Documentation of existing City and District rights-of-way and easements and any additional rights-of-way or easements needed;
- VI. Any other specifications or details to guide the Contractor's performance.

b. **COOPERATION WITH THE PROJECT WORK.** The District agrees to cooperate in good faith with the City for the Project Work, including: developing the scope and reviewing and providing comments on draft designs and plans generated by the City and Contractor. The District agrees to provide information needed to complete the Project Work to the City and Contractor, in a timely manner.

c. **CHANGE ORDER AFFECTING DISTRICT INFRASTRUCTURE.** Any change order the District issues once the Project Work is under way shall be an amendment to the Project Work, shall be required to be agreed to in writing and signed by the parties, and shall include itemized changes to the cost and schedule. Except where a change order is issued due to reasonably unforeseeable matters or is caused by actions of the City or the Contractor, the District shall be solely responsible for reimbursing the City in accordance with Paragraph 2.e. for the cost of any such change.

d. **INSPECTION AND ACCEPTANCE OF WORK.** All water facilities must be inspected and tested by the District according to District construction specifications before acceptance of work. The City shall coordinate all inspections, testing, walk-throughs, with the District Representative. The City shall give the District Representative a minimum of 48 hours notice (exclusive of holidays and weekends) upon commencement of waterline work. The District recognizes that time is of the essence and commits to inspecting the Project Work within the two business days of such notification. The parties acknowledge that the situation may arise when it is necessary for the District to inspect the construction immediately, such as a weather-related situation. In such a situation, the City agrees to notify the District of the urgency, and the District agrees to inspect the work within twelve hours of the notice. The City shall provide safe access for the District Representative to develop Project record drawings in accordance with District specifications. The District shall submit a written

acceptance or denial of the work within two business days of the testing. If the District rejects any work, the City and Contractor shall remedy the work and submit for reinspection.

e. **REIMBURSEMENT TO FORT COLLINS.** The District shall pay the City for the District's portion of the Project Work within thirty days of receiving an invoice from the City for the same. The District shall submit payment to the City Engineering Department (ATTN: Tracy Dyer), 281 N College, Fort Collins, CO 80524.

f. **TAXES.** The parties are exempt from Colorado State Sales and Use Tax as applicable. Taxes shall not be included in the amounts charged or paid under this Agreement. The City's Certificate of Exemption license number is 09804502. The District's Certificate of Exemption license number is 98-02255-0000.

3. **NEW INFRASTRUCTURE.** The Project will install New Infrastructure as identified in the Project Work. Each party will own its own New Infrastructure as set forth in the Project Work and will be responsible for all future maintenance of its own New Infrastructure. The District shall pay the City for the District's portion of the materials and construction costs associated with installing the District's New Infrastructure as part of the Project Work as set forth in the Project Work and in Section 2 of this Agreement.

4. **TERM AND TERMINATION.** This Agreement shall continue in effect until the Project Work is completed and the District has completed its final reimbursement to the City, unless terminated in accordance with the provisions of this Agreement, by court order, or by operation of law. Either party may terminate this Agreement at any time before installation of District's New Infrastructure, without cause or penalty by providing at least ten days written notice of termination to the other party, except that if the District is the terminating party it shall reimburse the City for any costs incurred as of the termination date that are related to the District's New Infrastructure, including materials or construction costs attributable to the District's New Infrastructure.

5. **TIME IS OF THE ESSENCE.** The parties acknowledge that time is of the essence in the performance of this Agreement. If, by the time the City plans to proceed with the Project work order and construction, the parties do not agree on the Project Work as provided under Paragraph 2.a., then the City will proceed with the Project on its own without incorporating the District's New Infrastructure, and the District shall provide all reasonable coordination assistance for the City to complete the remaining Project Work.

6. **FISCAL CONTINGENCY.** Notwithstanding any other provisions of this Agreement to the contrary, the obligations of the parties in fiscal years after the fiscal year of this Agreement shall be subject to appropriation of funds sufficient and intended therefor, with each party having the sole discretion to determine whether the subject funds are sufficient and intended for use under this Agreement.

7. **INSURANCE.** The City shall require the Contractor endorse the District as an additional named insured on the Contractor's insurance for the Project Work portion of the Project.

8. **FORCE MAJEURE.** Neither party shall be liable for any failure, default, or delay in any service provided for under this Agreement caused by strikes, acts of God, unavoidable accidents, or contingencies of any nature whatsoever beyond the party's control.

9. **DEFAULT/REMEDIES.** Each term and condition in this Agreement is a material element of this Agreement. If any party fails to comply with the provisions of this Agreement, the other parties, after providing prompt written notification to the noncomplying party, and upon the failure of the noncomplying party to achieve compliance within ten days following receipt of such notice, may seek all such remedies available under Colorado law. Nothing in this paragraph or any other provision of this Agreement shall, however, be construed as a waiver of the notice requirements, defenses, immunities, and limitations any of the parties may have under the Colorado Governmental Immunity Act, C.R.S. §§24-10-101, *et seq.*, or any other defenses, immunities, or limitations of liability available by law. The duties and obligations imposed by this Agreement and the rights and remedies available hereunder to the parties hereto are in addition to, and are not to be construed in any way as a limitation of, any rights and remedies available to them which are otherwise imposed by law or regulation, and the provisions of this paragraph will be as effective as if repeated specifically in the Agreement in connection with each particular duty, obligation, right, and remedy to which they apply.

10. **APPLICABLE LAW.** The laws of the State of Colorado and rules and regulations issued pursuant thereto and the City of Fort Collins Charter and Municipal Code will be applied in the interpretation, execution, and enforcement of this Agreement. Venue for any dispute between the parties arising out of or relating to this Agreement shall be in the State of Colorado District Court for Larimer County.

11. **NOTICE.** Any notice, request, demand, consent or approval, or other communication required or permitted hereunder will be in writing and will be deemed to have been given when personally delivered or deposited in the United States mail with proper postage and address as follows:

City: City Manager
 City Hall West
 300 LaPorte Avenue; P.O. Box 580
 Fort Collins, CO 80522-0580

And: City of Fort Collins
 Tracy Dyer, Project Manager, Engineering
 281 N College
 Fort Collins, CO 80524
 tdyer@fcgov.com

And: City of Fort Collins
 Gerry S. Paul, Director, Purchasing
 215 N Mason
 Fort Collins, CO 80524
 gspaul@fcgov.com

With copy to: Fort Collins City Attorney
 300 LaPorte Avenue; P.O. Box 580
 Fort Collins, Colorado 80522-0580
 hjarvis@fcgov.com

District: Chris Pletcher, General Manager

Fort Collins-Loveland Water District
5150 Snead Drive
Fort Collins, CO 80525
cpletcher@fclwd.com

12. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the parties regarding the matters addressed herein. This Agreement binds and benefits the parties and their respective successors. Covenants or representations not contained in this Agreement regarding the matters addressed herein shall not bind the parties.

13. **NO THIRD-PARTY BENEFICIARY.** The terms and conditions of this Agreement, and all rights of action relating thereto, are strictly reserved to the parties, and nothing in this Agreement shall give or allow any claim or right or cause of action whatsoever by any other person not included in this Agreement. Any person and/or entity, other than the parties to this Agreement, shall be deemed an incidental beneficiary only.

14. **NO WAIVER.** The waiver or delay of enforcement of one or more terms of this Agreement shall not constitute a waiver of the remaining terms. The waiver or delay in enforcement regarding any breach of this Agreement shall not constitute a waiver of any terms of the Agreement.

15. **RELATIONSHIP OF PARTIES.** This Agreement does not create and shall not be construed as creating a relationship of joint ventures, partners, or employer-employee, between the parties. The parties intend that this Agreement be interpreted as creating an independent contractor relationship. Pursuant to that intent, it is agreed that the conduct and control of the duties required by the Agreement shall lie solely with each party respectively, and each party shall be free to exercise reasonable discretion in the performance of its individual duties under this Agreement. Neither party shall, with respect to any activity, be considered an agent or employee of the other party.

16. **ASSIGNMENT.** No transfer or assignment of this Agreement or of any rights hereunder shall be made by either party without the prior written consent of the other, in its sole discretion.

17. **SEVERABILITY.** If any provision of this Agreement shall prove to be illegal, invalid, unenforceable or impossible of performance, the remainder of this Agreement shall remain in full force and effect.

18. **Counterparts, Electronic Signatures and Electronic Records.** This Agreement may be executed in multiple counterparts, each of which shall be an original, but all of which, together, shall constitute one and the same instrument. The parties consent to the use of electronic signatures and agree that the transaction may be conducted electronically pursuant to the Uniform Electronic Transactions Act, § 24-71.3-101, et seq., C.R.S.

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CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation

DocuSigned by:
By: Kelly DiMartino
Kelly DiMartino, City Manager

Date: 8/8/2024

ATTEST:

DocuSigned by:
By: Delynn Coldiron
Delynn Coldiron, City Clerk



APPROVED AS TO LEGAL FORM:

DocuSigned by:
By: Heather N. Jarvis
Heather N. Jarvis, Assistant City Attorney

FORT COLLINS-LOVELAND WATER DISTRICT, a political subdivision of the State of Colorado

DocuSigned by:
By: Chris Pletcher
Chris Pletcher, General Manager

Date: 7/19/2024

ATTEST:

Signed by:
By: Sandra Brautie
Sandra Brautie, District Engineer

Date: 7/19/2024

**AGREEMENT BETWEEN THE CITY OF FORT COLLINS
AND THE SOUTH FORT COLLINS SANITATION DISTRICT
REGARDING INFRASTRUCTURE IMPROVEMENTS
IN AND AROUND THE COLLEGE AND TRILBY INTERSECTION**

This Agreement is made by and between the City of Fort Collins, Colorado, a Colorado municipal corporation (City), and the South Fort Collins Sanitation District, a political subdivision of the State of Colorado (District). This Agreement shall be effective upon the last date of its signing by all parties.

RECITALS

A. The City plans to reconstruct the intersection of Trilby Road and U.S. 287/College Avenue (the Project) in south Fort Collins. Plans for the Project involve roadway improvements; bicycle, pedestrian, and transit improvements; drainage improvements; urban design enhancements; and development-related work on and relocation of utilities in and around the intersection. Project construction involves gaining access to various utility infrastructure.

B. The District is a sanitation district that owns and operates sanitation utility infrastructure in the vicinity of the Project. The District's service area includes areas in and around the vicinity of the Project. The District desires to avail itself of the City's Project construction to develop and improve its infrastructure.

C. This Agreement concerns rights and responsibilities of the City and the District related to the design and construction work for the Project (defined and described below as: Project Work). The City has retained a contractor, Zak Dirt, Inc. (Contractor) to perform the Project Work pursuant to a contract and work order with the City for RFP 9621 CM/GC Services for Intersection Improvements at College & Trilby. The District will reimburse the City for the District's portion of the Project Work as described below.

D. This Agreement also concerns rights and responsibilities of the City and the District related to the acceptance and ownership of certain infrastructure related to the Project (defined and described below as: New Infrastructure).

E. Pursuant to Article XIV, Section 18 of the Constitution of the State of Colorado, Article II, Section 16 of the Charter of the City of Fort Collins, and C.R.S. §§29-1-203 and 32-1-1001, the parties may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government.

F. The parties have accordingly negotiated the terms and conditions set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing recitals are hereby incorporated as if fully restated in their entirety.

2. **PROJECT WORK.**

a. **THE SCOPE OF THE PROJECT WORK.** The parties will meet to jointly develop and fully define the Project Work to be completed. Before the City issues a work order for the Contractor to begin the Project Work, each of the parties shall confirm in writing (such as by email or otherwise) that the Project Work is acceptable as fully defined. The jointly developed and fully defined Project Work shall be referred to by and incorporated into the work order and any change orders between the City and the Contractor and shall include:

- I. Design and plan for New Infrastructure to be installed, allocating ownership for all New Infrastructure;
- II. A total cost estimate, including rates for any change orders or project delays;
- III. A proportional allocation of costs to each party based on the amount of the Project Work attributed to each party's needs;
- IV. Timelines and deadlines for the agreed upon Project Work;
- V. Documentation of existing City and District rights-of-way and easements and any additional rights-of-way or easements needed;
- VI. Any other specifications or details to guide the Contractor's performance.

b. **COOPERATION WITH THE PROJECT WORK.** The District agrees to cooperate in good faith with the City for the Project Work, including: developing the scope and reviewing and providing comments on draft designs and plans generated by the City and Contractor. The District agrees to provide information needed to complete the Project Work to the City and Contractor, in a timely manner.

c. **CHANGE ORDER AFFECTING DISTRICT INFRASTRUCTURE.** Any change order the District requires once the Project Work is under way shall be an amendment to the Project Work, shall be required to be agreed to in writing and signed by the parties, and shall include itemized changes to the cost and schedule. The District shall be solely responsible for reimbursing the City in accordance with Paragraph 2.e. for the cost of any such change.

d. **ACCEPTANCE OF WORK.** The City shall notify the District of appropriate times and dates when the District shall inspect the construction pursuant to the Project Work. The District shall inspect the construction within two business days of such notification. Time is of the essence. If the District neglects to inspect the construction within the times and dates provided without agreeing with the City and Contractor on alternative arrangements, then the District shall pay a daily rate as set forth in the Project Work for delay of the Project. The parties acknowledge that the situation may arise when it is necessary for the District to inspect the construction immediately, such as a weather-related situation. In such a situation, the City agrees to notify the District of the urgency, and the District agrees to inspect the work within twelve hours of the notice.

e. **REIMBURSEMENT TO FORT COLLINS.** The District shall pay the City for the District's portion of the Project Work within thirty days of receiving an invoice from the City for the same. The District shall submit payment to the City Engineering Department (ATTN: Tracy Dyer), 281 N College, Fort Collins, CO 80524.

- f. **TAXES.** The parties are exempt from Colorado State Sales and Use Tax as applicable. Taxes shall not be included in the amounts charged or paid under this Agreement. The City's Certificate of Exemption license number is 09804502. The District's Certificate of Exemption license number is 98-00968.
3. **NEW INFRASTRUCTURE.** The Project will install New Infrastructure as identified in the Project Work. Each party will own its own New Infrastructure as set forth in the Project Work and will be responsible for all future maintenance of its own New Infrastructure. The District shall pay the City for the District's portion of the materials and construction costs associated with installing the District's New Infrastructure as part of the Project Work as set forth in the Project Work and in Section 2 of this Agreement.
4. **TERM AND TERMINATION.** This Agreement shall continue in effect until the Project Work is completed and the District has completed its final reimbursement to the City, unless terminated in accordance with the provisions of this Agreement, by court order, or by operation of law. Either party may terminate this Agreement at any time before installation of District's New Infrastructure, without cause or penalty by providing at least ten days written notice of termination to the other party, except that if the District is the terminating party it shall reimburse the City for any costs incurred as of the termination date including materials or construction costs attributable to the District's New Infrastructure.
5. **TIME IS OF THE ESSENCE.** The parties acknowledge that time is of the essence in the performance of this Agreement. If, by the time the City plans to proceed with the Project work order and construction, the parties do not agree on the Project Work as provided under Paragraph 2.a., then the City will proceed with the Project on its own without incorporating the District's New Infrastructure, and the District shall provide all reasonable coordination assistance for the City to complete the remaining Project Work.
6. **FISCAL CONTINGENCY.** Notwithstanding any other provisions of this Agreement to the contrary, the obligations of the parties in fiscal years after the fiscal year of this Agreement shall be subject to appropriation of funds sufficient and intended therefor, with each party having the sole discretion to determine whether the subject funds are sufficient and intended for use under this Agreement.
7. **INSURANCE.** The District shall provide the City with its information for the City, provided it is reasonably feasible, to add the District as an additional named insured on the Contractor's insurance for the Project Work portion of the Project.
8. **FORCE MAJEURE.** Neither party shall be liable for any failure, default, or delay in any service provided for under this Agreement caused by strikes, acts of God, unavoidable accidents, or contingencies of any nature whatsoever beyond the party's control.
9. **DEFAULT/REMEDIES.** If any party fails to comply with the provisions of this Agreement, the other parties, after providing prompt written notification to the noncomplying party, and upon the failure of the noncomplying party to achieve compliance within ten days following receipt of such notice, may seek all such remedies available under Colorado law. Nothing in this paragraph or any other provision of this Agreement shall, however, be construed as a waiver of the

notice requirements, defenses, immunities, and limitations any of the parties may have under the Colorado Governmental Immunity Act, C.R.S. §§24-10-101, *et seq.*, or any other defenses, immunities, or limitations of liability available by law. The duties and obligations imposed by this Agreement and the rights and remedies available hereunder to the parties hereto are in addition to, and are not to be construed in any way as a limitation of, any rights and remedies available to them which are otherwise imposed by law or regulation, and the provisions of this paragraph will be as effective as if repeated specifically in the Agreement in connection with each particular duty, obligation, right, and remedy to which they apply.

10. **APPLICABLE LAW.** The laws of the State of Colorado and rules and regulations issued pursuant thereto and the City of Fort Collins Charter and Municipal Code will be applied in the interpretation, execution, and enforcement of this Agreement. Venue for any dispute between the parties arising out of or relating to this Agreement shall be in the State of Colorado District Court for Larimer County.

11. **NOTICE.** Any notice, request, demand, consent or approval, or other communication required or permitted hereunder will be in writing and will be deemed to have been given when personally delivered or deposited in the United States mail with proper postage and address as follows:

City: City Manager
City Hall West
300 LaPorte Avenue; P.O. Box 580
Fort Collins, CO 80522-0580

And: City of Fort Collins
Tracy Dyer, Project Manager, Engineering
281 N College
Fort Collins, CO 80524
tdyer@fcgov.com

And: City of Fort Collins
Gerry S. Paul, Director, Purchasing
215 N Mason
Fort Collins, CO 80524
gspaul@fcgov.com

With copy to: Fort Collins City Attorney
300 LaPorte Avenue; P.O. Box 580
Fort Collins, Colorado 80522-0580
hjarvis@fcgov.com

District: General Manager
South Fort Collins Sanitation District
2560 East County Road 32
Fort Collins, CO 80528
engineering@sfcscd.net

12. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the parties regarding the matters addressed herein. This Agreement binds and benefits the parties and their respective successors. Covenants or representations not contained in this Agreement regarding the matters addressed herein shall not bind the parties.

13. **NO THIRD-PARTY BENEFICIARY.** The terms and conditions of this Agreement, and all rights of action relating thereto, are strictly reserved to the parties, and nothing in this Agreement shall give or allow any claim or right or cause of action whatsoever by any other person not included in this Agreement. Any person and/or entity, other than the parties to this Agreement, shall be deemed an incidental beneficiary only.

14. **NO WAIVER.** The waiver or delay of enforcement of one or more terms of this Agreement shall not constitute a waiver of the remaining terms. The waiver or delay in enforcement regarding any breach of this Agreement shall not constitute a waiver of any terms of the Agreement.

15. **RELATIONSHIP OF PARTIES.** This Agreement does not create and shall not be construed as creating a relationship of joint ventures, partners, or employer-employee, between the parties. The parties intend that this Agreement be interpreted as creating an independent contractor relationship. Pursuant to that intent, it is agreed that the conduct and control of the duties required by the Agreement shall lie solely with each party respectively, and each party shall be free to exercise reasonable discretion in the performance of its individual duties under this Agreement. Neither party shall, with respect to any activity, be considered an agent or employee of the other party.

16. **ASSIGNMENT.** No transfer or assignment of this Agreement or of any rights hereunder shall be made by either party without the prior written consent of the other, in its sole discretion.

17. **SEVERABILITY.** If any provision of this Agreement shall prove to be illegal, invalid, unenforceable or impossible of performance, the remainder of this Agreement shall remain in full force and effect.

The rest of this page intentionally left blank.

CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation

DocuSigned by:
By: Kelly DiMartino
Kelly DiMartino, City Manager

Date: 8/12/2024

ATTEST:

DocuSigned by:
By: Delynn Coldiron
Delynn Coldiron, City Clerk



APPROVED AS TO LEGAL FORM:

DocuSigned by:
By: Heather N. Jarvis
Heather N. Jarvis, Assistant City Attorney

SOUTH FORT COLLINS SANITATION DISTRICT, a political subdivision of the State of Colorado

DocuSigned by:
By: Eric Bailey
Eric Bailey, District Manager

Date: 7/23/2024

ATTEST:

DocuSigned by:
By: Randy Kenyon
Randy Kenyon, District Engineer



Engineering Department
 281 N. College Ave.
 PO Box 2047, Fort Collins, CO 80522
 970-221-6605
engineering@fcgov.com

Item 13.

MEMORANDUM

Date: January 8, 2025
 To: Nicole Poncelet-Johnson, One Water Executive Director
 Jill Oropeza, Senior Director, Utilities Management
 Through: Caryn Champine, Director of Planning Development & Transportation ^{Initial} *CC*
 Brad Buckman, City Engineer ^{DS} *BEB*
 From: Dana Hornkohl, Capital Projects Manager ^{Initial} *DH*
 Subject: College Avenue and Trilby Road Intersection Improvements Project
 Request to Share Stormwater Costs

We are reaching out to the Utilities Department to request a sharing of the stormwater infrastructure costs associated with the College Avenue and Trilby Road Intersection Improvements project (Project). We believe the costs associated with establishing the stormwater outfalls needed to adequately drain the improved intersection are extraordinary due to a lack of existing outfalls and general redevelopment in the area. We are seeking financial participation from the Utilities Department for the cost of establishing these stormwater outfalls (\$1,294,934), while the Engineering Department capital project will bear the typical cost of connecting the improved intersection surface drainage to these stormwater outfalls.

Background

In recent intersection improvement projects like the Project (College/Prospect and College/Horsetooth), the Engineering Department has sought to address identified surface drainage issues and meet current stormwater design requirements. Typically, this includes additional inlet structures and storm drainage piping needed to connect this surface drainage to stormwater retention/detention and outfalls. In the case of College/Trilby, regional stormwater facilities, including outfalls, had not been established as part of any redevelopment effort. The area that includes the College/Trilby intersection was annexed into the City October 2006 as part of the Southwest Enclave Annexation. The existing conditions have not changed

CC: Matt Fater, Director, Civil Engineering; Ken Sampley, Director, Civil Engineering; Mark Laken, Project Manager;
 Tracy Dyer, Project Manager

significantly since that time, including stormwater routinely overtopping the intersection and College Avenue north of the intersection. The cost of establishing adequate stormwater outfalls is above and beyond the typical costs associated with transportation capital improvement projects.

We have attempted to quantify the specific costs associated with establishing adequate stormwater outfalls, approved through the City’s capital project review process. Please reference Attachment No. 1 for a detailed cost sharing exhibit concerning the following outfall systems that are included in our estimate. Please reference Attachment No. 2 for detailed estimates of the summarized costs listed below.

- Storm Main A and Storm Lateral A1
- Storm Main B and Storm Laterals B1 and B2, (100%)
- Storm Main B (50%)
- Storm C
- Storm E

Description	Amount
Construction	
Stormwater Outfall Construction Costs	\$ 694,350
Associated Flowable Fill Costs	\$ 392,400
Subtotal	\$ 1,086,750
Construction Related Costs	
Construction Management and Testing	\$ 79,709
Potholing/Utility Investigations	\$ 28,840
Contingency	\$ 99,636
Subtotal	\$ 208,184
TOTAL	\$ 1,294,934

Figure 1 - Summary of Stormwater Outfall Costs

The total stormwater construction cost of the project is estimated at \$2,349,475. The stormwater outfall construction costs and associated flowable fill costs listed above, \$1,086,750, are ~46%

Letter to Nicole Poncelet-Johnson, One Water Executive Director, dated January 8, 2024

of the total. The remaining cost of \$1,262,725, ~54% of the total, for surface stormwater drainage in the intersection would be borne by the intersection project. We are asking for proportional sharing of additional costs for construction management, testing, potholing/utility investigation, and contingency totaling \$208,184. We have not included any costs for mobilization, erosion control, or traffic control and we are not seeking participation in the Project risk pool.

It has been the goal of the Engineering Department to fully fund the Project from our traditional sources, CCIP Arterial Intersection Improvements, Transportation Capital Expansion Fee (TCEF), Transportation Services Fund, Transportation Improvement Fund, developer contributions, and a mixture of grant sources.

CCIP Arterial Intersection Improvements	\$ 2,800,000
Transportation Capital Expansion Fee (TCEF) Funds	\$ 1,510,100
Transportation Services Fund	\$ 20,750
Transportation Improvement Fund	\$ 11,900
Development Contributions to Construction	\$ 52,963
Grant Funds	\$ 13,640,992
TOTAL	\$ 18,036,705

Figure 2 - Current Project Funding

We have a shortfall to fund final construction, and we are looking at multiple ways to close the shortfall. We've been through an exhaustive value engineering process with our Construction Manager/General Contractor and designer, seeking additional funding through traditional sources, and identifying partnerships not originally considered. This request stems from that effort to identify partners and determine their willingness and ability to assist with extraordinary project costs.

We have conducted a review process with Stormwater Master Planning & Floodplain Management staff of the additional stormwater modeling and adjacent development consulting services that were provided by Engineering's consultant on behalf of the Utilities Department

Letter to Nicole Poncelet-Johnson, One Water Executive Director, dated January 8, 2024

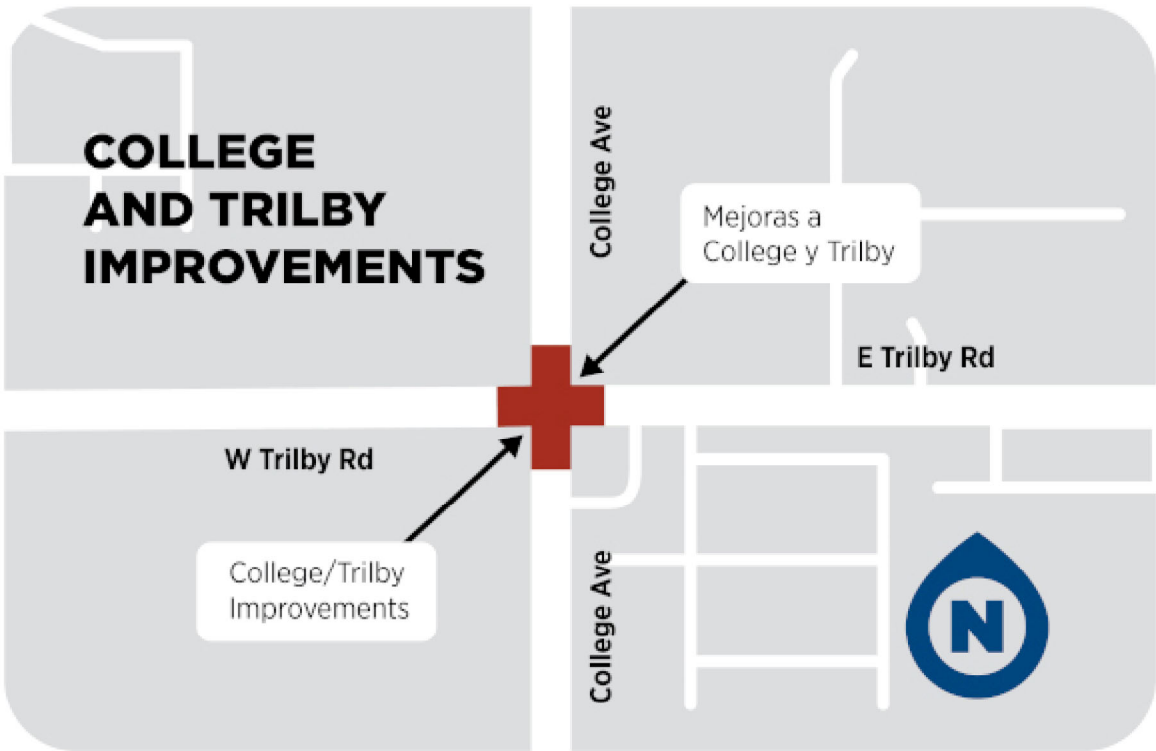
Item 13.

during the intersection design process (see Attachment No. 3). It was agreed that the cost of this effort, \$16,630, can be reimbursed to the intersection capital project. This reimbursement may be accomplished with a joint appropriation of stormwater outfall construction funding if you agree.

We look forward to discussing this request with you and are happy to provide any additional information that may be helpful in your making your decision.

Attachments

1. College and Trilby Intersection Enhancements Cost Sharing Exhibit dated 10/24/2024.
2. College and Trilby Intersection Improvements Cost Sharing, 90% Pricing, dated 12/04/2024.
3. Email Model and Review Costs, dated 01/03/2025.





COLLEGE AND TRILBY
INTERSECTION IMPROVEMENTS
DESIGN EXHIBIT
9/9/2021

File Attachments for Item:

14. First Reading of Ordinance No. 024, 2025, Authorizing Transfers of Appropriations from the Laporte Avenue Bridges Project to the Laporte Avenue Multimodal Improvements Project.

The purpose of this item is to transfer funding from the Laporte Avenue Bridges project (Bridges) to the Laporte Avenue Multimodal Improvements project (Project). If approved this item will transfer the remaining \$165,075 from the Bridges to the Project.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Gunnar Hale, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

First Reading of Ordinance No. 024, 2025, Authorizing Transfers of Appropriations from the Laporte Avenue Bridges Project to the Laporte Avenue Multimodal Improvements Project.

EXECUTIVE SUMMARY

The purpose of this item is to transfer funding from the Laporte Avenue Bridges project (Bridges) to the Laporte Avenue Multimodal Improvements project (Project). If approved this item will transfer the remaining \$165,075 from the Bridges to the Project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Laporte Avenue projects are developed in three phases: 1) the Bridges and roadway work between Taft Hill Road and Frey Avenue (Bridges), 2) installation of pedestrian and bicycle side paths between Frey Avenue and Fishback Avenue (East Project), and 3) installation of pedestrian and bicycle side paths between Sunset Street and Taft Hill Road (West Project). (Attachment 2) The initial Bridges phase of this work was completed in 2023 and replaced two aging bridges in the corridor. The East Project began in May of 2024 and was completed later in August. The West Project began in November of 2024 and will be completed in June of 2025.

Staff brought a request for a supplemental appropriation before Council Finance Committee and Council in August and September 2024 to fully fund the remaining construction of the West Project. The request was approved. Due to a delay in closing out consulting and construction contracts for the Bridges, staff was unable to transfer an amount of \$165,075 of the projected \$517,000 before the end of fiscal year 2024. The Bridges contracts are now closed out and the final reappropriation to the Project is ready to execute. The original reappropriation from the Bridges was passed on consent under Ordinance No. 118, 2024. (Attachment 3) Required transfers to Art in Public Places were made at that time.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Laporte Avenue Multimodal Improvement project.

Prior Appropriated Funds	
Transportation Alternatives Program (TAP) Grant Funds	\$ 3,250,000
Multimodal Transportation and Mitigation Options Funds (MMOF) Grant	\$ 250,000
Revitalizing Mainstreets (RMS) Grant Funds	\$ 1,437,500
Highway Safety Improvement Program (HSIP) Grant Funds	\$ 49,500
Transportation Capital Expansion Fee (TOEF) Funds	\$ 949,284
Transportation Services Fund Reserves	\$ 176,766
Community Capital Improvement Program (CCIP) Bicycle Program	\$ 122,727
Community Capital Improvement Program (CCIP) Pedestrian Program	\$ 402,273
General Fund Reserves	\$ 225,000
Reappropriation from Bridges Project to Multimodal Improvements Project	\$ 305,247
Total Prior Appropriation	\$ 7,168,297

Funds to be Reappropriated per this Action	
Reappropriation from Bridges Project to Multimodal Improvements Project	\$ 165,075
Total Funds to be Reappropriated per this Action	\$ 165,075
Total Project Funds	\$ 7,333,372

The total fund amount projected for this Project is \$7,333,372 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The proposed appropriation was brought before the Council Finance Committee at their August 1, 2024, meeting. The committee supported an off-cycle supplemental appropriation and was in favor of forwarding the appropriation request to Council on August 20, 2024, for first reading. Ordinance No. 118, 2024, was adopted on September 3, 2024 and effective on September 13, 2024. Prior to the August 1, 2024, Council Finance Committee meeting, the Committee reviewed the Project on August 11, 2021, and February 23, 2024.

The Project has received full environmental and historical clearances through CDOT during the design, acquisition, and construction phases. The Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020, both of which support the Project.

PUBLIC OUTREACH

Staff has developed and continues to implement a comprehensive public engagement plan for the Project.

As part of the design and acquisition process, staff have discussed the Project with the adjacent property owners and current business owners immediately abutting the Project improvements. In addition, staff and an outside acquisition consultant have met or conversed individually with property owners on multiple occasions regarding design and construction details.

Staff has discussed and presented conceptual level drawings at several public outreach events with an open house in October of 2019, two public meetings held on May 1, 2023, and May 23, 2023, and the Transportation Projects Fairs in February 2023 and February 2024. A project website is regularly updated with Project information and upcoming milestones.

City staff continues to engage with local businesses and property owners impacted by ongoing work and traffic patterns that are affected by construction traffic control needs and requirements.

ATTACHMENTS

1. Ordinance for Consideration
2. Vicinity Map
3. Ordinance No. 118, 2024

ORDINANCE NO. 024, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFERS OF APPROPRIATIONS FROM THE
LAPORTE AVENUE BRIDGES PROJECT TO THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENTS PROJECT

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The road experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor.

B. The corridor has several gaps in multimodal transportation infrastructure. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined.

C. The Laporte Avenue projects are developed in three phases: 1) the Bridges and roadway work between Taft Hill Road and Frey Avenue (“Bridges”), 2) installation of pedestrian and bicycle side paths between Frey Avenue and Fishback Avenue (“East Project”), and 3) installation of pedestrian and bicycle side paths between Sunset Street and Taft Hill Road (“West Project”). Construction was broken into East and West Projects to accommodate the property acquisition schedule introducing some additional design cost. Collectively the East Project and West Project comprise the Laporte Avenue Multimodal Improvement Project (the “Project”).

D. The initial Bridges phase of this work was completed in 2023 and replaced two aging bridges in the corridor. The East Project began in May 2024 and was completed in August 2024. The West Project began in November 2024 and is scheduled to be completed in June 2025.

E. Savings from the Bridges project were reappropriated to complete construction on the Project through Ordinance No. 118, 2024, and required transfers to Art in Public Places were made at that time.

F. Due to a delay in closing out consulting and construction contracts for the Bridges, staff was unable to transfer an amount of \$165,075 of the Bridges project savings before the end of fiscal year 2024. The Bridges contracts are now closed out, and the final reappropriation to the Project is ready to execute via this Ordinance.

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 \$165,075 from the Bridges project budget in the Capital Projects fund to the Project in the Capital Projects 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 for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but shall continue until the completion of the capital project.

J. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

K. The appropriation in this Ordinance benefits public health, safety and welfare of the residents of Fort Collins and the traveling public and serves 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 ONE HUNDRED SIXTY-FIVE THOUSAND SEVENTY-FIVE DOLLARS (\$165,075) is authorized for transfer from the Bridges capital project account in the Capital Projects fund to the Project account in the Capital Projects fund and appropriated therein to be expended for the Project.

Section 2. The appropriation herein for the 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 shall continue until the completion of the Project.

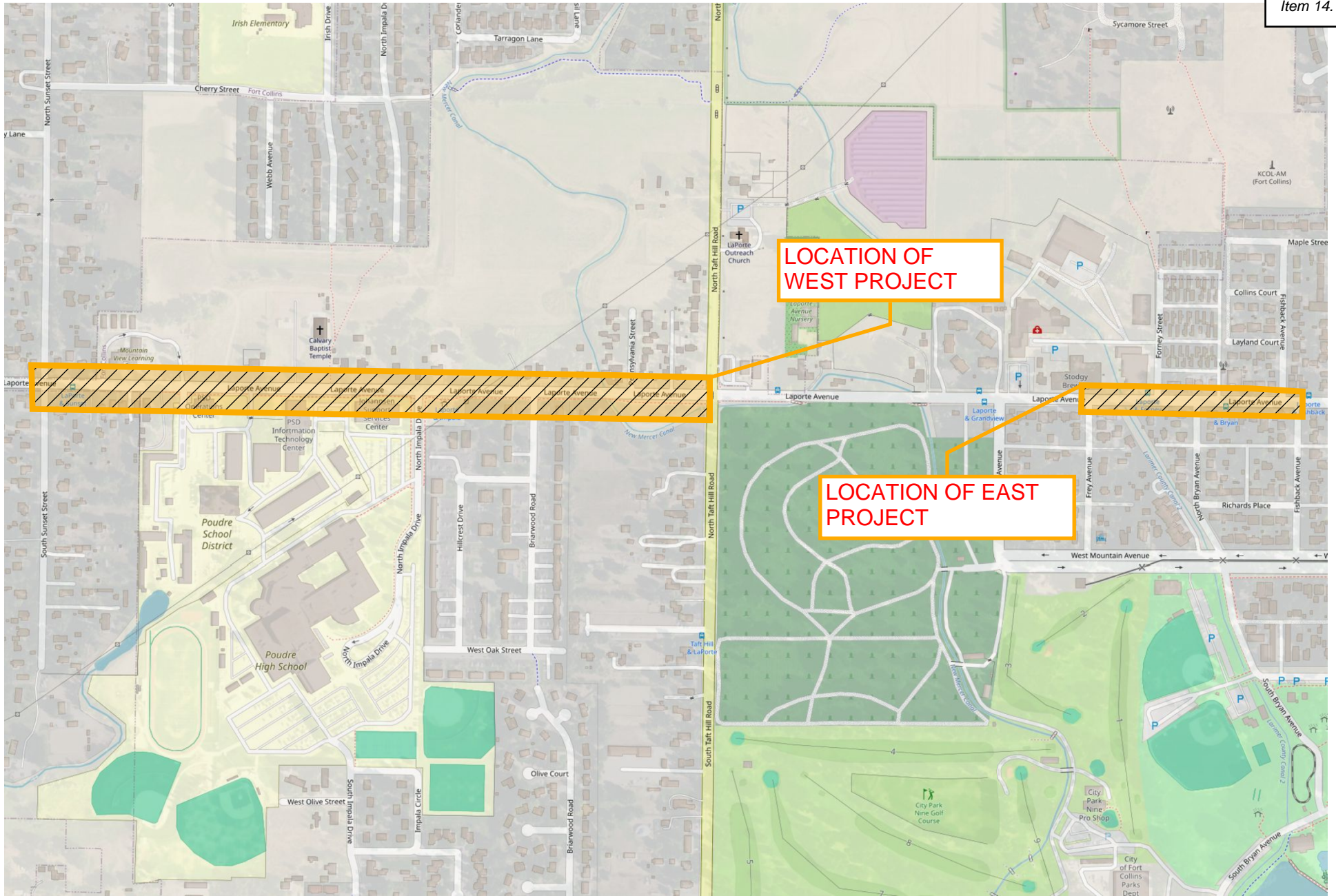
Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

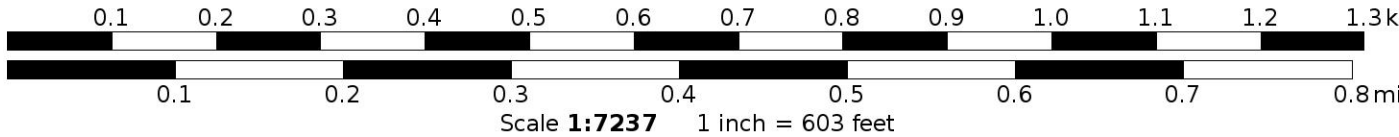
ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis



Mercator Projection
 WGS84
 UTM Zone 13T
 CALTOPO



MN
 7.8°

ORDINANCE NO. 118, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM GRANT
REVENUE AND PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT AND
RELATED ART IN PUBLIC PLACES

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The road experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor.

B. The corridor has several gaps in multimodal transportation infrastructure. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined.

C. The Laporte Avenue projects are developed in three phases: 1) the Bridges and roadway work between Taft Hill Road and Frey Avenue ("Bridges"), 2) installation of pedestrian and bicycle side paths between Frey Avenue and Fishback Avenue ("East Project"), and 3) installation of pedestrian and bicycle side paths between Sunset Street and Taft Hill Road ("West Project"). Collectively the East Project and West Project comprise the Laporte Avenue Multimodal Improvement Project (the "Project").

D. The initial Bridges phase of this work was completed in 2023 and replaced two aging bridges in the corridor. The East Project began earlier in 2024 and is scheduled to be completed later in August. The West Project is scheduled to begin in October once property acquisition is complete. Construction was broken into East and West Projects to accommodate the property acquisition schedule introducing some additional design cost.

E. The project delivery method for the East and West Projects is Construction Manager/General Contractor ("CM/GC"). The chosen contractor held their proposed pricing for the East Project despite a delay in beginning construction due to property acquisition and the Colorado Department of Transportation ("CDOT") approval. The CM/GC has demonstrated by providing open book pricing and confirmed by an independent cost estimate that price escalation has impacted many of the materials and costs for the West Project. Construction cost inflation is confirmed by the CDOT Colorado Construction Cost Index report showing an annual percentage increase in construction costs of 8.03%.

F. Additionally, the cost to acquire real property for the West Project has been significantly higher than was estimated. Increased acquisition costs result from 1) significant escalation in property values during the process, 2) increased use of settlements to minimize delays in some acquisitions, and 3) increased consulting needs (land appraisal and real estate services) resulting from updated CDOT right-of-way processes.

G. During this design effort, the City applied for and was awarded Fiscal Year 2027 Colorado Department of Transportation Highway Safety Improvement Program ("HSIP") grant funds to install a Rectangular Rapid Flashing Beacon ("RRFB") for additional pedestrian and bicycle safety within the West Project limits at Impala Drive.

H. CDOT has agreed to provide the funding early so that the RRFB may be included in the construction and has proposed an amendment to the existing CDOT Intergovernmental Agreement (the "IGA") to increase the total funds from \$1,059,084 by \$509,617 to a new total funds amount of \$1,568,701 and to update the funding provisions exhibit of the IGA.

I. Savings from the Bridges (\$517,000) can be reappropriated to the West Project. Including the local match for the HSIP award (\$335,454), it is estimated that an additional \$560,055 (including \$49,500 in CDOT HSIP funds) is needed to complete construction on the West Project.

J. 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.

K. 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.

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

M. 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.

N. The City Manager has recommended the transfer of \$517,000 from the Bridges project in the Capital Project fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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 or 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 completion of the capital project or 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.

P. The City Council wishes to designate the appropriation herein for the HSIP 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.

Q. The City Council wishes to designate the appropriation herein for the Laporte Avenue Multimodal Improvement Project as an appropriation that shall not lapse until the completion of the Project.

R. 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.

S. A portion of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP program due to restrictions placed on them by the Colorado Department of Transportation, and the Transfer from the Bridges Project Budget as previously appropriated with APP the source of these funds.

T. A portion of the funds appropriated in this Ordinance for the Project have already been used for contribution to the APP program.

U. The project cost of \$505,500 has been used to calculate the contribution to the APP program.

V. The amount to be contributed in this Ordinance will be \$5,055.

W. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving transportation infrastructure 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. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of FORTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$49,500) to be expended in the Capital Projects fund for the Laporte Ave Multimodal Project.

Section 2. The unexpended and unencumbered appropriated amount of FIVE HUNDRED SEVENTEEN THOUSAND DOLLARS (\$517,000) is authorized for transfer from the Bridges Project in the Capital Projects fund to the Laporte Ave Multimodal Project in the Capital Projects fund and appropriated therein to be expended for Laporte Ave Multimodal Project.

Section 3. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of THREE HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS (\$335,454) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund and appropriated therein for the Laporte Ave Multimodal Project.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND ONE HUNDRED ONE DOLLARS (\$175,101) to be expended in the Transportation Services fund for transfer to the Capital Projects fund and appropriated therein for the Laporte Ave Multimodal Project.

Section 5. The unexpended and unencumbered appropriated amount of THREE THOUSAND NINE HUNDRED FORTY-THREE DOLLARS (\$3,943) 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.

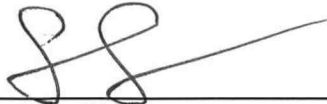
Section 6. The unexpended and unencumbered appropriated amount of ONE THOUSAND ELEVEN DOLLARS (\$1,011) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 7. The unexpended and unencumbered appropriated amount of ONE HUNDRED ONE DOLLARS (\$101) 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 8. The appropriation herein for the HISP grant is 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.

Section 9. The appropriation herein for the Laporte Avenue Multimodal Improvement Project is an appropriation that shall not lapse until the completion of the Project.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.



Mayor Pro Tem

ATTEST:



City Clerk

Effective Date: September 13, 2024
Approving Attorney: Heather N. Jarvis



COPY

File Attachments for Item:

15. First Reading of Ordinance No. 025, 2025, Removing a Condition on the Zoning Classification and Amending the Zoning Map of the City of Fort Collins for that Certain Property Known as the Second Fischer Rezoning.

The purpose of this item is to remove the condition on the zoning of these two parcels, which condition was part of a 2020 rezoning into the current zone district.

This is a request to rezone 1185 and 1201 Westward Drive to remain in the current zone district, but to remove a previously approved condition for a specific parking requirement in potential future development. Such a condition is currently in place upon the zoning.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Clark Mapes, City Planner

SUBJECT

First Reading of Ordinance No. 025, 2025, Removing a Condition on the Zoning Classification and Amending the Zoning Map of the City of Fort Collins for that Certain Property Known as the Second Fischer Rezoning.

EXECUTIVE SUMMARY

The purpose of this item is to remove the condition on the zoning of these two parcels, which condition was part of a 2020 rezoning into the current zone district.

This is a request to rezone 1185 and 1201 Westward Drive to remain in the current zone district, but to remove a previously approved condition for a specific parking requirement in potential future development. Such a condition is currently in place upon the zoning.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The applicant's narrative is attached and explains the request, which is to remove a condition that accompanied rezoning into the current zone district in 2020 via Ordinance No. 122, 2020.

The 2020 rezoning of the two subject parcels included the following condition:

"Section 3. That the following condition be imposed upon the Fischer Rezoning:

- *Any development plan involving 1185 or 1201 Westward Drive, or both, for residential use must provide at least one parking space per bedroom."*

The condition was a voluntary commitment by the owner, who now proposes to remove the condition from the zoning. Staff found that the only way to do that is through a new rezoning petition.

The 2020 rezoning changed the zoning on the two properties from Low Density Residential (RL) to incorporate them into the larger Neighborhood Conservation, Buffer District (NCB) along the west side of Shields Street. The reason was to enable assembly of a group of properties for multi-family redevelopment.

The zone district is to remain the same; however, note that in the 2020 rezoning, the zone district was named Neighborhood Conservation Buffer (NCB); and since that time, the name and formatting of the NCB zone in the Land Use Code was changed as part of an overall update of the code. The current zoning

terminology is Old Town, High (OT-C) which replaced the NCB terminology. The update was adopted in May of 2024.

The condition upon the 2020 rezoning was not required by the City; rather, it was a personal commitment offered by the owner/developer in response to a concern by neighbors about parking on neighborhood streets, as discussed at a neighborhood meeting. This condition required more space dedicated to parking than what the Land Use Code has ever required for apartment developments.

Legislative Changes. Since that time, public discussions about land use and housing policy, at both the city and state levels, have led to significant evolution of code requirements for parking (i.e., reducing or eliminating such requirements):

- The Land Use Code update adopted in May 2024 reduced parking requirements for studio, one-bedroom, and two-bedroom units, following years of discussion that included parking as part of a wider exploration of housing issues.
- Also in May, a new state law was enacted which prohibits any parking requirements for residential development within a defined “Transit Service Area.” The subject property is within such area, and within the locally-identified “Transit-Oriented District” (TOD) area.

Approved Plan. The 2020 rezoning was intended to enable a development plan for apartments on assembled property. A development plan was then subsequently submitted and approved.

The proposed “re-rezoning” that removes the parking condition would enable the owner/developer to reprogram and redesign that approved plan with less space dedicated to parking, which aligns with both newer state law as well as several city policies related to a 15-Minute City, supporting use of transit and alternate mode of transportation, various environmental considerations, and encouraging supportive development.

Main Considerations. The code section governing rezoning is for amendments to the zoning map. In this case, the rezoning is an unusual, possibly one-of-a-kind situation because the map is not being amended.

Five criteria govern rezonings, found in Land Use Code Section 6.25.4. Two are ‘Mandatory Requirements’ and the other three are “Additional Considerations.”

The two mandatory criteria are “consistent with the comprehensive plan,” and “warranted by changed conditions.” The other three are “compatible with surrounding uses,” “impacts to the natural environment,” and “a logical and orderly development pattern.” These five criteria were the basis of the 2020 rezoning.

Staff’s 2020 recommendation to include the condition was based on the neighborhood meeting, as explained in the staff report for the 2020 Planning and Zoning Commission hearing. An excerpt is relevant:

...After considering the body of comprehensive plan policy direction, the primary consideration staff finds to tip the balance in staff’s recommendation is the concluding sentence on page 23 of the West Central Area Plan under the heading Vacant and Under-Utilized Parcels: Collaboration with surrounding neighbors is expected to result in land uses that are appropriate with a design that is sensitive to the surrounding context.

Accordingly, staff supported the agreement between the owner/prospective developer and the neighbors to include the condition; and Council approved it with a recommendation of approval by the Planning and Zoning Commission.

Now, the main considerations in staff's review of this proposed "re-rezoning" are:

1. Changes to regulations locally and statewide since the condition was adopted, and
2. A neighborhood meeting in September 2024, which showed that the original concerns and opposition about street parking have diminished, perhaps completely. To the extent any neighbor concerns about street parking may remain, they are being addressed by establishment of the Residential Parking Permit Program which directly limits parking on the street.

Staff finds that reducing required pavement for parking reflects major changed conditions in the policy and regulatory context and is consistent with the Comprehensive Plan; has neutral or positive impacts on the natural environment; and is consistent with a logical and orderly development pattern in the neighborhood.

CITY FINANCIAL IMPACTS

None.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission asked questions about this matter at their January 10, 2025, work session and chose to recommend with unanimous approval on their January 16, 2025, regular meeting consent agenda that City Council approve the rezoning.

PUBLIC OUTREACH

The Rezoning was presented at a Pre-submittal Neighborhood Meeting on September 23, 2024.

ATTACHMENTS

1. Ordinance for Consideration
2. Applicant Narrative
3. Overview Graphic Map
4. Neighborhood Meeting Notes
5. Legal Rezoning Plat Map
6. Legal Description
7. Presentation (if requested)

ORDINANCE NO. 025, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REMOVING A CONDITION ON THE ZONING CLASSIFICATION
AND AMENDING THE ZONING MAP OF THE CITY OF FORT
COLLINS FOR THAT CERTAIN PROPERTY KNOWN AS THE
SECOND FISCHER REZONING

A. Division 6.1 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City.

B. Division 6.25 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning and rezoning of land.

C. The City has received an application for the rezoning to remove a voluntary condition requiring at least one parking space per bedroom for two parcels, more particularly described below that are in the Old Town, High ("OT-C") zone district ("Second Fischer Rezoning").

D. Ordinance No. 122, 2020, changed the zoning classification for the parcels to the Neighborhood Conservation Buffer Zone District ("NCB"). The May 2024 Land Use Code updated zoning terminology to the OT-C zone district, which replaced the NCB zone district.

E. The 2020 rezoning was intended to enable a development plan for apartments on assembled property. A development plan was then subsequently submitted and approved.

F. The condition upon the 2020 rezoning was not required by the City; rather, it was a personal commitment offered by the owner/developer in response to a concern raised at a neighborhood meeting about parking on neighborhood streets. This condition required more space dedicated to parking than what the Land Use Code has ever required for apartment developments.

G. Since the 2020 rezoning, public discussions about land use and housing policy, at both the City and State levels, have led to significant evolution of code requirements for parking, specifically reducing or eliminating many requirements. The May 2024 Land Use Code update reduced parking requirements for studio, one-bedroom, and two-bedroom units. Also in May, a new State law, House Bill 24-1304, was enacted that prohibits any parking requirements for residential development within a defined "Transit Service Area." The Second Fischer Rezoning is within such an area, and within the locally-identified "Transit-Oriented District."

H. A neighborhood meeting in September 2024 showed that the original concerns about street parking have diminished.

I. Pursuant to Land Use Code Sections 6.25.2 and 6.25.4(H)(2), the City Planning and Zoning Commission, at its meeting on January 16, 2025, recognized the changed conditions within the neighborhood surrounding and including the subject property and the consistency with the City's Comprehensive Plan and changed State law and unanimously recommended approval of the Second Fischer Rezoning to remove the voluntary parking condition imposed via the 2020 rezoning.

J. Pursuant to Land Use Code Section 6.25.4(H)(2), the City Council has determined that the proposed Second Fischer Rezoning is consistent with the City's Comprehensive Plan and is warranted by changed neighborhood conditions and changes to regulations locally and statewide since the condition was adopted.

K. To the extent applicable, the City Council has also analyzed the proposed zoning against the applicable criteria set forth in Land Use Code Section 6.25.4(H)(3) and finds the proposed zoning to be in compliance with all such criteria and finds that reducing required pavement for parking reflects major changed conditions in the policy and regulatory context and is consistent with the Comprehensive Plan; has neutral or positive impacts on the natural environment; and is consistent with a logical and orderly development pattern in the neighborhood.

L. In accordance with the foregoing, the City Council has considered the Second Fischer Rezoning, finds the rezoning to be in the best interests of the City, and has determined that the property subject to the Second Fischer Rezoning should be zoned as hereafter provided.

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 following condition previously imposed on the property subject to the Second Fischer Rezoning is hereby removed:

Any development plan involving 1185 or 1201 Westward Drive, or both, for residential use must provide at least one parking space per bedroom.

Section 2. The Zoning Map of the City of Fort Collins adopted pursuant to Land Use Code Section 6.1.2 is hereby amended by changing the zoning classification from Old Town, High ("OT-C") – with condition, to OT-C, for the following described properties in the City known as the Second Fischer Rezoning more particularly described as:

Parcel 1:

Lot 15, The Western Heights Subdivision, recorded at Reception No.701791, Larimer County Clerk and Recorder

also known as 1201 WESTWARD DR, FORT COLLINS, CO 80521.

Parcel 2:

Commencing at a point 29.6 feet South of the Northeast corner of the South Half (S1/2) of the South Half (S1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 15, Township 7 North of Range 69 West of the Sixth Principal Meridian; thence West 330 feet; thence South 90 feet; thence East 330 feet; thence North 90 feet to the point of beginning, EXCEPT that parcel as described in deed recorded June 9, 1989 at Reception No. 89025675, County of Larimer, State of Colorado

also known as 1185 WESTWARD DR, FORT COLLINS, CO 80521.

Section 3. The property subject to the Second Fischer Rezoning will continue to be included in the Residential Neighborhood Sign District on the Sign District Map adopted pursuant to Land Use Code Section 5.16.1(M).

Section 4. The City Manager is hereby authorized and directed to amend the Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis



Fischer Properties Rezone (1201 and 1185 Westward Drive) Project Narrative and Written Justification of Rezoning Request

October 25, 2024

Background

The applicant, Mr. Erik Fischer, is a long-time Fort Collins resident who has been actively working toward the redevelopment of his properties along Shields Street. Mr. Fischer spent his childhood at 1201 Westward Drive, and his sister continues to live and run her horses on the adjacent properties. The Fischer family has operated a law practice in downtown Fort Collins, serving the community for decades. The applicant has been involved in the development review process for several years, conducting multiple conceptual reviews (in 2019 and 2021) and successfully rezoning the 1201 and 1185 Westward Drive parcels in 2020 to the Neighborhood Conservation Buffer (N-C-B) Zone District. The 2020 Rezone of the subject parcels included one condition; that condition reads as follows:

"Section 3. That the following condition be imposed upon the Fischer Rezoning:

- *Any development plan involving 1185 or 1201 Westward Drive, or both, for residential use must provide as least one parking space per bedroom."*

This condition, which was offered by Mr. Erik Fischer throughout the 2020 rezone application, requires more space on-site to be dedicated to parking than what the 2020 Land Use Code (LUC) would require. Since the 2020 Rezone, two significant policy decisions have been adopted at the City and State level which further reduced the parking requirements for the subject properties, neighborhood, and Fort Collins community. Phase 1 of the Land Use Code (LUC) Update, approved by City Council on May 7th, 2024, reduced parking requirements for studio, one-bedroom, and two-bedroom units compared to what the previous Land Use Code required. Additionally, the Phase 1 LUC Update also rezoned the N-C-B parcels along Shields Street to the Old Town District, High (OT-C). During the same week that the new LUC update was adopted, Governor Polis signed *HB24-1304*, an act concerning minimum parking requirements for multifamily residential developments in applicable transit service areas. Due to these significant changes, the applicant is requesting to review the 2020 condition of approval so that future development will comply with the new state law.



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Working with City of Fort Collins staff, it was determined that the only way to remove the recorded condition of the 2020 rezone is to bring forth a new rezoning application. If approved, Mr. Fischer will again go through the development review process (Project Development Plan, hearing, and Final Development Plan) to entitle a new viable residential project that is competitive with other residential projects in the community.

Site, Vicinity, & Zoning

The subject rezone properties are located along Westward drive between Shields and Del Mar Street in the Western Heights Subdivision. Historically, 1201 and 1185 Westward Drive were zoned as Low Density Residential (R-L) until the properties were rezoned to the Neighborhood Conservation Buffer District (N-C-B) in 2020. The parcels are presently zoned as *Old Town District, High* (OT-C) because of the 2024 Land Use Code Update. Single-family residential houses are on the properties. To the immediate south and east, Mr. Fischer owns other parcels that are zoned OT-C and are comprised of single-family residences. Immediately west of the 1201 Westward Drive parcel, single family detached residences exist in the Low-Density Residential District (RL). Many of these single-family residences are rental properties leased by university students. Mr. Fischer also owns a large vacant lot to the southwest of the subject parcels that is used as horse pasture.

The relative location of the parcels adjacent to an arterial and transit corridor (Shields Street) makes them ideal candidates for redevelopment that would add to the housing diversity and choice in the area. Future residents will be within walking distance to employment opportunities and neighborhood centers (Shields and Prospect, and Elizabeth and Shields). The parcels are located within walking distance to the Elizabeth and Shields neighborhood center to the north (0.3 miles) and the Shields and Prospect neighborhood center to the south (0.4 miles). Colorado State University is also within walking distance to the east across Shields Street along with the Stadium (0.5 miles) and access to the Max (1 mile). The nearest transit stops are located along Shields Street (southbound 0.14 miles; northbound 0.2 miles). The nearest grocery store is King Soopers located at Elizabeth and Taft Hill (1.3 miles away); the grocery store is easily accessed via the 32-bus line. Multifamily development is located within close proximity, including Carriage House Apartments (0.1 miles south), multiple developments along University Avenue (0.2 miles northwest) and Union on Elizabeth (0.3 miles north).

The following page shows the parcel's proximity toward the built environment, other multifamily development, and Colorado State University. A zoning map is also provided.



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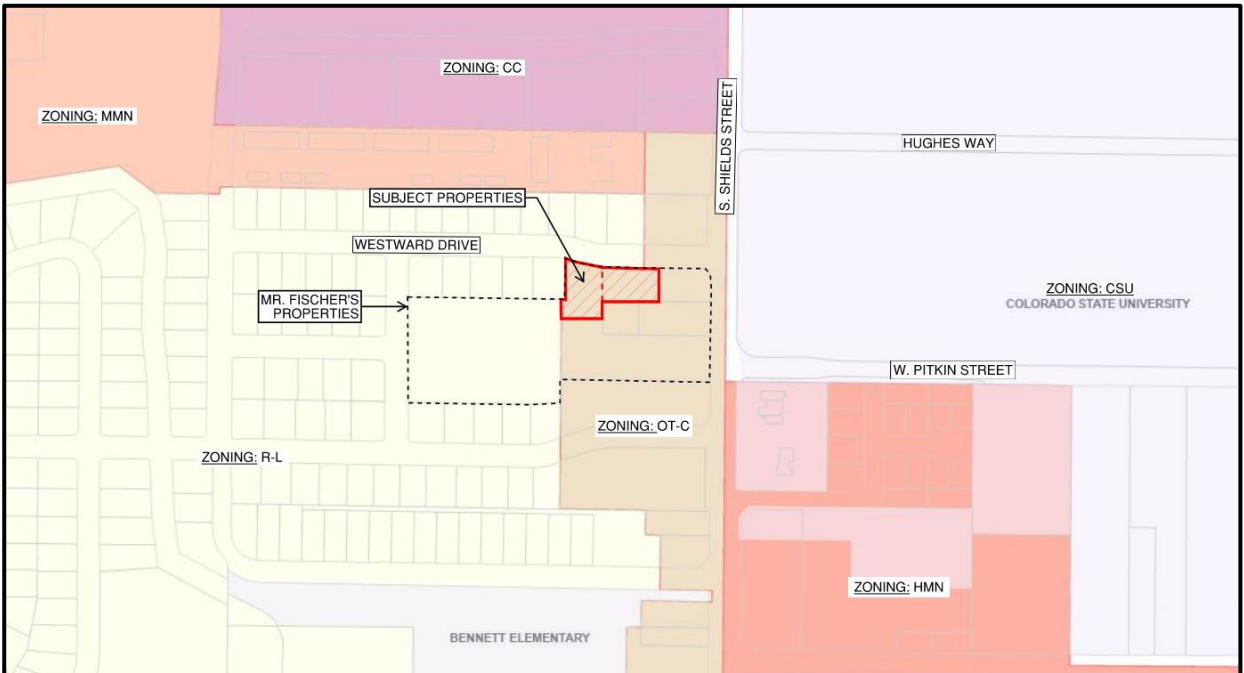
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Vicinity Diagram



Zoning Map



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Request for Rezoning 1201 and 1185 Westward Drive

As proposed, 1201 and 1185 Westward Drive will retain the current zoning designation of Old Town District, High (OT-C). The rezoning application will remove the 2020 rezone condition related to residential parking requirements. This rezone application is justified in accordance with the following section of the Fort Collins Land Use Code:

Fort Collins Land Use Code Section 6.25.4(H)

(2) Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:

- a) Consistent with the City's Comprehensive Plan; and/ or*
- b) Warranted by changed conditions within the neighborhood surrounding and including the subject property.*

(3) In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Commission and City Council may consider the following additional factors:

- a) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;*
- b) whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;*
- c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

Justifications

- a) Consistent with the City's Comprehensive Plan; and/ or*

Policy LIV 2.1 – Revitalization of underutilized properties

Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to:

- o Voluntary consolidation and assemblage of properties to coordinate the redevelopment of blocks or segments of corridors where individual property configurations would otherwise limit redevelopment potential.*





LANDSCAPE ARCHITECTURE, LAND PLANNING

Analysis: By removing the 2020 rezone condition, the applicant will be able to continue his pursuit of a creative consolidation of all properties so that the current underutilized single-family lots may redevelop in a viable manner that contributes toward housing supply. While the 2020 Rezone condition would allow for residential uses, excessive parking requirements will ensure that future development that includes 1201 and 1185 Westward Drive will prioritize parking. This does not position future development to align with the City's need for *Affordable Housing* and a *15-minute City*, particularly in an area with existing transit services and complementary land uses. With the removal of the 2020 rezone condition, future development can fully utilize the development potential for the properties associated with this rezone.

Policy LIV 2.3 – Transit Oriented Development

Require higher-density housing and mixed-use development in locations that are currently, or will be, served by BRT and/or high-frequency transit in the future as infill and redevelopment occurs. Promote a variety of housing options for all income levels.

Analysis: As identified in the City Plan, "BRT and high-frequency service may be expanded along several key corridors where the future land use and density are expected to support transit." A Frequent Peak (15min peak) Service is proposed along Shields Street where the site fronts it. City Plan also notes that, "high-frequency transit is only viable with supportive land use pattern such as mixed-use with higher-density residential, employment and services" (pg.25), and "policies support the conversion of vacant and underutilized properties to meet current and future needs to promote efficient use of infrastructure" (pg. 25).

Additionally, State HB24-1304 relates directly to transit oriented development, and the presence of excessive parking requirements placed upon residential developments that limit compact, walkable development that ultimately requires additional vehicle ownership and vehicle miles traveled. Per the State Act, "Beginning June 30, 2025, a municipality shall neither enact nor enforce local laws that establish a minimum parking requirement that applies to a land use approval for a multifamily development... within the municipality, a metropolitan planning organization, and at least partially within an applicable transit service area." The subject parcels of this rezone are within a transit service area as defined by the Department of Local Affairs and thus should embody a transit-oriented development.

With the removal of the 2020 condition, future development will ensure that existing BRT and high-frequency services will be utilized and support one another. Without the removal of the condition, any future development utilizing the parcels would be vehicle dependent and not align with the new state law.



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b) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Multiple land use and housing legislation were enacted during the 2024 legislative calendar that have profound impacts to the Fort Collins community and parcels at 1201 and 1185 Westward Drive. One such act, *HB24-1304 Minimum Parking Requirements*, specifically concerns parking requirements within metropolitan planning organizations.

The state legislation has concluded:

- *Residential developments frequently have more parking than is utilized, which adds to housing costs and encourages additional vehicle ownership and vehicle miles traveled.*
- *Excessive parking requirements limit compact, walkable development by mandating additional space between uses, which then necessitates driving to reach most destinations.*
- *Local government land use decisions that require a minimum amount of parking spaces increase the cost of new residential projects, which increase housing costs.*
- *Off-street surfacing parking costs up to ten thousand dollars per space, and each space requires up to two and one-half times its square footage to accommodate. As a result, off-street surface parking requirements may also discourage developers from building new residential projects, or, if they do move forward with projects, force them to build fewer units than they otherwise could and recoup the excessive cost by increasing home prices and rents.*

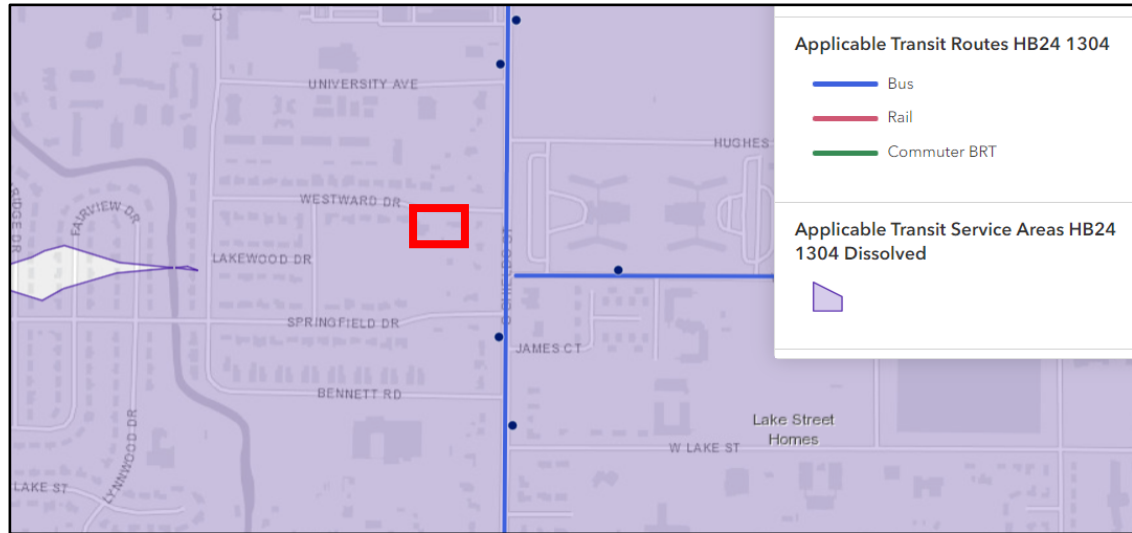
To combat these concluded issues, HB24-1304 requires: On or after June 30, 2025, a municipality shall neither enact nor enforce local laws that establish a minimum parking requirements that applies to a land use approval for a multifamily residential development, adaptive re-use for residential purposes, or adaptive re-use mixed use purposes which include at least fifty percent of use of residential purposes that is within the municipality, a metropolitan planning organization and at least partially within an applicable transit service area. A map of transit service areas within applicable jurisdictions was published on September 30th, 2024, by the Colorado Department of Local Affairs; the image on the following page is from that map and shows the subject rezone parcels within transit service areas.



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The State Act to remove parking requirements within areas that have existing (and robust) transit infrastructure will represent a significant change to affected areas as redevelopment efforts will focus on housing as a defining factor rather than vehicles. If the 2020 residential parking condition is removed, future development that involves the 1201 and 1185 Westward Drive would follow state legislation and be able to provide additional housing opportunities within the defined transit service area (and neighborhood) directly west of CSU. Clearly, the degree of change to the neighborhood and community as a result of state-wide legislation warrants the approval of this rezone application and removal of the 2020 residential parking condition.

Additional factors for consideration:

- a) *whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;* This factor for consideration is not applicable to the proposed rezoning application as the application requests that the zone district remains the same as it does today (OT-C). City Council and Staff have determined that the *Old Town District, High* is the appropriate zone district for these parcels with the approval of the Land Use Code Phase 1 Update on May 7th, 2024. Council has already determined that the uses within the OT-C district are compatible with the adjacent R-L district. No additional uses can be allowed than what the current zone district would allow. Future development plans will be reviewed by City staff at the Project Development Plan application phase for site specific compatibility and would be subject to a hearing for approval.



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- b) *whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;*

The site has previously been developed and the application requests that the zone district remains the same as it does today (OT-C). No additional uses can be allowed than what the current zone district would allow. No natural habitats and features exist on the parcels.

Residential developments frequently have more parking than what is utilized, which encourages additional vehicle ownership and vehicle miles traveled. Fewer parking space requirements also translates to less impervious surfaces in the form of concrete or asphalt in parking lots. Less parking lot surface will translate to less pollutants in stormwater systems and greater amount of water infiltration. This will also help reduce the urban heat island effect on the subject properties with future redevelopment. The proposed amendment will not result in adverse impacts to the natural environment.

- c) *whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

This factor for consideration is not applicable to the proposed rezoning application as the application requests that the zone district remains the same as it does today (OT-C). The property may develop in a logical and orderly development pattern with and without the requested rezone application.

Conclusion

To conclude, we are requesting a rezoning of these two properties so that the condition placed upon 1201 and 1185 Westward Drive by the 2020 rezoning effort can be removed, and the properties may redevelop in a manner that is not only financially viable but can carry out the vision of City Plan in a way that is beneficial to the Fort Collins community. Additionally, the removal of the 2020 rezone condition will align future development using the subject parcels with new state legislation. The change is consistent with the existing zoning and development pattern along Shields, will not result in adverse impacts to the natural environment, and will enable a logical and orderly development pattern. Thank you for your consideration in the rezoning of 1201 and 1185 Westward Drive; we look forward to exploring the opportunities that this rezoning will be able to provide.



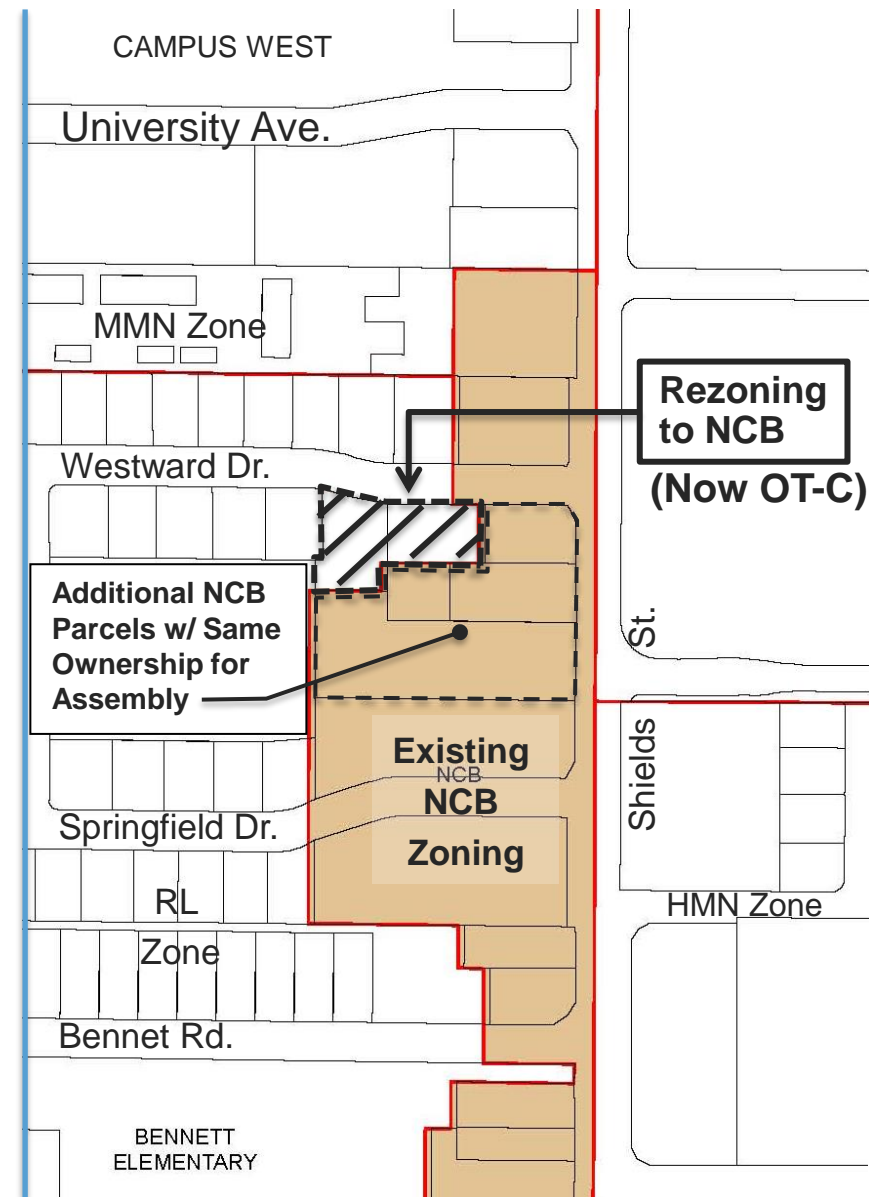
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Fischer Rezoning Overview

- 2020 Two house lots rezoned in fall 2020 to join larger NCB area
- Note: 'NCB' since changed to 'OT-C'
- Condition on that 2020 rezoning: 1 parking space per bedroom
- Now, a request to remove that Condition from the zoning; rezoning is the way
- No change to the zone district or zoning map



Fischer Properties Rezoning Neighborhood Meeting Notes September 23, 2024

These notes are a summary of the neighborhood meeting discussion and not a verbatim transcript. Most neighborhood meetings are recorded and posted on the City's YouTube page:
https://www.youtube.com/watch?v=5Vb4JKaMx_Q&list=PL7cZyIpMIgCKqkcNsNCKAEevDf1P6r-Xk&index=45

Attendees

City Staff:

Clark Mapes, City Planner, cmapes@fcgov.com

Em Myler, Neighborhood Development Liaison, emyler@fcgov.com

Applicant Team:

Joel Weikert, Ripley Design, Inc.

Erik Fischer, owner.

Public:

One attendee online.

Agenda

1. Purpose of the Meeting and Development Review Process – NDL and Planner

Neighborhood Development Liaison Em Myler introduced the purpose of the meeting and how it fits into the process for prospective development in the City Notes. The City of Fort Collins knows that development can have a meaningful impact on neighbors who live, work and play nearby. Because of this, when someone wants to build something new in the city, we often require a neighborhood meeting. The purpose of the meeting is to give the public an opportunity to:

- Learn about the project
- Ask questions about the project
- Share their feedback on the project

Meeting discussion is intended to be considered by the development team as they decide whether and how to formulate an actual application for submittal to the City for review. The notes and recordings of neighborhood meetings are also provided to the decision maker at the end of the Development Review process.

2. Proposal Overview – Applicant

The applicant presented their proposal. They explained their approach in detail, which is to develop a next generation of housing to replace five existing older houses. The owner has a lifelong history in the neighborhood, and regarding parking the intent is to redesign the development plan with an appropriate amount of asphalt in a way that does not burden the neighborhood with street parking.

3. Questions (Q), Responses (R), and Comments (C) - *Responses are by the applicant unless otherwise noted*

C: I live right across the street from this development, and I am looking outside at a street with no cars on it. We do not have a shortage of parking in this neighborhood. I'm happy that this amendment is to reduce parking and not increase it.

Q: Is the plan to fill some of that extra space with more housing or do you not know yet? Are you trying to get it amended and then figure out what to do afterwards?

A: We would like to add to the number of single-family dwellings on the property, but we also need to make more space for stormwater detention.

Q: This neighborhood is a mile from the nearest park. Could the space be used for a pocket park?

A: The slopes in the area make that difficult, but we will certainly have a lot of vegetation and trees and space to enjoy nature. When the stormwater detention area isn't full of water it will be a nice grassy area as well.

C: I am here to support this project. I'm glad to see the state laws having the intended effect.

4. Next Steps and Adjourn - *NDL*

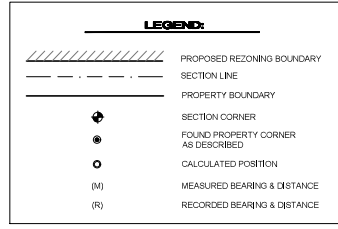
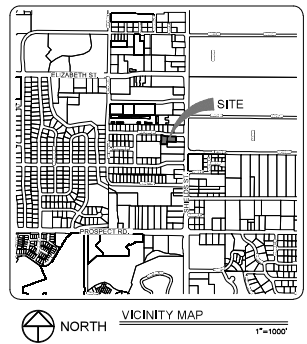
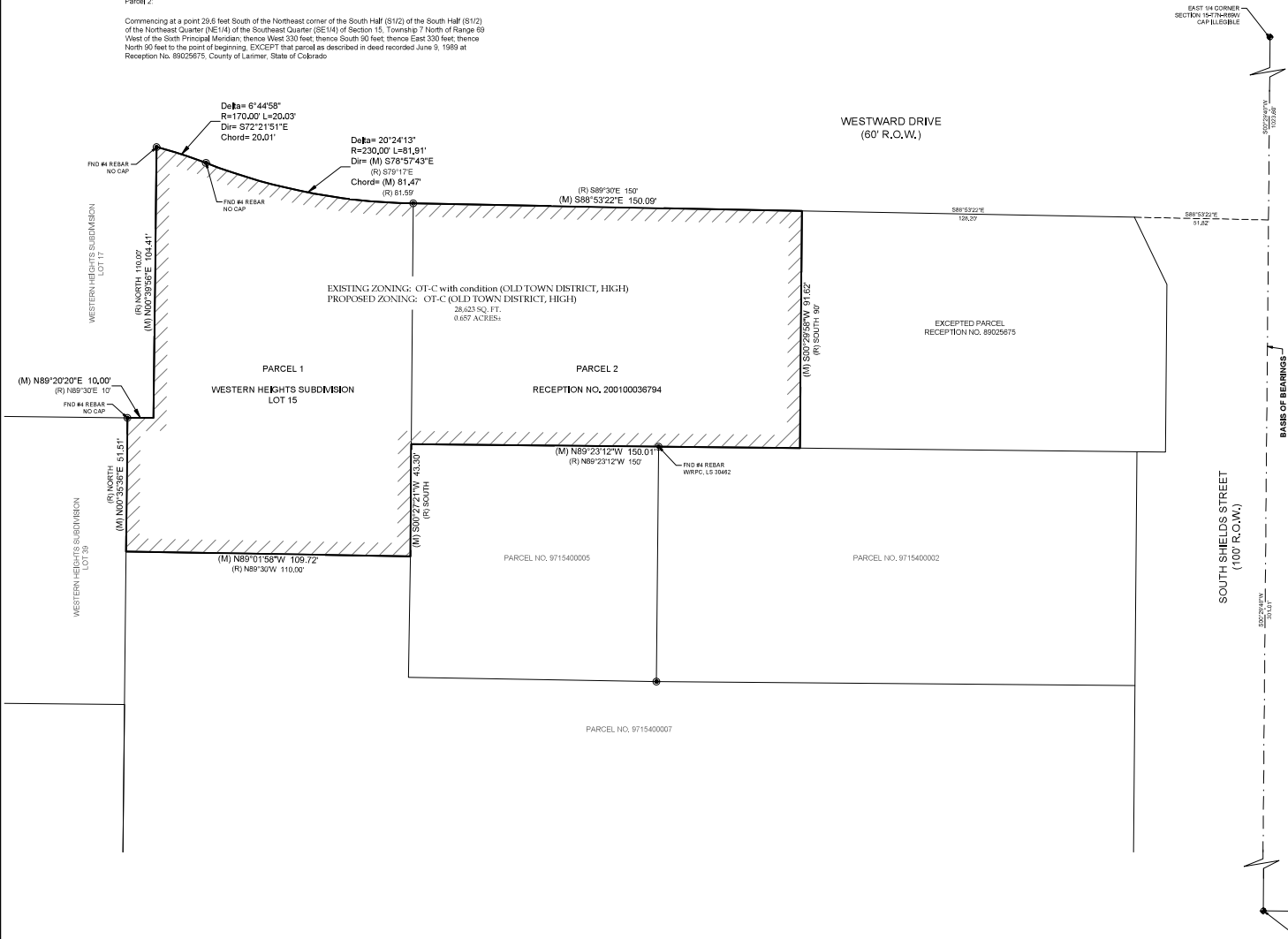
REZONING MAP

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

DESCRIPTION OF REZONING AREA OT-C with condition TO OT-C:

Parcel 1:
Lot 15, The Western Heights Subdivision, recorded at Reception No. 701791, Larimer County Clerk and Recorder

Parcel 2:
Commencing at a point 29.6 feet South of the Northeast corner of the South Half (S1/2) of the South Half (S1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 15, Township 7 North of Range 69 West of the Sixth Principal Meridian; thence West 330 feet; thence South 50 feet; thence East 330 feet; thence North 50 feet to the point of beginning, EXCEPT that parcel as described in deed recorded June 9, 1989 at Reception No. 89026675, County of Larimer, State of Colorado



- NOTES:**
- Stewart Title Guaranty Company, Commitment No. 1679705, dated April 22, 2022 at 8:00 a.m. was used in the preparation of this document.
 - The Basis of Bearings is the east line of the Northeast Quarter of the Southeast Quarter of Section 15, Township 7 North, Range 69 West as bearing South 00°39'40" West, and shown hereon to.
 - This is not a statutory boundary survey, lines run or shown have not been evaluated for title rights either written or unwritten.
 - This map is not a land survey plat or improvement survey plat, and it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

SURVEYOR'S STATEMENT

I, Robert C. Tesseley, a Colorado Professional Land Surveyor, do hereby state that this map of land proposed to be rezoned in the County of Larimer, State of Colorado was prepared under my direct supervision from existing documents of record and that the same is true and correct to the best of my knowledge, information and belief.

PRELIMINARY
10/25/24
FOR REVIEW ONLY

Robert C. Tesseley
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.



NOTICE:
According to Colorado law you must commence any legal action based on this map within 7 years from the date of the certificate above. To ensure an accurate record of this map, please contact the Surveyor within 7 years from the date of the certificate above. No commitment more than ten years after the date of the certificate above.

SECTION:
15
7
69

SCALE:
1"=1000'

DATE:
10/25/24

BY:
R. Tesseley



DATE: 10/25/24	SCALE: AS SHOWN
DESIGNED BY: R. Tesseley	RECORDED BY: R. Tesseley
CHECKED BY: L. Smith	

REZONING MAP
CITY OF FORT COLLINS
LARIMER COUNTY, COLORADO

Sheet
1
Of 1 Sheet

DESCRIPTION OF REZONING AREA OT-C TO OT-C:**Parcel 1:**

Lot 15, The Western Heights Subdivision, recorded at Reception No.701791, Larimer County Clerk and Recorder

Parcel 2:

Commencing at a point 29.6 feet South of the Northeast corner of the South Half (S1/2) of the South Half (S1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 15, Township 7 North of Range 69 West of the Sixth Principal Meridian; thence West 330 feet; thence South 90 feet; thence East 330 feet; thence North 90 feet to the point of beginning, EXCEPT that parcel as described in deed recorded June 9, 1989 at Reception No. 89025675, County of Larimer, State of Colorado

FISCHER PROPERTIES REZONE

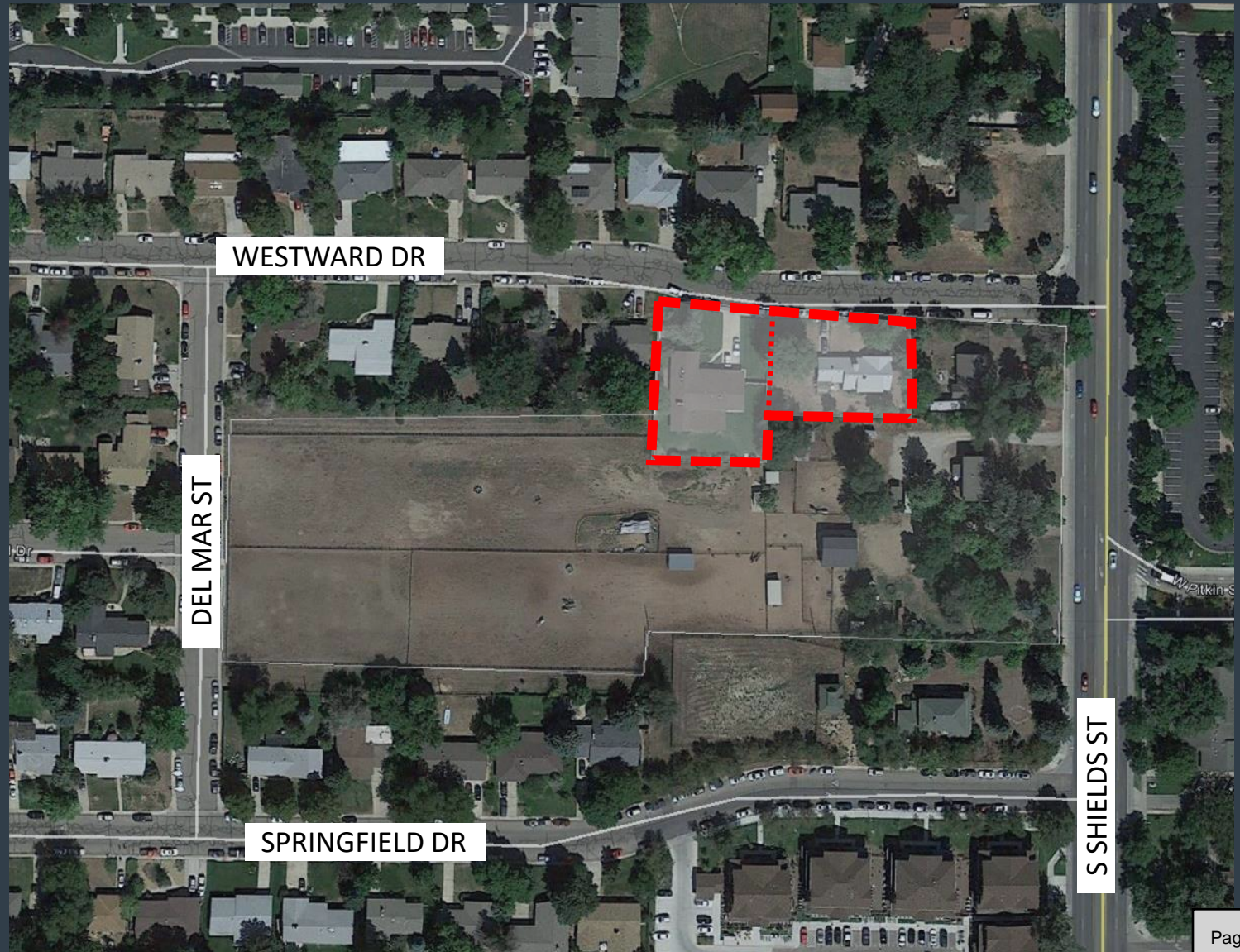
CITY COUNCIL

FEBRUARY 18TH, 2025



1201 & 1185 WESTWARD DRIVE

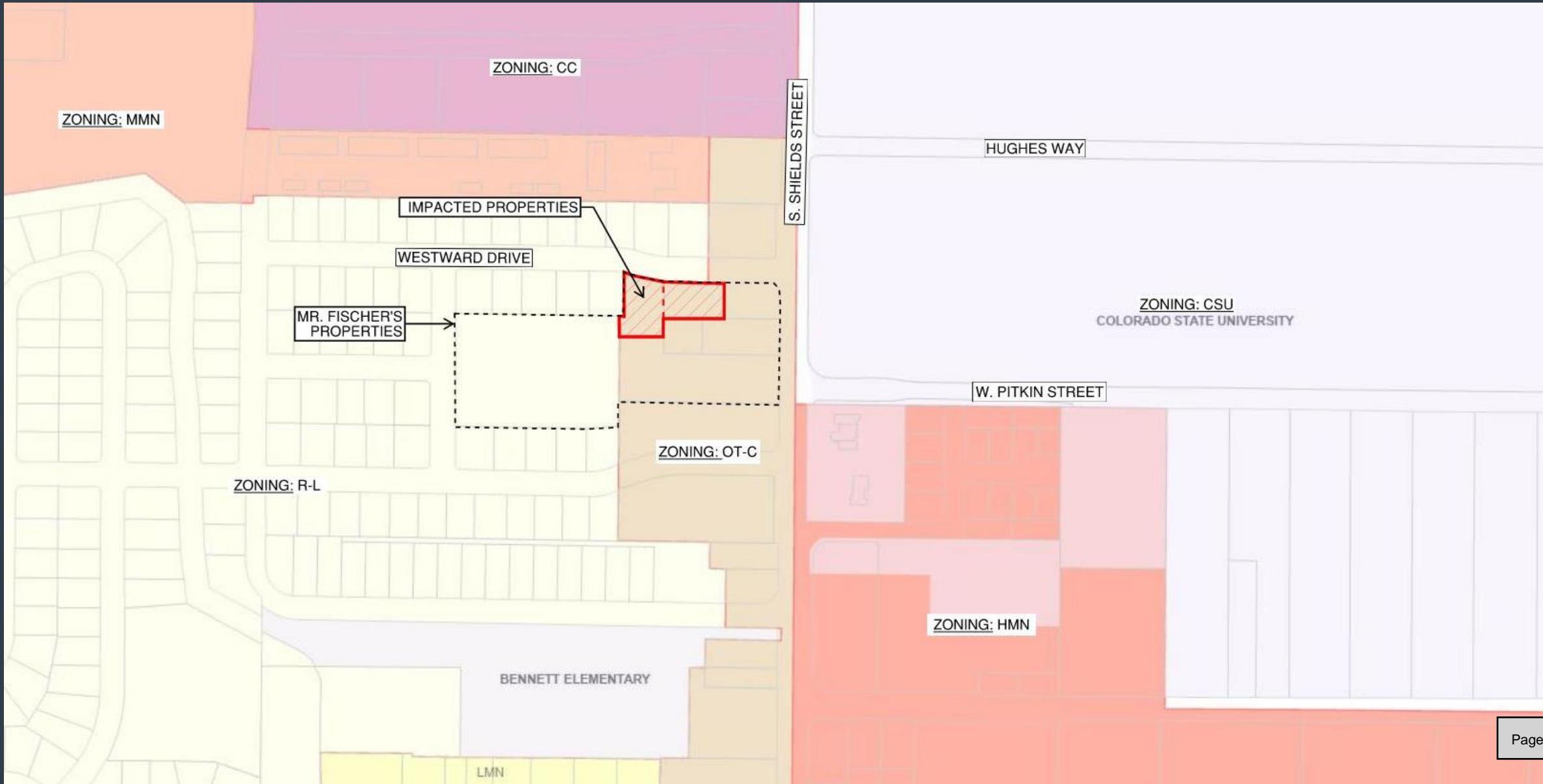
- 2 Separate lots (0.66 acres)
- Owned by Fort Collins native and local, Erik Fischer.
 - Vision to celebrate the Fischer family's land by creating a vibrant place for people to call home.



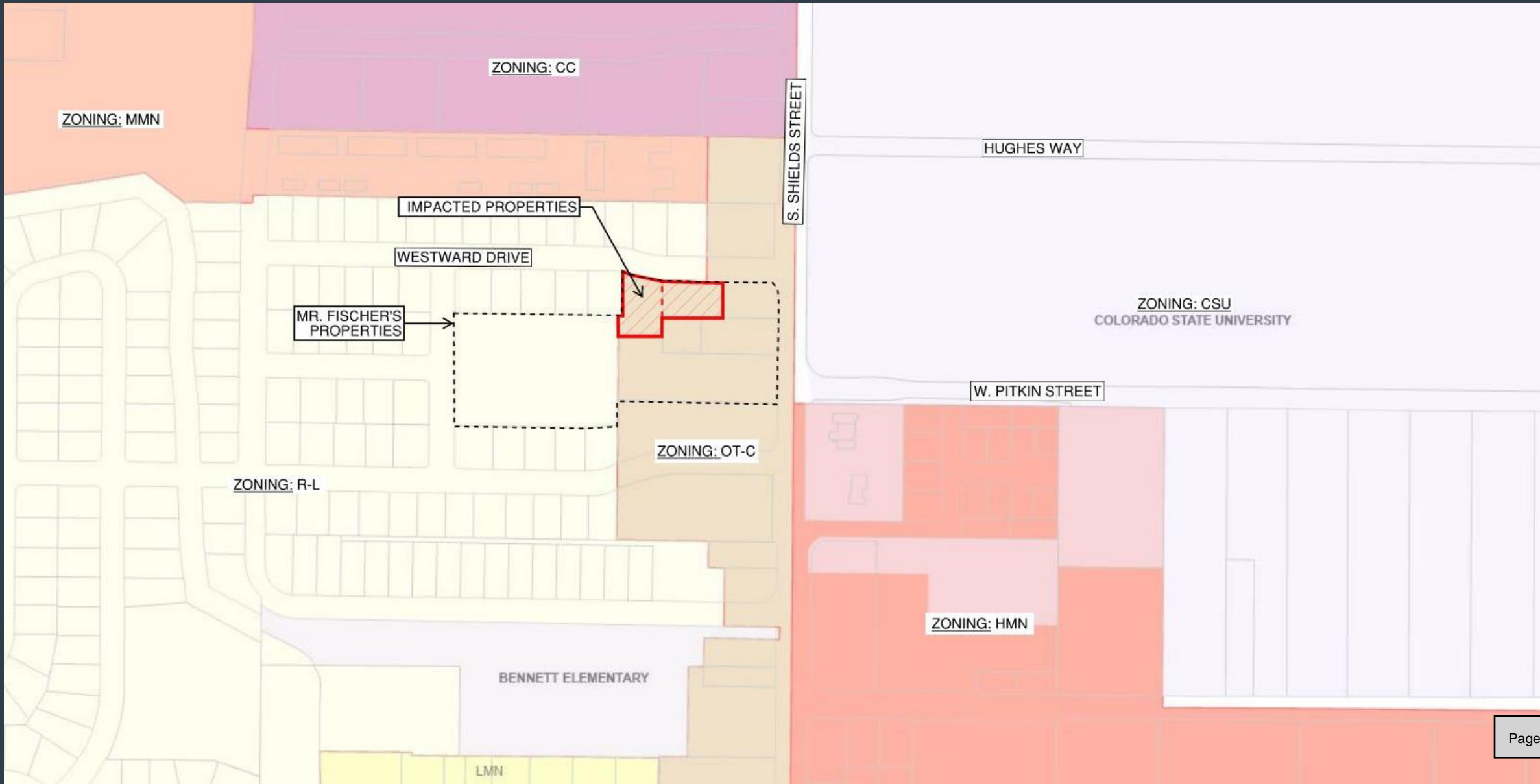
PROJECT TIMELINE

- October 6th, 2020: 1201 and 1185 Westward Drive were rezoned to the NCB district
 - **Condition:** *Any development plan involving 1185 or 1201 Westward drive, or both, for residential use must provide at least one parking space per bedroom.*
- January 18th, 2023: Fischer Properties PDP was approved
- FDP application is under review
- **May 7th, 2024**: Fort Collins City Council approves Phase 1 of the Land Use Code Update
 - Rezoned both parcels from NCB to the new OT-C district
 - For attached dwellings, parking requirements were reduced for 1 and 2-bedroom units
- **May 10th, 2024**: Governor Jared Polis signs HB24-1304; an act concerning minimum parking requirements
 - *A municipality shall neither enact nor enforce local laws that establish a minimum parking requirements that applies to a land use approval for a multifamily residential development... that is within the municipality, a metropolitan planning organization and at least partially within an applicable transit service area.*

CURRENT ZONING: OLD TOWN, HIGH (OT-C)

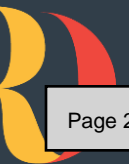


PROPOSED ZONING: OLD TOWN, HIGH (OT-C)



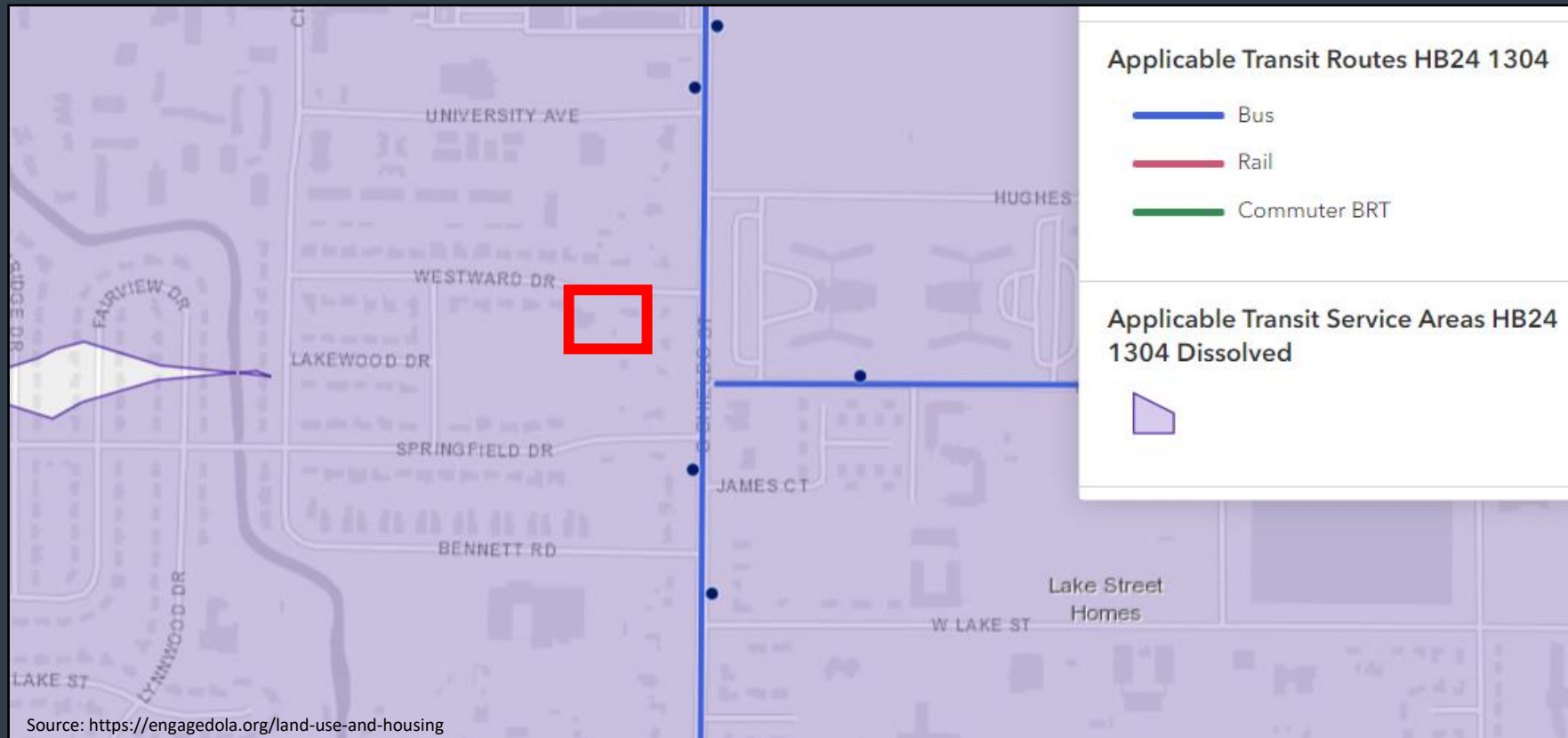
Removal of the condition

- Through discussions with the City Attorney's office, this rezone application is the only way to remove that condition of approval



HB24-1304 | Limitations on Minimum Parking Requirements

- On or after June 20, 2025, **A municipality shall neither enact nor enforce local laws that establish a minimum parking requirements that applies to a land use approval for a multifamily residential development, adaptive re-use for residential purposes, or adaptive re-use mixed use purposes which include at least fifty percent of use of residential purposes that is within the municipality, a metropolitan planning organization and at least partially within an applicable transit service area.**



Rezone Criteria

■ Fort Collins Land Use Code Section 6.25.4 (H)

(2) **Any amendment to the Zoning Map** involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) **shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:**

- a) Consistent with the City's Comprehensive Plan; and/ or
- b) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

(3) In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Commission and City Council may consider the following additional factors:

- a) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
- b) whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
- c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

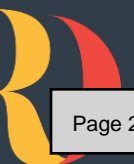
■ Applicant Response

- a) Consistent
- b) Applicable

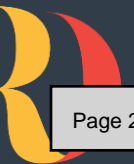
a) Not Applicable

b) No Impact

c) Not Applicable



Thank you





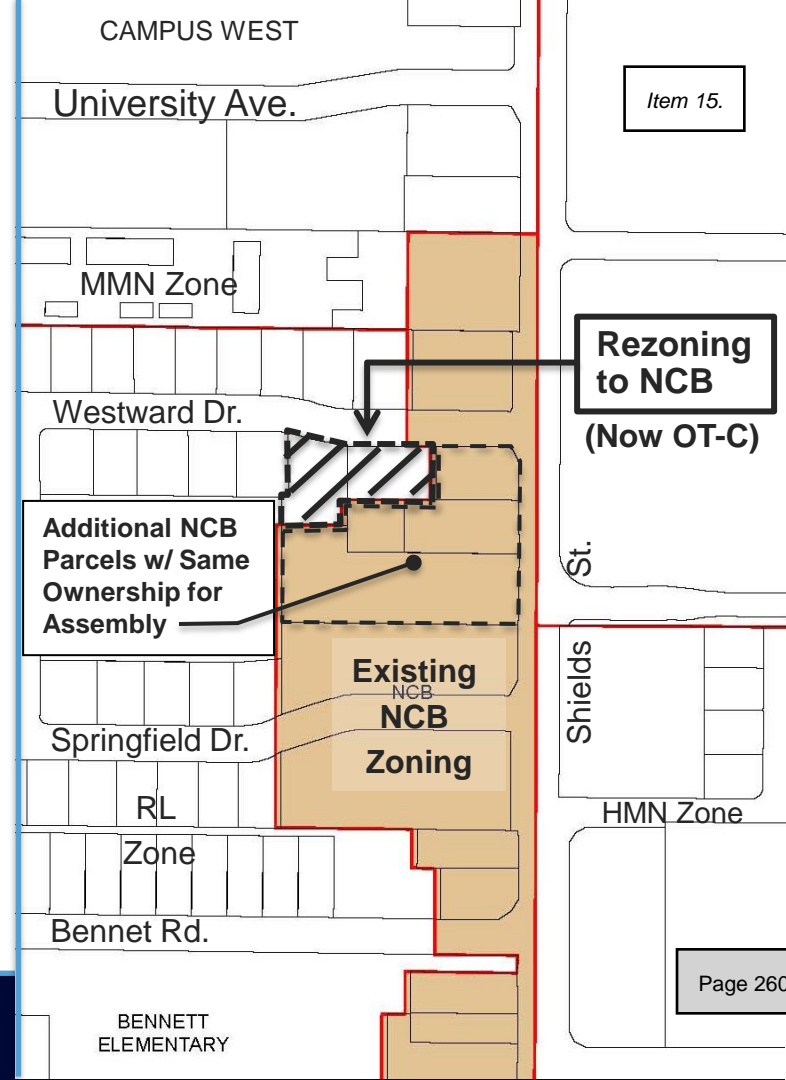
Fischer Rezoning 2025

Clark Mapes, City Planner

February 18, 2025

Fischer Rezoning Overview

- 2020 Two house lots rezoned in fall 2020 to join larger NCB area
- Note: 'NCB' since changed to 'OT-C'
- Condition on that 2020 rezoning: 1 parking space per bedroom
- Now, a request to remove that Condition from the zoning; rezoning is the way
- No change to the zone district or zoning map



Prominent issues through two rounds of design and review with staff include:

- Change in Land Use Code and new State statute
- Neighborhood Meeting
- Residential Parking Permit Program on the street

Required Findings for Rezoning

Land Use Code Division 6.25 – Amendment to Zoning Map

- Consistent with the City's Comprehensive Plan; and/or
- Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Additional Considerations

- compatible with existing and proposed uses surrounding the land and is the appropriate zone district;
- any significant adverse impacts on the natural environment.
- a logical and orderly development pattern.

Comprehensive Plan

City Plan

West Central Area Plan

City Plan: a pervasive theme

Alternatives to dependence on private vehicle driving with policies that mention:

- Transit, esp. around CSU 'TDM'
- Parking pricing and management
- Care share & bike share
- New and emerging mobility options
- Zero-vehicle households
- Recalibrate incentives in the TOD area

West Central Area Plan

Changed Conditions

- May 2024 Statute
- May 2024 LUC Update
- Parking Permit Program
- Neighborhood Meeting Feedback

Adverse Impacts on the Natural Environment

- Avoiding Excess Paving

Logical and Orderly Development Pattern

- Avoiding excess paving in the neighborhood

P&Z Recommendation

Planning and Zoning Commission: unanimously recommends that City Council approve the Fischer Rezoning, #REZ240001

Incidental Background: Approved Plan

Item 15.



File Attachments for Item:

16. First Reading of Ordinance No. 026, 2025, Declaring Certain City-Owned Property at Pelican Marsh Natural Areas as Public Right-of-Way.

The purpose of this item is to declare approximately 0.073 acres of Pelican Marsh Natural Area as road right of way (ROW).

The City would construct road and intersection improvements, utility relocations, and fully signalize the intersection of U.S. 287 and Triangle Drive. The project would also install northbound left and southbound right turn lanes on Triangle Drive, and Americans with Disabilities Act (ADA) accessible sidewalk connections to provide multimodal connectivity for bicyclists and pedestrians linking the Ridgewood Hills and Shenandoah neighborhoods west of U.S. 287 to the Lakeview on the Rise Subdivision east of U.S. 287.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Natural Areas Director
 Tawnya Ernst, Natural Areas
 Marc Virata, TCEF Program Manager
 Jonathan Piefer, Senior Real Estate Specialist

SUBJECT

First Reading of Ordinance No. 026, 2025, Declaring Certain City-Owned Property at Pelican Marsh Natural Areas as Public Right-of-Way.

EXECUTIVE SUMMARY

The purpose of this item is to declare approximately 0.073 acres of Pelican Marsh Natural Area as road right of way (ROW).

The City would construct road and intersection improvements, utility relocations, and fully signalize the intersection of U.S. 287 and Triangle Drive. The project would also install northbound left and southbound right turn lanes on Triangle Drive, and Americans with Disabilities Act (ADA) accessible sidewalk connections to provide multimodal connectivity for bicyclists and pedestrians linking the Ridgewood Hills and Shenandoah neighborhoods west of U.S. 287 to the Lakeview on the Rise Subdivision east of U.S. 287.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The 156-acre Pelican Marsh Natural Area is located about a half mile south of Trilby Road and immediately east of U.S. 287. The site encompasses an irrigation reservoir, the 42-acre Robert Benson Lake. The lake provides habitat for American white pelicans, a variety of ducks and other wetland birds, hawks, owls, and grassland birds. The natural area was acquired in 2002 in a single transaction. The proposed ROW declaration and a related 0.474-acre slope alignment would cross the western boundary of the natural area adjacent to U.S. 287. Total impacted area is approximately 0.55 acres.

In March 2023, Engineering staff approached Natural Areas staff with a need to signalize the intersection at U.S. 287 and Triangle Drive to address vehicle and pedestrian safety concerns. The intersection currently contains existing unsignalized access for both the Shenandoah and Ridgewood Hills neighborhoods. The signalization of the intersection was found to be warranted by Traffic, with a history of severe crashes occurring at this intersection: between 2013-2022 the intersection was the site of 20

property damage crashes, 9 possible injury crashes, 1 minor injury crash and 1 fatal crash. In 2023, CDOT committed FASTER funding to the City for signal improvements.

The project will install a new traffic signal, as well as bicycle and pedestrian improvements using a sidepath to connect northeast towards the Lakeview on the Rise neighborhood. The improvements will meet ADA requirements.

On October 1, 2024, Council authorized via Resolution 2024-120 the execution of an Intergovernmental Agreement between the City and the Colorado Department of Transportation for the U.S. 287 and Triangle Drive Signal Installation Project. Subsequently on October 15, 2024, Council approved Ordinance No. 141, 2024 appropriating revenue to fund the signal installation project.

City Engineering and Natural Areas staff considered several alternatives and developed the following Preferred Alternative to be the best option, which balances traffic safety and Natural Area impact concerns. Alternatives A and B are included as Attachment 3.

Preferred Alternative – Signal Poles and Modified Sidepath

The preferred alternative offers a compromise between Alternatives A and B and minimizes the impact to the natural area while also addressing safety concerns associated with an on-curb sidepath. This alternative includes the two signal poles, an 8-foot wide sidepath, detached from the curb along U.S. 287 by a 6.5-foot-wide parkway. Between the two traffic signals, the parkway would be constructed with a hardscape concrete median cap as requested by the Natural Areas Department due to constraints to bringing in maintenance equipment. Outside of the intersection, the parkway would be landscaped with an approved seed mix in conformance with the Natural Areas policy.

Behind the sidepath there would be a 2-foot buffer before a grade change would tie into existing ground, within the proposed ROW. Within the proposed slope alignment, A 3:1 grade behind the benched area would create a more gradual transition than the existing condition which will support restoration to a native seed mix. This will improve vegetation from its current condition which is primarily smooth brome.

Within the scope of the area defined with the project, the existing barbed wire fence will be removed, as requested by the Natural Areas Department. The project is in the process of securing an option letter from CDOT and hopes to finalize the plans for advertisement in March and begin construction in April 2025. The project is anticipated to take two months to construct with completion in Q2 2025. With the College and Trilby intersection project north of the Triangle Drive project looking to also resume its construction at around the same timeframe, and needing to temporarily close Trilby Road at the intersection as part of its scope, there is a desire to ensure the project is able to implement the construction of at least a temporary signal, if not the full signal at the U.S. 287 and Triangle intersection as expeditiously as possible in relation to the work at College and Trilby.

Rather than an expanded ROW to match the existing ROW to the north, a narrower alignment is proposed to reduce the impacts to the Natural Area. North of Pelican Marsh the existing ROW is 75' East of the highway centerline. Along the Pelican Marsh Natural Area, the proposed ROW (existing and new) will be mostly 60' east of the highway centerline.

The proposed slope alignment is 81.5 feet wide at its widest point. The slope alignment covers an area that is already steeply sloped. However, the existing sloped land will be engineered and regraded to better support the highway infrastructure. The slope alignment document is intended to provide a formal record of the need to preserve the slope in its modified condition.

Environmental Impact

Natural Areas staff have worked closely with Engineering to minimize impacts to the site and to identify opportunities to improve the ecological condition in this area. Currently, the site is steeply sloped (roughly a

1.5-1 slope ratio currently) and dominated by smooth brome. An ecological characteristics study (ECS) was conducted (October 2024) within a 500' buffer of the Triangle Drive and U.S. 287 intersection. Vegetative species observed are typical of previously disturbed and overgrazed areas and include introduced and native grass and herbaceous species, such as smooth brome, showy milkweed, hairy willowherb, wiregrass, red sorrel and curly dock. No trees exist in the study area. The ECS also included a wetlands delineation which concluded approximately 0.034-acre of wetlands is within the ROW project's limits of disturbance. The wetland is dominated by rush (*Juncus* spp.) and broadleaf cattail (*Typha latifolia*).

No federally or state-listed threatened and endangered species are known to occur within the project area. No prairie dog, fox, or coyote dens exist within the project area. Two sensitive and specially considered species, the common garter snake and rufous hummingbird, have the potential to occur with the project area but were not observed. Within the project area, common milkweed, an essential food source for the monarch butterfly and two-spotted skipper, is also present but is not highly concentrated.

The project was reviewed by the City's Stormwater Department to determine if it necessitated an MS4 permit. However, since the project is below the threshold for additional paved area, it did not trigger the need for additional water quality treatment.

In accordance with the City's Land Use Code § 5.6.1(F)(2), construction activities will be timed to minimize the disturbance of and potential impacts to those species and their habitats. Temporary impacts are anticipated and are expected to be limited to construction and revegetation activities. An existing barb wire fence will be removed. All areas disturbed by construction activities will be restored to native vegetation using a seed mix approved by Natural Areas. Ongoing impacts other than infrequent maintenance are not anticipated.

CITY FINANCIAL IMPACTS

Application fee:	\$2,500
Mitigation fee:	\$7,792
Uplands: \$4,187/ac. @ .44 acres = \$1,842	
Wetlands: \$175,000/ac. @ 0.034 acres = \$5,950	
Easement/ROW Declaration fee: \$43,560/acre x 100% @ 0.073 acres	\$ 3,177
Slope notice of alignment fee: \$43,560/acre x 25% @ 0.474 acres	\$ 5,167
Total	\$18,636

Engineering will pay the fees to the Natural Areas Department to support administrative costs and land conservation efforts as defined in the Natural Areas Easement Policy. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the ROW declaration and slope notice of alignment fees.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its February 12, 2025, meeting, the Land Conservation and Stewardship Board (LCSB) voted (-) to recommend that City Council approve the declaration of road right-of-way on Pelican Marsh Natural Area.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Alternatives A and B
4. Preferred Alternative – Plan Sheet
5. Vicinity Map
6. Project Location Map
7. Land Conservation Stewardship Board Meeting Minutes, February 12, 2025 (excerpt)

ORDINANCE NO. 026, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING A PORTION OF CITY-OWNED PROPERTY AT
PELICAN MARSH NATURAL AREA AS PUBLIC RIGHT-OF-WAY

A. About one half mile south of Trilby Road, immediately east of Highway 287, the City owns the 156-acre Pelican Marsh Natural Area (the “Property”).

B. The City seeks to signalize the intersection at Highway 287 and Triangle Drive to address vehicle and pedestrian safety concerns (the “Project”). That intersection abuts the Property.

C. The Project will install a new traffic signal, as well as bicycle and pedestrian improvements using a sidepath to connect northeast towards the Lakeview on the Rise neighborhood. The improvements will meet accessibility requirements. On October 1, 2024, City Council authorized via Resolution 2024-120 the execution of an Intergovernmental Agreement between the City and the Colorado Department of Transportation for the Project. Subsequently on October 15, 2024, Council approved Ordinance No. 141, 2024, appropriating revenue to fund the Project.

D. The Project will use 0.073 acres of Pelican Marsh Natural Area as permanent right of way (the “ROW Parcel”). In addition, a notice of alignment is requested for related work to the Project – a 0.474-acre slope alignment. Total impacted area is 0.55 acres. The City’s Engineering Department, using Capital Project Fund monies, will pay the fees to the Natural Areas Department to support administrative costs and land conservation efforts as defined in the Natural Areas Easement Policy. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the right-of-way declaration and slope notice of alignment fees. The fees total \$18,636.

E. In order to establish a public record that the ROW Parcel is intended for use by the City as right-of-way for a public roadway and related improvements, including public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff recommends that the City Council declare the ROW Parcel to be right-of-way.

F. Converting a piece of property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property.

G. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of 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 City Council hereby declares that the real property described on Exhibit "A" shall constitute right-of-way at the Highway 287/Triangle Drive intersection and may be used for related improvements, including for public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interests of the City.

Section 2. The City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Ted Hewitt

EXHIBIT OF
PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE DECLARED AS RIGHT OF WAY

PT. OF COMMENCEMENT
W 1/4 COR. SEC 13-6-69
FD NO 6 REBAR WITH
3-1/4" ALUM CAP
STAMPED LS 20676
IN MONUMENT BOX

S89°44'19"E
50.00'

POINT OF
BEGINNING

CDOT R.O.W.

CITY R.O.W.

LAKEVIEW ON THE
RISE SUBD.

S89°44'19"E 25.37'

S0°05'14"E 2.62'

S25°57'40"W 31.88'

U. S. H I G H W A Y 2 8 7

S00°08'55"W 2668.04'
BASIS OF BEARINGS

N0°08'55"E 255.73'

AREA: 3,177 S.F.

S0°08'55"W 224.37'

CITY OF FORT COLLINS
REC. NO. 94093068



JANUARY 20, 2025
1"=40'

SW COR. SEC 13-6-69
FD NO 6 REBAR WITH
3-1/4" ALUM CAP
STAMPED LS 20676
IN MONUMENT BOX

CDOT R.O.W. PER BOOK 1057 PAGE 400

N89°51'05"W 11.50'

THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY
REPRESENT AND AUGMENT THE ATTACHED PROPERTY
DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED
LAND SURVEY AS DEFINED IN C.R.S. 38-51-102. IN
THE EVENT OF DIFFERENCES BETWEEN THIS EXHIBIT
AND THE ATTACHED PROPERTY DESCRIPTION, THE
INFORMATION CONTAINED WITHIN THE PROPERTY
DESCRIPTION TAKES PRIORITY.

S:\Engineering\Departments\Survey\Projects\Engineering\College and Triangle\College and Triangle Boundary.dwg

Alternatives A and B

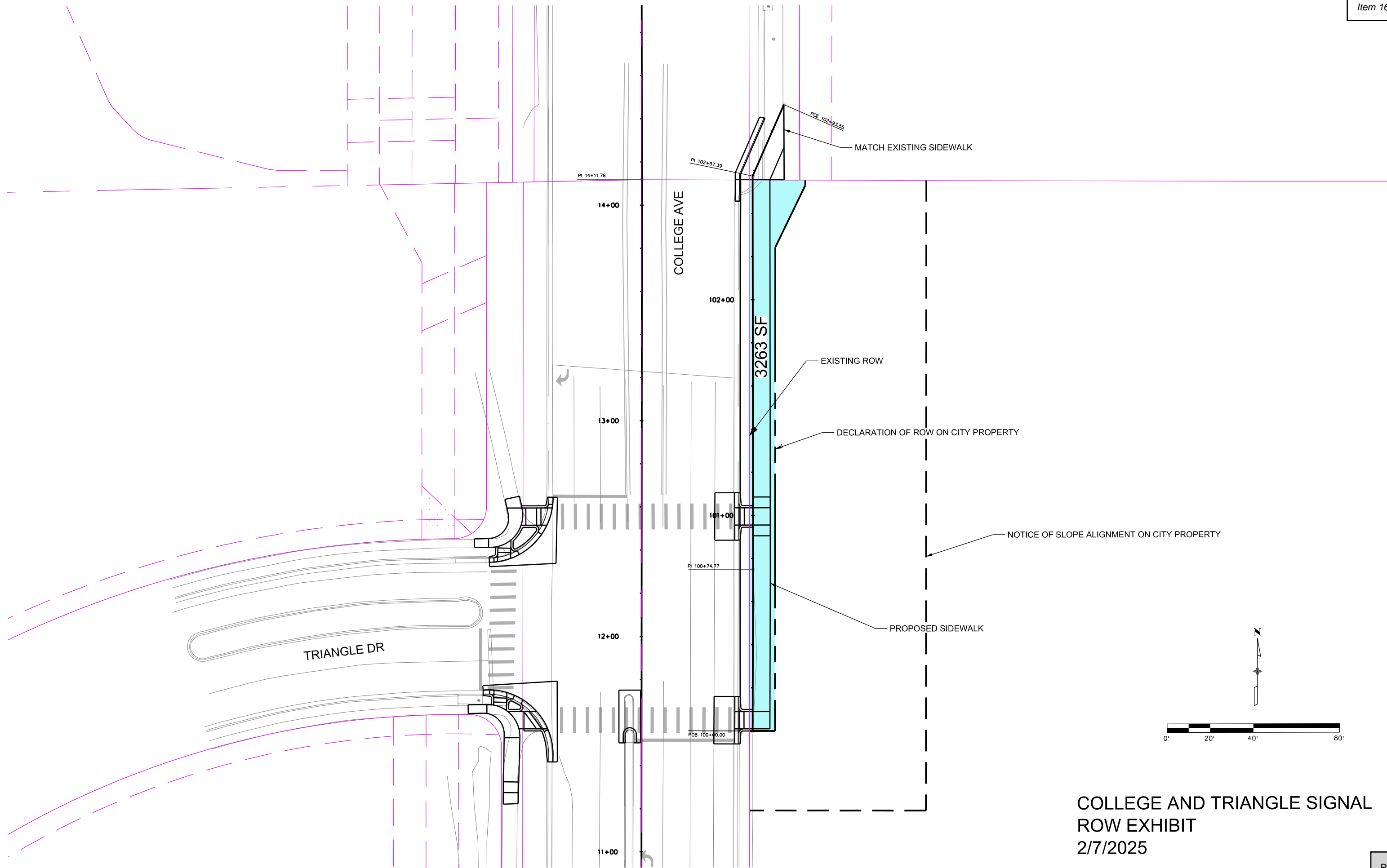
Alternative A – Signal poles and on-curb sidepath

For this alternative, the two signal poles would be placed within 5 feet of existing right of way immediately behind the existing curb and gutter along the east side of U.S. 287 adjacent to the Natural Area. The pole placement would be immediately proximate to the property line. With the signal poles placed at such a location, the corresponding side path for bicycles and pedestrians could only be constructed as less than a 5-foot-wide path attached to the curb. This would not be ideal from a transportation perspective, as bicyclists and pedestrians utilizing the sidepath would be directly adjacent to the U.S. 287 roadway and at a width that would not meet Larimer County Urban Area Street Standards (“LCUASS”) nor be ADA compliant. This alternative would have minimal, if any, impact to the natural area.

Alternative B – Signal poles and full sidepath

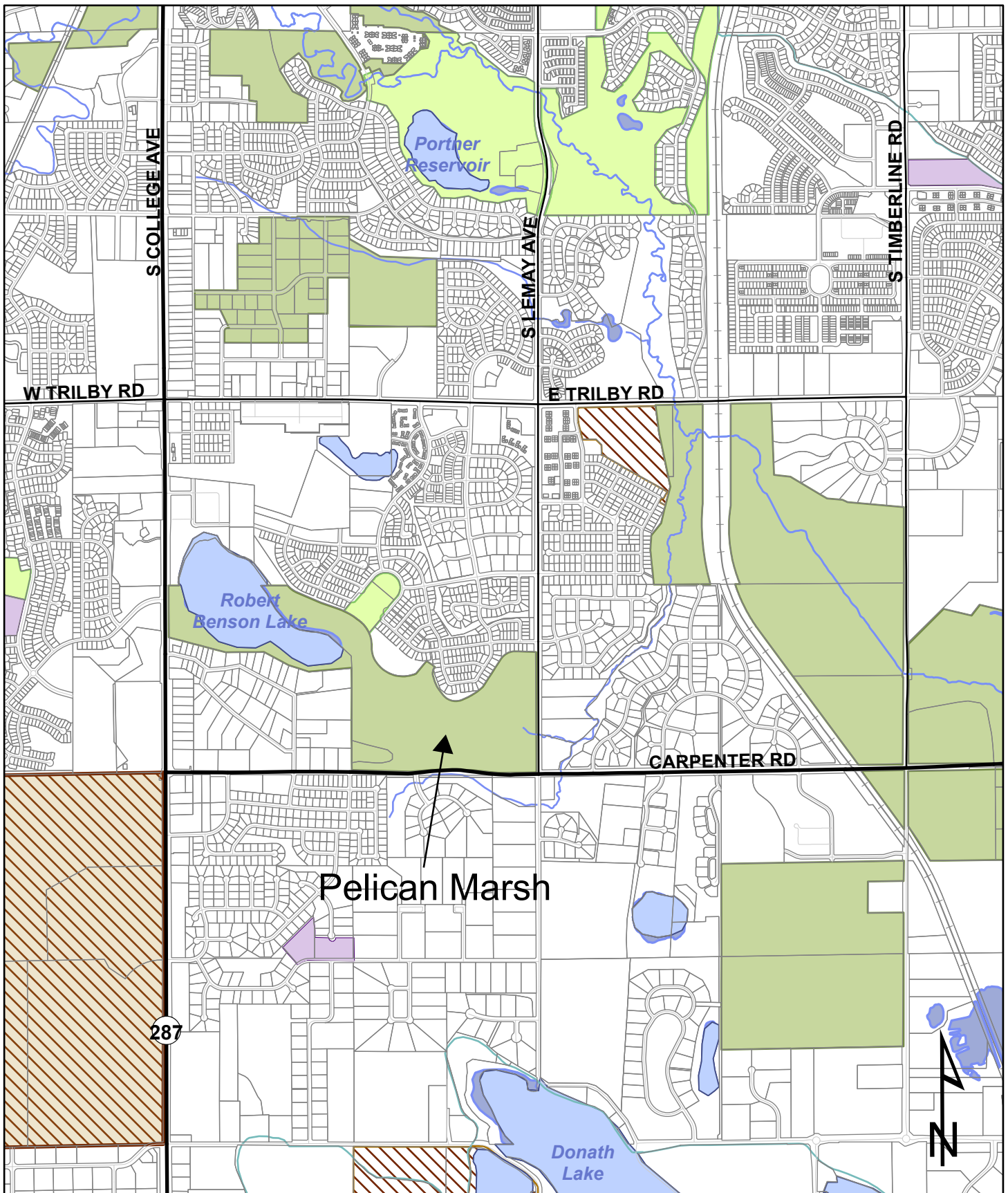
In this alternative, two signal poles would be installed along with a sidepath that fully meets the City of Fort Collins Active Modes Plan and Larimer County Urban Area Street Standards. U.S. 287 is classified in the City’s Master Street Plan as a 6-Lane Arterial. As part of this roadway classification, a 10-foot-wide parkway is considered the standard allowing for the sidepath to be detached 10 feet from the roadway. Additionally, with the Active Modes Plan specifying a sidepath along U.S. 287, a 12-foot wide sidepath would be considered the ideal standard.

However, implementing a 10-foot-wide parkway along with a 12-foot wide sidepath would require 7 feet of additional land to be declared as right-of-way. Given the existing steep slopes behind the sidepath, a greater corresponding slope alignment would be needed extending the limits of disturbance further into the wetlands surrounding Robert Benson Lake.

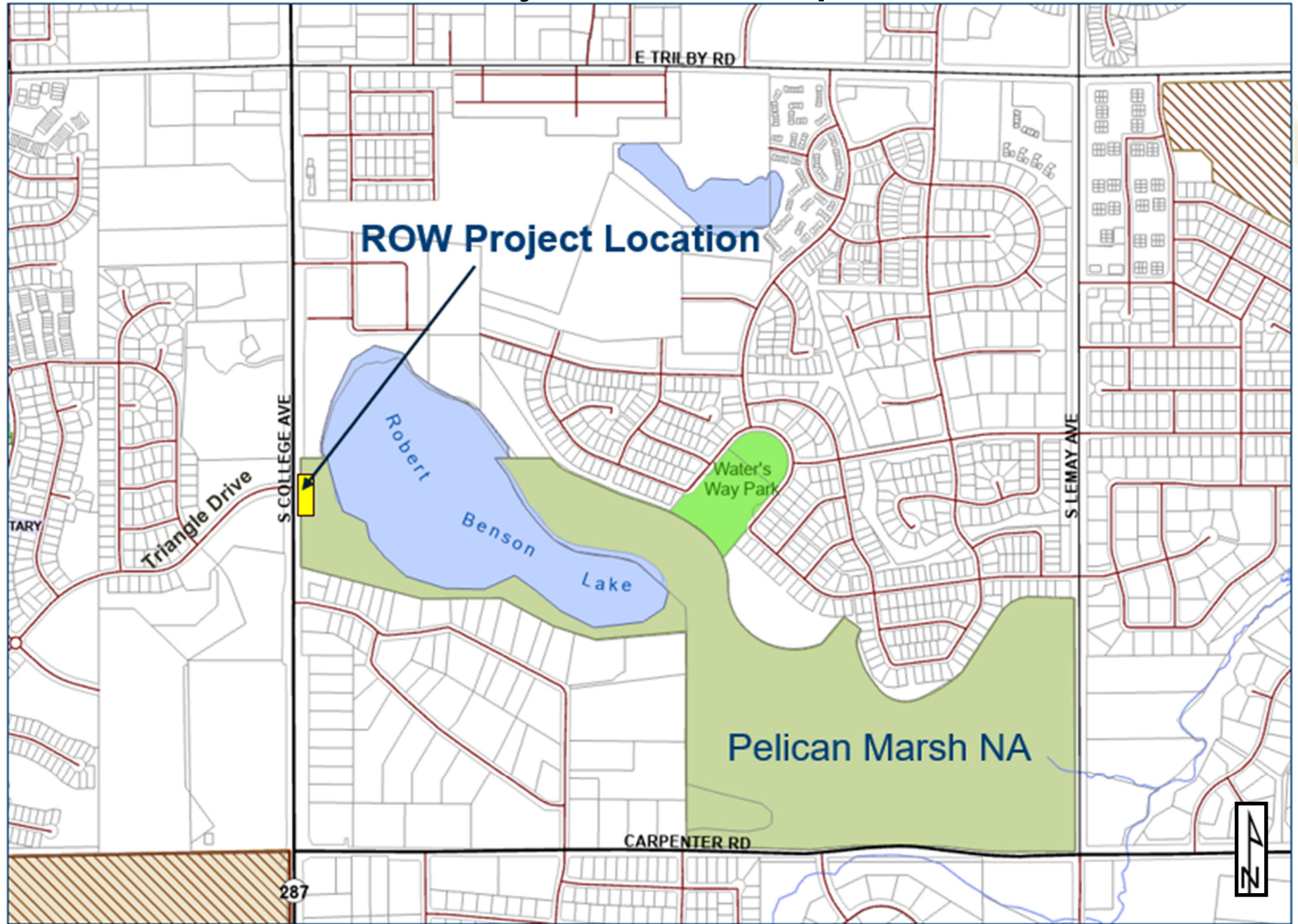


COLLEGE AND TRIANGLE SIGNAL
ROW EXHIBIT
2/7/2025

Pelican Marsh Natural Area Vicinity Map



Project Location Map



File Attachments for Item:

17. Items Relating to the Heritage Annexation.

A. Resolution 2025-011 Setting Forth Findings of Fact and Determinations Regarding the Heritage Annexation.

B. Public Hearing and First Reading of Ordinance No. 027, 2025, Annexing the Property Known as the Heritage Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex a 24.84-acre property located northeast of the intersection of International Boulevard and Mexico Way. The Initiating Resolution was adopted on January 7, 2025. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexation, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Ryan Mounce, City Planner

SUBJECT

Items Relating to the Heritage Annexation.

EXECUTIVE SUMMARY

A. Resolution 2025-011 Setting Forth Findings of Fact and Determinations Regarding the Heritage Annexation.

B. Public Hearing and First Reading of Ordinance No. 027, 2025, Annexing the Property Known as the Heritage Annexation to the City of Fort Collins, Colorado.

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This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexation, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Introduction

This is a 100% voluntary annexation of an approximately 24.84-acre site located northeast of the intersection of International Boulevard and Mexico Way in the East Mulberry Enclave. The eastern portions of the property contain an existing structure housing the Heritage Christian Academy school and several light industrial businesses while the western half of the property is undeveloped.

The site is bound by the Lake Canal and the TimberVine Neighborhood to the North and East, International Boulevard and portions of the Industrial Business Park International Planned Unit Development (PUD) to the South, and Mexico Way to the West. The total annexation area of approximately 24.84 acres is composed of 21.26 acres of private property and approximately 3.58 acres of right-of-way. The annexing property is also the subject of a development application for an Overall Development Plan (ODP) seeking a future phased development as a private school campus with additional academic, administrative, and

recreation facilities. The site already features basic infrastructure, including streets, utilities, and stormwater facilities originally developed as part of the Industrial Business Park International PUD in Larimer County.

Larimer County and City of Fort Collins Intergovernmental Agreement

The property is located within the Fort Collins Growth Management Area (GMA) and according to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area, the City agrees to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

Contiguity Requirements

The Heritage Annexation gains contiguity with City limits along its northern edge with the Timbervine neighborhood (RDC Annexation, 1998) and along its southern edge fronting International Boulevard (Airpark Village Annexation, 2006). The annexation site has a total perimeter of 5,569 feet and a contiguous perimeter with City limits of 1,783 feet. The contiguous perimeter is 32% of the overall perimeter, exceeding the one-sixth ($1/6$, approximately 17%) required by State statute to be contiguous with the annexing municipality.

Enclave Implications & East Mulberry Plan Threshold Annexation Strategy

The annexation site is located within the East Mulberry Enclave, a large area of unincorporated Larimer County surrounded by City limits. If annexed, the site will create an additional area of unincorporated Larimer County further surrounded by City limits to the west bounded by International Boulevard, Mexico Way, and the boundaries of the TimberVine and Dry Creek neighborhoods. This “enclave-within-an-enclave” remains a part of the overall East Mulberry Enclave and eligible to be involuntarily annexed by the City. Based on strategies adopted in the East Mulberry Plan, the City will consider involuntary annexations based on a thresholds approach when the timing, resources, and policy goals of annexation align for portions of the enclave over time.

If the Heritage Annexation is approved, staff plans to initiate further study and analysis of nearby areas within the East Mulberry Enclave based on the guidance adopted in the East Mulberry Plan and share this information with City Council to seek direction on the appropriateness of initiating a potential threshold annexation.

Procedural Background

On November 19, 2024, Council adopted Resolution 2024-136 initiating this annexation. However, Resolution 2025-002 was necessary due to a notice publication error. The published Notice after the 2024 Resolution indicated that Council was hearing this annexation on January 7, 2024, not 2025. State law requires Notice to be published for four consecutive weeks; so after it was discovered there was not time to remedy the notice error before January 7, 2025. Colorado Revised Statutes Section 31-12-108 includes certain timeframes during which an annexation petition must be addressed, namely, a hearing must be held not less than 30 days and not more than 60 days after the effective date of the Resolution setting the hearing. The January 7, 2025, Council meeting would have been 49 days after the November 19, 2024, passage of Resolution 2024-136. The January 21, 2025, Council meeting would have been at 63 days. Therefore, the new initiating resolution, Resolution 2025-002, was passed, and the required Notice was published thereafter in preparation for this February 18, 2025, hearing.

CITY FINANCIAL IMPACTS

The annexation will not result in any initial direct, significant financial impacts. Annexation will trigger the transition of law enforcement from the Larimer County Sheriff's Office to Fort Collins Police Services; however, a majority of the site is currently undeveloped.

When additional development of the site occurs, water services will be provided by the East Larimer Water District and wastewater services by Boxelder Sanitation District. Fort Collins Light and Power will provide electric service for the site.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning and Zoning Commission recommended City Council annex the Heritage Annexation 7-0 at the Commission's December 19, 2024, hearing. The minutes from December 19, 2024, reflecting the Commission's recommendation, are attached.

PUBLIC OUTREACH

A joint neighborhood meeting for the annexation and proposed ODP for the site was held on September 5, 2024. All other notification requirements as required by State and local law have been met.

A majority of questions and comments at the neighborhood meeting related to the ODP application, specifically traffic impacts associated with growth of the school and student drop-off/pick-up schedules.

ATTACHMENTS

1. Resolution for Consideration
2. Ordinance for Consideration
3. Vicinity Map
4. Applicant Narrative
5. Annexation Petition
6. Annexation Map
7. Planning & Zoning Commission Minutes, December 19, 2024

RESOLUTION 2025-011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS
REGARDING THE HERITAGE ANNEXATION

A. Pursuant to Resolution 2025-002, the City Council initiated annexation proceedings for property to be known as the Heritage Annexation (the "Property").

B. Following notice given as required by law, the City Council held a hearing on the annexation.

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 petition for annexation of the Property complies with the Municipal Annexation Act (the "Act"), Colorado Revised Statutes Section 31-12-101, et seq.

Section 2. The City Council hereby finds that there is at least one-sixth (1/6) contiguity between the City and the Property proposed to be annexed; that a community of interest exists between the Property and the City; that the Property is urban or will be urbanized in the near future; and that the Property is integrated with or is capable of being integrated with the City.

Section 3. The City Council further determines that the applicable parts of the Act have been met, that an election is not required under the Act, and that there are no other terms and conditions to be imposed upon the annexation.

Section 4. The City Council further finds that notice was duly given, and a hearing was held regarding the annexation in accordance with the Act.

Section 5. The City Council concludes that the Property is eligible for annexation to the City and should be so annexed.

Passed and adopted on February 18, 2025.

Mayor

ATTEST:

City Clerk
Effective Date: February 18, 2025
Approving Attorney: Heather N. Jarvis

ORDINANCE NO. 027, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING THE PROPERTY KNOWN AS THE HERITAGE
ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO

A. On January 7, 2025, City Council adopted Resolution 2025-002, finding substantial compliance and initiating annexation proceedings for the Heritage Annexation, as defined therein and described below (the "Property").

B. Resolution 2025-011 setting forth findings of fact and determinations regarding the Heritage Annexation was adopted concurrently with the first reading of this Ordinance.

C. The City Council has determined that it is in the best interests of the City to annex the Property to be known as the Heritage Annexation to 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 City Council hereby incorporates the determinations and findings of Resolution 2025-002 and Resolution 2025-011 and further finds that it is in the best interests of the City to annex the Property to the City.

Section 2. The Property, more particularly described as:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 8 AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8 AS BEARING OF N 89°08'54" W AND HAVING ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N 89°08'54" W A DISTANCE OF 636.52 FEET ALONG SAID SOUTH LINE;

THENCE N 00°51'06" E A DISTANCE OF 56.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D RECORDED AT RECEPTION NO. 423677 (1981) OF THE LARIMER COUNTY RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 89°41'35" E A DISTANCE OF 282.29 FEET ALONG THE SOUTH LINE SAID LOT 3 TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 7 COURSES:

N 00°24'08" E A DISTANCE OF 170.35 FEET;
 N 41°35'52" W A DISTANCE OF 270.00 FEET;
 N 65°35'35" W A DISTANCE OF 283.06 FEET;
 N 80°23'05" W A DISTANCE OF 255.00 FEET;
 N 65°09'53" W A DISTANCE OF 192.96 FEET;
 N 08°05'13" E A DISTANCE OF 46.10 FEET;
 N 89°36'46" W A DISTANCE OF 12.10 FEET TO A POINT ON THE BOUNDARY
 LINE OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D.
 AMENDED PLAT, RECORDED AT RECEPTION NO. 20190043996 OF THE
 LARIMER COUNTY RECORDS;
 THENCE N 89°36'46" W A DISTANCE OF 791.94 FEET ALONG SAID
 BOUNDARY LINE;
 THENCE N 89°36'46" W A DISTANCE OF 72.00 FEET CONTINUING ALONG
 SAID BOUNDARY LINE TO THE EAST LINE OF LOT 1A, LOT CONSOLIDATION
 OF LOTS 1 & 2, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK
 INTERNATIONAL P.U.D. AMENDED PLAT;
 THENCE S 00°49'21" W A DISTANCE OF 175.11 FEET ALONG SAID EAST
 LINE;
 THENCE S 00°49'21" W A DISTANCE OF 100.00 FEET TO A POINT ON THE
 EAST LINE OF LOT 3, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK
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 THENCE S 00°49'01" W A DISTANCE OF 564.16 FEET ALONG SAID EAST
 LINE;
 THENCE CONTINUING ALONG SAID EAST LINE 86.67 FEET ON A CURVE TO
 THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF
 124°09'00" AND A CHORD THAT BEARS S 62°53'31" W A DISTANCE OF 70.68
 FEET TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL
 BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;
 THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:
 S 55°01'59" E A DISTANCE OF 137.05 FEET;
 S 89°10'59" E A DISTANCE OF 84.49 FEET;
 S 89°10'59" E A DISTANCE OF 545.55 FEET;
 THENCE S 89°10'59" E A DISTANCE OF 140.00 FEET TO THE BOUNDARY OF
 THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE
 "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT
 RECEPTION NO. 19950040821 OF THE LARIMER COUNTY RECORDS;

 THENCE ALONG SAID BOUNDARY LINE 62.83 FEET ON A CURVE TO THE
 RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 90° AND A
 CHORD THAT BEARS N 44°10'56" W A DISTANCE OF 56.57 FEET; THENCE N
 00°49'04" E A DISTANCE OF 384.74 FEET CONTINUING ALONG SAID
 BOUNDARY LINE TO THE BOUNDARY LINE OF THE AMENDED PLAT OF
 ENVELOPE A INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D.
 RECEPTION NO. 562057 (1984) OF THE LARIMER COUNTY RECORDS;
 THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:
 N 00°49'04" E A DISTANCE OF 90.47 FEET;

35.63 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 241.54 FEET, A DELTA ANGLE OF 8°27'09" AND A CHORD THAT BEARS N 05°02'39" E A DISTANCE OF 35.60 FEET;
 91.74 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 105°07'55" AND A CHORD THAT BEARS N 61°50'10" E A DISTANCE OF 79.41 FEET;
 S 65°35'52" E A DISTANCE OF 523.36 FEET;
 111.98 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 115.69 FEET, A DELTA ANGLE OF 55°27'28" AND A CHORD THAT BEARS S 37°52'08" E A DISTANCE OF 107.66 FEET; THENCE N 79°52'41" E A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,081,947 SQ.FT. (24.838 ACRES) MORE OR LESS,

is hereby annexed to the City of Fort Collins and made a part of the City, to be known as the Heritage Annexation, which annexation shall become effective upon completion of the conditions contained in Colorado Revised Statutes ("C.R.S.") Section 31-12-113, including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 3. In annexing the Property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the Property hereby annexed except as may be provided by ordinances of the City.

Section 4. The City hereby consents, pursuant to C.R.S. Section 37-45-136(3.6), to the inclusion of the Property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

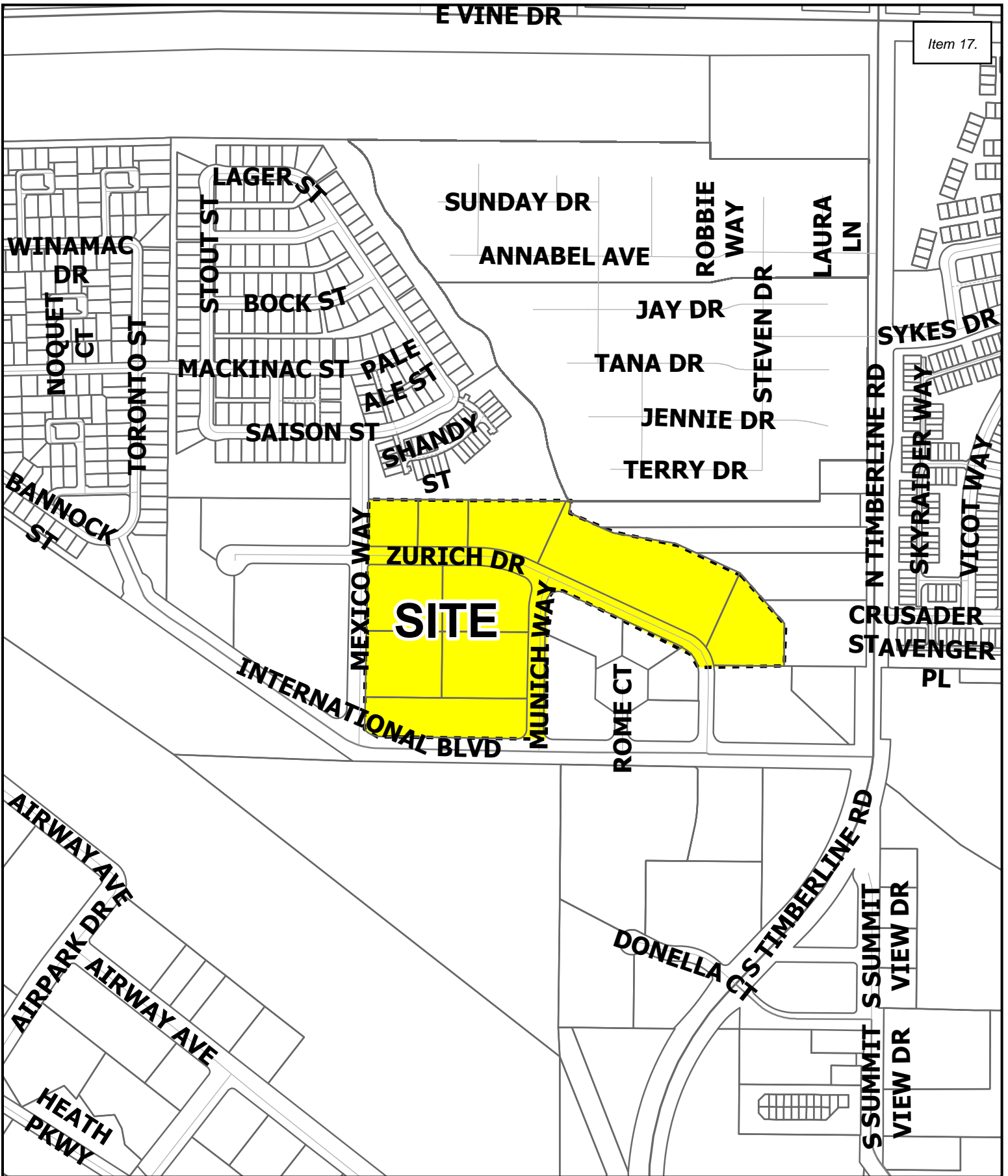
Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

 Mayor

ATTEST:

 City Clerk

Effective Date: March 14, 2025
 Approving Attorney: Heather N. Jarvis



Heritage Annexation
VICINITY MAP



Statement of Principles and Policies

Heritage Annexation

July 11, 2024

Heritage Christian Academy is beginning its path towards becoming a full two-track school. As they grow to two tracks and double the size of our student body, Heritage Christian Academy must expand its facilities.

To support the growth of the school, HCA has purchased approximately 13.6 acres of property located adjacent to, and west of, the existing school site within the Industrial Business Park International PUD, currently located in unincorporated Larimer County.

On March 8, 2024, a Conceptual Review meeting was held with the City of Fort Collins and HCA was encouraged to begin with Annexation and Zoning of the property. City plans influencing the planned annexation include:

- City Plan (updated 2019)
- East Mulberry Plan (updated December 5, 2023)
- Land Use Code Phase 1 Update (effective May 17, 2024), and
- Potential Land Use Code Phase 2 Updates (in progress)

The property is within the East Mulberry Enclave, an area of unincorporated Larimer County completely surrounded by Fort Collins city limits. The East Mulberry Enclave is located within the Fort Collins Growth Management Area (GMA) which was established through an Intergovernmental Agreement (IGA) with Larimer County. In establishing the boundaries of the GMA, the IGA also sets forth a general goal to annex areas within the GMA that are eligible. The Heritage Annexation would be a voluntary petition to annex into the City of Fort Collins to support the expansion of Heritage Christian Academy, a pre-K through 12 school, and/or similar uses existing within the area.

Existing Land Uses within the property include:

Public (school) and
Vacant, undeveloped properties

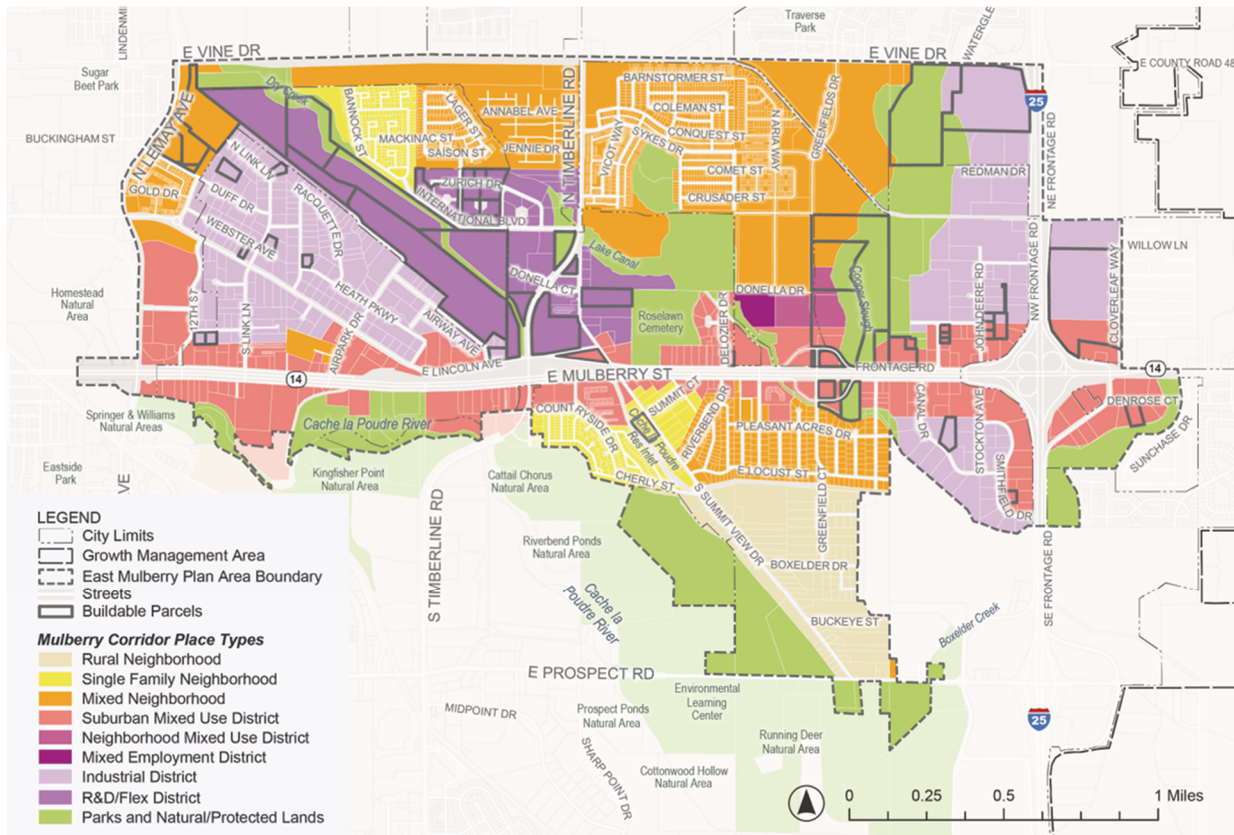
Existing adjacent land uses include:

Commercial uses – south
Residential uses – north
Industrial uses – east
Vacant, undeveloped properties - west

The City of Fort Collins **Structure Plan** (2019) identifies the annexation property as a ‘Mixed Neighborhood’ Place Type. Adjacent properties are designated as:

- ‘Mixed Neighborhood’ (north and west), and
- ‘Industrial’ (south and east)

However, the recently updated **East Mulberry Plan** identifies the annexation property and the adjacent properties to the east, west and south as part of the Transitional / Mixed-Use Character Area and as the **‘Research and Development Flex District’** Place Type. Based on our discussions with city staff, the city’s Structure Plan is anticipated to be updated to incorporate the designations within the East Mulberry Plan.



This map depicts place type designations from City Plan's Structure Plan map. The Structure Plan map illustrates how the community may grow and change over time, setting a basic framework for future land use decisions.

DEVELOPMENT & GROWTH MAP

As described in the plan, the R&D Flex District is one of the most flexible place type designations and supports a wide range of light industrial, employment, and commercial/retail land uses. Application of the R&D place type is supportive of Plan goals to remain a viable place for business and industry and promote additional neighborhood services and retail. This is particularly relevant for large portions of the Transitional / Mixed-Use Character Area which forms a bridge between established industrial development and new residential neighborhoods, which is applicable to the Heritage Annexation property. The flexibility and range of uses within this place type make it ideal to accommodate a variety of future functions and land uses serving the needs of industrial and residential users while applying more modern buffering and compatibility development standards.

The intent of this R&D Flex District Place Type and HCA's plans for the property are to allow for a mix of commercial and industrial businesses but adjacent to existing residential uses. Based on these plans and our discussions with city staff, we propose the **Employment (E) zone district** be designated for the property with the Heritage Annexation. The intent is to allow for the school and other uses within the property as are allowed within the Employment (E) zone district while considering the more industrial character of the existing neighborhood development including building character, larger building sizes, and needs for storage and equipment not always associated with traditional employment uses.

The above helps to support applicable goals of the East Mulberry Plan including:

Goal 1: COMMERCIAL & INDUSTRIAL HUB by fostering a healthy and prosperous commercial and industrial hub for the City, while remaining viable for small businesses and industry, and

1.T.1 by maintaining flexibility for future land uses that act as a buffer between industrial and residential areas, thereby supporting the continued viability of industrial and commercial areas.

Appropriate **City Plan Principles and Policies** achieved by the proposed plan:

Annexations can primarily impact Principle LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land. The Heritage Annexation aligns with and helps to achieve applicable policies in this category.

Policy LIV 1.1 – GROWTH MANAGEMENT AREA (GMA)

The proposed Heritage Annexation is located within the City's GMA and is part of the East Mulberry Enclave. The Intergovernmental Agreement (IGA) with Larimer County establishes the boundaries of the GMA and sets forth a general goal to annex areas within the GMA that are eligible.

POLICY LIV 1.2 - AMENDMENTS TO THE GROWTH MANAGEMENT AREA

The proposed Heritage Annexation maintains the GMA as currently configured.

POLICY LIV 1.5 - CAPITAL IMPROVEMENT POLICIES

The proposed Heritage Annexation allows for the use of standard City policies for public improvements to be implemented including developer participation in infrastructure upgrades.

POLICY LIV 1.6 - ADEQUATE PUBLIC FACILITIES

The proposed Heritage Annexation includes developed properties and is similar to an infill site already served by critical facilities including utilities, roads.

PETITION FOR ANNEXATION

THE UNDERSIGNED (hereinafter referred to as the "Petitioners") hereby petition the Council of the City of Fort Collins, Colorado for the annexation of an area, to be referred to as the Heritage Annexation to the City of Fort Collins. Said area, consisting of approximately twenty-four and 838/1000 (24.838) acres, is more particularly described on Attachment "A," attached hereto.

The Petitioners allege:

1. That it is desirable and necessary that such area be annexed to the City of Fort Collins.
2. That the requirements of Sections 31-12-104 and 31-12-108, C.R.S., exist or have been met.
3. That not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the boundaries of the City of Fort Collins.
4. That a community of interest exists between the area proposed to be annexed and the City of Fort Collins.
5. That the area to be annexed is urban or will be urbanized in the near future.
6. That the area proposed to be annexed is integrated with or capable of being integrated with the City of Fort Collins.
7. That the Petitioners herein comprise more than fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area to be annexed, excluding public streets, alleys and lands owned by the City of Fort Collins.
8. That the City of Fort Collins shall not be required to assume any obligations respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property proposed to be annexed except as may be provided by the ordinance of the City of Fort Collins.

Further, as an express condition of annexation, Petitioners consent to the inclusion into the Municipal Subdistrict, Northern Colorado Water Conservancy District (the "Subdistrict") pursuant to §3745-136(3.6) C.R.S., Petitioners acknowledge that, upon inclusion into the Subdistrict, Petitioners' property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of Petitioners' lands. Petitioners agree to waive any right to an election which may exist pursuant to Article X, §20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Petitioners also agree to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, §20 of the Colorado Constitution.

WHEREFORE, said Petitioners request that the Council of the City of Fort Collins approve the annexation of the area described on Attachment "A." Furthermore, the Petitioners request that said area be placed in the Employment Zone District pursuant to the Land Use Code of the City of Fort Collins. The Petitioners reserve the right to withdraw this petition and their signatures therefrom at any time prior to the commencement of the roll call of the City Council for the vote upon the second reading of the annexation ordinance.

Individual Petitioners signing this Petition represent that they own the portion(s) of the area described on Attachment "A" as more particularly described below:

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

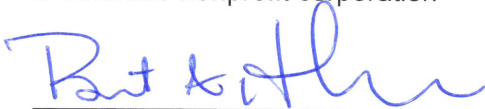
Lots 1 – 3 of Block 2, and Lots 1 – 4 of Block 3, and Tract B of Amended Plat of Envelope D of the Plat of Industrial Business Park International P.U.D. and Lots 1 and 2 of the Amended Plat of Envelopes B & C, Industrial Business Park International P.U.D. and Lots 1 – 5 of the Amended Plat of Lots 5 – 9, Industrial Business Park International P.U.D., located in the West Half (W1/2) of Section 8, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, according to the plat thereof recorded August 1, 2019 at reception number 20190043996 of the records of the Larimer County Clerk & Recorder.

And

Lots 3 – 4 of Plat of Industrial Business Park International P.U.D., located in Sections 7 and 8, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, according to the plat thereof recorded August 12, 1981 at reception number 423677, Book 2128, Page 409, of the records of the Larimer County Clerk & Recorder.

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 29 day of OCTOBER 2024.

Friends of Christian Education Foundation
a Colorado nonprofit corporation



By: Brent Holcombe
Title: President

2506 Zurich Dr.

Address

Fort Collins, Colorado 80524

City State Zip

ATTACHMENT "A"

LEGAL DESCRIPTION OF THE ANNEXATION

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 8 AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8 AS BEARING OF N 89°08'54" W AND HAVING ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N 89°08'54" W A DISTANCE OF 636.52 FEET ALONG SAID SOUTH LINE;

THENCE N 00°51'06" E A DISTANCE OF 56.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 423677 (1981) OF THE LARIMER COUNTY RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 89°41'35" E A DISTANCE OF 282.29 FEET ALONG THE SOUTH LINE SAID LOT 3 TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D.;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 7 COURSES:

1. N 00°24'08" E A DISTANCE OF 170.35 FEET;
2. N 41°35'52" W A DISTANCE OF 270.00 FEET;
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4. N 80°23'05" W A DISTANCE OF 255.00 FEET;
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6. N 08°05'13" E A DISTANCE OF 46.10 FEET;
7. N 89°36'46" W A DISTANCE OF 12.10 FEET TO A POINT ON THE BOUNDARY LINE OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT, RECORDED AT RECEPTION NO. 20190043996 OF THE LARIMER COUNTY RECORDS;

THENCE N 89°36'46" W A DISTANCE OF 791.94 FEET ALONG SAID BOUNDARY LINE;

THENCE N 89°36'46" W A DISTANCE OF 72.00 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE EAST LINE OF LOT 1A, LOT CONSOLIDATION OF LOTS 1 & 2, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'21" W A DISTANCE OF 175.11 FEET ALONG SAID EAST LINE;

THENCE S 00°49'21" W A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF LOT3, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'01" W A DISTANCE OF 564.16 FEET ALONG SAID EAST LINE;

THENCE CONTINUING ALONG SAID EAST LINE 86.67 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 124°09'00" AND A CHORD THAT BEARS S 62°53'31" W A DISTANCE OF 70.68 FEET TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:

1. S 55°01'59" E A DISTANCE OF 137.05 FEET;
2. S 89°10'59" E A DISTANCE OF 84.49 FEET;
3. S 89°10'59" E A DISTANCE OF 545.55 FEET;

THENCE S 89°10'59" E A DISTANCE OF 140.00 FEET TO THE BOUNDARY OF THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 19950040821 OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE 62.83 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 90° AND A CHORD THAT BEARS N 44°10'56" W A DISTANCE OF 56.57 FEET;

THENCE N 00°49'04" E A DISTANCE OF 384.74 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE BOUNDARY LINE OF THE AMENDED PLAT OF ENVELOPE A INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECEPTION NO. 562057 (1984) OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:

1. N 00°49'04" E A DISTANCE OF 90.47 FEET;
 2. 35.63 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 241.54 FEET, A DELTA ANGLE OF 8°27'09" AND A CHORD THAT BEARS N 05°02'39" E A DISTANCE OF 35.60 FEET;
 3. 91.74 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 105°07'55" AND A CHORD THAT BEARS N 61°50'10" E A DISTANCE OF 79.41 FEET;
 4. S 65°35'52" E A DISTANCE OF 523.36 FEET;
 5. 111.98 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 115.69 FEET, A DELTA ANGLE OF 55°27'28" AND A CHORD THAT BEARS S 37°52'08" E A DISTANCE OF 107.66 FEET;
- THENCE N 79°52'41" E A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,081,947 SQ.FT. (24.838 ACRES) MORE OR LESS.

ATTACHMENT "B"

STATE OF COLORADO)
)ss.
COUNTY OF LARIMER)

The undersigned, being first duly sworn upon his oath states:

That he was the circulator of the attached Petition for Annexation and that each signature therein is the signature of the person whose name it purports to be.

Circulator's Signature

Brent Holcombe

Subscribed and sworn to before me this 29th day of October 2024, by
Brent Holcombe.

WITNESS my hand and official seal.

DAWN L CUCKLER
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20184042319
My Commission Expires 10/29/2026

10/29/2026
Commission Expiration

Dawn L Cuckler
Notary Public

ATTACHMENT "C"

ATTORNEY CERTIFICATION

I, Bob Choate, an attorney licensed to practice in the State of Colorado, hereby certify that, as of the date of this certificate, the signers of this Annexation Petition for the area referred to as the Heritage Annexation to the City of Fort Collins are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners constitute more than 50% of the landowners in the area proposed for annexation, as said area is described on Attachment "A" of said Annexation Petition, and own more than 50% of the land in said area, exclusive of streets and alleys.

10/29/2024
Date

Bob Choate
Signature

40588
Attorney Reg. No.

HERITAGE ANNEXATION
SITUATE IN THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO

APPROVED AS TO FORM:

CITY ENGINEER _____ DATE _____

APPROVED:

THIS ANNEXATION MAP TO BE KNOWN AS THE HERITAGE ANNEXATION TO THE CITY OF FORT COLLINS,
COUNTY OF LARIMER, STATE OF COLORADO BY ORDINANCE NO. _____
PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING THIS _____ DAY OF _____ A.D. _____

CITY CLERK _____ DATE _____

SURVEYORS STATEMENT:

I, CHRISTOPHER L. THEW, A COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS ANNEXATION
PLAT WAS PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION, THAT THE ANNEXATION DESCRIPTION AND BOUNDARY
SHOWN HERE ON IS DERIVED FROM THE BEARINGS AND DISTANCES FROM THE PREVIOUSLY RECORDED PLATS; THAT AT LEAST
(1/6) OF THE BOUNDARY OF THE DESCRIBED ANNEXATION IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF FORT
COLLINS, AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF.

PREPARED BY AND ON THE BEHALF OF:
TRIPEAKS LAND SURVEYING, LLC
306 E. ELIZABETH STREET
FORT COLLINS, COLORADO 80524

CHRISTOPHER L. THEW, P.E., P.L.S.
COLORADO P.L.S. NO. 38892

DRAFT FOR REVIEW ONLY

DATE _____

NOTES

- OWNERSHIP OF UN-PLATTED PARCELS ARE SHOWN PER THE LARIMER COUNTY ASSESSOR.
- BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8, T7N, R68W OF THE 6TH P.M. TO HAVE THE RECORD PLAT BEARING OF S89°36'49"E BETWEEN THE WEST 1/4 CORNER OF SAID SECTION 8, BEING A FOUND 2-1/2" ALUMINUM CAP ON 3/4" REDBAR STAMPED "LS 17487 - 2001", AND THE CENTER 1/4 CORNER OF SAID SECTION 8 BEING A FOUND 2-1/2" ALUMINUM CAP IN A MONUMENT BOX STAMPED "LS 17497 - 1999".
- BEARINGS OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 423677 (1981), THE AMENDED PLAT OF ENVELOPE A INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECEPTION NO. 562057 (1984), AND THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 1896040821 HAVE BEEN ROTATED 00°24'08" AS TO MATCH THE BEARINGS OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT RECORDED AT RECEPTION NO. 20190043996.
- LINEAR UNITS ARE SHOWN IN U.S. SURVEY FOOT.



LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 8 AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8 AS BEARING OF N 89°08'54" W AND HAVING ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE N 89°08'54" W A DISTANCE OF 636.52 FEET ALONG SAID SOUTH LINE;

THENCE N 07°51'06" E A DISTANCE OF 56.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 423677 (1981) OF THE LARIMER COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S 89°41'35" E A DISTANCE OF 282.29 FEET ALONG THE SOUTH LINE SAID LOT 3 TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D.;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 7 COURSES:

1. N 07°28'09" E A DISTANCE OF 116.33 FEET;
2. N 41°35'32" W A DISTANCE OF 270.00 FEET;
3. N 65°39'33" W A DISTANCE OF 263.06 FEET;
4. N 80°22'05" W A DISTANCE OF 255.00 FEET;
5. N 65°09'53" W A DISTANCE OF 192.96 FEET;
6. N 98°09'13" E A DISTANCE OF 46.10 FEET;
7. N 89°08'46" W A DISTANCE OF 12.10 FEET TO A POINT ON THE BOUNDARY LINE OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT, RECORDED AT RECEPTION NO. 20190043996 OF THE LARIMER COUNTY RECORDS;

THENCE N 89°36'46" W A DISTANCE OF 791.94 FEET ALONG SAID BOUNDARY LINE;

THENCE N 89°36'46" W A DISTANCE OF 72.00 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE EAST LINE OF LOT 1A, LOT CONSOLIDATION OF LOTS 1 & 2, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'21" W A DISTANCE OF 15.11 FEET ALONG SAID EAST LINE;

THENCE S 00°49'21" W A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF LOTS, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'01" W A DISTANCE OF 564.16 FEET ALONG SAID EAST LINE;

THENCE CONTINUING ALONG SAID EAST LINE 86.67 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 124°09'07" AND A CHORD THAT BEARS S 62°53'31" W A DISTANCE OF 70.88 FEET TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

INTERNATIONAL BLVD. AMENDED PLAT;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:

1. S 55°01'59" E A DISTANCE OF 137.05 FEET;
2. S 89°10'59" E A DISTANCE OF 84.49 FEET;
3. S 89°10'59" E A DISTANCE OF 545.55 FEET;

THENCE S 89°10'59" E A DISTANCE OF 140.00 FEET TO THE BOUNDARY OF THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 19990040821 OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE 62.83 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 90° AND A CHORD THAT BEARS N 44°10'56" W A DISTANCE OF 56.57 FEET;

THENCE N 00°49'04" E A DISTANCE OF 384.74 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE BOUNDARY LINE OF THE AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECEPTION NO. 562057 (1984) OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:

1. N 00°49'04" E A DISTANCE OF 90.47 FEET;
2. 35.63 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 241.54 FEET, A DELTA ANGLE OF 82°27'09" AND A CHORD THAT BEARS N 00°02'39" E A DISTANCE OF 35.60 FEET;
3. 91.71 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 100°09'55" AND A CHORD THAT BEARS N 61°51'00" E A DISTANCE OF 79.41 FEET;
4. S 69°35'52" E A DISTANCE OF 523.38 FEET;
5. 111.98 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 115.69 FEET, A DELTA ANGLE OF 55°27'28" AND A CHORD THAT BEARS S 37°52'08" E A DISTANCE OF 107.66 FEET;

THENCE N 79°52'41" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,081,947 SQ. FT. (24.838 ACRES) MORE OR LESS.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Christopher L. Thew, P.E., P.L.S. License No. 38892, State of Colorado, expires 12/31/2024. August 8, 2024

REVISION _____
 REVISION _____
 REVISION _____

PROJECT NO. _____
 DRAWING NO. _____

DWG DATE _____
 FIELD DATE _____

W/SHR _____
 O/L _____

CLIENT: HERITAGE CHRISTIAN ACADEMY

TRIPLE PEAKS, LLC
 306 E. ELIZABETH STREET
 FORT COLLINS, CO 80524
 OFFICE: 970.455.9240

SHEET 1 OF 2

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Planning and Zoning Commission REGULAR MEETING

December 19, 2024 – 6:00 PM

City Council Chambers

300 Laporte Avenue

Fort Collins, Colorado

CALL TO ORDER: Chair Stackhouse called the meeting to order at 6:00 p.m.

ROLL CALL

- a. Board Members Present - Stackhouse, Connelly, Peel, York, Katz, Sass, and Shepard
- b. Board Members Absent - None
- c. Staff Members Present - Matsunaka, Kidwell, Jarvis, Winslow, Baty, Schumann, Castelli, Nelson, Mounce, Collins, Marko, Frickey, Myler, Beals

Chair Stackhouse provided background on the Commission's role and what the audience could expect as to the order of business. She described the role of the Commission and noted that members are volunteers appointed by City Council. The Commission members review the analysis by staff, the applicants' presentations, and input from the public and make a determination regarding whether each proposal meets the land use code. She noted that this is a legal hearing, and that she will moderate for civility and fairness.

AGENDA REVIEW

Planning Manager Clay Frickey reviewed the items on the Consent and Discussion agendas stating all items will be heard as originally advertised.

PUBLIC PARTICIPATION ON ITEMS NOT ON THE HEARING AGENDA

None.

CONSENT AGENDA

1. Draft Minutes for the P&Z October 17, 2024, Regular Hearing

The purpose of this item is to approve the draft minutes of the October 17, 2024, Planning and Zoning Commission hearing.

2. Carnegie Building Renovation Lighting Update – MA230137

This is a Minor Amendment request for modifications to the exterior lighting on the south side of the Carnegie Building to improved safety/security. Located in the Neighborhood Conservation Medium Density (NCM) Zone District.

3. Schoolside Park – BDR240009

This is a request for a Basic Development Review for the development of Bacon Park at 5830 S Timberline Rd. (parcel #8608253901). Access is proposed to be taken from a private drive west of S Timberline Rd. The site is directly east of S Timberline Rd. and 0.27 mi south of Kechter Rd. The property is located in the Low Density Mixed-Use Neighborhood (LMN) zone district and is subject to a Basic Development Review (BDR). As a City proposed project the decision maker will be the Planning and Zoning Commission.

Vice Chair Sass made a motion to approve the Consent Agenda for the December 19, 2024 hearing as originally advertised. Commissioner Connelly seconded the motion. Yeas: Shepard, Connelly, York, Peel, Sass, Katz, and Stackhouse. Nays: none.

THE MOTION CARRIED.

DISCUSSION AGENDA

4. Heritage Annexation – ANX240001

PROJECT DESCRIPTION: This is a request to annex and zone 13.6 acres of land generally located around 2506 Zurich Drive. The annexation is subject to a series of hearings including a Type 2 review and public hearing by the Planning and Zoning Commission and recommendation to City Council. Requested City zoning for the property is Employment (E). A specific project development plan proposal is not included with the annexation application.

OWNER: Friends of Christian Education Foundation
Attn: Michael Cuckler
2506 Zurich Drive
Fort Collins, CO 80524

APPLICANT: Angela Milewski
BHA Design, Inc.
111 South Meldrum Street, #110
Fort Collins, CO, 80524

STAFF ASSIGNED: Ryan Mounce, City Planner

Commissioner Katz noted he is a commercial real estate professional and has a piece of land listed in the general area, though it does not impact the annexation area and will not impact his decision.

Staff Presentation

Ryan Mounce, City Planner, stated this item is a request for a recommendation to City Council for the annexation and zoning of a 25-acre property located near the northwest corner of International Boulevard and Timberline Road. Mounce noted the property is contiguous with city limits on several sides and meets the state requirements for contiguity. Mounce stated the requested zoning for the property is E – Employment and noted the zoning around the site varies between residential, light industrial, and employment in both the County and the City. Mounce showed photos of the site and one existing building on the property.

Applicant Presentation

Angie Milewski, BHA Design, provided background information on Heritage Christian Academy, which occupies the building on the site. She stated the annexation of the property will allow the school to move forward with its plans for expansion and discussed the benefits of the property being zoned Employment. Milewski stated the applicant concurs with the staff recommendation of the property's placement in the non-residential sign district and LC1 lighting context area.

Staff Analysis

Mounce stated staff recommends zoning based on land use guidance provided through the Structure Plan Map and City Plan, as well as the East Mulberry Plan in this case. He stated staff is recommending Employment zoning due to the transitional buffer area between the existing neighborhoods and heavier industrial uses in the Airpark.

Commission Questions

Commissioner Shepard asked if the future development of the school would be a Site Plan Advisory Review or a Project Development Plan. Mounce replied it would likely be a Project Development Plan as the school is private.

Chair Stackhouse requested additional information regarding this annexation consideration versus a future Project Development Plan. Mounce replied future physical development, including expansion of the school and facilities, will take many years and much more review by the City. He noted this first step is just the annexation of the property, which is voluntary, but is also a requirement per an intergovernmental agreement with Larimer County. Additionally, Mounce noted Council will be the ultimate decision maker, though a recommendation of the Planning and Zoning Commission is required. He stated the next step will be an Overall Development Plan followed by individual Project Development Plans.

Public Comment

Julia Branstrator, 539 Winnipeg Court, asked how the fact that Heritage Christian Academy already owns the land will impact the annexation decision.

Staff Response

Mounce confirmed the school has purchased the land; however, the annexation process must occur prior to any physical development. He noted there are state requirements related to annexation and reiterated this is a voluntary annexation.

Commission Questions / Deliberation

Commissioner Katz commented on initial concerns about industrial lands diminishing, but stated he

is more comfortable with the Employment zoning after further review. He requested assurance that non-conforming uses will not be created with the existing industrial building on Zurich. Mounce replied most of the business and structures around the site would not be non-conforming and noted there is a great deal of overlap between the uses allowed in Employment and Industrial.

Commissioner York stated going through this process to allow additional review of the physical expansion in the future is the proper thing to do and expressed support for the annexation.

Commissioner Shepard thanked staff for the slide showing the buildable lands inventory and commented on several recent changes of industrial properties to residential and other uses. He encouraged the Commission to be just as supportive of a property that may be going from residential to industrial uses in the future, but stated he would support the annexation.

Vice Chair Sass made a motion that the Fort Collins Planning and Zoning Commission recommend that City Council approve the proposed Heritage Annexation– ANX24001 – of 24.84 acres northeast of the intersection of International Boulevard and Mexico Way within the East Mulberry Enclave and the proposed Zoning of Employment (E). This complies with all applicable land use code procedures and requirements, and the Commission adopts the information, analysis, findings of fact and conclusions contained in the staff report included with the agenda materials for this hearing. This decision is based upon the agenda materials, the information and materials presented during the work session and this hearing, and the Commission discussion on this item. Commissioner Katz seconded the motion. Yeas: Peel, Katz, Connelly, York, Sass, Shepard, and Stackhouse. Nays: none.

THE MOTION CARRIED.

DRAFT

File Attachments for Item:

18. Public Hearing and First Reading of Ordinance No. 028, 2025, Amending the Zoning Map of the City of Fort Collins, Classifying for Zoning Purposes the Property Included in the Heritage Annexation to the City of Fort Collins, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

The purpose of this item is to zone the property included in the Heritage Annexation into the Employment (E) zone district and place the property into the appropriate Non-residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Ryan Mounce, City Planner

SUBJECT

Public Hearing and First Reading of Ordinance No. 028, 2025, Amending the Zoning Map of the City of Fort Collins, Classifying for Zoning Purposes the Property Included in the Heritage Annexation to the City of Fort Collins, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

EXECUTIVE SUMMARY

The purpose of this item is to zone the property included in the Heritage Annexation into the Employment (E) zone district and place the property into the appropriate Non-residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The requested zoning for this annexation is the Employment (E) zone district, which is in alignment with the City of Fort Collins Structure Plan and the East Mulberry Plan. The site encompasses a mix of developed and undeveloped land within a light industrial and employment business park. Residential neighborhoods exist to the north while undeveloped employment land can be found to the south. Existing employment, retail, and light industrial uses can be found to the east and west.

The nearby vicinity features a mix of both City and Larimer County zoning, as noted in the following table:

The surrounding zoning and land uses are as follows:

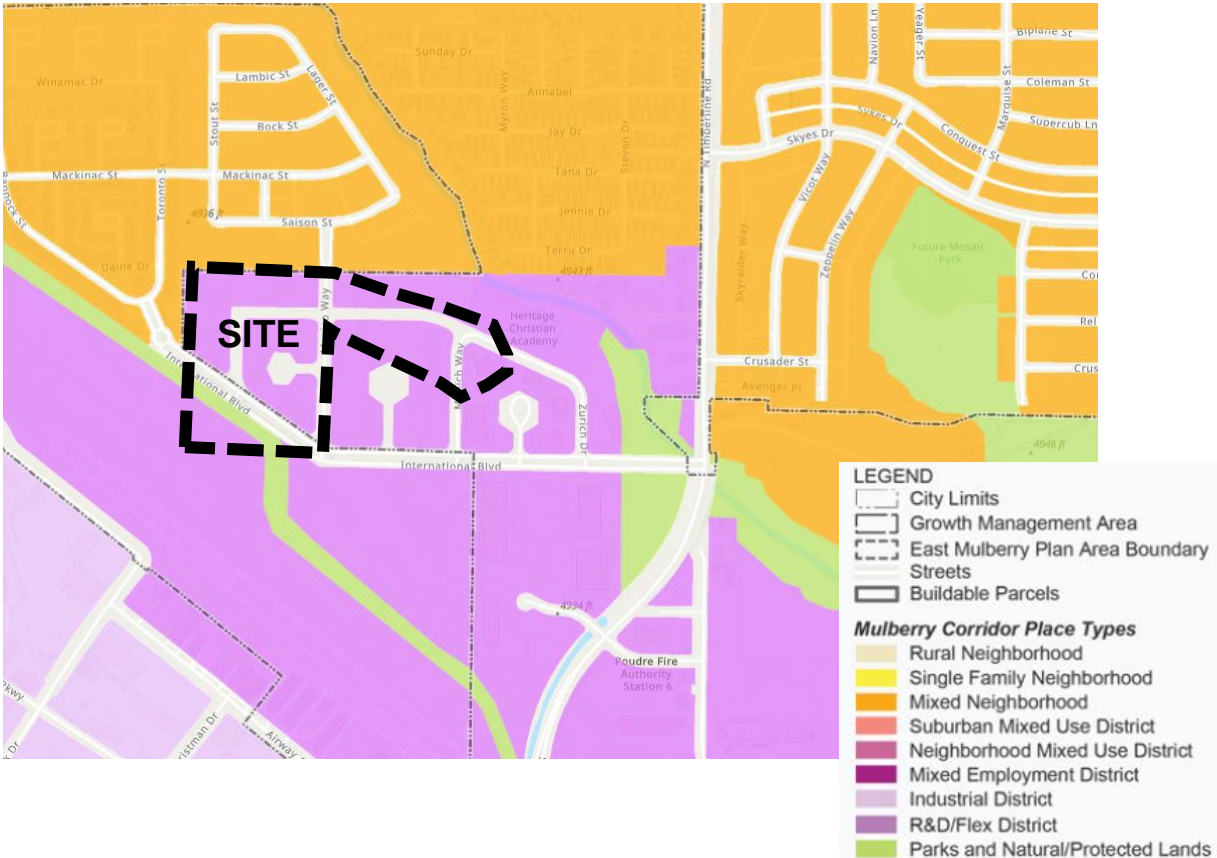
Direction	Zone District	Existing Land Use
N	Low Density Mixed-Use Neighborhood (LMN) and Larimer County Open (O)	Single Unit Dwellings, Single Unit Attached Dwellings & Manufactured Housing Community
S	Employment (E), Larimer County Industrial Light (IL)	Employment & Light Industrial Businesses; Undeveloped Land
E	Larimer County Industrial Light (IL)	Light Industrial Businesses
W	Larimer County Industrial Light (IL)	Retail & Light Industrial Businesses; Undeveloped Land

City of Fort Collins Structure Plan

The Structure Plan Map found in City Plan provides the broadest land use guidance applicable to the site via Place Type designations. Place Types describe the general land-uses, densities, and transportation characteristics for an area to help guide potential zoning when properties are annexed into the City.

The Structure Plan Map indicates opportunity for the “Research & Development/Flex” (R&D/Flex) place type for the annexing site and surrounding properties to the east, west, and south. This designation is similar to existing land use patterns nearby which feature a mix of light industrial and employment businesses.

Structure Plan Map



As described in City Plan, the land use characteristics of the R&D/Flex place type include:

Principal Land Use Employment uses that include administrative, engineering, and/or scientific research, design or experimentation; offices; breweries; manufacturing; warehouses; wholesaling; and business incubator space.

Supporting Land Use Limited distribution and logistics, convenience retail, commercial services, outdoor storage and other uses related to the principal uses.

Place types represent flexible guidance to inform zoning based on the history and surrounding context of a site within general zoning categories. This place type is categorized as one of the City's Employment Districts alongside Employment, Industrial, and Campus (CSU) Designations. While City Plan discusses the potential for a future specific R&D/Flex zone district, at present, the most analogous zone districts to this place type remain either the Employment (E) or Industrial (I) Zone Districts.

In City Plan, the R&D/Flex District is discussed as a hybrid between these two zone districts, permitting a wide range of employment uses alongside secondary or supporting land-uses with the ability to allow some characteristics of Industrial zoning, such as outdoor storage and service yards.

The only other area of the community that carries the same R&D/Flex place type designation is the Prospect Park Business/Industrial Park located southeast of Prospect Road and Timberline Road. This area also features a mix of both Employment (E) and Industrial (I) zoning, and a mix of light industrial, employment, and institutional uses, reinforcing the appropriateness for the requested Employment (E) zoning of the subject property.

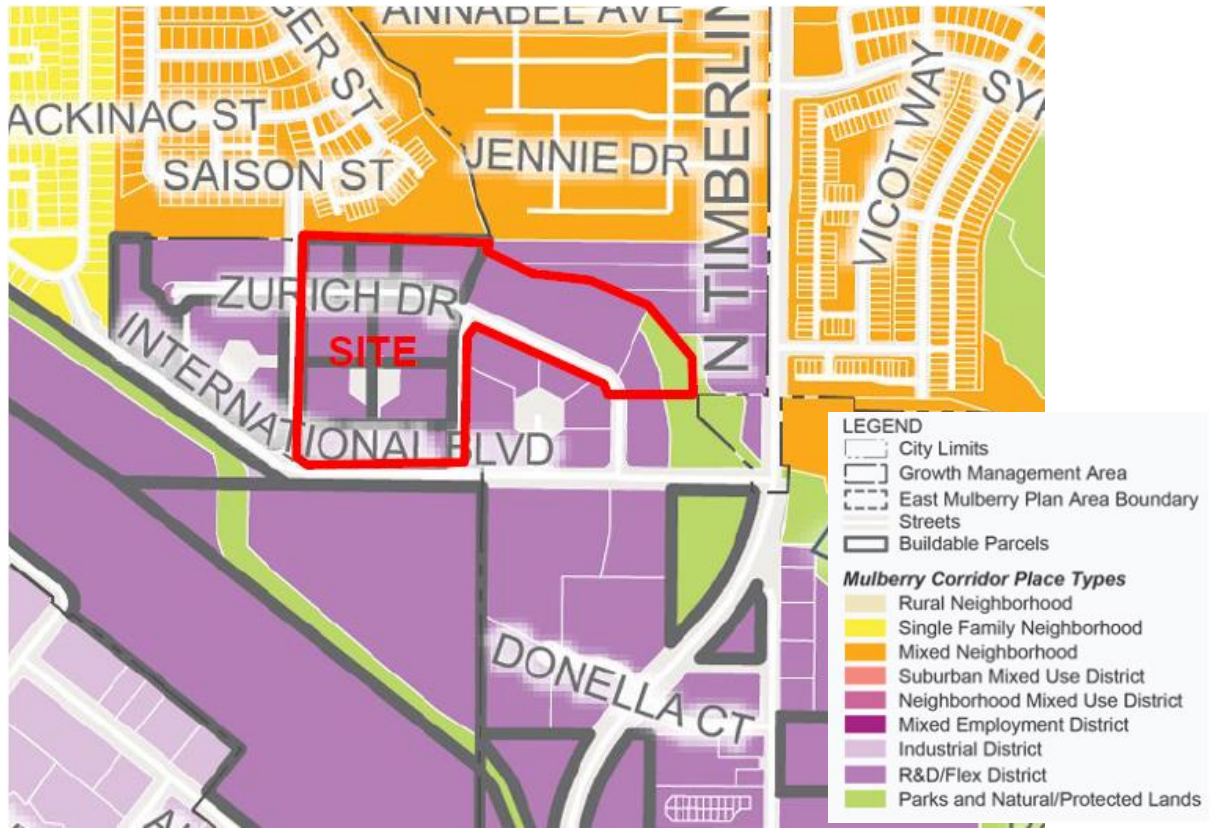
The vicinity to the Heritage annexation site also features a mix of employment office, light industrial/industrial flex, and retail businesses to the west, east, and south. Combined with a large area of existing Employment (E) zoning to the southwest, the overall context supports the proposed Employment (E) zoning. Staff also feels Employment (E) zoning represents the most compatible designation for the site over Industrial (I) given the proximity of residential neighborhoods abutting the site to the north and northeast.

In addition to the Structure Plan, City Plan also encourages the use of more specific guidance found in neighborhood and subarea plans. The site is located in the study area for the East Mulberry Plan, which provides similar land use guidance to City Plan for the R&D/Flex place type and associated Employment (E) zoning.

East Mulberry Plan

The East Mulberry Plan was adopted in December 2023 and updated the original 2002 East Mulberry Corridor Plan. The update provides renewed land use and policy guidance for the Mulberry corridor, including the subject annexation property. The Plan's land use framework shifted from one based on zoning to place types to match the City Plan Structure Map, and the land use guidance illustrated below matches the current Structure Plan Map with guidance for the R&D/Flex place type.

East Mulberry Plan Framework Map



Similar to the Structure Plan analysis above, the land use guidance provided by the East Mulberry Plan is consistent with the proposed Employment (E) zoning. The R&D/Flex place type designation and proposed Employment (E) zoning supports the goal and purpose statements for this area by providing opportunities for both primary employment and secondary, supporting land uses that can compatibility transition from the more industrial Airpark to the southwest of the site to the more residential areas north and northeast of the site.

The East Mulberry Plan describes the purpose of areas designated under the R&D/Flex designation as follows:

The R&D Flex District is one of the most flexible place type designations and supports a wide range of light industrial, employment, and commercial/retail land uses. Application of the R&D place type is supportive of Plan goals to remain a viable place for business and industry and promote additional neighborhood services and retail. This is particularly relevant for large portions of the Transitional / Mixed-Use Character Area which forms a bridge between established industrial development and new residential neighborhoods. The flexibility and range of uses within this place type make it ideal to accommodate a variety of future functions and land uses serving the needs of industrial and residential users while applying more modern buffering and compatibility development standards.

Based on the context of the site and its surroundings as well as guidance provided by the City Plan Structure Plan Map and the East Mulberry Plan, staff supports the proposed Employment (E) zoning.

Sign District

Given the proposed Employment (E) zoning, staff recommends the property be placed in the Commercial/Industrial Sign District and not be included in the Residential Sign District.

Lighting Context Area

On March 26, 2021, the City adopted new exterior lighting standards and established Lighting Context Areas that generally correspond to the City’s zone districts. The corresponding table identifies the general categorization between lighting context areas and zoning districts in the community.

Table 3.2.4-1 Lighting Context Area		
Lighting Context Area	Land Use	Corresponding Zone Districts
LC0	Natural Area/Conservation Easement	P-O-L (City Natural Areas)
LC1	Single Family/Multi-Family/Light Industrial/Employment/ Portions of Harmony District	P-O-L (City Parks); R-U-L; U-E, R-F; N-C-L; R-C; L-M-N; M-M-N; I; E; T
LC2	Commercial/Industrial/ Portions of Harmony District/High Density Residential	C-N; C-C; C-C-N; C-C-R; C-G; C-L; H-C; I-, R-D-R, D, H-M-N
LC3	Portions of Downtown, 24-Hour Emergency Medical Sites	D, M-M-N

Staff recommends Lighting Context area LC1 for the site, similar to other areas of the community zoned as Employment (E). Specifically, LC1 is defined as:

LC1 - Low ambient lighting. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. Typical locations include low and medium density residential areas, commercial or industrial areas with limited nighttime activity, and the developed areas in parks and other natural settings.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning and Zoning Commission recommended Council zone the Heritage Annexation into the Employment (E) zone district 7-0 at the Commission’s December 19, 2024, hearing. The Commission also recommends placing the site in the appropriate Non-Residential Sign District and the LC1 Lighting Context Area.

PUBLIC OUTREACH

A joint neighborhood meeting for the annexation and zoning and proposed Overall Development Plan for the site was held on September 5, 2024. All other notification requirements for the annexation as required by State and local law have been met.

A majority of questions and comments at the neighborhood meeting related to the ODP application, specifically traffic impacts associated with growth of the school and student drop-off/pick-up schedules.

ATTACHMENTS

1. Ordinance for Consideration
2. Vicinity Map
3. Annexation Narrative
4. Annexation Petition
5. Annexation Zoning Map
6. Structure Plan Map
7. East Mulberry Plan Framework Map
8. Existing Zoning Map
9. Existing Lighting Context Area Map
10. Draft Planning & Zoning Minutes – December 19, 2024, Hearing

ORDINANCE NO. 028, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT
COLLINS, CLASSIFYING FOR ZONING PURPOSES THE
PROPERTY INCLUDED IN THE HERITAGE ANNEXATION TO
THE CITY OF FORT COLLINS, AND APPROVING
CORRESPONDING CHANGES TO THE RESIDENTIAL
NEIGHBORHOOD SIGN DISTRICT MAP AND LIGHTING
CONTEXT AREA MAP

A. On March 4, 2025, the City Council adopted on second reading Ordinance No. 027, 2025, annexing to the City of Fort Collins the property known as the Heritage Annexation (the "Property").

B. Division 6.1 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City.

C. Division 6.25 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land.

D. Pursuant to Land Use Code Section 6.25.2, the City Planning and Zoning Commission, at its meeting on December 19, 2024, unanimously voted to recommend zoning the Property, as more particularly described below, as Employment ("E") and determined that the proposed zoning is consistent with the City's Comprehensive Plan. The City Planning and Zoning Commission also recommended that the site be placed in the Non-Residential Sign District pursuant to Land Use Code Section 5.16.1 and the LC1 Lighting Context Area pursuant to Land Use Code Section 5.12.1(H).

E. The City Council has determined that the proposed zoning of the Property is consistent with the City's Comprehensive Plan.

F. To the extent applicable, the City Council has also analyzed the proposed zoning against the applicable criteria set forth in Land Use Code Section 6.25.4(H)(3) and finds the proposed zoning to be in compliance with all such criteria.

G. In accordance with the foregoing, the City Council has considered the zoning of the Property, as more particularly described below, finds the zoning to be in the best interests of the City, and has determined that the Property should be zoned as hereafter provided.

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 Zoning Map of the City of Fort Collins adopted pursuant to Land Use Code Section 6.1.2 is hereby changed and amended by including in the Employment ("E") zone district the Property more particularly described as:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 8 AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8 AS BEARING OF N 89°08'54" W AND HAVING ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N 89°08'54" W A DISTANCE OF 636.52 FEET ALONG SAID SOUTH LINE;

THENCE N 00°51'06" E A DISTANCE OF 56.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D RECORDED AT RECEPTION NO. 423677 (1981) OF THE LARIMER COUNTY RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 89°41'35" E A DISTANCE OF 282.29 FEET ALONG THE SOUTH LINE SAID LOT 3 TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 7 COURSES:

N 00°24'08" E A DISTANCE OF 170.35 FEET;

N 41°35'52" W A DISTANCE OF 270.00 FEET;

N 65°35'35" W A DISTANCE OF 283.06 FEET;

N 80°23'05" W A DISTANCE OF 255.00 FEET;

N 65°09'53" W A DISTANCE OF 192.96 FEET;

N 08°05'13" E A DISTANCE OF 46.10 FEET;

N 89°36'46" W A DISTANCE OF 12.10 FEET TO A POINT ON THE BOUNDARY LINE OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT, RECORDED AT RECEPTION NO. 20190043996 OF THE LARIMER COUNTY RECORDS;

THENCE N 89°36'46" W A DISTANCE OF 791.94 FEET ALONG SAID BOUNDARY LINE;

THENCE N 89°36'46" W A DISTANCE OF 72.00 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE EAST LINE OF LOT 1A, LOT CONSOLIDATION OF LOTS 1 & 2, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'21" W A DISTANCE OF 175.11 FEET ALONG SAID EAST LINE;

THENCE S 00°49'21" W A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF LOT 3, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'01" W A DISTANCE OF 564.16 FEET ALONG SAID EAST LINE;

THENCE CONTINUING ALONG SAID EAST LINE 86.67 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 124°09'00" AND A CHORD THAT BEARS S 62°53'31" W A DISTANCE OF 70.68 FEET TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:

S 55°01'59" E A DISTANCE OF 137.05 FEET;

S 89°10'59" E A DISTANCE OF 84.49 FEET;

S 89°10'59" E A DISTANCE OF 545.55 FEET;

THENCE S 89°10'59" E A DISTANCE OF 140.00 FEET TO THE BOUNDARY OF THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 19950040821 OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID BOUNDARY LINE 62.83 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 90° AND A CHORD THAT BEARS N 44°10'56" W A DISTANCE OF 56.57 FEET; THENCE N 00°49'04" E A DISTANCE OF 384.74 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE BOUNDARY LINE OF THE AMENDED PLAT OF ENVELOPE A INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECEPTION NO. 562057 (1984) OF THE LARIMER COUNTY RECORDS; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:

N 00°49'04" E A DISTANCE OF 90.47 FEET;

35.63 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 241.54 FEET, A DELTA ANGLE OF 8°27'09" AND A CHORD THAT BEARS N 05°02'39" E A DISTANCE OF 35.60 FEET;

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S 65°35'52" E A DISTANCE OF 523.36 FEET;

111.98 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 115.69 FEET, A DELTA ANGLE OF 55°27'28" AND A CHORD THAT BEARS S 37°52'08" E A DISTANCE OF 107.66 FEET; THENCE N 79°52'41" E A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,081,947 SQ.FT. (24.838 ACRES) MORE OR LESS.

Section 2. The Sign District Map adopted pursuant to Land Use Code Section 5.16.1(M) is hereby changed and amended by showing that the Property described herein is in the Commercial/Industrial Sign District and is not included in the Residential Neighborhood Sign District.

Section 3. The Lighting Context Area Map adopted pursuant to Land Use Code Section 5.12.1(H) is hereby changed and amended by showing that the Property described herein is included in the LC1 Lighting Context Area.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

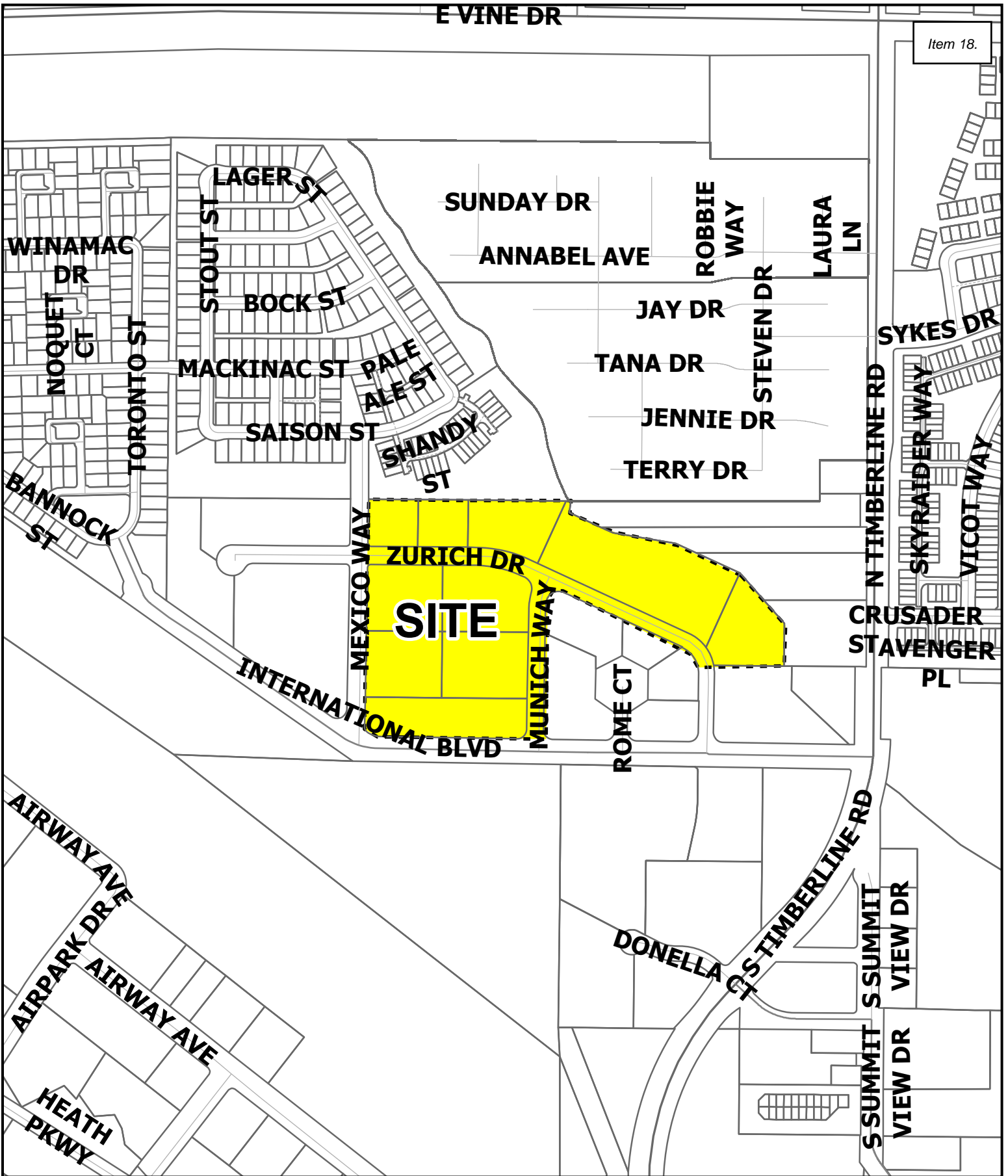
Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis



Heritage Annexation
VICINITY MAP



Statement of Principles and Policies

Heritage Annexation

July 11, 2024

Heritage Christian Academy is beginning its path towards becoming a full two-track school. As they grow to two tracks and double the size of our student body, Heritage Christian Academy must expand its facilities.

To support the growth of the school, HCA has purchased approximately 13.6 acres of property located adjacent to, and west of, the existing school site within the Industrial Business Park International PUD, currently located in unincorporated Larimer County.

On March 8, 2024, a Conceptual Review meeting was held with the City of Fort Collins and HCA was encouraged to begin with Annexation and Zoning of the property. City plans influencing the planned annexation include:

- City Plan (updated 2019)
- East Mulberry Plan (updated December 5, 2023)
- Land Use Code Phase 1 Update (effective May 17, 2024), and
- Potential Land Use Code Phase 2 Updates (in progress)

The property is within the East Mulberry Enclave, an area of unincorporated Larimer County completely surrounded by Fort Collins city limits. The East Mulberry Enclave is located within the Fort Collins Growth Management Area (GMA) which was established through an Intergovernmental Agreement (IGA) with Larimer County. In establishing the boundaries of the GMA, the IGA also sets forth a general goal to annex areas within the GMA that are eligible. The Heritage Annexation would be a voluntary petition to annex into the City of Fort Collins to support the expansion of Heritage Christian Academy, a pre-K through 12 school, and/or similar uses existing within the area.

Existing Land Uses within the property include:

Public (school) and
Vacant, undeveloped properties

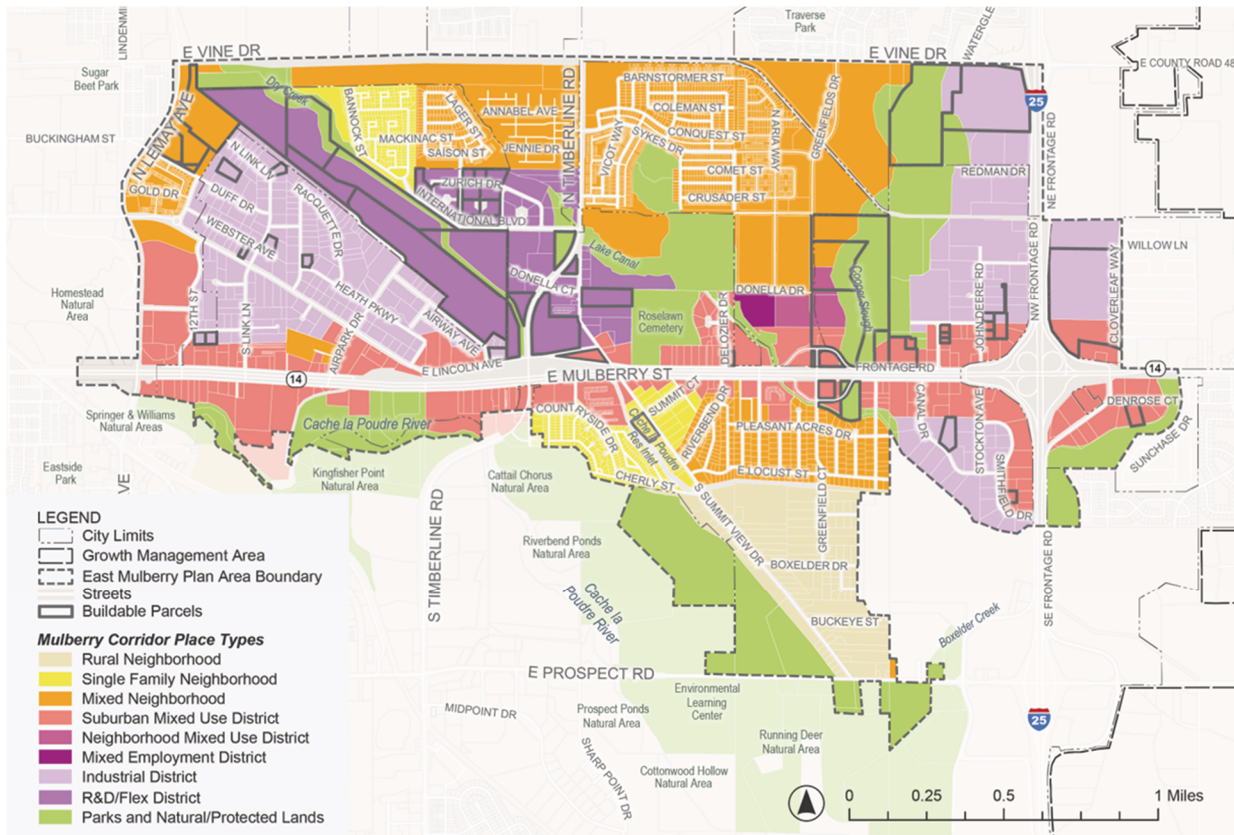
Existing adjacent land uses include:

Commercial uses – south
Residential uses – north
Industrial uses – east
Vacant, undeveloped properties - west

The City of Fort Collins **Structure Plan** (2019) identifies the annexation property as a ‘Mixed Neighborhood’ Place Type. Adjacent properties are designated as:

- ‘Mixed Neighborhood’ (north and west), and
- ‘Industrial’ (south and east)

However, the recently updated **East Mulberry Plan** identifies the annexation property and the adjacent properties to the east, west and south as part of the Transitional / Mixed-Use Character Area and as the ‘**Research and Development Flex District**’ Place Type. Based on our discussions with city staff, the city’s Structure Plan is anticipated to be updated to incorporate the designations within the East Mulberry Plan.



This map depicts place type designations from City Plan's Structure Plan map. The Structure Plan map illustrates how the community may grow and change over time, setting a basic framework for future land use decisions.

DEVELOPMENT & GROWTH MAP

As described in the plan, the R&D Flex District is one of the most flexible place type designations and supports a wide range of light industrial, employment, and commercial/retail land uses. Application of the R&D place type is supportive of Plan goals to remain a viable place for business and industry and promote additional neighborhood services and retail. This is particularly relevant for large portions of the Transitional / Mixed-Use Character Area which forms a bridge between established industrial development and new residential neighborhoods, which is applicable to the Heritage Annexation property. The flexibility and range of uses within this place type make it ideal to accommodate a variety of future functions and land uses serving the needs of industrial and residential users while applying more modern buffering and compatibility development standards.

The intent of this R&D Flex District Place Type and HCA's plans for the property are to allow for a mix of commercial and industrial businesses but adjacent to existing residential uses. Based on these plans and our discussions with city staff, we propose the **Employment (E) zone district** be designated for the property with the Heritage Annexation. The intent is to allow for the school and other uses within the property as are allowed within the Employment (E) zone district while considering the more industrial character of the existing neighborhood development including building character, larger building sizes, and needs for storage and equipment not always associated with traditional employment uses.

The above helps to support applicable goals of the East Mulberry Plan including:

Goal 1: COMMERCIAL & INDUSTRIAL HUB by fostering a healthy and prosperous commercial and industrial hub for the City, while remaining viable for small businesses and industry, and

1.T.1 by maintaining flexibility for future land uses that act as a buffer between industrial and residential areas, thereby supporting the continued viability of industrial and commercial areas.

Appropriate **City Plan Principles and Policies** achieved by the proposed plan:

Annexations can primarily impact Principle LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land. The Heritage Annexation aligns with and helps to achieve applicable policies in this category.

Policy LIV 1.1 – GROWTH MANAGEMENT AREA (GMA)

The proposed Heritage Annexation is located within the City's GMA and is part of the East Mulberry Enclave. The Intergovernmental Agreement (IGA) with Larimer County establishes the boundaries of the GMA and sets forth a general goal to annex areas within the GMA that are eligible.

POLICY LIV 1.2 - AMENDMENTS TO THE GROWTH MANAGEMENT AREA

The proposed Heritage Annexation maintains the GMA as currently configured.

POLICY LIV 1.5 - CAPITAL IMPROVEMENT POLICIES

The proposed Heritage Annexation allows for the use of standard City policies for public improvements to be implemented including developer participation in infrastructure upgrades.

POLICY LIV 1.6 - ADEQUATE PUBLIC FACILITIES

The proposed Heritage Annexation includes developed properties and is similar to an infill site already served by critical facilities including utilities, roads.

PETITION FOR ANNEXATION

THE UNDERSIGNED (hereinafter referred to as the "Petitioners") hereby petition the Council of the City of Fort Collins, Colorado for the annexation of an area, to be referred to as the Heritage Annexation to the City of Fort Collins. Said area, consisting of approximately twenty-four and 838/1000 (24.838) acres, is more particularly described on Attachment "A," attached hereto.

The Petitioners allege:

1. That it is desirable and necessary that such area be annexed to the City of Fort Collins.
2. That the requirements of Sections 31-12-104 and 31-12-108, C.R.S., exist or have been met.
3. That not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the boundaries of the City of Fort Collins.
4. That a community of interest exists between the area proposed to be annexed and the City of Fort Collins.
5. That the area to be annexed is urban or will be urbanized in the near future.
6. That the area proposed to be annexed is integrated with or capable of being integrated with the City of Fort Collins.
7. That the Petitioners herein comprise more than fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area to be annexed, excluding public streets, alleys and lands owned by the City of Fort Collins.
8. That the City of Fort Collins shall not be required to assume any obligations respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property proposed to be annexed except as may be provided by the ordinance of the City of Fort Collins.

Further, as an express condition of annexation, Petitioners consent to the inclusion into the Municipal Subdistrict, Northern Colorado Water Conservancy District (the "Subdistrict") pursuant to §3745-136(3.6) C.R.S., Petitioners acknowledge that, upon inclusion into the Subdistrict, Petitioners' property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of Petitioners' lands. Petitioners agree to waive any right to an election which may exist pursuant to Article X, §20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Petitioners also agree to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, §20 of the Colorado Constitution.

WHEREFORE, said Petitioners request that the Council of the City of Fort Collins approve the annexation of the area described on Attachment "A." Furthermore, the Petitioners request that said area be placed in the Employment Zone District pursuant to the Land Use Code of the City of Fort Collins. The Petitioners reserve the right to withdraw this petition and their signatures therefrom at any time prior to the commencement of the roll call of the City Council for the vote upon the second reading of the annexation ordinance.

Individual Petitioners signing this Petition represent that they own the portion(s) of the area described on Attachment "A" as more particularly described below:

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

Lots 1 – 3 of Block 2, and Lots 1 – 4 of Block 3, and Tract B of Amended Plat of Envelope D of the Plat of Industrial Business Park International P.U.D. and Lots 1 and 2 of the Amended Plat of Envelopes B & C, Industrial Business Park International P.U.D. and Lots 1 – 5 of the Amended Plat of Lots 5 – 9, Industrial Business Park International P.U.D., located in the West Half (W1/2) of Section 8, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, according to the plat thereof recorded August 1, 2019 at reception number 20190043996 of the records of the Larimer County Clerk & Recorder.

And

Lots 3 – 4 of Plat of Industrial Business Park International P.U.D., located in Sections 7 and 8, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, according to the plat thereof recorded August 12, 1981 at reception number 423677, Book 2128, Page 409, of the records of the Larimer County Clerk & Recorder.

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 29 day of OCTOBER 2024.

Friends of Christian Education Foundation
a Colorado nonprofit corporation



By: Brent Holcombe
Title: President

2506 Zurich Dr.

Address

Fort Collins, Colorado 80524

City State Zip

ATTACHMENT "A"

LEGAL DESCRIPTION OF THE ANNEXATION

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 8 AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8 AS BEARING OF N 89°08'54" W AND HAVING ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N 89°08'54" W A DISTANCE OF 636.52 FEET ALONG SAID SOUTH LINE;

THENCE N 00°51'06" E A DISTANCE OF 56.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 423677 (1981) OF THE LARIMER COUNTY RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 89°41'35" E A DISTANCE OF 282.29 FEET ALONG THE SOUTH LINE SAID LOT 3 TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D.;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 7 COURSES:

1. N 00°24'08" E A DISTANCE OF 170.35 FEET;
2. N 41°35'52" W A DISTANCE OF 270.00 FEET;
3. N 65°35'35" W A DISTANCE OF 283.06 FEET;
4. N 80°23'05" W A DISTANCE OF 255.00 FEET;
5. N 65°09'53" W A DISTANCE OF 192.96 FEET;
6. N 08°05'13" E A DISTANCE OF 46.10 FEET;
7. N 89°36'46" W A DISTANCE OF 12.10 FEET TO A POINT ON THE BOUNDARY LINE OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT, RECORDED AT RECEPTION NO. 20190043996 OF THE LARIMER COUNTY RECORDS;

THENCE N 89°36'46" W A DISTANCE OF 791.94 FEET ALONG SAID BOUNDARY LINE;

THENCE N 89°36'46" W A DISTANCE OF 72.00 FEET CONTINUING ALONG SAID BOUNDARY LINE TO THE EAST LINE OF LOT 1A, LOT CONSOLIDATION OF LOTS 1 & 2, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'21" W A DISTANCE OF 175.11 FEET ALONG SAID EAST LINE;

THENCE S 00°49'21" W A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF LOT3, BLOCK 1 OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE S 00°49'01" W A DISTANCE OF 564.16 FEET ALONG SAID EAST LINE;

THENCE CONTINUING ALONG SAID EAST LINE 86.67 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 124°09'00" AND A CHORD THAT BEARS S 62°53'31" W A DISTANCE OF 70.68 FEET TO A POINT ON THE BOUNDARY LINE OF THE SAID INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:

1. S 55°01'59" E A DISTANCE OF 137.05 FEET;
2. S 89°10'59" E A DISTANCE OF 84.49 FEET;
3. S 89°10'59" E A DISTANCE OF 545.55 FEET;

THENCE S 89°10'59" E A DISTANCE OF 140.00 FEET TO THE BOUNDARY OF THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 19950040821 OF THE LARIMER COUNTY RECORDS;

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THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:

1. N 00°49'04" E A DISTANCE OF 90.47 FEET;
 2. 35.63 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 241.54 FEET, A DELTA ANGLE OF 8°27'09" AND A CHORD THAT BEARS N 05°02'39" E A DISTANCE OF 35.60 FEET;
 3. 91.74 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 105°07'55" AND A CHORD THAT BEARS N 61°50'10" E A DISTANCE OF 79.41 FEET;
 4. S 65°35'52" E A DISTANCE OF 523.36 FEET;
 5. 111.98 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 115.69 FEET, A DELTA ANGLE OF 55°27'28" AND A CHORD THAT BEARS S 37°52'08" E A DISTANCE OF 107.66 FEET;
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SAID PARCEL CONTAINS 1,081,947 SQ.FT. (24.838 ACRES) MORE OR LESS.

ATTACHMENT "B"

STATE OF COLORADO)
)ss.
COUNTY OF LARIMER)

The undersigned, being first duly sworn upon his oath states:

That he was the circulator of the attached Petition for Annexation and that each signature therein is the signature of the person whose name it purports to be.

Circulator's Signature

Brent Holcombe

Subscribed and sworn to before me this 29th day of October 2024, by Brent Holcombe.

WITNESS my hand and official seal.

DAWN L CUCKLER
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20184042319
My Commission Expires 10/29/2026

10/29/2026
Commission Expiration

Dawn L Cuckler
Notary Public

ATTACHMENT "C"

ATTORNEY CERTIFICATION

I, Bob Choate, an attorney licensed to practice in the State of Colorado, hereby certify that, as of the date of this certificate, the signers of this Annexation Petition for the area referred to as the Heritage Annexation to the City of Fort Collins are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners constitute more than 50% of the landowners in the area proposed for annexation, as said area is described on Attachment "A" of said Annexation Petition, and own more than 50% of the land in said area, exclusive of streets and alleys.

10/29/2024
Date


Signature

40588
Attorney Reg. No.

HERITAGE ANNEXATION
SITUATE IN THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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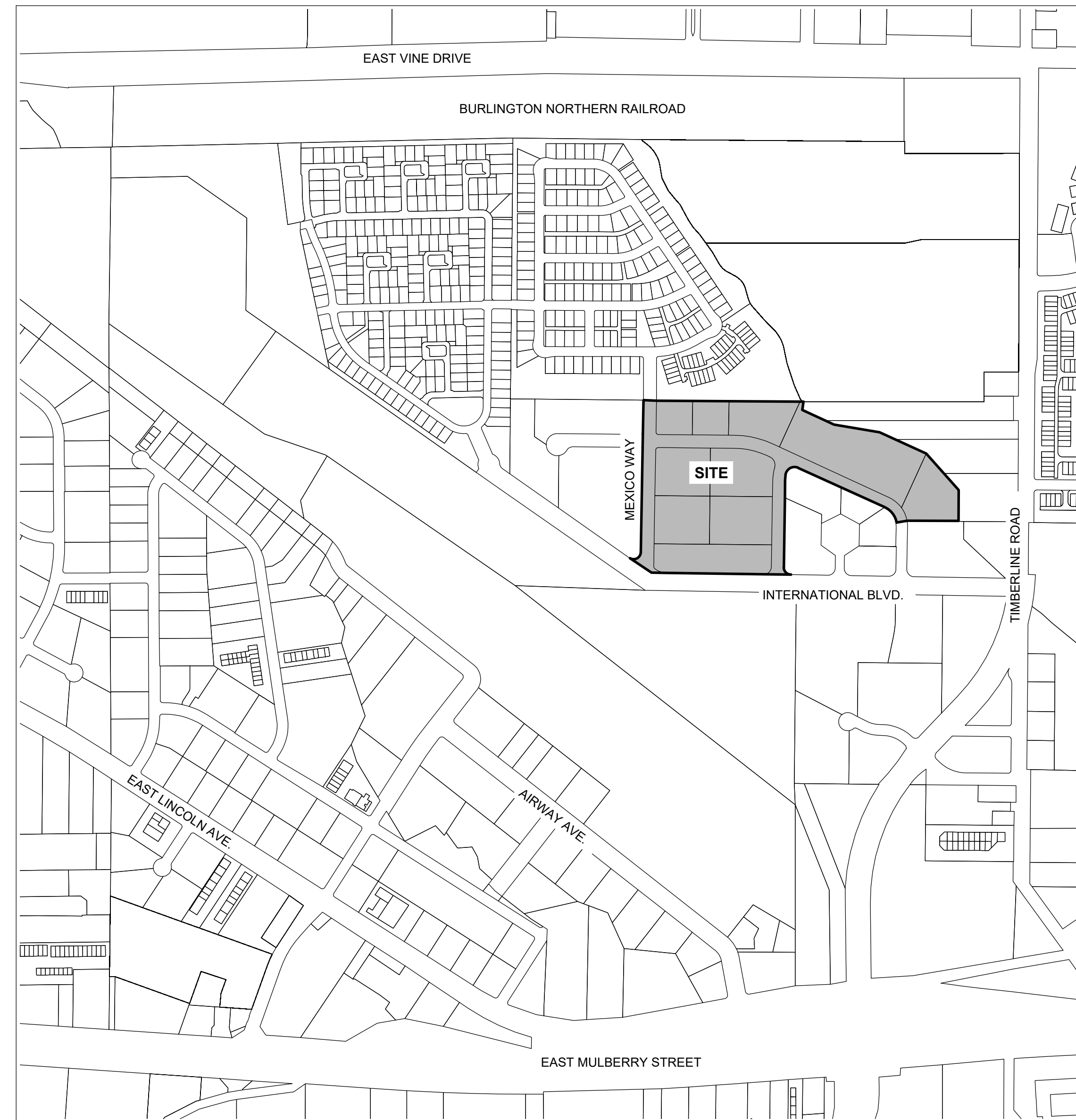
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VICINITY MAP
SCALE 1"=500'

APPROVED AS TO FORM:

CITY ENGINEER _____ DATE _____

APPROVED:

THIS ANNEXATION MAP TO BE KNOWN AS THE HERITAGE ANNEXATION TO THE CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO BY ORDINANCE NO. _____ PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING THIS _____ DAY OF _____ A.D. _____

CITY CLERK _____ DATE _____

SURVEYORS STATEMENT:

I, CHRISTOPHER L. THEW, A COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS ANNEXATION PLAT WAS PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION, THAT THE ANNEXATION DESCRIPTION AND BOUNDARY SHOWN HERE ON IS DERIVED FROM THE BEARINGS AND DISTANCES FROM THE PREVIOUSLY RECORDED PLATS; THAT AT LEAST (1/6) OF THE BOUNDARY OF THE DESCRIBED ANNEXATION IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF FORT COLLINS; AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF.

PREPARED BY AND ON THE BEHALF OF:
TRI-PEAKS LAND SURVEYING, LLC
306 E. ELIZABETH STREET
FORT COLLINS, COLORADO 80524

CHRISTOPHER L. THEW PE-PLS
COLORADO PLS NO. 38692

DATE _____

NOTES

- OWNERSHIP OF UN-PLATTED PARCELS ARE SHOWN PER THE LARIMER COUNTY ASSESSOR.
- BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8, T7N, R68W OF THE 6TH P.M. TO HAVE THE RECORD PLAT BEARING OF S89°36'46"E BETWEEN THE WEST 1/4 CORNER OF SAID SECTION 8, BEING A FOUND 2-1/2" ALUMINUM CAP ON 3/4" REBAR STAMPED "LS 17497 - 2001", AND THE CENTER 1/4 CORNER OF SAID SECTION 8 BEING A FOUND 2-1/2" ALUMINUM CAP IN A MONUMENT BOX STAMPED "LS 17497 - 1999".
- BEARINGS OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 423677 (1981), THE AMENDED PLAT OF ENVELOPE A INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECEPTION NO. 562057 (1984), AND THE AMENDED PLAT OF LOTS 11 AND 12, AMENDED PLAT OF ENVELOPE "A" INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. RECORDED AT RECEPTION NO. 19950040821 HAVE BEEN ROTATED 00°24'08" AS TO MATCH THE BEARINGS OF THE INDUSTRIAL BUSINESS PARK INTERNATIONAL P.U.D. AMENDED PLAT RECORDED AT RECEPTION NO. 20190043996.
- LINEAR UNITS ARE SHOWN IN U.S. SURVEY FOOT.

DRAFT FOR REVIEW ONLY

REVISION: _____
REVISION: _____
REVISION: _____

PROJECT NO.: W24-658
DWG. DATE: 8-31-2024
DRAWN BY: CLT
FIELD DATE: 8-31-2024

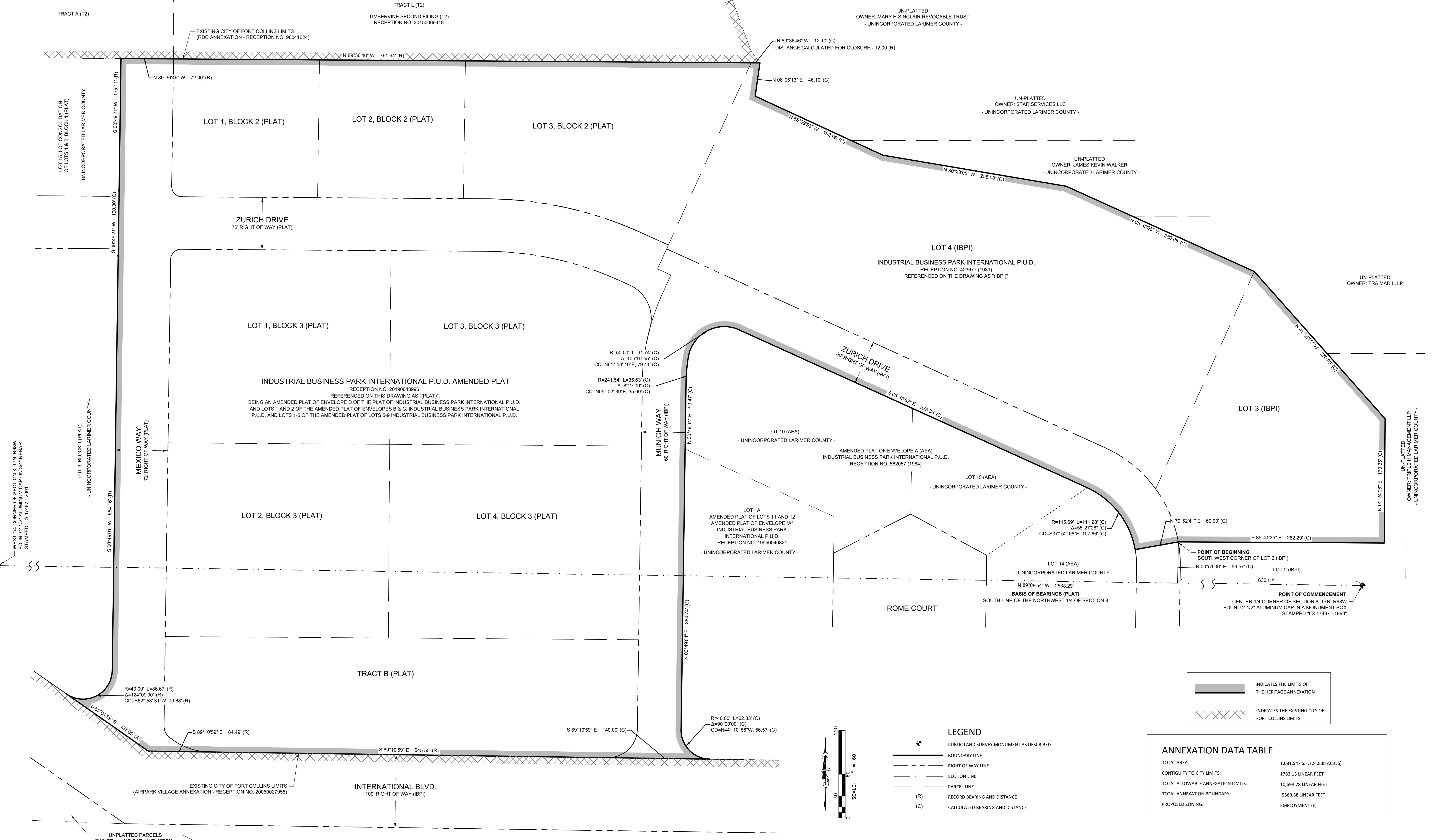
CLIENT: HERITAGE CHRISTIAN ACADEMY

TRI-PEAKS, LLC
306 E. ELIZABETH STREET
FORT COLLINS, COLORADO
cthe@tri-peaks.com

SHEET
1
OF
2

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

HERITAGE ANNEXATION
 SITUATE IN THE WEST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
 COUNTY OF LARIMER, STATE OF COLORADO



ANNEXATION DATA TABLE

TOTAL AREA:	1,081,947 S.F. (24.838 ACRES)
CONTIGUITY TO CITY LIMITS:	1783.13 LINEAR FEET
TOTAL ALLOWABLE ANNEXATION LIMITS:	10,698.78 LINEAR FEET
TOTAL ANNEXATION BOUNDARY:	5569.58 LINEAR FEET
PROPOSED ZONING:	EMPLOYMENT (E)

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

REVISION: _____
 REVISION: _____
 REVISION: _____

DWG. DATE: 8-31-2024
 FIELD DATE: 8-31-2024

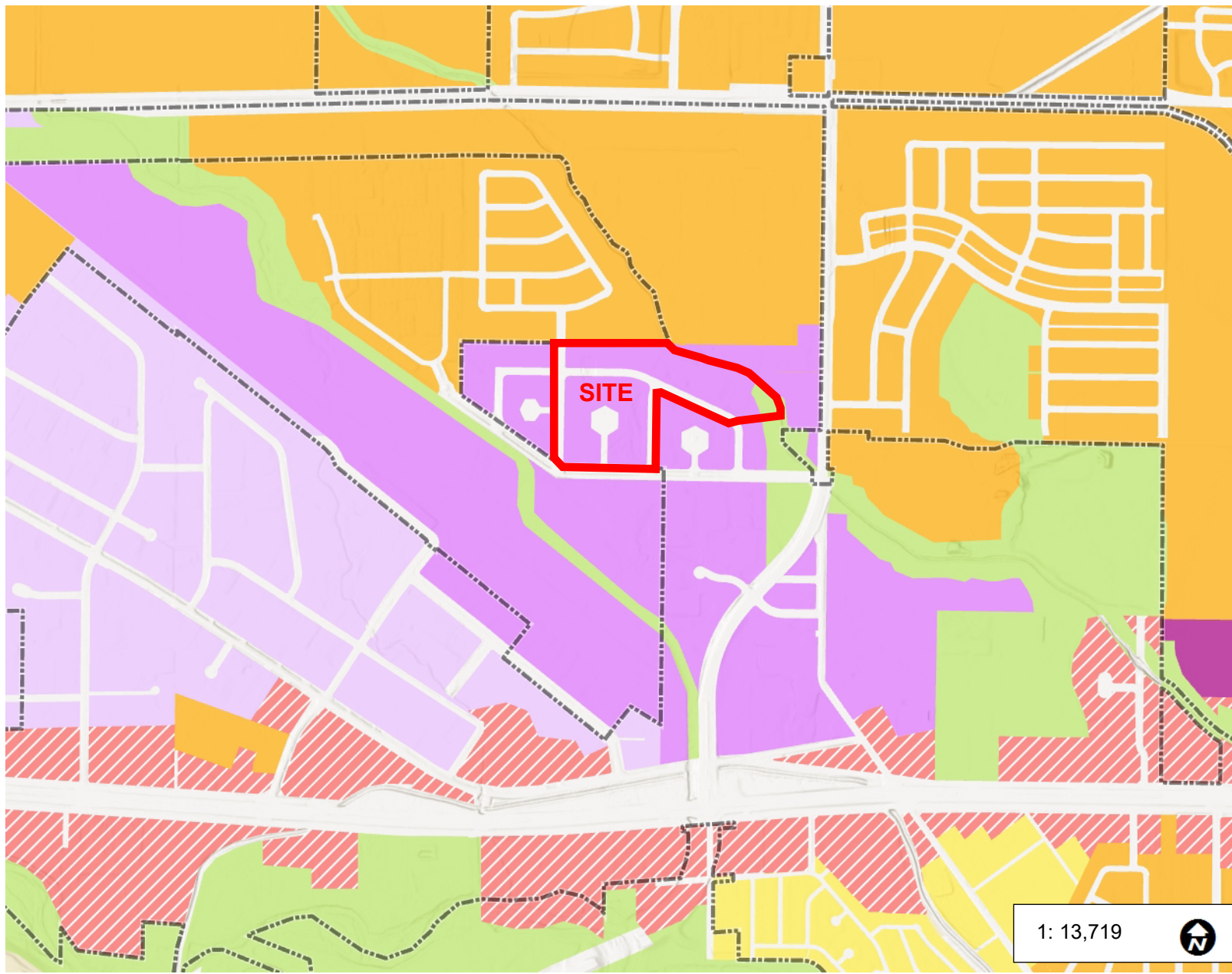
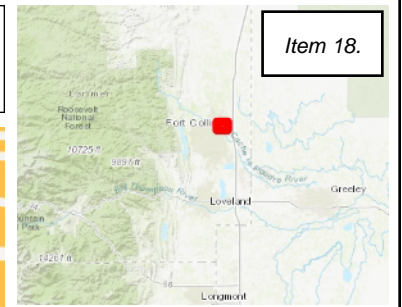
PROJECT NO.: W24-058
 DRAWN BY: CLT

HERITAGE CHRISTIAN ACADEMY

TRI-PEAKS, LLC
 308 E. ELIZABETH STREET
 FORT COLLINS, COLORADO
 cth@tri-peaks.com

Fort Collins Structure Plan

Item 18.



Legend

- Growth Management Area
- City Limits
- Community Separator
- Adjacent Planning Area
- Structure Plan**
- Adjacent Planning Area
- Campus District
- Community Separator
- Downtown District
- Industrial District
- Mixed Employment District
- Mixed Neighborhood
- Neighborhood Mixed Use District
- Parks and Natural/Protected Lands
- R&D/Flex District
- Rural Neighborhood
- Suburban Mixed Use District
- Suburban Neighborhood
- Urban Mixed Use District
- World Hillshade

1: 13,719

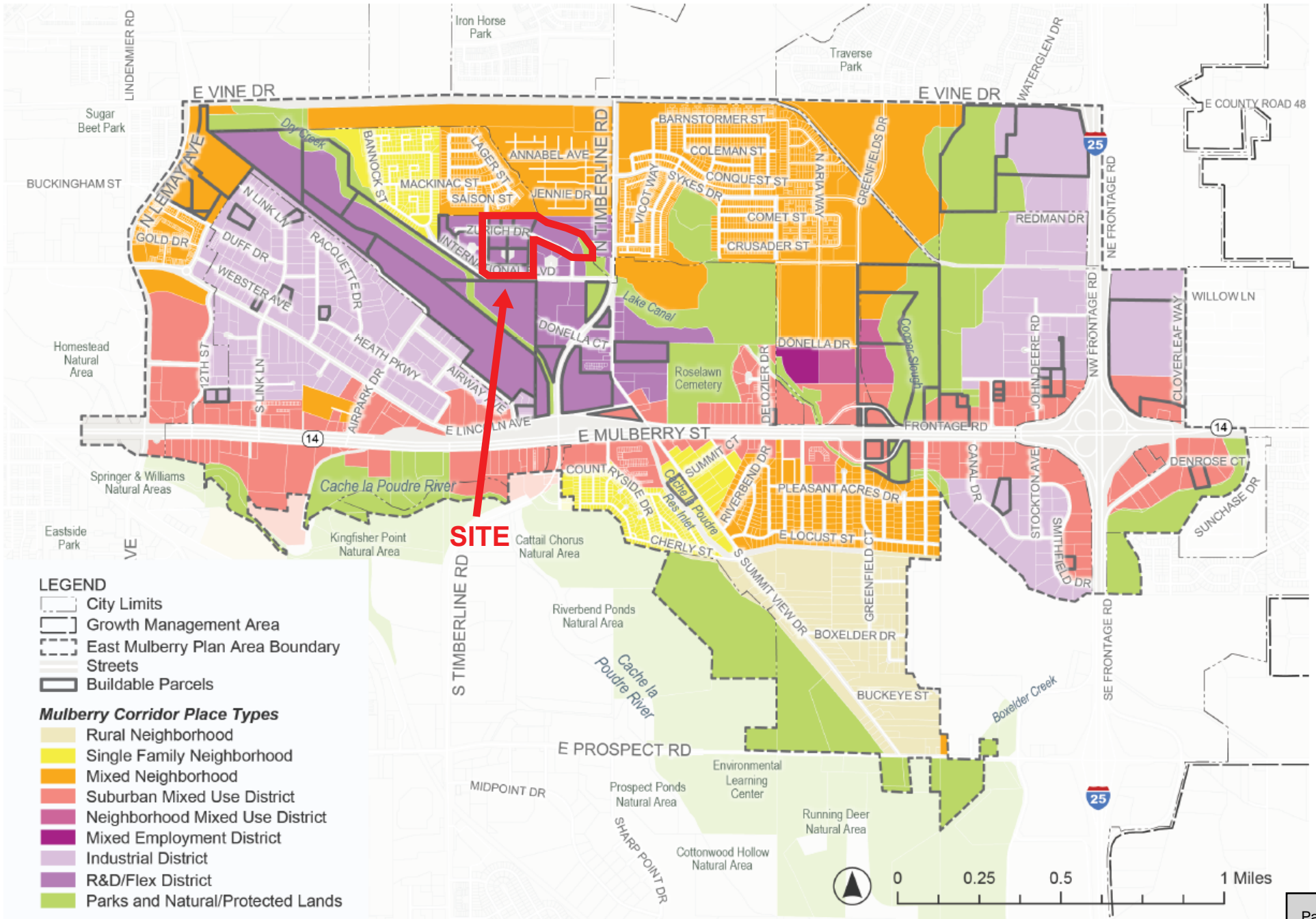
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City of Fort Collins - GIS

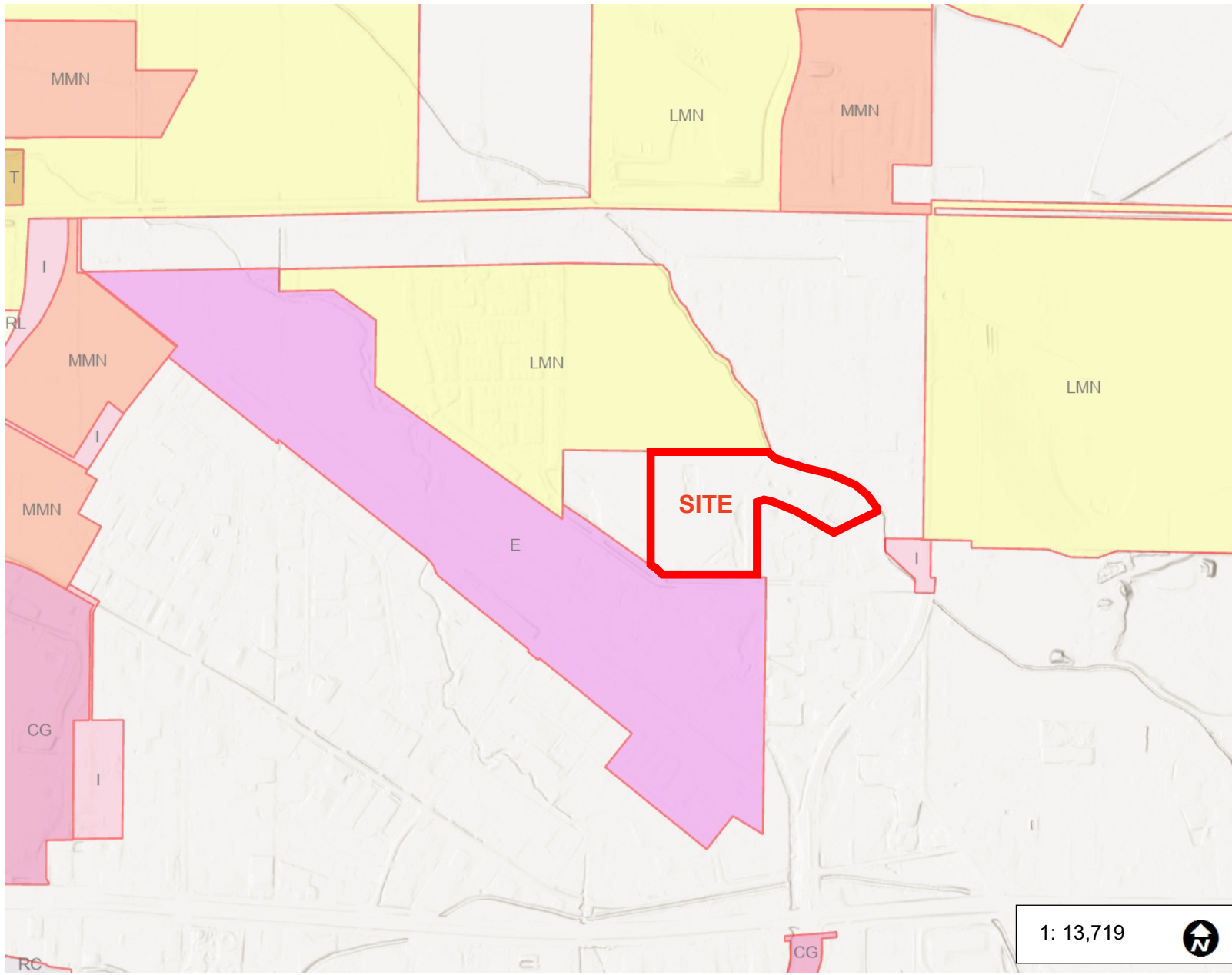
This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

PLACE TYPE FRAMEWORK MAP



Existing Zoning

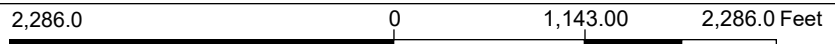


Legend

City Zoning

- Community Commercial (CC)
- Community Commercial North Coll
- Community Commercial Poudre Ri
- General Commercial (CG)
- Limited Commercial (CL)
- Service Commercial (CS)
- CSU
- Downtown (D)
- Employment (E)
- Harmony Corridor (HC)
- Industrial (I)
- High Density Mixed-Use Neighborh
- Low Density Mixed-Use Neighborh
- Manufactured Housing (MH)
- Medium Density Mixed-Use Neighb
- Neighborhood Commercial (NC)
- Old Town District - A (OT-A)
- Old Town District - B (OT-B)
- Old Town District - C (OT-C)
- Public Open Lands (POL)
- River Conservation (RC)
- River Downtown Redevelopment (F
- Residential Foothills (RF)
- Low Density Residential (RL)
- Rural Lands District (RUL)
- Transition (T)
- Urban Estate (UE)

1: 13,719

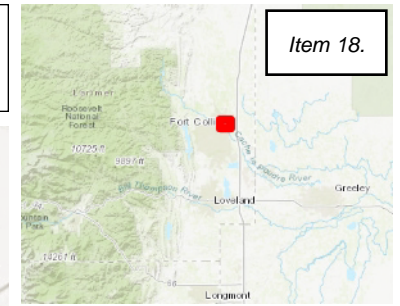


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City of Fort Collins - GIS

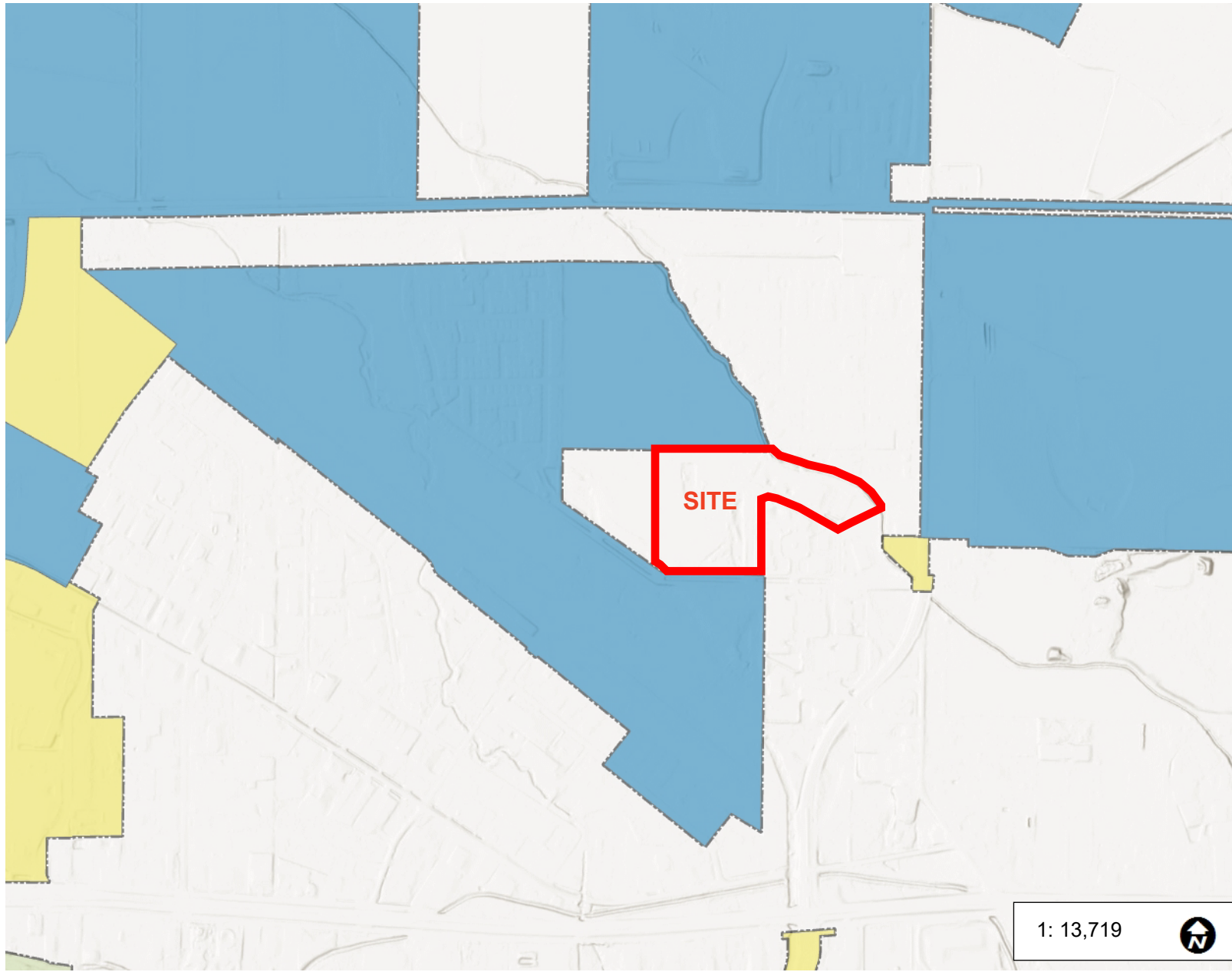
This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Existing Lighting Context Areas



Item 18.

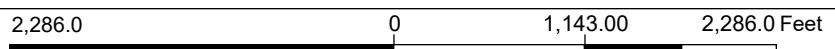


Legend

- Lighting Context Areas**
- LC0 - No ambient lighting
 - LC1 - Low ambient lighting
 - LC2 - Moderate ambient lighting
 - LC3 - Moderately high ambient lighting

- City Limits
- World Hillshade

1: 13,719



WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Fort Collins - GIS

This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Planning and Zoning Commission REGULAR MEETING

December 19, 2024 – 6:00 PM

City Council Chambers

300 Laporte Avenue

Fort Collins, Colorado

CALL TO ORDER: Chair Stackhouse called the meeting to order at 6:00 p.m.

ROLL CALL

- a. Board Members Present - Stackhouse, Connelly, Peel, York, Katz, Sass, and Shepard
- b. Board Members Absent - None
- c. Staff Members Present - Matsunaka, Kidwell, Jarvis, Winslow, Baty, Schumann, Castelli, Nelson, Mounce, Collins, Marko, Frickey, Myler, Beals

Chair Stackhouse provided background on the Commission's role and what the audience could expect as to the order of business. She described the role of the Commission and noted that members are volunteers appointed by City Council. The Commission members review the analysis by staff, the applicants' presentations, and input from the public and make a determination regarding whether each proposal meets the land use code. She noted that this is a legal hearing, and that she will moderate for civility and fairness.

AGENDA REVIEW

Planning Manager Clay Frickey reviewed the items on the Consent and Discussion agendas stating all items will be heard as originally advertised.

PUBLIC PARTICIPATION ON ITEMS NOT ON THE HEARING AGENDA

None.

CONSENT AGENDA

1. Draft Minutes for the P&Z October 17, 2024, Regular Hearing

The purpose of this item is to approve the draft minutes of the October 17, 2024, Planning and Zoning Commission hearing.

2. Carnegie Building Renovation Lighting Update – MA230137

This is a Minor Amendment request for modifications to the exterior lighting on the south side of the Carnegie Building to improved safety/security. Located in the Neighborhood Conservation Medium Density (NCM) Zone District.

3. Schoolside Park – BDR240009

This is a request for a Basic Development Review for the development of Bacon Park at 5830 S Timberline Rd. (parcel #8608253901). Access is proposed to be taken from a private drive west of S Timberline Rd. The site is directly east of S Timberline Rd. and 0.27 mi south of Kechter Rd. The property is located in the Low Density Mixed-Use Neighborhood (LMN) zone district and is subject to a Basic Development Review (BDR). As a City proposed project the decision maker will be the Planning and Zoning Commission.

Vice Chair Sass made a motion to approve the Consent Agenda for the December 19, 2024 hearing as originally advertised. Commissioner Connelly seconded the motion. Yeas: Shepard, Connelly, York, Peel, Sass, Katz, and Stackhouse. Nays: none.

THE MOTION CARRIED.

DISCUSSION AGENDA

4. Heritage Annexation – ANX240001

PROJECT DESCRIPTION: This is a request to annex and zone 13.6 acres of land generally located around 2506 Zurich Drive. The annexation is subject to a series of hearings including a Type 2 review and public hearing by the Planning and Zoning Commission and recommendation to City Council. Requested City zoning for the property is Employment (E). A specific project development plan proposal is not included with the annexation application.

OWNER: Friends of Christian Education Foundation
Attn: Michael Cuckler
2506 Zurich Drive
Fort Collins, CO 80524

APPLICANT: Angela Milewski
BHA Design, Inc.
111 South Meldrum Street, #110
Fort Collins, CO, 80524

STAFF ASSIGNED: Ryan Mounce, City Planner

Commissioner Katz noted he is a commercial real estate professional and has a piece of land listed in the general area, though it does not impact the annexation area and will not impact his decision.

Staff Presentation

Ryan Mounce, City Planner, stated this item is a request for a recommendation to City Council for the annexation and zoning of a 25-acre property located near the northwest corner of International Boulevard and Timberline Road. Mounce noted the property is contiguous with city limits on several sides and meets the state requirements for contiguity. Mounce stated the requested zoning for the property is E – Employment and noted the zoning around the site varies between residential, light industrial, and employment in both the County and the City. Mounce showed photos of the site and one existing building on the property.

Applicant Presentation

Angie Milewski, BHA Design, provided background information on Heritage Christian Academy, which occupies the building on the site. She stated the annexation of the property will allow the school to move forward with its plans for expansion and discussed the benefits of the property being zoned Employment. Milewski stated the applicant concurs with the staff recommendation of the property's placement in the non-residential sign district and LC1 lighting context area.

Staff Analysis

Mounce stated staff recommends zoning based on land use guidance provided through the Structure Plan Map and City Plan, as well as the East Mulberry Plan in this case. He stated staff is recommending Employment zoning due to the transitional buffer area between the existing neighborhoods and heavier industrial uses in the Airpark.

Commission Questions

Commissioner Shepard asked if the future development of the school would be a Site Plan Advisory Review or a Project Development Plan. Mounce replied it would likely be a Project Development Plan as the school is private.

Chair Stackhouse requested additional information regarding this annexation consideration versus a future Project Development Plan. Mounce replied future physical development, including expansion of the school and facilities, will take many years and much more review by the City. He noted this first step is just the annexation of the property, which is voluntary, but is also a requirement per an intergovernmental agreement with Larimer County. Additionally, Mounce noted Council will be the ultimate decision maker, though a recommendation of the Planning and Zoning Commission is required. He stated the next step will be an Overall Development Plan followed by individual Project Development Plans.

Public Comment

Julia Branstrator, 539 Winnipeg Court, asked how the fact that Heritage Christian Academy already owns the land will impact the annexation decision.

Staff Response

Mounce confirmed the school has purchased the land; however, the annexation process must occur prior to any physical development. He noted there are state requirements related to annexation and reiterated this is a voluntary annexation.

Commission Questions / Deliberation

Commissioner Katz commented on initial concerns about industrial lands diminishing, but stated he

is more comfortable with the Employment zoning after further review. He requested assurance that non-conforming uses will not be created with the existing industrial building on Zurich. Mounce replied most of the business and structures around the site would not be non-conforming and noted there is a great deal of overlap between the uses allowed in Employment and Industrial.

Commissioner York stated going through this process to allow additional review of the physical expansion in the future is the proper thing to do and expressed support for the annexation.

Commissioner Shepard thanked staff for the slide showing the buildable lands inventory and commented on several recent changes of industrial properties to residential and other uses. He encouraged the Commission to be just as supportive of a property that may be going from residential to industrial uses in the future, but stated he would support the annexation.

Vice Chair Sass made a motion that the Fort Collins Planning and Zoning Commission recommend that City Council approve the proposed Heritage Annexation– ANX24001 – of 24.84 acres northeast of the intersection of International Boulevard and Mexico Way within the East Mulberry Enclave and the proposed Zoning of Employment (E). This complies with all applicable land use code procedures and requirements, and the Commission adopts the information, analysis, findings of fact and conclusions contained in the staff report included with the agenda materials for this hearing. This decision is based upon the agenda materials, the information and materials presented during the work session and this hearing, and the Commission discussion on this item. Commissioner Katz seconded the motion. Yeas: Peel, Katz, Connelly, York, Sass, Shepard, and Stackhouse. Nays: none.

THE MOTION CARRIED.

DRAFT

File Attachments for Item:

19. Resolution 2025-012 Adopting Amendments to the City's Financial Management Policies.

The purpose of this item is to update six of the internal Financial Management Policies:

Financial Management Policy 1 – Budget

Financial Management Policy 2 – Revenue

Financial Management Policy 3 – General

Financial Management Policy 5 – Fund Balance

Financial Management Policy 7 – Debt

Financial Management Policy 8 – Investments

Once a year a portion of Financial Policies are reviewed and updated as needed. Policies were reviewed in Council Finance Committee and accepted with minor edits as notated as redlines in attached policies and summarized in attached presentation. Staff is committed to reviewing each policy no less than every 3 years.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Randy Bailey, Controller

SUBJECT

Resolution 2025-012 Adopting Amendments to the City's Financial Management Policies.

EXECUTIVE SUMMARY

The purpose of this item is to update six of the internal Financial Management Policies:

- Financial Management Policy 1 – Budget
- Financial Management Policy 2 – Revenue
- Financial Management Policy 3 – General
- Financial Management Policy 5 – Fund Balance
- Financial Management Policy 7 – Debt
- Financial Management Policy 8 – Investments

Once a year a portion of Financial Policies are reviewed and updated as needed. Policies were reviewed in Council Finance Committee and accepted with minor edits as notated as redlines in attached policies and summarized in attached presentation. Staff is committed to reviewing each policy no less than every 3 years.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Financial policies of certain significance are approved by Council. Others are approved by the City Manager and Chief Financial Officer. Staff and the Council Finance Committee have agreed to review and update Council-approved policies every three years. At the end of 2024, six policies were reviewed by staff and the Council Finance Committee: Budget, Revenue, General, Fund Balance Minimums, Debt, and Investments.

Recommended changes for each policy are summarized as follows:

Financial Management Policy 1 – Budget: This policy has several recommended minor terminology changes for clarity and simplification.

Financial Management Policy 2 – Revenue: This policy has three recommended changes:

- Section 2.B.5.C *Maintain Health Reserves*
 - Update General Fund liquidity rule to reflect decisions made during 2025/2026 budget cycle reducing the 60 day liquidity rule to 45 days.
- Section 4 *Sales and Use Tax Distribution*
 - Update Sales and Use Tax tables to reflect effective dates and changes since last policy update.
 - Note sunset of Keep Fort Collins Great at end of 2020
 - Added 2020 General City Uses Tax of \$0.60
 - Added 2020 General Fund Renewable Tax of \$0.25
 - Added 2024 2050 Tax of \$0.50
- Section 5 *Philanthropic Contributions*
 - Removes from Policy 2 – Revenue. These provisions are addressed in other administrative policies: City Give and Philanthropic Governance

Financial Management Policy 3 – General: This policy has three recommended changes

- Section 3.B (*Retirement Programs*): 401(a) and 457 Money Purchase Plans
 - Update “Direct Reports of City Council” to “Council Appointed Positions”
 - Update “Service Area Directors” to “Executive and Senior Leaders”
 - Update Employer contribution percentage for Police & Dispatch from 10.5% to 11%.
- Section 3 *Fund Organization*
 - Adds fund 256 – 2050 Tax to the Governmental fund list.
- Section 4.D *Cost Recovery and Fee Setting*
 - Removes reference to “Keep Fort Collins Great” tax and referenced “...voter approved tax revenue”

Financial Management Policy 5 – Fund Balance Minimums: This policy has one recommended change.

- Section 3.A *Minimum Balances*
 - Update General Fund liquidity rule to reflect decisions made during 2025/2026 budget cycle reducing the 60-day liquidity rule to 45-days.

Financial Management Policy 7 – Debt: This policy was reviewed and no changes are recommended at this time.

Financial Management Policy 8 – Investments: This policy has one recommended change.

- Section 2 *Scope*
 - Updates the phrase “Trust and Agency Funds” to “Fiduciary Funds” to be inclusive of pension, trust and agency funds.

CITY FINANCIAL IMPACTS

While these policies help the City and staff to administer the City finances, there are no direct financial impacts to the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its meeting on December 5, 2024, the Council Finance Committee recommended the proposed changes to the Financial Management Policies.

PUBLIC OUTREACH

None

ATTACHMENTS

1. Resolution for Consideration
2. Policy 1 – Budget (redlined)
3. Policy 2 – Revenue (redlined)
4. Policy 3 – General (redlined)
5. Policy 5 – Fund Balance Minimums (redlined)
6. Policy 7 – Debt (redlined)
7. Policy 8 – Investment (redlined)
8. Presentation to Council Finance Committee

RESOLUTION 2025-012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AMENDMENTS TO THE CITY'S FINANCIAL
MANAGEMENT POLICIES

A. At is October 18, 1994, meeting, City Council approved Financial Management Policies for the City pursuant to Resolution 94-174, which provides that City Council may adopt and amend such policies.

B. The City is committed to sound and efficient financial planning and fiscal management consistent with the best practices as established by the Government Financial Officers Association.

C. The City Manager and the City's Controller, acting in the role of Interim Financial Officer, are recommending amendments to five of the current Financial Policies.

D. "Financial Management Policy 1 – Budget Policy," with its recommended amendments, is attached and incorporated herein by reference as Exhibit "A" (the "Budget Policy").

E. The Budget Policy is being amended to provide minor terminology changes for clarity and simplification.

F. "Financial Management Policy 2 – Revenue" with its recommended amendments, is attached and incorporated herein by reference as Exhibit "B" (the "Revenue Policy").

G. The Revenue Policy is being amended to change the General Fund liquidity rule timeline to forty-five (45) days to align with the approved biennial budget for the 2025-2026 fiscal period, to add the effective or expiration dates of sales and use taxes, and to remove provisions related to philanthropic contributions that are duplicative of those in other policies in effect.

H. "Financial Management Policy 3 – General Financial Policies" with its recommended amendments, is attached and incorporated herein by reference as Exhibit "C" (the "General Financial Policy").

I. The General Financial Policy is being amended by adjusting the Money Purchase Plan chart by updating the existing employer contribution percentage to reflect collective bargaining agreements currently in place and updating the category names of two employee groups in the chart, and amendments in other provisions of the policy to add new or remove outdated references to voter-approved taxes.

J. "Financial Management Policy 5 – Fund Balance Minimums" with its recommended amendments, is attached and incorporated herein by reference as Exhibit "D" (the "Fund Balance Policy").

K. The Fund Balance Policy is being amended to update the General Fund liquidity rule timeline to forty-five (45) days as approved in the biennial budget for the 2025-2026 fiscal period.

L. "Financial Management Policy 7 – Debt," to which no amendments are recommended, is included to indicate that the policy was reviewed, is attached and incorporated herein by reference as Exhibit "E".

M. "Financial Management Policy 8 – Investments" with its recommended amendments, is attached and incorporated herein by reference as Exhibit "F" (the "Investment Policy").

N. The Investment Policy is being amended to change a reference to "Trust and Agency Funds" to the "Fiduciary Funds," which includes trust, agency, and pension funds.

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 and adopts the Budget Policy, Revenue Policy, the General Financial Policy, the Fund Balance Policy, the Debt Policy, and the Investment Policy, as reviewed or reviewed and amended as shown in Exhibits "A," "B," "C," "D," "E," and "F" respectively.

Section 2. Except for the six Financial Management Policies reviewed or reviewed and amended as provided in this Resolution, all other Financial Management Policies shall remain unchanged and in full force and effect until the same are reviewed, amended, or repealed by subsequent action of the City Council

Passed and adopted on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 18, 2025
Approving Attorney: Dianne Criswell

Financial Management Policy 1

Issue Date: 01/12/21
Reviewed: 12/5/24
Version: 5
Issued by: Budget Director

Budget

Objective:

Governments allocate limited resources to programs and services through the budget process. As a result, it is one of the most important activities undertaken by governments. The purpose of this policy is to establish parameters and provide guidance governing the budget for the City of Fort Collins (City).

Applicability:

This budget policy applies to all funds and Service Areas of the City.

Authorized by:

City Council Resolution 2014-058, 2017-101, 2021-010

1.1 Overview

The Fort Collins City Charter establishes time limits and the essential content of the City Manager's proposed budget; however the budget preparation process is not prescribed, but is developed by the City Manager with input from the City Council.

The fiscal year of the City is the calendar year. The City may adopt budgets for a budget term of one fiscal year or more. After the Charter amendment in 1997 allowing the City Council to set by ordinance a budget term to be more than one fiscal year, the Council has adopted two-year budgets that correspond with the election cycle, with the recent exception of having a one-year budget for fiscal years 2021 and 2022 due to the COVID pandemic.

The budget is a 2-year plan by which the City Council sets the financial and operational priorities for the City. Utilization of the budget process enables current levels of programs and services to continue and new programs and services to be implemented. The budget along with the annual appropriation ordinance provides the basis for the control of expenditures. The State Constitution and the City Charter provide the basic legal requirements and timelines for the process. Council priorities, ordinances and resolutions provide additional direction and respond to the needs of the community.

1.2 Principles for Budget Planning

The City provides a wide variety of services to the community. It is in the power of the City Council to adopt a budget and manage the available resources to best meet the service needs for the overall good of the community (Charter Article II, Section 5 (c))

In 2005 the City Council, on recommendation from the City Manager, endorsed the Budgeting for Outcomes (BFO) budget process. At a high level, the budgeting for outcomes methodology can be summarized as:

1. *Determine how much money is available.* The budget should be built on expected revenues. This would include base revenues, any new revenue sources, and the potential use of fund balance.
2. *Prioritize results.* The results or outcomes that matter most to the community should be defined. Elected leaders should determine what programs are most important to their constituents.
3. *Allocate resources among high priority results.* The allocations should be made in a fair and objective manner.
4. Conduct analysis to determine what strategies, programs, and activities will best achieve desired results.
5. *Budget available dollars to the most significant programs and activities.* The objective is to maximize the benefit of the available resources.
6. *Set measures of monthly progress, monitor, and close the feedback loop.* These measures should assign monthly budget, spell out the expected results and outcomes and how they will be measured.

7. *Check what actually happened.* This involves using performance measures to compare actual versus budgeted results, and financial measures for budget versus actual results on a monthly basis.
8. Communicate performance results. Internal and external stakeholders should be informed of the results in an understandable format.

At that time, the City Council also identified the key outcomes it believed should be used in the new budget process.

In 2012, the City Council passed resolution 2012-076 promoting improved results through performance measures and data-driven decision making. In reference to the budget, an outcome-based performance measurement system helps ensure that available resources are used to achieve excellent results at low cost to the taxpayers and will enhance the community's understanding of the City and the services it provides.

1.3 Scope

A. *Comprehensiveness*

The proposed budget shall provide a complete financial plan for each fund of the City and shall include appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year, comparative figures for the current year, and the City Manager's recommendations for the ensuing budget term (City Charter Article V, Part 1, Section 2). In addition, the City of Fort Collins Budget Document may include items such as:

- 1) Statement of organization-wide strategic goals.
- 2) A description of the budget process, including a timeline.
- 3) A Glossary of Budget Terms.
- 4) A City of Fort Collins organizational chart.
- 5) Letter from the City Manager.
- 6) Budget Overview which may include:
 - a) The economic outlook;
 - b) Revenue assumptions;
 - c) Summary of use of reserves;
 - d) Budget priorities and highlights.
- 7) Copy of signed appropriation ordinance and a schedule of 2nd year proposed appropriations.
- 8) Revenue, expense and changes in fund balance summaries.
- 9) Summary of employee full-time equivalent staffing by service area and department.
- 10) A section for each of the key strategic Outcomes, which may include:
 - a) Information indicating how the Offers in the Outcome are funded, by fund;
 - b) Major key purchases;
 - c) Major enhancements purchased;
 - d) Detailed listing of all offers funded and unfunded;
 - e) Strategic objectives of the Outcome.
- 11) Fund Statements.

- 12) Overview of debt position.
- 13) Current Capital Improvement Plan.
- 14) Summary of changes to user fees.
- 15) Summary of property tax mill levy and assessments.

The annual appropriation ordinance shall also include the levy in mills, as fixed by the Council, upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for City purposes necessary to provide, during the ensuing fiscal year, for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds. If the Council fails in any year to make said tax levy as above provided, then the rate last fixed shall be the levy fixed for the ensuing fiscal year and the Financial Officer shall so certify (Charter Article V, Section 5).

B. *Budget Form*

The City of Fort Collins uses the Budgeting For Outcomes model to create the City budget. A new budget is designed from the ground up based on the results desired in each of the Outcomes defined by the City. The BFO budget-building process includes four steps:

- 1) Determine how much revenue will be available (the price people pay);
- 2) Determine the priorities of the City and the Community members and the results to be achieved;
- 3) Allocate the revenue needed to achieve the desired results;
- 4) Determine which budget items will best produce the desired results at the price allocated.

C. *Basis of Budgeting*

All budgetary procedures conform to the City Charter and Code, state regulations and to generally accepted accounting principles. The basis or principle used for budgeting is the same as that used for accounting, with a few exceptions, and varies according to the fund type.

Governmental Funds use the modified-accrual basis of accounting. This means that revenues are recognized when they are earned, measurable and available. Expenditures are recognized in the period that liabilities are due and payable. The budgetary basis is the same and is used in the General Fund, Special Revenue and Debt Service Funds, and Capital Project Funds.

Proprietary and Fiduciary Funds use the full accrual basis of accounting. Revenues are recognized when they are earned and expenses are recognized when liabilities are incurred. However, the budgetary basis in these funds is primarily based on the modified-accrual approach. Instead of authorizing budget for depreciation of capital assets, the budget measures and appropriates cash outflows for capital acquisition and construction, which is a modified-accrual approach. In full accrual based accounting debt proceeds are recorded as liabilities rather than a revenue (funding source). For these reasons, a reconciliation and adjustment is made on these fund statements to show the difference between the budgetary

basis and the accounting basis.

D. *Budget Calendar*

The fiscal and accounting year shall be the same as the calendar year. "Budget term" shall mean the fiscal year(s) for which any budget is adopted and in which it is to be administered. Council shall set by ordinance the term for which it shall adopt budgets (Charter Article V, Section 1).

On or before the first Monday in September the City Manager shall file with the City Clerk a proposed budget for the City for the ensuing *two-year term* (Charter Article V, Section 2). The Council shall, within ten (10) days after the filing of said proposed budget with the City Clerk, set a time certain for public hearing and cause notice of such public hearing to be given by publication. At the hearing, all persons may appear and comment on any or all items and estimates in the proposed budget. Upon completion of the public hearing the Council may revise the budget estimates (Charter Article V, Section 3).

After said public hearing and before the last day of November preceding the budget term, the Council shall adopt the budget for the ensuing term. The adoption of the budget shall be by ordinance. Before the last day of November of each fiscal year, the Council shall appropriate such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year. The appropriation of funds shall be accomplished by passage of the annual appropriation ordinance. Such appropriation of funds shall be based upon the budget as approved by the Council but need not be itemized further than by fund with the exception of capital projects and federal or state grants which shall be summarized by individual project or grant (Charter Article V, Section 4).

Appropriations for each year of the two-year budget will be approved by the City Council annually. Appropriations for the 2nd year of the biannual budget are adopted during the budget revision process. That process allows for adjustments to the originally adopted biennial budget that address new Council priorities or support changing needs based on economic conditions. The City Manager may present any budget adjustment recommendations to the City Council in Work Sessions and then Council may amend the budget and, as required by the City Charter, appropriate or authorize expenditures for the coming fiscal year.

1.4 **Roles and Responsibilities**

All powers of the City and the determination of all matters of policy are vested in the Council except as otherwise provided by the Charter. Without limitation of the foregoing, the Council has the power to adopt the City's budget.

The City Manager is responsible to the Council for the proper administration of all affairs of the City and to that end has the power and is required to prepare the budget and submit it to

the Council and be responsible for its administration after adoption.

The City Manager and Chief Financial Officer, along with the other executive directors, known as the Budget Lead Team (BLT), develop the guidelines, consistent with the policies, to be used for budget preparation. During the development of the budget, various department and division representatives may be called upon to provide their expertise.

1.5 Budgeting Control System

No appropriation may be made by the Council which exceeds the revenues, reserves or other funds anticipated or available at the time of the appropriation, except for emergency expenses incurred by reason of a casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance (Charter Article V, Section 8 (a)).

Control of expenditures is exercised at the fund level. Fund managers are responsible for all expenditures made against appropriations within their fund and can allocate available resources within the fund.

All appropriations unexpended or unencumbered at the end of the fiscal year *shall lapse* to the applicable general or special fund, except for:

- appropriations for capital projects do not lapse until the completion of the capital project; and
- federal or state grants do not lapse until the expiration of the federal or state grant (Charter Article V, Section 11).

A. Budget Transfers

Between Funds or Capital Projects

During the fiscal year, the Council may, by ordinance, upon the recommendation of the City Manager, transfer any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project account to another fund or capital project account provided that:

- 1) the purpose for which the transferred funds are to be expended remains unchanged;
- 2) the purpose for which the funds were initially appropriated no longer exists; or
- 3) the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance (Charter Article V, Section 10 (b)).

Within a Fund

Budget control is maintained at the departmental level. The City Manager may, during the fiscal year, transfer any unexpended and unencumbered appropriated amount within the same fund (Charter Article V, Section 10(a)). The Chief Financial Officer also has the authority to approve departmental expenses greater than the budget for that department so long as the

overall expenses in the fund serving that department are less than the budgeted amount for the fund. In no case may the total expenditures of a particular fund exceed that which is appropriated by the City Council (Charter Article V, Section 8(b)).

B. *Applicable Amendments to the Budget*

Budget Increases

There generally are four opportunities during the fiscal year for supplemental additions to the current year annual appropriation approved by Council:

- 1) The first is through the encumbrance carry-forward process whereby approved purchase orders that cannot be executed prior to the end of the fiscal year will have available budget carried forward into the new year.
- 2) The second is usually adopted in March/April to re-appropriate funds from the previous year's ending balance for projects or obligations that were approved but not completed during that year.
- 3) The third opportunity in the 2nd half of the year is used to fine-tune (clean-up) the current fiscal year for previously unforeseen events. In addition, if revenue is received during the fiscal year from a source that was not anticipated at the time of budget adoption or appropriation for the fiscal year, such as grants or implementation of a new fee, Council may appropriate that unanticipated revenue for expenditure when received anytime during the year.
- 4) Lastly, the Council, upon recommendation of the City Manager, may make supplemental appropriations by ordinance at any time during the fiscal year; provided, however, that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, shall not exceed the then current estimate of actual and anticipated revenues to be received by the city during the fiscal year. This provision shall not prevent the Council from appropriating by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated (Charter Article V, Section 9).

Budget Decreases/Frozen Appropriations

The budget may be decreased below adopted appropriations during the fiscal year due to changes in service demand, changes in economic conditions, and/or changes in Council goals. Each service area is responsible for developing a plan to reduce appropriations, which will be ready for implementation should the need arise. If the City Manager directs budget reductions, Council will be informed and the appropriations will be "set aside" through administrative action. While the appropriation amount is not changed, expenditures shall not exceed the reduced amount recommended by the City Manager.

C. Order of Funding when Multiple Funding Sources Available

Sometimes a given project or program has multiple sources of funding available. Examples of such projects include but are not limited to grant funded projects, jointly funded projects/programs between governmental and proprietary funds, or projects/programs where both dedicated tax and/or fee revenues and General Fund tax revenues are available.

Unless stated otherwise within the authorizing ordinance, budget offer, or a contractual agreement, funding sources will be applied in the order of most-constrained to least-constrained in the judgment of City staff. For example, a project jointly funded by the General Fund and the Natural Areas Fund would first fund project spending using all available and appropriated Natural Areas revenues prior to spending appropriated General Fund revenues. This is in an effort to maximize the benefit of available sources in accordance with the principles described in section 1.2 above.

1.6 Balanced Budget Definition

All funds are required to balance. As such, total anticipated revenues must equal the sum of budgeted expenditures for each fund. Revenues are derived from two sources: current revenue charges and unallocated reserves carried forward from prior years.

1.7 Contingency Planning for Unanticipated Revenue Shortfalls

During times when the City experiences significant unanticipated revenue shortfalls, a contingency plan will be developed that outlines the necessary steps to align expenditures to meet the actual revenue received. The contingency plan will target the funds being impacted by the revenue shortfall. In general, the priority order of the steps in our contingency methodology are:

- Align ongoing expenditures with anticipated ongoing revenue
- Sweep vacancy savings and non-service related savings such as fuel or utilities if under budget
- If a Contingency Reserve has been established, utilize a portion of that reserve
- Develop a stop doing list utilizing the drilling platform prioritization.
- At a Service Area level, reduce expenditures related to
 - discretionary expenditures
 - new hires/vacancies (postponement of posting positions)
 - travel and training
 - reduced levels of support to programs

Revenue

Issue Date: 01/12/21
 Reviewed: 12/5/24
 Version: 5
 Issued by: Revenue and Project
 Manager

Objective:

Monitoring and controlling revenues is important to the City of Fort Collins. Through its revenue policy, the City primarily aims to maintain a diversified revenue system which will protect it from possible short-term fluctuations in any of its various revenue sources. To accomplish this, revenues are monitored on a continuous basis. An understanding of the economic and legal factors which directly and indirectly affect the level of revenue collections is an important part of the City's revenue policy.

Applicability:

This policy applies to all City Revenues. This policy does/does not apply to or govern revenues generated by City-owned general improvement districts, DDA, URA, PFA or Library District.

Authorized by:

City Council, Resolutions 1994-174, 2013-093, 2016-096, 2021-010

2.1 Limitations under TABOR (Taxpayer Bill of Rights)

A. Background

The City of Fort Collins' revenue and expenditures are limited by Colorado's Taxpayer's Bill of Rights in Article X, Section 20 of the Colorado Constitution (TABOR). While TABOR limits both revenue and expenditures, its primary application is in limiting revenue collections. Growth in revenue is limited to the increase in the Denver-Boulder-Greeley Consumer Price Index plus local growth (new construction and annexation). This percentage is added to the preceding year's revenue base, giving the dollar limit allowed for revenue collection in the ensuing year. Any revenue collected over the limit must be refunded to the residents unless the voters approve the retention of the excess revenue. Federal grants or gifts to the City are not included in the revenue limit. City enterprises (electric, water, wastewater and stormwater utilities) are also exempt from the imposed limits. In 2003, the Golf Fund revenue sources was considered for enterprise status for purposes of TABOR.

B. 'De-Brucing'

In November 1997, Fort Collins' voters approved a ballot measure that allows the City to retain revenues that exceed the growth limit imposed by TABOR. The measure specified that any retained revenues over the growth limit must be used for certain designated purposes.

- Public Health and Safety (including, but not limited to, environmental monitoring and mitigation)
- Transportation
- Growth Management
- Maintenance and Repair of Public Facilities

C. TABOR Notice for New Tax or Tax Increase

- Develop revenue forecasts that are reasonable and factor in the implications of over collection.
- Review these forecasts with the appropriate leadership staff.

D. Monitor New Tax Revenue

- Staff will monitor actual revenue against the forecast revenue disclosed in the TABOR notice.
- In the second year, confirm first years' actual revenue to forecast and determine if any action is needed. Provide a report to the City Council with results and any recommended action.

E. TABOR Legislation and Judicial Decisions

Staff shall monitor new TABOR legislation, judicial decisions and actions taken by other governments to see if they affect the City. This will include working with the City's outside consultants, such as special bond counsel and CML. When such matters are discovered affecting the City, staff will confer to determine what actions, if any, the City should take in response.

F. Documentation of 'Fiscal Year Spending' under TABOR

Although the City has de-Bruced, current interpretations of TABOR section 20(3)(c) merit the need for the ongoing calculation of "fiscal year spending". Staff will maintain and update records annually to calculate the City's fiscal year spending under TABOR. These records shall be kept for at least six years. Also, documentation shall be kept current that defines which related agencies, funds and types of revenues are required under TABOR to be included in fiscal year spending and those that can be excluded.

2.2 Revenue Review, Objectives and Monitoring

A. Review and Projections

The City reviews estimated revenue and fee schedules as part of the budget process. The major revenue sources in the General Fund are sales and use tax, property tax, lodging tax, intergovernmental revenues, fines and forfeitures, user fees and charges, and transfers from other funds. Conservative revenue projections are made for the budget term. The projections are monitored and updated as necessary.

B. Principles

The City has established six (6) general principles that will be used to guide decisions on revenue:

1. Develop and maintain stable revenue sources.

The City will strive to maintain stable revenue sources by:

- a. Targeting revenue sources with minimal volatility
- b. Monitoring current revenue sources for variability
- c. Adjusting forecasts as necessary to accommodate unanticipated increases and declines
- d. Monitoring and adjusting expenditures for unanticipated revenue gains/losses

2. Develop and maintain a diverse revenue base.

For all general government operations, the City will strive to maintain diverse revenue sources. The City recognizes that becoming too dependent upon one revenue source would make revenue yields more vulnerable to economic cycles. Therefore, the City will strive to maintain diverse revenue sources by:

- a. Targeting revenue from multiple sources
- b. Working to expand fee-based revenue where possible
- c. Working to minimize overdependence on any single revenue source
- d. Staff will monitor dependency on sales and use tax to ensure an over reliance does not occur

3. Cultivate revenue sources that are equitable among residents of different economic levels.

The City will strive to preserve a revenue stream that does not overburden low-income residents by:

- a. Providing low-income residents with opportunities to participate in programs through reduced fee structures and scholarships
- b. Providing a Sales Tax on Food and Utility rebate to lessen the burden of taxes and fees on low-income residents

- c. Ensuring fees do not exceed cost to provide service
- 4. Generate adequate revenue to maintain service levels in line with resident expectations.

The City will generate adequate revenue to maintain core service levels by:

- a. Ensuring fees for service do not exceed cost to provide service
- b. Maintaining a cost recovery model
- c. Monitoring service level performance annually through the Community Scorecard
- d. Regularly reviewing services to assess core vs. desired
- 5. Maintain healthy reserves.

The City will maintain healthy reserves by:

- a. Adhering to State mandated reserve and internal reserve policies
- b. Maintaining a Tabor (State) reserve for the General Fund of 3% or more of the City's fiscal year spending
- c. Meeting City policy for the General Fund of an additional contingency of 45 days or 12.5% of next year's adopted budgeted expenditures
- 6. Fees for Services are fairly born by those who use those services.

C. Monitoring

In an annual summary financial report, the major sources revenue and the associated percentages will be reviewed by the Council Finance Committee.

2.3 Fee Policy

As a home rule municipality, the City of Fort Collins has the ability to determine the extent to which fees should be used to fund City facilities, infrastructure and services. There are two kinds of fees that the City may establish: Impact Fees and Special Service Fees. Impact fees are typically one-time charges levied by the City against new development. Impact fees are based on current levels of service and act as a buy-in method for new development. The revenue can only be used for capital infrastructure needs created by the impact of the new development. However, the City may and does employ other methodologies legally available to calculate its impact fees. Special service fees are charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed. This Policy sets forth principles for identifying: (1) the kinds of services for which the City could appropriately impose fees; (2) methods for calculating the percentage of costs to be recovered by such fees; and (3) the manner in which the fees should be allocated among individual fee payers.

A. Fees should be cost related

The amount of a fee should not exceed the overall cost of providing the facility,

infrastructure or service for which the fee is imposed. Cost may include direct and indirect costs. That is:

1. Costs which are directly related to the provision of the service; and,
2. Support costs which are more general in nature but provide support for the provision of the service.

B. Percentage of cost recovery

The extent to which the total cost of service should be recovered through fees depends upon the following factors:

1. The nature of the facilities, infrastructure or services. In the case of fees for facilities, infrastructure as well as governmental and proprietary services, total cost recovery may be warranted. In the case of governmental services, it may be appropriate for a substantial portion of the cost of such services to be borne by the City's taxpayers, rather than the individual users of such services.
2. The nature and extent of the benefit to the fee payers. When a particular facility or service results in substantial, immediate and direct benefit to fee payers, a higher percentage of the cost of providing the facility or service should be recovered by the fee. When a particular facility or service benefits not only the fee payer but also a substantial segment of the community, lower cost recovery is warranted.
3. The level of demand for a particular service. Because the pricing of services can significantly affect demand, full cost recovery for services is more appropriate when the market for the services is strong and will support a high level of cost recovery.
4. Ease of collection. In the case of impact fees, ease of collection is generally not a factor. In the case of fees for services, however, such fees may prove to be impractical for the City to utilize if they are too costly to administer.

C. Establishment and Modification of Fees and Charges

The following Impact Fees imposed by the City are established by the City Council by ordinance and may be modified only by ordinance of the City Council.

1. Six Capital Expansion Fees: Transportation, Neighborhood Park, Community Park, Fire, Police and General Government
2. Five Utility Fees: Water Supply Requirement, Electric Capacity, Sewer Plant Investment, Stormwater Plant Investment, Water Plant Investment

Fee updates occur on a regular two and four-year cadence and fee updates occur together to provide a more holistic view of the impact of any fee increases. Detailed

fee study analysis for all six Capital Expansion Fees occurs every four years. This requires an outside consultant through a request for proposal (RFP) process where data is provided by City staff. Findings by the consultant are also verified by City staff. For Utility Fees, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. Fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

The amounts of all other service and administrative fees may be determined by the City Manager as provided in City Code Chapter 7.5, Article I, absent any provision of the City Charter the contrary. Development Review/Building Fees follow the same four-year cadence as the Capital Expansion Fees.

All fee revenues will be estimated by the City Manager and submitted to the City Council as part of the City Manager's recommended budget.

D. Rebate Programs

If the amount of a particular fee is considered to be too high to accommodate the needs of particular segments of the community and the public interest would be served by adjusting the amount or manner of payment of such fees in particular instances, the amount of the fee may be waived, rebated, or deferred as appropriate. In the case of fees established by ordinance, the criteria for waiving, rebating, or deferring payment of such fees shall be established by the City Council by ordinance.

2.4 Sales and Use Tax Distribution

Sales and Use Tax shall be used and accounted for as intended by the voters. Details of how the different segments of sales and use tax are used are outlined in the City Code Chapter 25. The following is a summary for informational purposes only.

The City's Sales and Use Tax currently totals 4.35 cents on a \$1.00 purchase, as follows:

Effective January 1, 2024

1968 - General City uses	1.00 cent
1980 - General City uses	1.00 cent
1982 - General City uses	0.25 cent
2006 - Open Space Yes!	0.25 cent*
2011 - Keeping Fort Collins Great	0.85 cent ***
2015 - Street Maintenance	0.25 cent*
2015 - Community Capital Improvement Program	0.25 cent*
2020 - General City Uses	0.60 cent**
2020 - General Fund Renewable	0.25 cent**
2024 - 2050 Tax	<u>0.50 cent**</u>
	4.35 cent

* Excludes sales and use tax on grocery food for home consumption

** Excludes sales and use tax on grocery food for home consumption and use tax for manufacturing equipment

*** Keep Fort Collins Great tax sunset end of 2020

2.4.A Management and reporting of 2050 Tax Proceeds

Voters approved the November 2023 City-Initiated Ballot Issue No. 1 for a 0.50% sales and use tax beginning January 1, 2024 and ending December 31, 2050. Colloquially this renewable tax is referred to as the “2050 Tax”. The ballot measure read as follows:

SHALL CITY OF FORT COLLINS TAXES BE INCREASED BY \$23,800,000 IN THE FIRST FULL FISCAL YEAR (2024), AND BY SUCH AMOUNTS COLLECTED ANNUALLY THEREAFTER, FROM A .50% SALES AND USE TAX BEGINNING JANUARY 1, 2024, AND ENDING AT MIDNIGHT ON DECEMBER 31, 2050, WITH THE TAX REVENUES SPENT ONLY FOR THE FOLLOWING:

- 50% FOR THE REPLACEMENT, UPGRADE, MAINTENANCE, AND ACCESSIBILITY OF PARKS FACILITIES AND FOR THE REPLACEMENT AND CONSTRUCTION OF INDOOR AND OUTDOOR RECREATION AND POOL FACILITIES,
- 25% FOR PROGRAMS AND PROJECTS ADVANCING GREENHOUSE GAS AND AIR POLLUTION REDUCTION, THE CITY’S 2030 GOAL OF 100% RENEWABLE ELECTRICITY, AND THE CITY’S 2050 GOAL OF COMMUNITY-WIDE CARBON NEUTRALITY, AND
- 25% FOR THE CITY’S TRANSIT SYSTEM, INCLUDING, WITHOUT LIMITATION, INFRASTRUCTURE IMPROVEMENTS, PURCHASE OF EQUIPMENT, AND UPGRADED AND EXPANDED SERVICES;
- AND WHILE CITY COUNCIL MAY EXERCISE ITS DISCRETION IN DECIDING THE TIMING OF SPENDING FOR EACH CATEGORY, THAT SPENDING SHALL SUPPLEMENT AND NOT REPLACE THE CURRENT CITY FUNDING FOR THE SPECIFIED PURPOSES AND SHALL BE RECONCILED TO THE STATED PERCENTAGES BY THE END OF 2030, 2040, AND WHEN THE LAST REVENUES COLLECTED FROM THE TAX ARE SPENT, BUT THIS TAX SHALL NOT APPLY TO:
 - ITEMS EXEMPT UNDER THE CITY CODE FROM CITY SALES AND USE TAX;
 - FOOD FOR HOME CONSUMPTION; AND
 - MANUFACTURING EQUIPMENT, BUT FOR THE USE TAX ONLY;
 - AND WITH ALL THE TAX REVENUES, AND INVESTMENT EARNINGS THEREON, TO BE COLLECTED, RETAINED, AND SPENT AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

The following policy language is intended to:

1. Further prescribe the City Council’s intended split of the 50% Parks/Recreation share. The categories of Replacements, Upgrades, Maintenance, and Accessibility are intended for the majority of funding, and thus the amounts for construction of “indoor and outdoor recreation and pool facilities” is limited to 20% of the overall proceeds within the 50% share, reconciled by gross appropriations at the same 2030, 2040, and 2050 frequencies as prescribed by the ballot
2. Further direct staff to report to Finance Committee annually the life-to-date spending percentages for each of the three ballot categories (Parks/Rec, Transit, Climate) to ensure well-planned proportionality between the categories for management of the 2030, 2040, and 2050 legal reconciliation milestones.

Definitions

Governmental Services: *services provided by the City for the public good such as regulating land use, maintaining streets, and providing police and fire protection.*

Impact Fees: *usually one-time charges, levied by the City against new development to offset the impacts of the new developments*

Proprietary Services: *services provided for the benefit and enjoyment of the residents of the City, at their discretion, such as parks and recreation services*

Rebate: *a return of a portion of a fee within a specified time. Unlike a waiver or discount, the rebate is given after the fee has been paid in full*

Special Service Fee: *charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed*

Waiver: *when a portion of a fee is reduced before being paid by a buyer*

Getting Help

Please contact the Revenue and Project Manager with any questions at 970.221.6626.

Related Policies/References

City Code Chapter 25 Taxation, Article III Sales & Use Tax

City Code Chapter 26 Utilities

Administrative Fee

General Financial Policies

Issue Date: 01/12/21
 Reviewed: 12/05/24
 Version: 6
 Issued by: City Council

Objective:

To outline the method and principles for allocation Administrative Charges; establishing the parameters for the Medical and Retirement Program; Fund Organization; Cost Recovery and Fee Setting; and Capital Improvement Program.

Applicability:

This policy applies to all City funds. It does not apply to URA, DDA, PFA and Library.

Authorized by:

City Council Resolution 2006-006, 2015-055, 2017-101, 2021-010

3.1 Administrative Charges

Certain General Fund departments render services to departments in other funds and shall be equitably apportioned to those other funds. General Fund departments that do not have a direct billing mechanism shall have their costs allocated using the formula outlined in this section to other funds and provide offsetting revenue in the General Fund.

A. General Fund Departmental Costs to be Allocated

Certain General Fund departmental costs to be allocated include City Council, City Manager, City Clerk, City Attorney, Human Resources, and Finance. Any services in these departments which are funded by user fees or dedicated revenues are excluded from the allocation.

The amount of costs to be allocated is the current adopted budget for each of the departments listed above less user fees and dedicated revenue. With a multi-year budget, the charge to each fund is increased by a determined percentage for the second future year and then adjusted to the actual calculation with the next multi-year budget.

B. How Costs Are Allocated

The Human Resources costs are allocated on a prorated basis to funds based on the total number of budgeted full-time-equivalent positions in each fund.

All other General Fund administrative costs are allocated on a prorated basis to the funds based upon adjusted expenditure budgets for the current year. Adjustments are made to recognize the lower amount of administrative services required for Capital, Debt Service, and Purchased Power payments. Capital project budgets are reduced by two-thirds and averaged over three years. Debt Service budgets are reduced by three-fourths and the entire Purchased Power budget is deducted from the Light & Power budget.

C. All Funds Receive Allocations but Not All Funds Are Charged

While Administrative Charges are allocated among all City funds, only specified funds are charged. Charges are not made to a fund if it is not self-supporting, it is a Governmental Internal Service fund, or if the funds role is merely to facilitate proper accounting procedures. For example, the Sales and Use Tax fund and Debt Service fund receive amounts which are then transferred to other funds. Charging these funds would lead to double charging many transactions and would not correspond to the level of service provided by the departments in the General Fund.

D. Review

During each budget process, the Administrative Charge calculation will be reviewed by the Budget Office. Minor refinements in the allocation formulas are made as needed. Significant changes will be brought to the City Council for approval to assure that the equitable apportionment meets requirements of the Code/Charter.

3.2 Medical Insurance and Retirement Plan

A. Medical Insurance

In 1981, the City of Fort Collins set up a partially self-funded medical insurance program. The objective of a self-funding program is to reduce the cost of medical insurance by assuming the risk for certain plan expenses. Assuming a portion of the risk lowers the amount of charges compared to a conventional full insurance plan. Historically, the City has found this funding method to be a cost-effective means of providing a very desirable employee benefit.

To administer the self-funded and insured portions of the medical insurance plans, the City conducts a competitive proposal process every five years or more often if required. The insurance contracts are reviewed annually for both performance and cost. The types of services contracted for include plan administrative services, stop-loss protection against larger claims, life and accidental death and dismemberment insurance, and long-term disability coverage.

B. Retirement Programs

The City of Fort Collins contributes to two types of retirement plans: a Defined Benefit Plan and Defined Contribution Plans.

1. Defined Benefit Plan - the General Employees Retirement Plan (Plan). The pension plan is closed to new participants as of 1/1/1999.

The Plan document approved by the City Council outlines the details of the program. A Board meets monthly to oversee the program. Board members, in consultation with annual actuary report and other information, make recommendations to City Council for any plan changes that may be needed from time to time. The Plan currently calls for the employer (City) to contribute 10.5%. Because the plan is underfunded, a Supplemental Contribution is made at a fixed dollar amount each year. The Supplemental amount is reevaluated every 2 years in conjunction with the budget cycle and based on the latest actuarial valuation report.

2. 401(a) and 457 Money Purchase Plans. Also known as Defined Contribution Plans, the contribution rates are as follows:

Employee Group	401 a			457		
	Employer	Employee	Waiting	Employer	Employee	Waiting
Classified Employees	6.5%	3.0%	6 months	0.0%	optional	no wait
Classified Employees hired on or before 3/31/07	7.5%	3.0%	6 months	0.0%	optional	no wait
Unclassified Management	6.5%	6.0%	no wait	0.0%	optional	no wait
Unclassified Management hired on or before 3/31/07	7.5%	6.0%	no wait	0.0%	optional	no wait
Council Appointed Employees	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Executive and Senior Leaders	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Police & Dispatch (per union agreement) *	11%	8.5%	no wait	match up to 3%	optional	6 months for match
Community Service Officer	8.0%	3.0%	6 months	0.0%	optional	no wait

* All employee groups vest immediately, except Police and Dispatch who follow schedule in union agreement.

Employee contributions to the 457 plan are limited to the amounts published by the IRS.

The City will contract with a third party administrator to provide the Defined Contribution Plans. City Staff comprised of both Finance and HR will oversee the program and performance of the third party administrator.

3.3 Fund Organization

Funds for accounting and financial reporting purposes have their own balance sheet and income statement.

The organization of the City's Funds is designed to enhance accountability and transparency, comply with Generally Accepted Accounting Principles, meet grant requirements, comply with City Code/Charter and comply with Colorado statutes. In City Article V, Section 25 the Financial Officer is empowered to create funds as appropriate. However, City Code Chapter 8, Article III also establishes additional parameters for City funds.

The number of funds established should be the minimum needed for legal and operating requirements. Unnecessary funds can result in inflexibility, undue complexity and inefficient financial administration.

The City's funds are organized at two levels of groupings; Fund Groups and Fund Types.

Fund Groups

Governmental Funds	Used to account for activities primarily supported by taxes, grants and similar revenue sources.
Proprietary Funds	Used to account for activities that receive significant support from fees and charges.
Fiduciary Funds	Used to account for resources that a City holds as a trustee or agent on behalf of an outside party that cannot be used to support the City's own programs.

Within each Fund Group are Fund Types.

Governmental Fund Types

General Fund	Main operating fund used to account for and report all financial resources not accounted for and reported in another fund.
Special Revenue Funds	Used to account for and report the proceeds of specific revenue sources that are restricted, committed or assigned to expenditure for specific purposes, other than debt service or capital projects.
Debt Service Funds	Used to account for and report resources that are restricted, committed or assigned to expenditure for principal and interest.
Capital Project Funds	Used to account for and report resources that are restricted, committed or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities or other capital assets.

Proprietary Fund Types

Enterprise Funds	Used to account and report any activity for which a fee is charged to external users of goods and services
Internal Service Funds	Used to account and report any activity for which a fee is charged to other funds, departments, or agencies of the City and its component units on a cost reimbursement basis.

Fiduciary Fund Types

Pension (and Other Employee Benefit) Trust Funds	Used to account and report resources that are required to be held in trust for the members and beneficiaries of defined benefit plans.
Custodial Funds	Used to report resources held by the City in a purely custodial capacity.

The following is a list of all funds of the City, including legally separate entities but from a financial reporting perspective are treated as a component unit of the City.

Group and Type	Legal	Ref.	Name
<i>Governmental</i>			
General Fund	City	100	General Fund
Special Revenue Fund	City	250	Capital Expansion Fund
Special Revenue Fund	City	251	Sales & Use Tax Fund
Special Revenue Fund	Separate	252	General Improvement District #1
Special Revenue Fund	City	254	Keep Fort Collins Great Fund
Special Revenue Fund	City	255	Community Capital Improvement Program
Special Revenue Fund	City	256	2050 Tax
Special Revenue Fund	City	272	Natural Areas Fund
Special Revenue Fund	City	273	Cultural Services & Facilities
Special Revenue Fund	City	274	Recreation Fund
Special Revenue Fund	City	275	Cemeteries Fund
Special Revenue Fund	City	276	Perpetual Care Fund
Special Revenue Fund	City	277	Museum Fund
Special Revenue Fund	City	280	Community Development Block
Special Revenue Fund	City	281	Home Investment Partnership
Special Revenue Fund	City	290	Transit Services Fund
Special Revenue Fund	City	291	Transportation Capital Expansion Fee
Special Revenue Fund	City	292	Transportation Services Fund
Special Revenue Fund	Separate	293	GID #15 - Skyview
Special Revenue Fund	City	294	Parking Fund
Debt Service	City	304	Capital Leasing Corporation
Capital Projects Fund	City	400	Capital Projects Fund
Capital Projects Fund	City	270	Neighborhood Parkland Fund
Capital Projects Fund	City	271	Conservation Trust Fund

<i>Proprietary</i>			
Enterprise Fund	City	500	Golf Fund
Enterprise Fund	City	501	Electric and Telecommunications Fund
Enterprise Fund	City	502	Water Fund
Enterprise Fund	City	503	Wastewater Fund
Enterprise Fund	City	504	Storm Drainage Fund
Enterprise Fund	City	505	Broadband Fund
Internal Service Fund	City	601	Equipment Fund
Internal Service Fund	City	602	Self-Insurance Fund
Internal Service Fund	City	603	Data and Communications Fund
Internal Service Fund	City	604	Benefits Fund
Internal Service Fund	City	605	Utility Customer Service & Admin
<i>Fiduciary</i>			
Pension Trust Fund	City	700	Employees' Retirement Fund
<i>Governmental</i>			
Special Revenue Fund	Separate	800	URA - N. College District
Special Revenue Fund	Separate	801	URA - Prospect South TIF District
Special Revenue Fund	Separate	803	URA - Mall Fund
Special Revenue Fund	Separate	820	DDA Operating Fund
Special Revenue Fund	Separate	821	DDA Fixed Asset and Long Term Debt
Special Revenue Fund	Separate	822	DDA Debt Service Fund

3.4 Cost Recovery and Fee Setting

- A. Enterprise Funds shall rely on charges and user fees to recover their costs, rather than taxes. Utility rates will be based upon the cost of service approach to reflect full distribution of costs to appropriate rate classes in order to effect equitable sharing of costs. Rates shall be established and maintained at a level sufficient to maintain positive net income in each of the utility funds after paying the full cost of operating and maintaining the utilities and keeping them in good repair and working order. Such rates shall also be sufficient to enable each utility, where applicable, to meet rate requirements of City or utility enterprise bond ordinances.
- B. The Internal Service Funds shall operate under the following guidelines.
 1. Internal service fund charges are limited to the recovery of the cost of the service, including depreciation, rather than making a profit. Each fund's prior year financial statements and estimates of future costs form the basis for the calculation of charges.

2. Charges should be set at a level to avoid significant adverse financial impacts on their customers. Fund customers and independent experts should be allowed to review and make recommendations about the level of charges. The Finance Department should approve the analysis and conclusions used to set rates.
3. Internal service funds should compete with similar services offered by the private sector. The City staff will compare rates every five years. If not competitive with the private sector, the Finance Department will analyze whether the private sector should provide the service.
4. Internal service funds may build up reserves. Customer-approved master plans and independent third-party actuarial reviews (for the Benefit and Self-Insurance funds) guide the level of reserves. Fund managers may spend reserves only for their approved purpose.
5. The City may buy equipment and facilities for the internal service funds through lease-purchase financing. Management's decision to recommend lease-purchase financing depends on: (1) cash flow needs; (2) budget constraints; (3) benefit to cost analysis; and (4) level of reserves.
6. Except for the Utilities Customer Service and Administration Fund, Internal service funds operate under the same guidelines and constraints as the General Fund and other governmental funds of the City. The Utilities Customer Service and Administration Fund shall operate under the guidelines of the Utilities Services Funds.

C. Cultural Services & Facilities Fund Fee Policy

1. Total revenue from fees and charges shall cover a minimum of 55% of Lincoln Center Operation and Maintenance and Performing and Visual Arts Programming Budgets. This includes revenues generated at the Lincoln Center from rentals, equipment, concessions and other miscellaneous sources and all total direct revenues from the Performing and Visual Arts Programming. A transfer from the General Fund will make up the difference between total revenue and expenditures.
2. The Cultural Services and Facilities Administration and Museum budgets provide minimal financial support. These programs are funded primarily by a transfer from the General Fund.
3. Major capital improvements and renovations will be financed through sources other than Cultural Services and Facilities Fund.
4. Charitable gifts and donations—raised from the philanthropic sector of foundations, corporations, and individuals to support public initiatives of the City of Fort Collins—will be

made directly to the City of Fort Collins. Acceptance, stewardship, tracking, and expenditures of all charitable gifts are governed by Philanthropic Administrative and City Give Finance Governance Policy with great attention to transparency and accountability.

D. Recreation Fund Rates and Charges Policy

Recreation Rates and Charges shall cover between 68% to 75% of all operating costs, with the difference to be covered by the City's General Fund and/or voter approved tax revenues dedicated to Parks & Recreation. Equipment and rolling stock shall be considered operating costs in the application of this policy. Recreation Rates and Charges shall not be expected to cover major capital items such as facility and land acquisitions, major renovations to facilities or other costs such as utilities, custodial or grounds maintenance.

3.5 Capital Improvement Program

1. Each Service Area or Department shall develop multi-year Master Plans for capital improvements. On a city-wide basis, staff shall compile a 10-year Capital Improvement Plan and update it every two years. Estimates of operating and maintenance costs should be included;
2. Appropriation requests must include not only the cost of construction or acquisition and the funding sources, but an estimate of operating and maintenance costs;
3. Capital improvements projects will be administered in accordance with the Capital Projects Procedures Manual;
4. Appropriations for capital improvements will be constructed and expenditures incurred only for the purpose as approved by City Council;
5. Staff should seek out grants and partnerships whenever appropriate.

3.6 Using State Allocation of Private Activity Bonds

- A. **Background:** Conduit debt is issued in a local government's name, but the resources for repayment come from individuals or entities that are not part of government. Entities seek

conduit debt because of the government's ability to issue debt at favorable tax-exempt rates. Private Activity Bonds (PAB) are a form of conduit debt.

Colorado's Private Activity Bond allocation program is established by the Colorado Private Activity Bond Ceiling Allocation Act, Section 24-32-1701, et seq., C.R.S. Pursuant to Section 24-32-1706, annually the City of Fort Collins is offered a portion of the State ceiling as a local government. If the City does not issue bonds or assign bond capacity to an entity for a local project by September 15th annually, the cap automatically reverts back to the state's pool.

Historically, the City has provided this capacity on a first come first serve basis. It has not been uncommon for the City to receive no requests. Because more partners are using programs that can benefit from the lower interest rate that PAB's offer, the City is establishing this process.

- B. **Purpose:** PAB's allow certain private sector activities to receive lower interest rates. PAB's may be used for affordable housing development and rehabilitation, specific economic development programs and for industrial development purposes, among other permitted uses. The City will attempt to find local uses for this development tool.
- C. **Communication:** Information about the program should be placed on the City's website (fcgov.com). Consideration for other advertising and communication methods may be appropriate.
- D. **Awarding and Assigning:** Awarding PAB and Assigning PAB allocations are different processes. Assigning PAB to another qualified issuer is strongly preferred. This is to reduce the administrative investments and leverage the efficiency of qualified issuers who award PAB's regularly. If an entity applies for a direct award under the City's name, staff will attempt to find a qualified issuer that agrees to accept an assignment from the City and issue the PAB under their own authority.
- E. **Application due date:** Written applications to use of Fort Collin's annual PAB allocation are due to the City's Chief Sustainability Officer by March 15th.
- F. **Application Elements:**
 - a. The following items are required when applying for both assignments and direct awards.
 - i. A request letter signed by applicant describing the project the PAB would be used for and including: the applicant's name, address, phone, email address, and principal contact.
 - ii. Amount of allocation being requested.

- iii. Bond counsel firm name, address, phone, email address and principal contact.
 - iv. Description of Applicant's local projects and years of operation
 - v. Number of years' entity has been doing business in State of Colorado
 - vi. Provide a Certificate of Good Standing from the Secretary of State's office.
 - vii. Description of assets to be purchased or constructed and expenses incidental to the project, including the sale of bonds.
 - viii. Explanation of how the project aligns with City objectives.
 - ix. Number of housing units and target demographics
 - x. Statement from competent bond counsel that the project is eligible for qualified private activity bonds.
- b. The following additional items are required in applications for direct awards of PAB:
- Debt Information**
- xi. Name, address, phone of principal contact of the proposed underwriter or lender.
 - xii. Anticipated timetable for bond transaction.
 - xiii. Estimated bond redemption and interest payment schedule
 - xiv. Indicate the type of letter of credit or similar instrument, which will back the debt
 - xv. Disclose if the applicant is involved in any litigation which may affect the validity or repayment of the bonds.
- Financial Information**
- xvi. Audited financial statements for the applicant for the last three years and interim statements for the current year. If not available, please explain why.
 - xvii. Projection of future revenues, expenditures and debt service coverage for the next five years supported by a feasibility study.
- Other**
- xviii. Describe the arrangements that will ensure compliance with arbitrage reporting and payment requirements.
 - xix. Name, address and principal contact person for applicant's local bank.
 - xx. Briefly describe any potential conflicts of interest of personal/ professional/ political relationships between the applicant's officers and/or directors or applicant's operations and the City of Fort Collins.
 - xxi. Any other information which provides evidence of the applicant's ability to repay the bonds and complete the project.
- Debt Security**
- xxii. All arbitrage calculations and payments must be performed by the trustee under the terms of the trust agreement or by any such other arrangement that will ensure compliance. The City must be provided with copies of 8088-T's filed with the IRS.
 - xxiii. The private entity must provide the City with information on the status of the debt annually and upon any material event.

- xxiv. The bond documents must indemnify the City against IRS assessments and legal fees arising from the financing.
 - xxv. The issuer's agent will be responsible for all continuing disclosure requirements.
- c. Items missing from application may result in disqualification from consideration.
- G. **Fees:** There are no fees for applications that request assignments to another qualifying issuer. However, the following fees apply to applications requesting a direct award of PAB from the City of Fort Collins.
- a. Issuance fee equal to the greater of: A. 0.25% of the par amount of the debt, or B. \$5,000. The fee is capped at \$25,000.
 - b. The cost of a review of the financing by an independent fiscal agent (to be selected by the City)
 - c. Any other direct cost incurred by the City related to the financing.
 - d. There will not be additional issuance fees for any amendment or modification of the original transaction even if it requires official action by City Council, except for actual direct costs of the City.
- H. **Review Process**
- a. PAB Committee: Applications will be reviewed by a committee of at least 3 people. Members will include at least one representative each from Social Sustainability, Economic Health and Finance. Representatives from other departments, such as the City Manager's Office will be added as needed. Service Area Directors will make the necessary appointments to the PAB Committee.
 - b. At a minimum, the following factors should be considered by the PAB Committee when making a recommendation:
 - i. How well the project applied for meets the land use, economic development and/or affordable housing goals of the City of Fort Collins.
 - ii. Project feasibility and timing.
 - iii. Leverage of other investment into the project.
 - iv. Maintenance of or increase in local tax base.
 - v. Competing uses for the City's allocation.
 - vi. Whether the City's allocation should be used in multiple projects.
 - vii. Whether the application should be considered by any City Board or commission.
 - c. The PAB Committee will decide on a recommendation no later than July 1.
 - d. City Council shall approve all PAB assignments or direct awards. The PAB Committee shall submit their recommendations to the City Council no later than August 15.

Getting Help

Please contact the Accounting Manager with any questions at 970.416.2436.

Fund Balance Minimums

Objective:

To set minimum fund balances as to mitigate risk, maintain good standing with rating agencies, and ensure cash is available when revenue is unavailable. The policy sets minimum fund balances, not targets or maximum balances. Each fund should be evaluated by staff to determine the appropriateness of maintaining fund balances above the minimums set in this policy. Contingencies for severe weather, prolonged drought, and anticipated capital spending should be considered independently from this policy.

Applicability:

Funds—This policy applies to all City funds. It does not apply to URA, DDA, PFA and Library.

Authorized by:

City Council Resolutions 1994-174, 2008-038, 2014-058, 2017-101, 2021-010

5.1 Governmental Funds and Fund Balances

To set minimum fund balances so as to mitigate risks, maintain good standing with rating agencies, and ensure cash is available when revenue is unavailable. The policy sets minimum fund balances, not targets or maximum balances. Each fund should be evaluated by staff to determine the appropriateness of maintaining fund balances above the minimums set in this policy. Contingencies for severe weather, prolonged drought, and anticipated capital spending should be considered independently from this policy.

The Equity on balance sheet of a governmental fund is called Fund Balance. The current classifications of Fund Balance in governmental funds are primarily based on the origin of the constraints. The following categories are in decreasing order of constraints.

Non-Spendable	Permanent endowments or assets in a non-liquid form
Restricted	Involve a third party: State Legislation or contractual agreements
Committed	Set by formal action of the City Council
Assigned	By staff, and/or residual balances in a Special Revenue Fund
Unassigned	Remaining balances in governmental funds

Minimums outlined in section 5.3 relate only to **Assigned and Unassigned** balances.

5.2 Proprietary Funds and Working Capital

Internal Service Funds and Enterprise Funds are accounted for nearly identical to the private sector. The balance sheets include long term assets and long-term liabilities. The resulting Equity section on their balance sheet, called Net Position, is not always a good measure of spendable financial resources. To get to spendable financial resources, a common calculation is to take Current Assets and subtract Current Liabilities, with the net result called Working Capital.

To further refine, for purposes of this policy, certain required restrictions are further subtracted and result in **Available Working Capital**. Some examples of required restrictions are unspent monies for Art in Public Places, Water Rights, and existing appropriations for capital projects. The minimums outlined in section 5.3 relate to Available Working Capital.

5.3 Minimum Balances

The following Minimum Balances refers to Assigned and Unassigned Fund Balances in governmental funds and Available Working Capital in the Internal Service Funds and Enterprise Funds.

A. General Fund

45 Day Liquidity Goal - The Commitment for Contingency should be at least 45 days (12.5%) of the subsequent year's originally adopted budgeted expenditures and transfers out. The calculation for the minimum level shall exclude expenditures and transfers out for large and unusual one-time items.

Important note – the 45 Day Liquidity Goal is in addition to the Emergency Reserves required by Article X, Section 20(5) of the State Constitution. This reserve must equal 3% of non-exempt revenue and can only be used for declared emergencies. Fiscal emergencies are specifically excluded by the State Constitution as qualifying use of this reserve.

B. Special Revenue Funds

No minimum balance is required.

C. Debt Service Funds

No minimum balance is required.

D. Capital Project Funds

No minimum balance is required.

E. Enterprise Funds

Enterprise funds focus on working capital rather than fund balance.

Enterprise Funds shall maintain a minimum Available Working Capital equal to 25% of Operating Expenses, less Depreciation. Exception 1: In the case of L&P, operating expenses will include purchased renewable energy for resale but will not include regular purchased power for resale (i.e. Platte River Power Authority). Exception 2: In the case of Golf, the minimum fund balance will be 12.5%.

Important note – The Water Fund holds a balance for Restricted Water Rights. The balance equals the amount of cash in-lieu-of water rights payments and raw water surcharges less any expenses for acquiring water rights and water storage.

The enterprises funds should also be accumulating available working capital above these minimums for the purposes of funding future capital projects.

F. Internal Service Funds

Each fund is a unique operation and will maintain a minimum Available Working Capital as follows:

601	Equipment Fund	8.3%	Of annual operating expenses, excluding depreciation
602	Self-Insurance Fund *	25.0%	Of annual operating expenses
603	Data & Communications Fund	0.0%	N/A
604	Benefits Fund	25.0%	Of annual medical and dental expenses
605	Utility Customer Service Fund	0.0%	N/A

* Self Insurance Fund will be measured against Available Unrestricted Net Position instead of Available Working Capital.

5.4 Below Minimum

When circumstances result in balances below the minimum, staff should develop a plan to restore minimums fund balances and present it to Council Finance Committee.

Definitions

Non-Spendable Fund Balances: *Applicable to governmental funds. Permanent endowments or assets in a non-liquid form such as long-term inter-agency loans.*

Restricted Fund Balances: *Applicable to governmental funds. Involve a third party such as State Legislative requirements, voter ballot language, or the Contractual Agreements with parties external to the City.*

Committed Fund Balances: *Applicable to governmental funds. Involve a of formal action by the City Council. An example is traffic calming revenues are required to be spent on traffic calming activities. Any unspent monies at end of year are classified as Committed to traffic calming in the General Fund.*

Assigned Fund Balances: *Are applicable to governmental funds. Assignments can be made by senior management. They represent the intent to use the monies for a specific purpose. An example of this it this the one-time Harmony Road monies transferred by the State to the City. Although required to be used on Harmony Road, staff intends to use the monies only on Harmony Road improvements. These monies are considered when measuring compliance with minimum fund balances.*

Unassigned Fund Balances: *Are applicable only to the governmental funds. These monies are considered when measuring compliance with minimum fund balances.*

Working Capital: *Is a term applicable to Internal Service and Enterprise Funds. It is the difference between Current Assets and Current Liabilities. Not all Working Capital is available. Available Working Capital does not include Restrictions for debt, Art in Public Places, approved capital appropriations, and other restrictions.*

Unrestricted Net Position: *Is a term applicable to Internal Service and Enterprise Funds. Not all Unrestricted Net Position is available. Available Unrestricted Net Position does not include unused Art in Public Places monies, approved capital appropriations, and other commitments.*

Liquidity: *Assets range from cash to land. The more easily and quickly an asset can be converted to cash determines its relative liquidity.*

Reserves: *A legacy term that previously referred to fund balances, or fund balances set aside for a specific purpose. It is no longer used on financial statements.*

Fund Balance: *Is a term applicable to governmental funds. Fund balance or Equity is the difference between assets, liabilities, deferred outflows of resources and deferred inflows of resources. Since governmental funds do not have long term assets and long-term debt on their balance sheet, fund balance is similar and approximates working capital in the private sector and enterprise funds.*

Getting Help

Please contact the Accounting Manager with any questions at 970.416.2436.

Debt

Issue Date: 02/07/2023

Reviewed: 12/05/2024

Version: 3

Issued by: City Council

Objective:

The purpose of this policy is to establish parameters and provide guidance governing the issuance of all debt obligations issued by the City of Fort Collins (City).

Applicability:

This debt policy applies to all funds and Service Areas of the City and closely related agencies such as the Downtown Development Authority (DDA), Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority (URA).

Authorized by:

City Council Resolutions, 1994-174, 2013-093, 2023-017

7.1 Authorization for Municipal Borrowing

The City Charter (Article V. Part II) authorizes the borrowing of money and the issuance of long-term debt. The Charter and State Constitution determine which securities may be issued and when a vote of the electors of the City and approved by a majority of those voting on the issue.

7.2 Purpose and Uses of Debt

Long term obligations should only be used to finance larger capital acquisitions and/or construction costs that are for high priority projects. Debt will not be used for operating purposes. Debt financing of capital improvements and equipment will be done only when the following conditions exist:

- a) When non-continuous projects (those not requiring continuous annual appropriations) are desired;
- b) When it can be determined that future users will receive a significant benefit from the improvement;
- c) When it is necessary to provide critical basic services to residents and taxpayers (for example, purchase of water rights);
- d) When total debt, including that issued by overlapping governmental entities, does not constitute an unreasonable burden to the residents and taxpayers.

7.3 Types of Debt and Financing Agreements

The types of debt permitted are outlined in State statute. The City will avoid derivative type instruments. In general the following debt types are used by the City:

- a) General obligation bonds—backed by the credit and taxing power of the City and not from revenues of any specific project. Colorado law limits general obligation debt to 10% of the City’s assessed valuation. Under TABOR this type of debt must be approved by voters.
- b) Revenue Bonds—issued and backed by the revenues of a specific project, tax increment district (TIF), enterprise fund, etc. The holders of these bonds can only consider this revenue source for repayment. TABOR does not require that voters approve these types of debt.
- c) Lease Purchase – issued whereby the asset acquired is used as collateral. Examples include Certificates of Participation (COP), Assignment of Lease Payments (ALP) and equipment leases. Equipment leases shall be limited to financing within Internal Service Funds. TABOR does not require that voters approve these types of agreements.
- d) Moral Obligation Pledge—a pledge to consider replenishing a debt reserve fund of another government agency if the reserve was used to make debt payments. This type of commitment will only be used to support the highest priority projects, or when the financial risk to the City does not increase significantly, or when the City’s overall credit rating is not expected to be negatively impacted. Because it is a pledge to consider replenishing, it is not a pledge of the City’s credit, and as such is not a violation of State statutes and City Charter. However, decision makers should keep in mind that not honoring a Moral Obligation Pledge will almost certainly negatively impact the City’s overall credit rating. TABOR does not require that voters approve these types of agreements.
- e) Interagency Borrowing—issued when the credit of an agency (DDA, URA) of the City does not permit financing at affordable terms. Usually used to facilitate a project until the revenue stream is established and investors can offer better terms to the agency. Program parameters are outlined in section 7.8 of this policy. TABOR does not require that voters approve these types of agreements.
- f) Conduit Debt—Typically limited to Qualified Private Activity Bonds (PAB) defined by the IRS and limited to the annual allocation received from the State. Low income housing is one example of a qualified use of PAB. Program parameters are outlined the General Financial Policy 3.6. There is no pledge or guarantee to pay by the City.
- g) Any other securities not in contravention with City Charter or State statute.

7.4 Debt Structure and Terms

The following are guidelines, and may be modified by the City to meet the particulars of the financial markets at the time of the issuance of a debt obligation:

- a) Term of the Debt: The length of the financing will not exceed the useful life of the asset or average life of a group of assets, or 30 years, whichever is less. Terms longer than 20 years should be limited to the highest priority projects.
- b) Structure of Debt: Level debt service will be used unless otherwise dictated by the useful life of the asset(s) and/or upon the advice of the City's financial advisor.
- c) Credit Enhancements: The City will not use credit enhancements unless the cost of the enhancement is less than the differential between the net present value of the debt service without enhancement and the net present value of the debt service with the enhancement.
- d) Variable Rate Debt: The City will normally not issue variable rate debt, meaning debt at rates that may adjust depending upon changed market conditions. However, it is recognized that certain circumstances may warrant the issuance of variable rate debt, but the City will attempt to stabilize the debt service payments through the use of an appropriate stabilization arrangement.
- e) Derivative type instruments and terms will be avoided.

7.5 Refinancing Debt

Refunding of outstanding debt will only be done if there is a resultant economic gain regardless of whether there is an accounting gain or loss, or a subsequent reduction or increase in cash flows. The net present value savings shall be at least 3%, preferably 5% or more. In an advanced refunding (before the call date), the ratio of present value savings to the negative arbitrage costs should be at least 2.

7.6 Debt Limitations and Capacity

Debt capacity will be evaluated by the annual dollar amount paid and the total amount outstanding with the goal to maintain the City's overall issuer rating at the very highest rating, AAA. Parameters are different for Governmental Funds, Enterprise Funds, and Related Agencies.

- a. Governmental Funds—Annual debt service (principal and interest) will not exceed 5% of annual revenues. For calculation, revenues will not include internal charges, transfers and large one-time grants. Outstanding debt in relation to population and assessed value will be monitored.
- b. Enterprise Funds—Each fund is unique and will be evaluated independently. Each fund's debt will be managed to maintain a credit score of at least an A rating. These funds typically issue revenue bonds and investors closely watch revenue coverage ratio. Coverage ratios are usually published in the Statistical Section of the City's Comprehensive Annual Financial Statement.
- c. Related Agencies—Each agency will be evaluated independently, taking into account City Charter, State statutes, market conditions and financial feasibility.

7.7 Debt Issuance Process

When the City utilizes debt financing, it will ensure that the debt is soundly financed by:

- a) Selecting an independent financial advisor to assist with determining the method of sale and the selection of other financing team members
- b) Conservatively projecting the revenue sources that will be used to pay the debt;
- c) Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt.
- d) Evaluating proposed debt against the target debt indicators.

7.8 Inter-agency Loan Program

1. *Purpose:* The purpose of the Inter-agency loan program is to support City services, missions, and values by making loans to outside entities such as the Urban Renewal Authority and the Downtown Development Authority while maintaining an adequate rate of return for the City.
2. *Eligible Applicants:* The following are examples of situations in which City loans to outside agencies may be appropriate:
 - A. An entity that was created wholly or in part by the City and is in a fledgling stage and does not yet have an established credit history to access the capital markets. Examples include the Urban Renewal Authority, etc.
 - B. An entity related to the City desires to issue debt that will be repaid over a timeframe that would be unrealistic for a private lender. Examples include bonds issued by the Downtown Development Authority for less than 10 years.
 - C. Any other situation in which the Council deems it appropriate to meet the financing needs of an entity that is engaged in services that support the mission and values of the City.
3. *Program Guidelines:*
 - A. The borrowing entity must have approval from its governing body.
 - B. The loan must be evidenced by a promissory note.
 - C. There must be a reasonable probability of repayment of the loan from an identifiable source such as TIF revenues.

- D. The interest rate assigned to the loan must be the higher of the Treasury Note or Municipal Bond of similar duration (3 year, 5 year, etc.), plus 0.5%, subject to the following minimum (floor).

FLOOR - Minimum Loan Rates

Term	Rate
0 – 5 years	2.75%
6 – 10 years	3.25%
11 – 15 years	3.75%
16 – 25 years	4.00%

- E. The loans must be limited to 25 years.
- F. City Council must review the request and approve the amount and terms and conditions of the loan.
- G. Loans of Utility reserves must be reviewed by either the Energy Board or Water Board, as applicable, in advance of City Council or Council committee consideration, and must meet the following additional criteria:
 - a. the City Council must make a formal finding that the funds will not be needed for utility purposes during the term of the loan, and that the terms and conditions of the loan represent a reasonable rate of return to the Utility; and
 - b. utility rates must not be increased for the purposes of funding the loan.

4. *Limit on Funds available for Loan Program*

- A. Governmental Funds: Total loans shall not exceed 25% of the aggregate cash and investments balance of the governmental funds (i.e., General Fund and Special Revenue Funds).
- B. Enterprise Funds: Total loans shall not exceed 5% of the aggregate cash and investments balance in the enterprise funds (i.e. Utility Funds and Golf Fund).
- C. Operating and capital needs of the loaning funds shall not be significantly impaired by these loans.

- D. Loans should not impact the loaning funds compliance with minimum fund balance policies, timing of intended uses, etc

7.9 Other

Debt Management - The City will also have an administratively approved Debt Administration Policy and Procedure 53 that includes guidance on:

- a) Investment of bond proceeds
- b) Market disclosure practices to primary and secondary markets, including annual certifications, continuing disclosures agreements and material event disclosures
- c) Arbitrage rebate monitoring and filing
- d) Federal and State law compliance practices
- e) Ongoing Market and investor relations efforts
- f) Identify a Chief Compliance Officer
- g) System of actions and deadlines
- h) Records to be maintained

Getting Help

Please contact the Accounting Manager with any questions at 970.416.2436.

Related Policies/References

- *The City of Fort Collins Charter (Article V., Part II)*
- *Investment Policy*
- *Debt Administration Policy and Procedures 53*

Definitions

Conduit Debt: 1- An organization, usually a government agency, that issues municipal securities to raise capital for revenue-generating projects where the funds generated are used by a third party (known as the "conduit borrower") to make payments to investors. The conduit financing is typically backed by either the conduit borrower's credit or funds pledged toward the project by outside investors. If a project fails and the security goes into default, it falls to the conduit borrower's financial obligation, not the conduit issuer (City). 2- Common types of conduit financing include industrial development revenue bonds (IDRBs), private activity bonds and housing revenue bonds (both for single-family and multifamily projects). Most conduit-issued securities are for projects to benefit the public at large (i.e. airports, docks, sewage facilities) or specific population segments (i.e. students, low-income home buyers, veterans). 3- In some cases, a governmental entity issues municipal bonds for the purpose of making proceeds available to a private entity in furtherance of a public purpose, such as in connection with not-for-profit hospitals, affordable housing, and many other cases. These types of municipal bonds are sometimes referred to as "conduit bonds." One common structure is for the governmental issuer to enter into an arrangement with the private conduit borrower in which the bond proceeds are loaned to the conduit borrower and the conduit borrower repays the loan to the issuer. For most conduit bonds, although the governmental issuer of the bonds is legally obligated for repayment, that obligation usually is limited to the amounts of the loan repayments from the conduit borrower. If the conduit borrower fails to make loan repayments, the governmental issuer typically is not required to make up such shortfalls. Thus, unless the bond documents explicitly state otherwise, investors in conduit bonds should not view the governmental issuer as a guarantor on conduit bonds.

Credit Enhancements: the requirement that a certain percentage or amount of non-federal dollars or in-kind services be provided in addition to the grant funds.

Interagency: the individual responsible for fiscally managing the grant award and the person who maintains the records in the City's financial system.

Debt Service Coverage Ratio: is a common measure of the ability to make debt service payments. The formula is net operating income (operating revenue – operating expense) divided by debt service (annual principal and interest)

Investment Policy

Issue Date: 02-07-2023

Reviewed: 12-05-2024

Version: 5

Issued by: City Council

Objective:

This policy is to establish guidelines for the efficient management of City funds and for the purchase and sale of investments. The City's principal investment objectives, in priority order are: legal conformance, safety, liquidity and return on investment. All investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

Applicability:

This investment policy applies to the investment of all general and specific funds over which the City exercises financial control, including operating funds, Poudre Fire Authority, the Downtown Development Authority, Poudre River Public Library District, Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority.

Authorized by:

City Council, Resolutions 90-44, 2008-121, 2009-109, 2010-065, 2012-119. 2023-017.

8.1 Policy

The City of Fort Collins, Colorado (the "City") is a home rule municipality operating under the City Charter. Article V, Part III of the City Charter assigns to the Financial Officer the responsibility of investing City funds. Funds must be placed in investments authorized by the City Council ("Council"). The Financial Officer will administer the investment program to ensure effective and sound fiscal management.

It is the policy of the City to invest public funds in a manner which will protect capital and meet liquidity needs while providing the highest investment return.

8.2 Scope

This policy is to establish guidelines for the efficient management of City funds and for the purchase and sale of investments. This investment policy applies to the investment of all general and special funds over which the City exercises financial control, including operating funds, Poudre Fire Authority, the Downtown Development Authority, Poudre

River Public Library District, Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority. For purposes of this policy, operating funds include:

General Fund;
 Special Revenue Funds;
 Debt Services Funds (unless prohibited by bond ordinance);
 Capital Projects Funds;
 Enterprise Funds;
 Internal Service Funds;
 Fiduciary Funds; and
 Any newly created Fund, unless exempted by Council.

Unless specifically provided for in the bond ordinance, all bond proceeds, bond reserve funds and pledged revenues must be invested in accordance with the operating funds guidelines set forth in this Investment Policy. Guidelines for investing the funds of the City's defined benefit plan shall be included in the Investment Policy for the General Employees' Retirement Plan, which is monitored and approved by the General Employees' Retirement Committee.

8.3 Investment Objectives

The City's principal investment objectives, in priority order, are: legal conformance, safety, liquidity, and return on investment. All investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

1. *Legal conformance:* The investment portfolio will conform to all legal and contractual requirements.
2. *Safety:* Safety of investment principal and the preservation of capital are primary objectives of the investment program. When making investment decisions, the Financial Officer will seek to ensure the preservation of capital in the overall portfolio by mitigating credit risk and interest rate risk.
 - A. *Credit Risk:* The Financial Officer will minimize the risk of loss of principal and/or interest due to the failure of the security issuer or backer by:
 - a. Limiting investments to the safest types of securities.
 - b. Pre-qualifying financial institutions, securities brokers and dealers, and advisors.
 - c. Diversifying the investment portfolio to reduce exposure to any one security type or issuer.

Interest Rate Risk: The Financial Officer will minimize the risk that the market value of securities in the portfolio will fall due to changes in market interest rates by:

- a. Whenever possible, holding investments to their stated maturity dates.
 - b. Investing a portion of the operating funds in shorter-term securities, money market mutual funds, or local government investment pools.
3. *Liquidity:* The investment portfolio must be sufficiently liquid so as to meet all reasonably anticipated operating cash flow needs. This is accomplished by structuring the portfolio so that securities mature to meet cash requirements for ongoing operations. Investments shall be managed to avoid, but not prohibit, sale of securities before their maturities to meet foreseeable cash flow requirements. Since all possible cash needs cannot be anticipated, the portfolio must consist largely of securities with active secondary or resale markets.
4. *Return on Investment:* The investment portfolio will be designed with the objective of maximizing the rate of return on investment while maintaining acceptable risk levels and ensuring adequate liquidity. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. Investment pooling may be used to maximize the City's investment income. Interest income, from pooling, will be distributed to the participating funds in proportion to each fund's level of contribution.

The Financial Officer will determine whether a security will be sold prior to maturity. The following are examples of when a security might be sold:

- a. A security with a declining credit rating may be sold early to minimize loss of principal;
- b. A security swap would improve the quality, yield, return, or maturity distribution of the portfolio;
- c. Liquidity needs of the portfolio require that the security be sold; or
- d. The Financial Officer will obtain the best rate of return on investments by taking advantage of market volatility and recognizing gains on a portion of the portfolio.

8.4 Standards of Care

1. *Prudence:* The City has a fiduciary responsibility to protect the assets of the City and to invest funds appropriately. The standard of care to be used by City officials is the "prudent person" rule as specified by CRS 15-1-304, which reads:

"Standard for investments: In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of

others, fiduciaries shall be required to have in mind the responsibilities which are attached to such offices and the size, nature, and needs of the estates entrusted to their care and shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital. Within the limitations of the foregoing standard, fiduciaries are authorized to acquire and retain every kind of property, real, personal, and mixed, and every kind of investment, specifically including, but not by way of limitation, bonds, debentures, other corporate obligations, stocks, preferred or common, securities of any open-end or closed-end management type investment company or investment trust, and participations in common trust funds, which men of prudence, discretion, and intelligence would acquire or retain for the account of another.”

The Financial Officer and designees, acting within the guidelines of this investment policy and written procedures, the City Charter and Code, all applicable state and federal laws and after exercising due diligence, will not be held personally liable and will be relieved of personal responsibility for an individual security’s credit risk or market price changes, or for losses incurred as a result of specific investment transactions or strategies. (CRS 24-75-601.4, et seq.)

2. *Ethics and Conflicts of Interest:* City officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials must disclose any material interests in financial institutions with which they conduct business. They must further disclose any personal financial and investment positions that could be related to the performance of the City’s investment portfolio. In addition they must adhere to the rules of conflicts of interest as stated in Art. IV, Section 9(b) of the Charter of the City of Fort Collins, Colorado.

3. *Delegation of Authority:* The City Charter assigns the responsibility for the collection and investment of all city funds to the Financial Officer, subject to direction from Council by ordinance or resolution. The Financial Officer, subject to City Manager approval, may appoint other members of the Finance Department to assist in the investment function.

Administrative Procedures

- a. The Financial Officer is responsible for all investment decisions and activities, and must regulate the activities of subordinate employees for the operation of the City's investment program consistent with this investment policy.
- b. No person may engage in an investment transaction except as provided under the terms of this Investment Policy and the procedures established by the Financial Officer.

A. Authorized Designees

- a. The Financial Officer will maintain a list of individuals and institutions that are authorized to transfer, purchase, sell and wire securities or funds on behalf of the City.
- b. This list will be provided to the securities broker or dealer or financial institution prior to the City conducting any investment transactions with the institution.

B. Investment Advisors

- a. The Financial Officer has the discretion to appoint one or more investment advisors, registered with the Securities and Exchange Commission under the Investment Advisors Act of 1940, to assist in the management of all or a portion of the City's investment portfolio.
- b. All investments made through such investment advisors shall be within the guidelines of this Investment Policy.

4. *Investment Committee:* The Investment Committee consists of the Financial Officer and at least 2 other employees of the City that are knowledgeable in the area of governmental investments. The Investment Committee, at the discretion of the Financial Officer, may also include up to 2 private sector investment or banking professionals. The purpose of the Investment Committee shall be to provide advice to the Financial Officer regarding the operation of the investment program.

8.5 Safekeeping and Custody

1. *Authorized Securities Brokers and Dealers and Financial institutions*

- A. The Financial Officer will maintain a list of financial institutions authorized to provide investment services. The Financial Officer will also maintain a list of approved securities brokers and dealers. This list may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1.

- B. All financial institutions and securities brokers and dealers who wish to provide investment services to the City must supply the following (as appropriate):
- a. Current audited financial statements;
 - b. Completed securities broker and dealer questionnaire;
 - c. Proof of National Association of Securities Dealers certification and registration in the State of Colorado; and
 - d. Certification of their review, understanding and agreement to comply with the City's Investment Policy.
- C. If a financial institution or securities broker or dealer wishes to enter into a repurchase agreement with the city, the institution must sign a Master Repurchase Agreement approved as to form and content by the City Attorney's Office.
- D. The Financial Officer must conduct an annual review of the financial condition of authorized financial institutions and securities brokers and dealers.
- E. Investment transactions must be executed with an authorized financial institution or securities broker or dealer except in the following circumstances:
- a. Commercial paper, banker acceptances and guaranteed investment contracts may be purchased and sold directly from the issuer;
 - b. Mutual funds and money market funds may be purchased, sold and held directly with the funds;
 - c. Investments in local government investment pools may be transacted directly with the pool; and
 - d. Bond refunding and lease escrow agreements will be executed as provided in the bond and lease documents.
- F. The Financial Officer will establish a safekeeping agreement with an approved financial institution to act as a third party custodian. Investment securities will be held for the City by the custodian. When applicable, the Financial Officer shall establish a separate securities lending agreement with the custodian bank. The selection of the City's primary depository and primary custodian will be made through the City's competitive Request for Proposals process.
2. *Delivery versus Payment*: All trades will be executed by delivery versus payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by the City's third-party custodian as evidenced by safekeeping receipts.

3. *Internal Controls:* The Financial Officer is responsible for establishing and maintaining an internal control structure designed to provide reasonable assurance that the assets of the city are protected from loss, theft or misuse.

8.6 Suitable and Authorized Investments

As a home rule city, the City may adopt a list of acceptable investment instruments differing from those outlined in CRS 24-75-601.1. Pursuant to Article V of the City's Charter the Council has adopted the following Ordinances and Resolutions establishing the framework under which the Financial Officer must conduct his duties: Ordinance 90, 1993; Ordinance 108, 1988, Resolution 85-134; and Resolution 82-70. Council may adopt additional Ordinances or Resolutions that require modification of these investment tools.

1. *Eligible Investments:* City funds may be invested in the following:
 - A. Any securities now or hereafter designed as legal investment for municipalities in any applicable statute of the State of Colorado;
 - B. Interest-bearing accounts or time certificates of deposit, including collateralized certificates of deposit and certificates of deposit through the Account Registry Service, of financial institutions designated as depositories for public moneys by the State of Colorado;
 - C. United States Treasury obligations for which the full faith and credit of the United States are pledged for payment of principal and interest. Such securities will include but not be limited to: Treasury bills, Treasury notes, Treasury bond and Treasury strips with maturities not exceeding five years from the date of purchase;
 - D. Obligations issued by any United States government-sponsored agency or instrumentality. Maturities may not exceed five years from the date of purchase;
 - E. Obligations issued by or on behalf of the City;
 - F. Obligations issued by or on behalf of any state of the United States, political subdivision, agency, or instrumentality thereof. At the time of purchase the obligation shall have an investment grade rating of not less than AA- from Standard & Poor's, Aa3 from Moody's Investors Service or AA- from Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;
 - G. Prime-rated bankers acceptances with a maturity not exceeding six months from the date of purchase, issued by a state or national bank which has a combined capital and surplus of at least 250 million dollars, whose deposits are insured by the FDIC and whose senior long-term debt

is rated at the time of purchase at least AA- by Standard and Poor's, Aa3 by Moody's Investors Service, or AA- by Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;

- H. U.S. dollar denominated corporate notes or bank debentures. Authorized corporate bonds shall be U.S. dollar denominated, and limited to corporations organized and operated within the United States with a net worth in excess of 250 million dollars. At the time of purchase the debenture or corporate note shall have an investment grade rating of not less than AA- from Standard & Poor's, Aa3 from Moody's Investors Service or AA- from Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;
- I. Prime-rated commercial paper with a maturity not exceeding six months issued by U.S. corporations. At the time of purchase the paper shall be rated A1 by Standard and Poor's and P1 by Moody's Investors Service. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated at the time of purchase at least AA- by Standard and Poor's or Aa3 by Moody's Investors Service;
- J. Guaranteed investment contracts of domestically-regulated insurance companies having a claims-paying ability rating of AA- or better from Standard & Poor's at the time of purchase;
- K. Repurchase and reverse repurchase agreements. The structure of the agreements (including margin ratios and collateralization) shall be contained in the Master Repurchase Agreements. Repurchase agreements shall include but are not limited to delivery-versus-payment, tri-party and flexible repurchase agreements;
- L. Local government investment pools authorized under the laws of the State of Colorado with a rating of AAAM; and
- M. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar denominated securities.

2. *Repurchase Agreements*

- A. Before any repurchase agreements shall be executed with an authorized securities broker or dealer or financial institution, a Master Repurchase Agreement approved as to form and content by the City Attorney's Office must be signed between the City and the securities broker or dealer or financial institution.
- B. The Financial Officer will maintain a file of all Master Repurchase Agreements.

- C. In addition to the straight forward repurchase agreement, wherein the financial institution or securities broker or dealer delivers the collateral versus payment to the City’s custodian for a fixed term at a fixed rate, the City may enter into other types of repurchase agreements which may include but not be limited to flexible repurchase agreements, tri-party agreements and reverse repurchase agreements.
- D. Repurchase agreements must be collateralized as provided in individually executed Master Repurchase Agreements at a minimum of 102 percent.
- E. Zero coupon instruments will not be accepted as collateral.
- F. The collateralized securities of the repurchase agreement can include but are not limited to: U.S Treasuries, Collateralized Mortgage Obligations or Agency securities.

8.7 Diversification and Liquidity

1. *Diversification and Asset Allocation:* It is the intent of the City to diversify its investment portfolio. Investments shall be diversified to eliminate the risk of loss resulting from over-concentration of assets in a specific maturity, issuer or class of securities. Diversification strategies and guidelines shall be determined and revised periodically by the Financial Officer. The investments may be diversified by:

- A. Limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
- B. Limiting investment in securities that have higher credit risks;
- C. Investing in securities with varying maturities; and
- D. Maintaining a portion of the portfolio in readily available funds such as local government investment pools, money market funds or short term repurchase agreements to ensure that City liquidity needs are met.

The maximum investment allowable for each investment category as a percentage of the entire portfolio is as follows (excluding collateral for repurchase agreements):

CASH AND CASH EQUIVALENTS	100%
TREASURY SECURITIES	90%
GOVERNMENT-SPONSORED AGENCY SECURITIES	90%
REPURCHASE AGREEMENTS	70%
LOCAL GOVERNMENT INVESTMENT POOLS	60%

CORPORATE NOTES OR BONDS*	40%
BANK DEBENTURES*	25%
COMMERCIAL PAPER*	25%
BANKER'S ACCEPTANCES*	25%
MONEY MARKET FUNDS AND MUTUAL FUNDS	15%
CD ACCOUNT REGISTRY SERVICE (MAXIMUM 50 MILLION)	15%
CERTIFICATES OF DEPOSIT	15%
GUARANTEED INVESTMENT CONTRACTS	5%

* A maximum of 10 percent of the portfolio may be invested in any one provider or issuer.

2. *Investment Maturity and Liquidity*

- A. A portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or short-term repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations. The City must at all times maintain 5 percent of its operating investment portfolio in instruments maturing in 120 days or less.
- B. Reserved funds may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as closely as possible with the expected use of funds.
- C. The weighted average final maturity limitation of the total portfolio, excluding pension funds and long-term reserve funds, **will not exceed 3 years**.
- D. The City may collateralize repurchase agreements with longer-dated investments, final maturity not to exceed 30 years.

8.8 Reporting

- 1. *Methods:* The Financial Officer will prepare an investment report on a quarterly basis. In addition, a comprehensive investment report may be published on the City's website on an annual basis. All investment reports will be submitted in a timely manner to the City Manager.
- 2. *Performance Standards:* The investment portfolio will be managed in accordance with the parameters specified within this Investment Policy. The Financial Officer will establish a benchmark yield for the City's investments

equal to the average yield on the U.S. Treasury security which most closely corresponds to the portfolio's actual weighted average maturity. In order to determine the actual rate of return on any portion of the portfolio managed by an investment advisor, the Financial Officer must include all of the advisor's expenses and fees in the computation of the rate of return.

3. *Marking to Market:* The market value of the portfolio will be calculated at least quarterly and a statement of the market value will be included in the quarterly investment report.

8.9 Policy Adoption

This Investment Policy will be reviewed at least every three years by the Investment Committee, City Manager and the Financial Officer and may be amended by Council as conditions warrant. The Investment Policy may be adopted by Resolution of the Council.

Definitions

Agency: *A bond, issued by a U.S. government-sponsored agency. The offerings of these agencies are backed by the U.S. government, but not guaranteed by the government since the agencies are private entities. Such agencies have been set up in order to allow certain groups of people to access low cost financing, especially students and first-time home buyers. Some prominent issuers of agency bonds are Student Loan Marketing Association (Sallie Mae), Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac). Agency bonds are usually exempt from state and local taxes, but not federal tax.*

Average Life: *The length of time that will pass before one-half of a debt obligation has been retired.*

Bankers' Acceptance: *A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank. Often used in importing and exporting, and as a money market fund investment.*

Benchmark: *A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.*

Book Value: *The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.*

Broker: *An individual who brings buyers and sellers together for a commission.*

Cash Sale/Purchase: *A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.*

Certificate of Deposit (CD): *A time deposit with a specific maturity evidenced by a certificate.*

Collateralization: *Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.*

Commercial Paper: *An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.*

Coupon Rate: *The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate".*

Credit Quality: *The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.*

Credit Risk: *The risk to an investor that an issuer will default on the payment of interest and/or principal on a security.*

Current Yield (Current Return): *A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.*

Debenture: *A bond secured only by the general credit of the issuer.*

Delivery versus Payment (DVP): *A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or to their custodian.*

Diversification: *A process of investing assets among a range of security types by sector, maturity, and quality rating.*

Duration: *A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.*

Federal Deposit Insurance Corporation (FDIC): *A federal agency that insures deposits in member banks and thrifts up to \$100,000 (\$250,000 through 12/31/2013).*

Federal Funds: *Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.*

Federal Funds Rate: *The interest rate that banks charge each other for the use of Federal funds.*

Government Securities: *An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market.*

Green Investments: *Mutual funds that are considered "ethical investments." These funds screen companies to ensure that they have sound environmental practices such as: maintaining or improving the environment, industrial relations, racial equality, community involvement, education, training, healthcare and various other environmental criteria. Negative screens include but are not limited to: alcohol, gambling, tobacco, irresponsible marketing, armaments, pornography, and animal rights.*

Interest Rate Risk: *The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.*

Investment-grade Obligations: *An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.*

Liquidity: *An asset that can be converted easily and quickly into cash without a substantial loss of value.*

Local Government Investment Pool (LGIP): *An investment by local governments in which their money is pooled as a method for managing local funds.*

Mark-to-Market: *The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.*

Market Value: *Current market price of a security.*

Master Repurchase Agreement: *A written contract covering all future transactions between the parties to repurchase and reverse repurchase. Establishes each party's rights in the transaction.*

Maturity: *The date on which payment of a financial obligation is due. The final state maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder.*

Money Market Mutual Fund: *Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repurchase agreements, and federal funds).*

Mutual Fund: *An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the investment company Act of 1940 and must abide by the Securities and Exchange Commission (SEC) disclosure guidelines.*

National Association of Securities Dealers (NASD): *A self-regulatory organization of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.*

Net Asset Value: *The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio.*

No Load Fund: *A mutual fund which does not levy a sales charge on the purchase of its shares.*

Portfolio: *Collection of securities held by an investor.*

Primary Dealer: *A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.*

Real Estate Investment Trust (REIT): *A company that buys, develops, manages and sells real estate assets. Allows participants to invest in a professionally managed portfolio of real-estate properties. The main function is to pass profits on to investors; business activities are generally restricted to generation of property rental income.*

Repurchase Agreement (Repo): *An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.*

Reverse Repurchase Agreement: *An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement of the first party to resell the securities at a specified price to the second party on demand or at a specified date.*

Rule 2a-7 of the Investment Company Act: *Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13-month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of one dollar (\$1.00).*

Securities and Exchange Commission (SEC): *Agency created by Congress to protect investors in securities transactions by administering securities legislation.*

Total Return: *The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation) + (Dividends Paid) + (Capital Gains) = Total Return*

Treasury Bills: *Short-term U.S. government non-interest-bearing debt securities with maturities of no longer than one year.*

Treasury Bonds: *Long-term U.S. government debt securities with maturities of more than ten years. Currently, the longest outstanding maturity is 30 years.*

Treasury Notes: *Intermediate U.S. government debt securities with maturities of two to ten years.*

Tri-party Repurchase Agreement: *In a "normal repurchase" transaction there are two parties, the buyer and the seller. A tri-party repurchase agreement adds a custodian as the third party to act as an impartial entity to the repurchase transaction to administer the agreement and to relieve the buyer and seller of many administrative details.*

Weighted Average Maturity (WAM): *The average maturity of all the securities that comprise a portfolio.*

Yield: *The current rate of return on an investment security. Generally expressed as a percentage of the security's current price.*

Yield Curve: *A graphical representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.*

Yield-to-Maturity: *The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.*

Zero-Coupon Securities: *A security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.*

Financial Management Policy 1

Budget Policy

Issue Date: 01/12/21

Revised: 12/05/24

Version: 45

Issued by: Budget
Director

Objective:

Governments allocate ~~scarce~~ ~~finite~~ ~~limited~~ resources to programs and services through the budget process. As a result, it is one of the most important activities undertaken by governments. The purpose of this policy is to establish parameters and provide guidance governing the budget for the City of Fort Collins (City).

Applicability:

This budget policy applies to all funds and Service Areas of the City.

Authorized by:

City Council Resolution 2014-058, 2017-101, 2021-010

1.1 Overview

The Fort Collins City Charter establishes time limits and the essential content of the City Manager's proposed budget, however the budget preparation process is not prescribed, but is developed by the City Manager with input from the City Council.

The fiscal year of the City is the calendar year. The City may adopt budgets for a budget term of one fiscal year or more. After the Charter amendment in 1997 allowing the City Council to set by ordinance a budget term to be more than one fiscal year, the Council has adopted two-year budgets that correspond with the election cycle, with the recent exception of having a one-year budget for fiscal years 2021 and 2022 due to the COVID pandemic.

The budget is a 2-year plan by which the City Council sets the financial and operational priorities for the City. Utilization of the budget process enables current levels of programs and services to continue and new programs and services to be ~~through the budget, services are~~ implemented. The budget along with the annual appropriation ordinance provides the basis for the control of expenditures. The State Constitution and the City Charter provide the basic legal requirements and timelines for the process. Council goals/priorities, ordinances and resolutions provide additional direction and respond to the needs of the community.

1.2 Principles for Budget Planning

The City provides a wide variety of services to the ~~residents of the~~ community. It is in the power of the City Council to adopt a budget and manage the available resources to best meet the service needs for the overall good of the community (Charter Article II, Section 5 (c))

In 2005 the City Council, on recommendation from the City Manager, endorsed the Budgeting for Outcomes (BFO) budget process. At a high level, the budgeting for outcomes methodology can be summarized as:

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1. *Determine how much money is available.* The budget should be built on expected revenues. This would include base revenues, any new revenue sources, and the potential use of fund balance.
2. *Prioritize results.* The results or outcomes that matter most to ~~residents the~~ community should be defined. Elected leaders should determine what programs are most important to their constituents.
3. *Allocate resources among high priority results.* The allocations should be made in a fair and objective manner.
4. *Conduct analysis to determine what strategies, programs, and activities will best achieve desired results.*
5. *Budget available dollars to the most significant programs and activities.* The objective is to maximize the benefit of the available resources.
6. *Set measures of monthly progress, monitor, and close the feedback loop.* These measures should assign monthly budget, spell out the expected results and outcomes and how they will be measured.
7. *Check what actually happened.* This involves using performance measures to compare actual versus budgeted results, and financial measures for budget versus actual results on a monthly basis.
8. *Communicate performance results.* Internal and external stakeholders should be informed of the results in an understandable format.

At that time, the City Council also identified the key outcomes it believed should be used in the new budget process. In addition, the 2005-2007 Policy Agenda sets forth the implementation and continued improvement of the collaborative budget process, aligning spending with desired outcomes.

In 2012, the City Council passed resolution 2012-076 promoting improved results through performance measures and data-driven decision making. In reference to the budget, an outcome-based performance measurement system ~~will help~~ helps ensure that available resources are used to achieve excellent results at low cost to the taxpayers and will enhance the ~~resident's c~~ Community's understanding of the City and the services it provides.

1.3 Scope

A. Comprehensiveness

The proposed budget shall provide a complete financial plan for each fund of the City and shall include appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year, comparative figures for the current year, and the

City Manager's recommendations for the ensuing budget term (City Charter Article V, Part 1, Section 2). In addition, the City of Fort Collins Budget Document may include items such as:

- 1) Statement of organization-wide strategic goals.
- 2) A description of the budget process, including a timeline.
- 3) A Glossary of Budget Terms.
- 4) A City of Fort Collins organizational chart.
- 5) Letter from the City Manager.
- 6) Budget Overview which may include:
 - a) The economic outlook;
 - b) Revenue assumptions;
 - c) Summary of use of reserves;
 - d) Budget priorities and highlights.
- 7) Copy of signed appropriation ordinance and a schedule of 2nd year proposed appropriations.
- 8) Revenue, expense and changes in fund balance summaries.
- 9) Summary of employee full-time equivalent staffing by service area and department.
- 10) A section for each of the key strategic Outcomes, which may include:
 - a) Information indicating how the Offers in the Outcome are funded, by fund;
 - b) Major key purchases;
 - c) Major enhancements purchased;
 - d) Detailed listing of all offers funded and unfunded;
 - e) Strategic objectives of the Outcome.
- 11) Fund Statements.
- 12) Overview of debt position.
- 13) Current Capital Improvement Plan.
- 14) Summary of changes to user fees.
- 15) Summary of property tax mill levy and assessments.

The annual appropriation ordinance shall also include the levy in mills, as fixed by the Council, upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for City purposes necessary to provide, during the ensuing fiscal year, for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds. If the Council fails in any year to make said tax levy as above provided, then the rate last fixed shall be the levy fixed for the ensuing fiscal year and the Financial Officer shall so certify (Charter Article V, Section 5).

B. Budget Form

The City of Fort Collins uses the Budgeting For Outcomes model to create the City budget. A new budget is designed from the ground up based on the results desired in each of the Outcomes defined by the City. The BFO budget-building process includes four steps:

- 1) Determine how much revenue will be available (the price people pay);

- 2) Determine the priorities of the City and ~~its residents~~ the Community members and the results to be achieved;
- 3) Allocate the revenue needed to achieve the desired results;
- 4) Determine which budget items will best produce the desired results at the price allocated.

C. Basis of Budgeting

All budgetary procedures conform to the City Charter and Code, state regulations and to generally accepted accounting principles. The basis or principle used for budgeting is the same as that used for accounting, with a few exceptions, and varies according to the fund type.

Governmental Funds use the modified-accrual basis of accounting. This means that revenues are recognized when they are earned, measurable and available. Expenditures are recognized in the period that liabilities are due and payable. The budgetary basis is the same and is used in the General Fund, Special Revenue and Debt Service Funds, and Capital Project Funds.

Proprietary and Fiduciary Funds use the full accrual basis of accounting. Revenues are recognized when they are earned and expenses are recognized when liabilities are incurred. However, the budgetary basis in these funds is primarily based on the modified-accrual approach. Instead of authorizing budget for depreciation of capital assets, the budget measures and appropriates cash outflows for capital acquisition and construction, which is a modified-accrual approach. In full accrual based accounting debt proceeds are recorded as liabilities rather than a revenue (funding source). For these reasons, a reconciliation and adjustment is made on these fund statements to show the difference between the budgetary basis and the accounting basis.

D. Budget Calendar

The fiscal and accounting year shall be the same as the calendar year. "Budget term" shall mean the fiscal year(s) for which any budget is adopted and in which it is to be administered. Council shall set by ordinance the term for which it shall adopt budgets (Charter Article V, Section 1).

On or before the first Monday in September, ~~commencing in 2010 and every other year thereafter,~~ the City Manager shall file with the City Clerk a proposed budget for the City for the ensuing *two-year term* (Charter Article V, Section 2). The Council shall, within ten (10) days after the filing of said proposed budget with the City Clerk, set a time certain for public hearing and cause notice of such public hearing to be given by publication. At the hearing, all persons may appear and comment on any or all items and estimates in the proposed budget. Upon completion of the public hearing the Council may revise the budget estimates (Charter Article V, Section 3).

After said public hearing and before the last day of November preceding the budget term, the ~~Council shall adopt the budget for the ensuing term. The adoption of the budget shall be by~~

ordinance. Before the last day of November of each fiscal year, the Council shall appropriate such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year. The appropriation of funds shall be accomplished by passage of the annual appropriation ordinance. Such appropriation of funds shall be based upon the budget as approved by the Council but need not be itemized further than by fund with the exception of capital projects and federal or state grants which shall be summarized by individual project or grant (Charter Article V, Section 4).

Appropriations for each year of the two-year budget will be approved by the City Council annually. Appropriations for the 2nd year of the biannual budget are adopted during the budget revision process. That process allows for adjustments to the originally adopted biennial budget that address new Council priorities or support changing needs based on economic conditions. The City Manager may present any budget adjustment recommendations to the City Council in Work Sessions and then Council may amend the budget and, as required by the City Charter, appropriate or authorize expenditures for the coming fiscal year.

1.4 Roles and Responsibilities

All powers of the City and the determination of all matters of policy are vested in the Council except as otherwise provided by the Charter. Without limitation of the foregoing, the Council has the power to adopt the City's budget.

The City Manager is responsible to the Council for the proper administration of all affairs of the City and to that end has the power and is required to prepare the budget and submit it to the Council and be responsible for its administration after adoption.

The City Manager and Chief Financial Officer, along with the other executive directors, known as the Budget Lead Team (BLT), develop the guidelines, consistent with the policies, to be used for budget preparation. During the development of the budget, various department and division representatives may be called upon to provide their expertise.

~~From April through June, City staff from all departments and divisions prepares the Offers (budget requests) for inclusion in the budget.~~

1.5 Budgeting Control System

No appropriation may be made by the Council which exceeds the revenues, reserves or other funds anticipated or available at the time of the appropriation, except for emergency expenses incurred by reason of a casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance (Charter Article V, Section 8 (a)).

Control of expenditures is exercised at the fund level. Fund managers are responsible for all expenditures made against appropriations within their fund and can allocate available resources within the fund.

All appropriations unexpended or unencumbered at the end of the fiscal year *shall lapse* to the applicable general or special fund, except for:

- appropriations for capital projects do not lapse until the completion of the capital project; and
- federal or state grants do not lapse until the expiration of the federal or state grant (Charter Article V, Section 11).

A. Budget Transfers

Between Funds or Capital Projects

During the fiscal year, the Council may, by ordinance, upon the recommendation of the City Manager, transfer any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project account to another fund or capital project account provided that:

- 1) the purpose for which the transferred funds are to be expended remains unchanged;
- 2) the purpose for which the funds were initially appropriated no longer exists; or
- 3) the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance (Charter Article V, Section 10 (b)).

Within a Fund

Budget control is maintained at the departmental level. The City Manager may, during the fiscal year, transfer any unexpended and unencumbered appropriated amount within the same fund (Charter Article V, Section 10(a)). The Chief Financial Officer also has the authority to approve departmental expenses greater than the budget for that department so long as the overall expenses in the fund serving that department are less than the budgeted amount for the fund. In no case may the total expenditures of a particular fund exceed that which is appropriated by the City Council (Charter Article V, Section 8(b)).

B. Applicable Amendments to the Budget

Budget Increases

There generally are four opportunities during the fiscal year for supplemental additions to the current year annual appropriation approved by Council:

- 1) The first is through the encumbrance carry-forward process whereby approved purchase orders that cannot be executed prior to the end of the fiscal year will have available budget carried forward into the new year.
- 2) The second is usually adopted in March/April to re-appropriate funds from the previous year's ending balance for projects or obligations that were approved but not completed during that year.
- 3) The third opportunity in the 2nd half of the year is used to fine-tune (clean-up) the current fiscal year for previously unforeseen events. In addition, if revenue is received during the fiscal year from a source that was not anticipated at the time of budget adoption or appropriation for the fiscal year, such as grants or implementation of a new fee, Council may appropriate that unanticipated revenue for expenditure when received anytime during the year.
- 4) Lastly, the Council, upon recommendation of the City Manager, may make supplemental appropriations by ordinance at any time during the fiscal year; provided, however, that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, shall not exceed the then current estimate of actual and anticipated revenues to be received by the city during the fiscal year. This provision shall not prevent the Council from appropriating by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated (Charter Article V, Section 9).

Budget Decreases/Frozen Appropriations

The budget may be decreased below adopted appropriations during the fiscal year due to changes in service demand, changes in economic conditions, and/or changes in Council goals. Each service area is responsible for developing a plan to reduce appropriations, which will be ready for implementation should the need arise. If the City Manager directs budget reductions, Council will be informed and the appropriations will be "set aside" through administrative action. While the appropriation amount is not changed, expenditures shall not exceed the reduced amount recommended by the City Manager.

C. Order of Funding when Multiple Funding Sources Available

Sometimes a given project or program has multiple sources of funding available. Examples of such projects include but are not limited to grant funded projects, jointly funded projects/programs between governmental and proprietary funds, or projects/programs where both dedicated tax and/or fee revenues and General Fund tax revenues are available.

Unless stated otherwise within the authorizing ordinance, budget offer, or a contractual agreement, funding sources will be applied in the order of most-constrained to least-constrained in the judgment of City staff. For example, a project jointly funded by the

General Fund and the Natural Areas Fund would first fund project spending using all available and appropriated Natural Areas revenues prior to spending appropriated General Fund revenues. This is in an effort to maximize the benefit of available sources in accordance with the principles described in section 1.2 above.

1.6 Balanced Budget Definition

All funds are required to balance. As such, total anticipated revenues must equal the sum of budgeted expenditures for each fund. Revenues are derived from two sources: current revenue charges and unallocated reserves carried forward from prior years.

1.7 Contingency Planning for Unanticipated Revenue Shortfalls

During times when the City experiences significant unanticipated revenue shortfalls, a contingency plan will be developed that outlines the necessary steps to align expenditures to meet the actual revenue received. The contingency plan will target the funds being impacted by the revenue shortfall. In general, the priority order of the steps in our contingency methodology are:

- Align ongoing expenditures with anticipated ongoing revenue
- Sweep vacancy savings and non-service related savings such as fuel or utilities if under budget
- If a Contingency Reserve has been established, utilize a portion of that reserve
- Develop a stop doing list utilizing the drilling platform prioritization.
- At a Service Area level, reduce expenditures related to
 - discretionary expenditures
 - new hires/vacancies (postponement of posting positions)
 - travel and training
 - reduced levels of support to programs

Financial Management Policy 2

Revenue

Issue Date: 01/12/21
 Version: 45
 Issued by: Revenue and Project
 Manager

Objective:

Monitoring and controlling revenues is important to the City of Fort Collins. Through its revenue policy, the City primarily aims to maintain a diversified revenue system which will protect it from possible short-term fluctuations in any of its various revenue sources. To accomplish this, revenues are monitored on a continuous basis. An understanding of the economic and legal factors which directly and indirectly affect the level of revenue collections is an important part of the City's revenue policy.

Applicability:

This policy applies to all City Revenues. This policy does/does not apply to or govern revenues generated by City-owned general improvement districts, DDA, URA, PFA or Library District.

Authorized by:

City Council, Resolutions 1994-174, 2013-093, 2016-096, 2021-010

2.1 Limitations under TABOR (Taxpayer Bill of Rights)**A. Background**

The City of Fort Collins' revenue and expenditures are limited by Colorado's Taxpayer's Bill of Rights in Article X, Section 20 of the Colorado Constitution (TABOR). While TABOR limits both revenue and expenditures, its primary application is in limiting revenue collections. Growth in revenue is limited to the increase in the Denver-Boulder-Greeley Consumer Price Index plus local growth (new construction and annexation). This percentage is added to the preceding year's revenue base, giving the dollar limit allowed for revenue collection in the ensuing year. Any revenue collected over the limit must be refunded to the residents unless the voters approve the retention of the excess revenue. Federal grants or gifts to the City are not included in the revenue limit. City enterprises (electric, water, wastewater and stormwater utilities) are also exempt from the imposed limits. In 2003, the Golf Fund revenue sources was considered for enterprise status for purposes of TABOR.

B. 'De-Brucing'

In November 1997, Fort Collins' voters approved a ballot measure that allows the City to retain revenues that exceed the growth limit imposed by TABOR. The measure specified that any retained revenues over the growth limit must be used for certain designated purposes.

- Public Health and Safety (including, but not limited to, environmental monitoring and mitigation)
- Transportation
- Growth Management
- Maintenance and Repair of Public Facilities

C. TABOR Notice for New Tax or Tax Increase

- Develop revenue forecasts that are reasonable and factor in the implications of over collection.
- Review these forecasts with the appropriate leadership staff.

D. Monitor New Tax Revenue

- Staff will monitor actual revenue against the forecast revenue disclosed in the TABOR notice.
- In the second year, confirm first years' actual revenue to forecast and determine if any action is needed. Provide a report to the City Council with results and any recommended action.

E. TABOR Legislation and Judicial Decisions

Staff shall monitor new TABOR legislation, judicial decisions and actions taken by other governments to see if they affect the City. This will include working with the City's outside consultants, such as special bond counsel and CML. When such matters are discovered affecting the City, staff will confer to determine what actions, if any, the City should take in response.

F. Documentation of 'Fiscal Year Spending' under TABOR

Although the City has de-Bruced, current interpretations of TABOR section 20(3)(c) merits the need for the ongoing calculation of "fiscal year spending". Staff will maintain and update records annually to calculate the City's fiscal year spending under TABOR. These records shall be kept for at least six years. Also, documentation shall be kept current that defines which related agencies, funds and types of revenues are required under TABOR to be included in fiscal year spending and those that can be excluded.

2.2 Revenue Review, Objectives and Monitoring

A. Review and Projections

The City reviews estimated revenue and fee schedules as part of the budget process. The major revenue sources in the General Fund are sales and use tax, property tax, lodging tax, intergovernmental revenues, fines and forfeitures, user fees and charges, and transfers from other funds. Conservative revenue projections are made for the budget term. The projections are monitored and updated as necessary.

B. Principles

The City has established six (6) general principles that will be used to guide decisions on revenue:

1. Develop and maintain stable revenue sources.

The City will strive to maintain stable revenue sources by:

- a. Targeting revenue sources with minimal volatility
- b. Monitoring current revenue sources for variability
- c. Adjusting forecasts as necessary to accommodate unanticipated increases and declines
- d. Monitoring and adjusting expenditures for unanticipated revenue gains/losses

2. Develop and maintain a diverse revenue base.

For all general government operations, the City will strive to maintain diverse revenue sources. The City recognizes that becoming too dependent upon one revenue source would make revenue yields more vulnerable to economic cycles. Therefore, the City will strive to maintain diverse revenue sources by:

- a. Targeting revenue from multiple sources
- b. Working to expand fee based revenue where possible
- c. Working to minimize overdependence on any single revenue source
- d. Staff will monitor dependency on sales and use tax to ensure an over reliance does not occur

3. Cultivate revenue sources that are equitable among residents of different economic levels.

The City will strive to preserve a revenue stream that does not overburden low income residents by:

- a. Providing low income residents with opportunities to participate in programs through reduced fee structures and scholarships
- b. Providing a Sales Tax on Food and Utility rebate to lessen the burden of taxes and fees on low income residents

- c. Ensuring fees do not exceed cost to provide service
- 4. Generate adequate revenue to maintain service levels in line with resident expectations.

The City will generate adequate revenue to maintain core service levels by:

- a. Ensuring fees for service do not exceed cost to provide service
 - b. Maintaining a cost recovery model
 - c. Monitoring service level performance annually through the Community Scorecard
 - d. Regularly reviewing services to assess core vs. desired
- 5. Maintain healthy reserves.
- The City will maintain healthy reserves by:
- a. Adhering to State mandated reserve and internal reserve policies
 - b. Maintaining a Tabor (State) reserve for the General Fund of 3% or more of the City's fiscal year spending
 - c. Meeting City policy for the General Fund of an additional contingency of ~~60-45~~ days or ~~17-12.5~~% of next year's adopted budgeted expenditures
- 6. Fees for Services are fairly born by those who use those services.

C. Monitoring

In an annual summary financial report the major sources revenue and the associated percentages will be reviewed by the Council Finance Committee.

2.3 Fee Policy

As a home rule municipality, the City of Fort Collins has the ability to determine the extent to which fees should be used to fund City facilities, infrastructure and services. There are two kinds of fees that the City may establish: Impact Fees and Special Service Fees. Impact fees are typically one-time charges levied by the City against new development. Impact fees are based on current levels of service and act as a buy-in method for new development. The revenue can only be used for capital infrastructure needs created by the impact of the new development. However, the City may and does employ other methodologies legally available to calculate its impact fees. Special service fees are charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed. This Policy sets forth principles for identifying: (1) the kinds of services for which the City could appropriately impose fees; (2) methods for calculating the percentage of costs to be recovered by such fees; and (3) the manner in which the fees should be allocated among individual fee payers.

A. Fees should be cost related

The amount of a fee should not exceed the overall cost of providing the facility,

infrastructure or service for which the fee is imposed. Cost may include direct and indirect costs. That is:

1. Costs which are directly related to the provision of the service; and,
2. Support costs which are more general in nature but provide support for the provision of the service.

B. Percentage of cost recovery

The extent to which the total cost of service should be recovered through fees depends upon the following factors:

1. The nature of the facilities, infrastructure or services. In the case of fees for facilities, infrastructure as well as governmental and proprietary services, total cost recovery may be warranted. In the case of governmental services, it may be appropriate for a substantial portion of the cost of such services to be borne by the City's taxpayers, rather than the individual users of such services.
2. The nature and extent of the benefit to the fee payers. When a particular facility or service results in substantial, immediate and direct benefit to fee payers, a higher percentage of the cost of providing the facility or service should be recovered by the fee. When a particular facility or service benefits not only the fee payer but also a substantial segment of the community, lower cost recovery is warranted.
3. The level of demand for a particular service. Because the pricing of services can significantly affect demand, full cost recovery for services is more appropriate when the market for the services is strong and will support a high level of cost recovery.
4. Ease of collection. In the case of impact fees, ease of collection is generally not a factor. In the case of fees for services, however, such fees may prove to be impractical for the City to utilize if they are too costly to administer.

C. Establishment and Modification of Fees and Charges

The following Impact Fees imposed by the City are established by the City Council by ordinance and may be modified only by ordinance of the City Council.

1. Six Capital Expansion Fees: Transportation, Neighborhood Park, Community Park, Fire, Police and General Government
2. Five Utility Fees: Water Supply Requirement, Electric Capacity, Sewer Plant Investment, Stormwater Plant Investment, Water Plant Investment

Fee updates occur on a regular two and four-year cadence and fee updates occur together to provide a more holistic view of the impact of any fee increases. Detailed

fee study analysis for all six Capital Expansion Fees occurs every four years. This requires an outside consultant through a request for proposal (RFP) process where data is provided by City staff. Findings by the consultant are also verified by City staff. For Utility Fees, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. Fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

The amounts of all other service and administrative fees may be determined by the City Manager as provided in City Code Chapter 7.5, Article I, absent any provision of the City Charter the contrary. Development Review/Building Fees follow the same four-year cadence as the Capital Expansion Fees.

All fee revenues will be estimated by the City Manager and submitted to the City Council as part of the City Manager’s recommended budget.

D. Rebate Programs

If the amount of a particular fee is considered to be too high to accommodate the needs of particular segments of the community and the public interest would be served by adjusting the amount or manner of payment of such fees in particular instances, the amount of the fee may be waived, rebated, or deferred as appropriate. In the case of fees established by ordinance, the criteria for waiving, rebating, or deferring payment of such fees shall be established by the City Council by ordinance.

2.4 Sales and Use Tax Distribution

Sales and Use Tax shall be used and accounted for as intended by the voters. Details of how the different segments of sales and use tax are used are outlined in the City Code Chapter 25. The following is a summary for informational purposes only.

The City’s Sales and Use Tax currently totals ~~34.835~~ cents on a \$1.00 purchase, developed as follows:

In effect through December 31, 2020 Effective January 1, 2024

1968 - General City uses	1.00 cent
1980 - General City uses	1.00 cent
1982 - General City uses	0.25 cent
2015 - Street Maintenance	0.25 cent*
2015 - Community Capital Improvement Program	0.25 cent*
2006 - Natural Areas & Open Space <u>Yes!</u>	0.25 cent*
2011 - Keeping Fort Collins Great	<u>0.85 cent***</u>
<u>2020 – General City Uses</u>	<u>0.60 cent**</u>
<u>2020 – General Fund Renewable</u>	<u>0.25 cent**</u>
<u>2024 – 2050 Tax</u>	<u>0.50 cent**</u>
	<u>3.854.35 cents</u>

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* Excludes sales and use tax on grocery food for home consumption

** Excludes sales and use tax on grocery food for home consumption and use tax for manufacturing equipment

*** Tax sunset end of 2020

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Taxes effective beginning January 1, 2021

Begin	Through	Uses	Rate per \$1.00	
1968	No end	General City Purposes	1.00 cent	
1980	No end	General City Purposes	1.00 cent	
1982	No end	General City Purposes	0.25 cent	
2016	2025	Street Maintenance	0.25 cent	*
2016	2025	Community Capital Improvement Program	0.25 cent	*
2006	2029	Natural Areas & Open Space	0.25 cent	*
2021	No end	General City Purposes	0.60 cent	**
2021	2030	General City Purposes	0.25 cent	**
			3.95 cents	

* Excludes sales and use tax on grocery food for home consumption

** Excludes sales and use tax on grocery food for home consumption and manufacturing equipment

2.4.A Management and reporting of 2050 Tax Proceeds

Voters approved the November 2023 City-Initiated Ballot Issue No. 1 for a 0.50% sales and use tax beginning January 1, 2024 and ending December 31, 2050. Colloquially this renewable tax is referred to as the "2050 Tax". The ballot measure read as follows:

SHALL CITY OF FORT COLLINS TAXES BE INCREASED BY \$23,800,000 IN THE FIRST FULL FISCAL YEAR (2024), AND BY SUCH AMOUNTS COLLECTED ANNUALLY THEREAFTER, FROM A .50% SALES AND USE TAX BEGINNING JANUARY 1, 2024, AND ENDING AT MIDNIGHT ON DECEMBER 31, 2050, WITH THE TAX REVENUES SPENT ONLY FOR THE FOLLOWING:

- 50% FOR THE REPLACEMENT, UPGRADE, MAINTENANCE, AND ACCESSIBILITY OF PARKS FACILITIES AND FOR THE REPLACEMENT AND CONSTRUCTION OF INDOOR AND OUTDOOR RECREATION AND POOL FACILITIES.
- 25% FOR PROGRAMS AND PROJECTS ADVANCING GREENHOUSE GAS AND AIR POLLUTION REDUCTION, THE CITY'S 2030 GOAL OF 100% RENEWABLE ELECTRICITY, AND THE CITY'S 2050 GOAL OF COMMUNITY-WIDE CARBON NEUTRALITY, AND
- 25% FOR THE CITY'S TRANSIT SYSTEM, INCLUDING, WITHOUT LIMITATION, INFRASTRUCTURE IMPROVEMENTS, PURCHASE OF EQUIPMENT, AND UPGRADED AND EXPANDED SERVICES; AND WHILE CITY COUNCIL MAY EXERCISE ITS DISCRETION IN DECIDING THE TIMING OF SPENDING FOR EACH CATEGORY, THAT SPENDING SHALL SUPPLEMENT AND NOT REPLACE THE CURRENT CITY FUNDING FOR THE SPECIFIED PURPOSES AND SHALL BE RECONCILED TO THE STATED PERCENTAGES BY THE END OF 2030, 2040, AND WHEN THE LAST REVENUES COLLECTED FROM THE TAX ARE SPENT, BUT THIS TAX SHALL NOT APPLY TO:
 - ITEMS EXEMPT UNDER THE CITY CODE FROM CITY SALES AND USE TAX;
 - FOOD FOR HOME CONSUMPTION; AND
 - MANUFACTURING EQUIPMENT, BUT FOR THE USE TAX ONLY;

AND WITH ALL THE TAX REVENUES, AND INVESTMENT EARNINGS THEREON, TO BE COLLECTED, RETAINED, AND SPENT AS A VOTERAPPROVED REVENUE CHANGE NOTWITHSTANDING THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

The following policy language is intended to:

1) Further prescribe the City Council's intended split of the 50% Parks/Recreation share. The categories of Replacements, Upgrades, Maintenance, and Accessibility are intended for the majority of funding, and thus the amounts for construction of "indoor and outdoor recreation and pool facilities" is limited to 20% of the overall proceeds within the 50% share, reconciled by gross appropriations at the same 2030, 2040, and 2050 frequencies as prescribed by the ballot. Further direct staff to report to Finance Committee annually the life-to-date spending percentages for each of the three ballot categories (Parks/Rec, Transit, Climate) to ensure well-planned proportionality between the categories for management of the 2030, 2040, and 2050 legal reconciliation milestones.

2.5—Philanthropic Contributions

~~The City of Fort Collins (City) will pursue philanthropic support consistent with the City's goals and objectives, and in the best interests of Fort Collins residents. The City will always consider the public trust and comply with all applicable laws when soliciting and accepting philanthropic donations.~~

~~Strong oversight of philanthropic gifts is a priority, and the City has created multiple layers of accountability and transparency for donated funds and the projects receiving donated funds. Charitable gifts to the City can only be used for the intended purpose designated by donors. Charitable gifts to the City delivered directly into the budgets of benefiting projects, and can't be redirected by elected officials or City staff.~~

~~The City reserves the right to decline any charitable gift if, upon review, acceptance of the donation offer is determined in the sole discretion of the City not to be in the best interests of the City.~~

~~In 2019, the City of Fort Collins adopted Administrative Policy 52-City Give to create standards and protocols for the acceptance and governance of charitable gifts, and for the orchestration of philanthropic practices. Additionally, the City adopted Finance Governance Policy to establish protocols for City Give, staff and officials regarding the acceptance and documentation of philanthropic gifts, and procedures to responsibly and efficiently manage charitable gifts.~~

Commented [RB1]: Redundant to CityGive and Philanthropic Governance Administrative Policies accessible from PolicyHub

Definitions

Governmental Services: *services provided by the City for the public good such as regulating land use, maintaining streets, and providing police and fire protection.*

Impact Fees: *usually one-time charges, levied by the City against new development to offset the impacts of the new developments*

Proprietary Services: *services provided for the benefit and enjoyment of the residents of the City, at their discretion, such as parks and recreation services*

Rebate: *a return of a portion of a fee within a specified time. Unlike a waiver or discount, the rebate is given after the fee has been paid in full*

Special Service Fee: *charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed*

Waiver: *when a portion of a fee is reduced before being paid by a buyer*

Getting Help

Please contact the Revenue ~~and Project~~ Manager with any questions at 970.221.6626.

Related Policies/References

City Code Chapter 25 Taxation, Article III Sales & Use Tax

City Code Chapter 26 Utilities

Administrative Fee

General Financial Policies

Issue Date: 01/12/21
Reviewed: 12/05/24
Version: 56
Issued by: City Council

Objective:

To outline the method and principles for allocation Administrative Charges; establishing the parameters for the Medical and Retirement Program; Fund Organization; Cost Recovery and Fee Setting; and Capital Improvement Program.

Applicability:

This policy applies to all City funds. It does not apply to URA, DDA, PFA and Library.

Authorized by:

City Council Resolution 2006-006, 2015-055, 2017-101, 2021-010

3.1 Administrative Charges

Certain General Fund departments render services to departments in other funds and shall be equitably apportioned to those other funds. General Fund departments that do not have a direct billing mechanism shall have their costs allocated using the formula outlined in this section to other funds, and provide offsetting revenue in the General Fund.

A. General Fund Departmental Costs to be Allocated

Certain General Fund departmental costs to be allocated include City Council, City Manager, City Clerk, City Attorney, Human Resources, and Finance. Any services in these departments which are funded by user fees or dedicated revenues are excluded from the allocation.

The amount of costs to be allocated is the current adopted budget for each of the departments listed above less user fees and dedicated revenue. With a multi-year budget, the charge to each fund is increased by a determined percentage for the second future year and then adjusted to the actual calculation with the next multi-year budget.

B. How Costs Are Allocated

The Human Resources costs are allocated on a prorated basis to funds based on the total number of budgeted full-time-equivalent positions in each fund.

All other General Fund administrative costs are allocated on a prorated basis to the funds based upon adjusted expenditure budgets for the current year. Adjustments are made to recognize the lower amount of administrative services required for Capital, Debt Service, and Purchased Power payments. Capital project budgets are reduced by two-thirds and averaged over three years. Debt Service budgets are reduced by three-fourths and the entire Purchased Power budget is deducted from the Light & Power budget.

C. All Funds Receive Allocations but Not All Funds Are Charged

While Administrative Charges are allocated among all City funds, only specified funds are charged. Charges are not made to a fund if it is not self-supporting, it is a Governmental Internal Service fund, or if the funds role is merely to facilitate proper accounting procedures. For example, the Sales and Use Tax fund and Debt Service fund receive amounts which are then transferred to other funds. Charging these funds would lead to double charging many transactions and would not correspond to the level of service provided by the departments in the General Fund.

D. Review

During each budget process, the Administrative Charge calculation will be reviewed by the Budget Office. Minor refinements in the allocation formulas are made as needed. Significant changes will be brought to the City Council for approval to assure that the equitable apportionment meets requirements of the Code/Charter.

3.2 Medical Insurance and Retirement Plan

A. Medical Insurance

In 1981, the City of Fort Collins set up a partially self-funded medical insurance program. The objective of a self-funding program is to reduce the cost of medical insurance by assuming the risk for certain plan expenses. Assuming a portion of the risk lowers the amount of charges compared to a conventional full insurance plan. Historically, the City has found this funding method to be a cost-effective means of providing a very desirable employee benefit.

To administer the self-funded and insured portions of the medical insurance plans, the City conducts a competitive proposal process every five years or more often if required. The insurance contracts are reviewed annually for both performance and cost. The types of services contracted for include plan administrative services, stop-loss protection against larger claims, life and accidental death and dismemberment insurance, and long-term disability coverage.

B. Retirement Programs

The City of Fort Collins contributes to two types of retirement plans: a Defined Benefit Plan and Defined Contribution Plans.

1. Defined Benefit Plan - the General Employees Retirement Plan (Plan). The pension plan is closed to new participants as of 1/1/1999.

The Plan document approved by the City Council outlines the details of the program. A Board meets monthly to oversee the program. Board members, in consultation with annual actuary report and other information, make recommendations to City Council for any plan changes that may be needed from time to time. The Plan currently calls for the employer (City) to contribute 10.5%. Because the plan is underfunded, a Supplemental Contribution is made at a fixed dollar amount each year. The Supplemental amount is reevaluated every 2 years in conjunction with the budget cycle and based on the latest actuarial valuation report.

2. 401(a) and 457 Money Purchase Plans. Also known as Defined Contribution Plans, the contribution rates are as follows:

Employee Group	401 a			457		
	Employer	Employee	Waiting	Employer	Employee	Waiting
Classified Employees	6.5%	3.0%	6 months	0.0%	optional	no wait
Classified Employees hired on or before 3/31/07	7.5%	3.0%	6 months	0.0%	optional	no wait
Unclassified Management	6.5%	6.0%	no wait	0.0%	optional	no wait
Unclassified Management hired on or before 3/31/07	7.5%	6.0%	no wait	0.0%	optional	no wait
Direct Reports of City Council <u>Appointed Employees</u>	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Service Area Directors <u>Executive and Senior Leaders</u>	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Police & Dispatch (per union agreement) *	10.5 11%	8.5%	no wait	match up to 3%	optional	6 months for match
Community Service Officer	8.0%	3.0%	6 months	0.0%	optional	no wait

* All employee groups vest immediately, except Police and Dispatch who follow schedule in union agreement.

Employee contributions to the 457 plan are limited to the amounts published by the IRS.

The City will contract with a third party administrator to provide the Defined Contribution Plans. City Staff comprised of both Finance and HR will oversee the program and performance of the third party administrator.

3.3 Fund Organization

Funds for accounting and financial reporting purposes have their own balance sheet and income statement.

The organization of the City's Funds is designed to enhance accountability and transparency, comply with Generally Accepted Accounting Principles, meet grant requirements, comply with City Code/Charter and comply with Colorado statutes. In City Article V, Section 25 the Financial Officer is empowered to create funds as appropriate. However, City Code Chapter 8, Article III also establishes additional parameters for City funds.

The number of funds established should be the minimum needed for legal and operating requirements. Unnecessary funds can result in inflexibility, undue complexity and inefficient financial administration.

The City's funds are organized at two levels of groupings; Fund Groups and Fund Types.

Fund Groups

Governmental Funds	Used to account for activities primarily supported by taxes, grants and similar revenue sources.
Proprietary Funds	Used to account for activities that receive significant support from fees and charges.
Fiduciary Funds	Used to account for resources that a City holds as a trustee or agent on behalf of an outside party that cannot be used to support the City's own programs.

Within each Fund Group are Fund Types.

Governmental Fund Types

General Fund	Main operating fund used to account for and report all financial resources not accounted for and reported in another fund.
Special Revenue Funds	Used to account for and report the proceeds of specific revenue sources that are restricted, committed or assigned to expenditure for specific purposes, other than debt service or capital projects.
Debt Service Funds	Used to account for and report resources that are restricted, committed or assigned to expenditure for principal and interest.
Capital Project Funds	Used to account for and report resources that are restricted, committed or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities or other capital assets.

Proprietary Fund Types

Enterprise Funds	Used to account and report any activity for which a fee is charged to external users of goods and services
Internal Service Funds	Used to account and report any activity for which a fee is charged to other funds, departments, or agencies of the City and its component units on a cost reimbursement basis.

Fiduciary Fund Types

Pension (and Other Employee Benefit) Trust Funds	Used to account and report resources that are required to be held in trust for the members and beneficiaries of defined benefit plans.
Custodial Funds	Used to report resources held by the City in a purely custodial capacity.

The following is a list of all funds of the City, including legally separate entities but from a financial reporting perspective are treated as a component unit of the City.

Group and Type	Legal	Ref.	Name
<i>Governmental</i>			
General Fund	City	100	General Fund
Special Revenue Fund	City	250	Capital Expansion Fund
Special Revenue Fund	City	251	Sales & Use Tax Fund
Special Revenue Fund	Separate	252	General Improvement District #1
Special Revenue Fund	City	254	Keep Fort Collins Great Fund
Special Revenue Fund	City	255	Community Capital Improvement Program
<u>Special Revenue Fund</u>	<u>City</u>	<u>256</u>	<u>2050 Tax</u>
Special Revenue Fund	City	272	Natural Areas Fund
Special Revenue Fund	City	273	Cultural Services & Facilities
Special Revenue Fund	City	274	Recreation Fund
Special Revenue Fund	City	275	Cemeteries Fund
Special Revenue Fund	City	276	Perpetual Care Fund
Special Revenue Fund	City	277	Museum Fund
Special Revenue Fund	City	280	Community Development Block
Special Revenue Fund	City	281	Home Investment Partnership
Special Revenue Fund	City	290	Transit Services Fund
Special Revenue Fund	City	291	Transportation Capital Expansion Fee
Special Revenue Fund	City	292	Transportation Services Fund
Special Revenue Fund	Separate	293	GID #15 - Skyview
Special Revenue Fund	City	294	Parking Fund
Debt Service	City	304	Capital Leasing Corporation
Capital Projects Fund	City	400	Capital Projects Fund
Capital Projects Fund	City	270	Neighborhood Parkland Fund
Capital Projects Fund	City	271	Conservation Trust Fund

<i>Proprietary</i>			
Enterprise Fund	City	500	Golf Fund
Enterprise Fund	City	501	Electric and Telecommunications Fund
Enterprise Fund	City	502	Water Fund
Enterprise Fund	City	503	Wastewater Fund
Enterprise Fund	City	504	Storm Drainage Fund
Enterprise Fund	City	505	Broadband Fund
Internal Service Fund	City	601	Equipment Fund
Internal Service Fund	City	602	Self-Insurance Fund
Internal Service Fund	City	603	Data and Communications Fund
Internal Service Fund	City	604	Benefits Fund
Internal Service Fund	City	605	Utility Customer Service & Admin
<i>Fiduciary</i>			
Pension Trust Fund	City	700	Employees' Retirement Fund
<i>Governmental</i>			
Special Revenue Fund	Separate	800	URA - N. College District
Special Revenue Fund	Separate	801	URA - Prospect South TIF District
Special Revenue Fund	Separate	803	URA - Mall Fund
Special Revenue Fund	Separate	820	DDA Operating Fund
Special Revenue Fund	Separate	821	DDA Fixed Asset and Long Term Debt
Special Revenue Fund	Separate	822	DDA Debt Service Fund

3.4 Cost Recovery and Fee Setting

- A. Enterprise Funds shall rely on charges and user fees to recover their costs, rather than taxes. Utility rates will be based upon the cost of service approach to reflect full distribution of costs to appropriate rate classes in order to effect equitable sharing of costs. Rates shall be established and maintained at a level sufficient to maintain positive net income in each of the utility funds after paying the full cost of operating and maintaining the utilities and keeping them in good repair and working order. Such rates shall also be sufficient to enable each utility, where applicable, to meet rate requirements of City or utility enterprise bond ordinances.
- B. The Internal Service Funds shall operate under the following guidelines.
1. Internal service fund charges are limited to the recovery of the cost of the service, including depreciation, rather than making a profit. Each fund's prior year financial statements and

estimates of future costs form the basis for the calculation of charges.

2. Charges should be set at a level to avoid significant adverse financial impacts on their customers. Fund customers and independent experts should be allowed to review and make recommendations about the level of charges. The Finance Department should approve the analysis and conclusions used to set rates.
3. Internal service funds should compete with similar services offered by the private sector. The City staff will compare rates every five years. If not competitive with the private sector, the Finance Department will analyze whether the private sector should provide the service.
4. Internal service funds may build up reserves. Customer-approved master plans and independent third-party actuarial reviews (for the Benefit and Self-Insurance funds) guide the level of reserves. Fund managers may spend reserves only for their approved purpose.
5. The City may buy equipment and facilities for the internal service funds through lease-purchase financing. Management's decision to recommend lease-purchase financing depends on: (1) cash flow needs; (2) budget constraints; (3) benefit to cost analysis; and (4) level of reserves.
6. Except for the Utilities Customer Service and Administration Fund, Internal service funds operate under the same guidelines and constraints as the General Fund and other governmental funds of the City. The Utilities Customer Service and Administration Fund shall operate under the guidelines of the Utilities Services Funds.

C. Cultural Services & Facilities Fund Fee Policy

1. Total revenue from fees and charges shall cover a minimum of 55% of Lincoln Center Operation and Maintenance and Performing and Visual Arts Programming Budgets. This includes revenues generated at the Lincoln Center from rentals, equipment, concessions and other miscellaneous sources and all total direct revenues from the Performing and Visual Arts Programming. A transfer from the General Fund will make up the difference between total revenue and expenditures.
2. The Cultural Services and Facilities Administration and Museum budgets provide minimal financial support. These programs are funded primarily by a transfer from the General Fund.
3. Major capital improvements and renovations will be financed through sources other than Cultural Services and Facilities Fund.
4. Charitable gifts and donations—raised from the philanthropic sector of foundations, corporations, and individuals to support public initiatives of the City of Fort Collins—will be

made directly to the City of Fort Collins. Acceptance, stewardship, tracking, and expenditures of all charitable gifts are governed by Philanthropic Administrative and City Give Finance Governance Policy with great attention to transparency and accountability.

D. Recreation Fund Rates and Charges Policy

Recreation Rates and Charges shall cover between 68% to 75% of all operating costs, with the difference to be covered by the City's General Fund and/or ~~50% of the Keep Fort Collins Great~~ portion voter approved tax revenues dedicated to Parks & Recreation. Equipment and rolling stock shall be considered operating costs in the application of this policy. Recreation Rates and Charges shall not be expected to cover major capital items such as facility and land acquisitions, major renovations to facilities or other costs such as utilities, custodial or grounds maintenance.

3.5 Capital Improvement Program

1. Each Service Area or Department shall develop multi-year Master Plans for capital improvements. On a city-wide basis, staff shall compile a 10-year Capital Improvement Plan and update it every two years. Estimates of operating and maintenance costs should be included;
2. Appropriation requests must include not only the cost of construction or acquisition and the funding sources, but an estimate of operating and maintenance costs;
3. Capital improvements projects will be administered in accordance with the Capital Projects Procedures Manual;
4. Appropriations for capital improvements will be constructed and expenditures incurred only for the purpose as approved by City Council;
5. Staff should seek out grants and partnerships whenever appropriate.

3.6 Using State Allocation of Private Activity Bonds

- A. **Background:** Conduit debt is issued in a local government's name, but the resources for repayment come from individuals or entities that are not part of government. Entities seek

conduit debt because of the government's ability to issue debt at favorable tax-exempt rates. Private Activity Bonds (PAB) are a form of conduit debt.

Colorado's Private Activity Bond allocation program is established by the Colorado Private Activity Bond Ceiling Allocation Act, Section 24-32-1701, et seq., C.R.S. Pursuant to Section 24-32-1706, annually the City of Fort Collins is offered a portion of the State ceiling as a local government. If the City does not issue bonds or assign bond capacity to an entity for a local project by September 15th annually, the cap automatically reverts back to the state's pool.

Historically, the City has provided this capacity on a first come first serve basis. It has not been uncommon for the City to receive no requests. Because more partners are using programs that can benefit from the lower interest rate that PAB's offer, the City is establishing this process.

- B. **Purpose:** PAB's allow certain private sector activities to receive lower interest rates. PAB's may be used for affordable housing development and rehabilitation, specific economic development programs and for industrial development purposes, among other permitted uses. The City will attempt to find local uses for this development tool.
- C. **Communication:** Information about the program should be placed on the City's website (fcgov.com). Consideration for other advertising and communication methods may be appropriate.
- D. **Awarding and Assigning:** Awarding PAB and Assigning PAB allocations are different processes. Assigning PAB to another qualified issuer is strongly preferred. This is to reduce the administrative investments and leverage the efficiency of qualified issuers who award PAB's regularly. If an entity applies for a direct award under the City's name, staff will attempt to find a qualified issuer that agrees to accept an assignment from the City and issue the PAB under their own authority.
- E. **Application due date:** Written applications to use of Fort Collin's annual PAB allocation are due to the City's Chief Sustainability Officer by March 15th.
- F. **Application Elements:**
 - a. The following items are required when applying for both assignments and direct awards.
 - i. A request letter signed by applicant describing the project the PAB would be used for and including: the applicant's name, address, phone, email address, and principal contact.
 - ii. Amount of allocation being requested.

- iii. Bond counsel firm name, address, phone, email address and principal contact.
 - iv. Description of Applicant's local projects and years of operation
 - v. Number of years' entity has been doing business in State of Colorado
 - vi. Provide a Certificate of Good Standing from the Secretary of State's office.
 - vii. Description of assets to be purchased or constructed and expenses incidental to the project, including the sale of bonds.
 - viii. Explanation of how the project aligns with City objectives.
 - ix. Number of housing units and target demographics
 - x. Statement from competent bond counsel that the project is eligible for qualified private activity bonds.
- b. The following additional items are required in applications for direct awards of PAB:
- Debt Information**
- xi. Name, address, phone of principal contact of the proposed underwriter or lender.
 - xii. Anticipated timetable for bond transaction.
 - xiii. Estimated bond redemption and interest payment schedule
 - xiv. Indicate the type of letter of credit or similar instrument, which will back the debt
 - xv. Disclose if the applicant is involved in any litigation which may affect the validity or repayment of the bonds.
- Financial Information**
- xvi. Audited financial statements for the applicant for the last three years and interim statements for the current year. If not available, please explain why.
 - xvii. Projection of future revenues, expenditures and debt service coverage for the next five years supported by a feasibility study.
- Other**
- xviii. Describe the arrangements that will ensure compliance with arbitrage reporting and payment requirements.
 - xix. Name, address and principal contact person for applicant's local bank.
 - xx. Briefly describe any potential conflicts of interest of personal/ professional/ political relationships between the applicant's officers and/or directors or applicant's operations and the City of Fort Collins.
 - xxi. Any other information which provides evidence of the applicant's ability to repay the bonds and complete the project.
- Debt Security**
- xxii. All arbitrage calculations and payments must be performed by the trustee under the terms of the trust agreement or by any such other arrangement that will ensure compliance. The City must be provided with copies of 8088-T's filed with the IRS.
 - xxiii. The private entity must provide the City with information on the status of the debt annually and upon any material event.

- xxiv. The bond documents must indemnify the City against IRS assessments and legal fees arising from the financing.
 - xxv. The issuer's agent will be responsible for all continuing disclosure requirements.
- c. Items missing from application may result in disqualification from consideration.
- G. **Fees:** There are no fees for applications that request assignments to another qualifying issuer. However, the following fees apply to applications requesting a direct award of PAB from the City of Fort Collins.
- a. Issuance fee equal to the greater of: A. 0.25% of the par amount of the debt, or B. \$5,000. The fee is capped at \$25,000.
 - b. The cost of a review of the financing by an independent fiscal agent (to be selected by the City)
 - c. Any other direct cost incurred by the City related to the financing.
 - d. There will not be additional issuance fees for any amendment or modification of the original transaction even if it requires official action by City Council, except for actual direct costs of the City.
- H. **Review Process**
- a. PAB Committee: Applications will be reviewed by a committee of at least 3 people. Members will include at least one representative each from Social Sustainability, Economic Health and Finance. Representatives from other departments, such as the City Manager's Office will be added as needed. Service Area Directors will make the necessary appointments to the PAB Committee.
 - b. At a minimum, the following factors should be considered by the PAB Committee when making a recommendation:
 - i. How well the project applied for meets the land use, economic development and/or affordable housing goals of the City of Fort Collins.
 - ii. Project feasibility and timing.
 - iii. Leverage of other investment into the project.
 - iv. Maintenance of or increase in local tax base.
 - v. Competing uses for the City's allocation.
 - vi. Whether the City's allocation should be used in multiple projects.
 - vii. Whether the application should be considered by any City Board or commission.
 - c. The PAB Committee will decide on a recommendation no later than July 1.
 - d. City Council shall approve all PAB assignments or direct awards. The PAB Committee shall submit their recommendations to the City Council no later than August 15.

Getting Help

Please contact the ~~Controller~~Accounting Manager with any questions at 970.416.243546.

Financial Management Policy 5

Fund Balance Minimums

Issue Date: 01/12/21
Reviewed Date: 12/05/24
Version: 6
Issued by: City Council

Objective:

To set minimum fund balances as to mitigate risk, maintain good standing with rating agencies, and ensure cash is available when revenue is unavailable. The policy sets minimum fund balances, not targets or maximum balances. Each fund should be evaluated by staff to determine the appropriateness of maintaining fund balances above the minimums set in this policy. Contingencies for severe weather, prolonged drought, and anticipated capital spending should be considered independently from this policy.

Applicability:

Funds—This policy applies to all City funds. It does not apply to URA, DDA, PFA and Library.

Authorized by:

City Council Resolutions 1994-174, 2008-038, 2014-058, 2017-101, 2021-010

5.1 Governmental Funds and Fund Balances

To set minimum fund balances so as to mitigate risks, maintain good standing with rating agencies, and ensure cash is available when revenue is unavailable. The policy sets minimum fund balances, not targets or maximum balances. Each fund should be evaluated by staff to determine the appropriateness of maintaining fund balances above the minimums set in this policy. Contingencies for severe weather, prolonged drought, and anticipated capital spending should be considered independently from this policy.

The Equity on balance sheet of a governmental fund is called Fund Balance. The current classifications of Fund Balance in governmental funds are primarily based on the origin of the constraints. The following categories are in decreasing order of constraints.

<u>Non-Spendable</u>	Permanent endowments or assets in a non-liquid form
<u>Restricted</u>	Involve a third party: State Legislation or contractual agreements
<u>Committed</u>	Set by formal action of the City Council
<u>Assigned</u>	By staff, and/or residual balances in a Special Revenue Fund
<u>Unassigned</u>	Remaining balances in governmental funds

Minimums outlined in section 5.3 relate only to **Assigned and Unassigned** balances.

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5.2 Proprietary Funds and Working Capital

Internal Service Funds and Enterprise Funds are accounted for nearly identical to the private sector. The balance sheets include long term assets and long term liabilities. The resulting Equity section on their balance sheet, called Net Position, is not always a good measure of spendable financial resources. To get to spendable financial resources, a common calculation is to take Current Assets and subtract Current Liabilities, with the net result called Working Capital.

To further refine, for purposes of this policy, certain required restrictions are further subtracted and result in **Available Working Capital**. Some examples of required restrictions are unspent monies for Art in Public Places, Water Rights, and existing appropriations for capital projects. The minimums outlined in section 5.3 relate to Available Working Capital.

5.3 Minimum Balances

The following Minimum Balances refers to Assigned and Unassigned Fund Balances in governmental funds and Available Working Capital in the Internal Service Funds and Enterprise Funds.

A. General Fund

~~60-45~~ Day Liquidity Goal - The Commitment for Contingency should be at least ~~60-45~~ days (~~1712.5~~%) of the subsequent year's originally adopted budgeted expenditures and transfers out. The calculation for the minimum level shall exclude expenditures and transfers out for large and unusual one-time items.

Important note – the ~~60-45~~ Day Liquidity Goal is in addition to the Emergency Reserves required by Article X, Section 20(5) of the State Constitution. This reserve must equal 3% of non-exempt revenue and can only be used for declared emergencies. Fiscal emergencies are specifically excluded by the State Constitution as qualifying use of this reserve.

B. Special Revenue Funds

No minimum balance is required.

C. Debt Service Funds

No minimum balance is required.

D. Capital Project Funds

No minimum balance is required.

E. Enterprise Funds

Enterprise funds focus on working capital rather than fund balance.

Enterprise Funds shall maintain a minimum Available Working Capital equal to 25% of Operating Expenses, less Depreciation. Exception 1: In the case of L&P, operating expenses will include purchased renewable energy for resale but will not include regular purchased power for resale (i.e. Platte River Power Authority). Exception 2: In the case of Golf, the minimum fund balance will be 12.5%.

Important note – The Water Fund holds a balance for Restricted Water Rights. The balance equals the amount of cash in-lieu-of water rights payments and raw water surcharges less any expenses for acquiring water rights and water storage;

The enterprises funds should also be accumulating available working capital above these minimums for the purposes of funding future capital projects.

F. Internal Service Funds

Each fund is a unique operation and will maintain a minimum Available Working Capital as follows:

601	Equipment Fund	8.3%	Of annual operating expenses, excluding depreciation
602	Self-Insurance Fund *	25.0%	Of annual operating expenses
603	Data & Communications Fund	0.0%	N/A
604	Benefits Fund	25.0%	Of annual medical and dental expenses
605	Utility Customer Service Fund	0.0%	N/A

* Self Insurance Fund will be measured against Available Unrestricted Net Position instead of Available Working Capital.

5.4 Below Minimum

When circumstances result in balances below the minimum, staff should develop a plan to restore minimums fund balances and present it to Council Finance Committee.

Definitions

Non Spendable Fund Balances: *Applicable to governmental funds. Permanent endowments or assets in a non-liquid form such as long term inter-agency loans.*

Restricted Fund Balances: *Applicable to governmental funds. Involve a third party such as State Legislative requirements, voter ballot language, or the Contractual Agreements with parties external to the City.*

Committed Fund Balances: *Applicable to governmental funds. Involve a of formal action by the City Council. An example is traffic calming revenues are required to be spent on traffic calming activities. Any unspent monies at end of year are classified as Committed to traffic calming in the General Fund.*

Assigned Fund Balances: *Are applicable to governmental funds. Assignments can be made by senior management. They represent the intent to use the monies for a specific purpose. An example of this it this the one time Harmony Road monies transferred by the State to the City. Although required to be used on Harmony Road, staff intends to use the monies only on Harmony Road improvements. These monies are considered when measuring compliance with minimum fund balances.*

Unassigned Fund Balances: *Are applicable only to the governmental funds. These monies are considered when measuring compliance with minimum fund balances.*

Working Capital: *Is a term applicable to Internal Service and Enterprise Funds. It is the difference between Current Assets and Current Liabilities. Not all Working Capital is available. Available Working Capital does not include Restrictions for debt, Art in Public Places, approved capital appropriations, and other restrictions.*

Unrestricted Net Position: *Is a term applicable to Internal Service and Enterprise Funds. Not all Unrestricted Net Position is available. Available Unrestricted Net Position does not include unused Art in Public Places monies, approved capital appropriations, and other commitments.*

Liquidity: *Assets range from cash to land. The more easily and quickly an asset can be converted to cash determines its relative liquidity.*

Reserves: *A legacy term that previously referred to fund balances, or fund balances set aside for a specific purpose. It is no longer used on financial statements.*

Fund Balance: *Is a term applicable to governmental funds. Fund balance or Equity is the difference between assets, liabilities, deferred outflows of resources and deferred inflows of resources. Since governmental funds do not have long term assets and long term debt on their balance sheet, fund balance is similar and approximates working capital in the private sector and enterprise funds.*

Getting Help

Please contact the ~~Accounting Manager~~ Controller with any questions at 970.221.416.6772.2436.

Debt

Issue Date: 02-07-2023
Reviewed: 12-06-2024
Version: 3
Issued by: City Council

Objective:

The purpose of this policy is to establish parameters and provide guidance governing the issuance of all debt obligations issued by the City of Fort Collins (City).

Applicability:

This debt policy applies to all funds and Service Areas of the City and closely related agencies such as the Downtown Development Authority (DDA), Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority (URA).

Authorized by:

City Council Resolutions, 1994-174, 2013-093, 2023-017

7.1 Authorization for Municipal Borrowing

The City Charter (Article V. Part II) authorizes the borrowing of money and the issuance of long-term debt. The Charter and State Constitution determine which securities may be issued and when a vote of the electors of the City and approved by a majority of those voting on the issue.

7.2 Purpose and Uses of Debt

Long term obligations should only be used to finance larger capital acquisitions and/or construction costs that are for high priority projects. Debt will not be used for operating purposes. Debt financing of capital improvements and equipment will be done only when the following conditions exist:

- a) When non-continuous projects (those not requiring continuous annual appropriations) are desired;
- b) When it can be determined that future users will receive a significant benefit from the improvement;
- c) When it is necessary to provide critical basic services to residents and taxpayers (for example, purchase of water rights);
- d) When total debt, including that issued by overlapping governmental entities, does not constitute an unreasonable burden to the residents and taxpayers.

7.3 Types of Debt and Financing Agreements

The types of debt permitted are outlined in State statute. The City will avoid derivative type instruments. In general the following debt types are used by the City:

- a) General obligation bonds—backed by the credit and taxing power of the City and not from revenues of any specific project. Colorado law limits general obligation debt to 10% of the City’s assessed valuation. Under TABOR this type of debt must be approved by voters.
- b) Revenue Bonds—issued and backed by the revenues of a specific project, tax increment district (TIF), enterprise fund, etc. The holders of these bonds can only consider this revenue source for repayment. TABOR does not require that voters approve these types of debt.
- c) Lease Purchase – issued whereby the asset acquired is used as collateral. Examples include Certificates of Participation (COP), Assignment of Lease Payments (ALP) and equipment leases. Equipment leases shall be limited to financing within Internal Service Funds. TABOR does not require that voters approve these types of agreements.
- d) Moral Obligation Pledge—a pledge to consider replenishing a debt reserve fund of another government agency if the reserve was used to make debt payments. This type of commitment will only be used to support the highest priority projects, or when the financial risk to the City does not increase significantly, or when the City’s overall credit rating is not expected to be negatively impacted. Because it is a pledge to consider replenishing, it is not a pledge of the City’s credit, and as such is not a violation of State statutes and City Charter. However, decision makers should keep in mind that not honoring a Moral Obligation Pledge will almost certainly negatively impact the City’s overall credit rating. TABOR does not require that voters approve these types of agreements.
- e) Interagency Borrowing—issued when the credit of an agency (DDA, URA) of the City does not permit financing at affordable terms. Usually used to facilitate a project until the revenue stream is established and investors can offer better terms to the agency. Program parameters are outlined in section 7.8 of this policy. TABOR does not require that voters approve these types of agreements.
- f) Conduit Debt—Typically limited to Qualified Private Activity Bonds (PAB) defined by the IRS and limited to the annual allocation received from the State. Low income housing is one example of a qualified use of PAB. Program parameters are outlined the General Financial Policy 3.6. There is no pledge or guarantee to pay by the City.
- g) Any other securities not in contravention with City Charter or State statute.

7.4 Debt Structure and Terms

The following are guidelines, and may be modified by the City to meet the particulars of the financial markets at the time of the issuance of a debt obligation:

- a) Term of the Debt: The length of the financing will not exceed the useful life of the asset or average life of a group of assets, or 30 years, whichever is less. Terms longer than 20 years should be limited to the highest priority projects.
- b) Structure of Debt: Level debt service will be used unless otherwise dictated by the useful life of the asset(s) and/or upon the advice of the City's financial advisor.
- c) Credit Enhancements: The City will not use credit enhancements unless the cost of the enhancement is less than the differential between the net present value of the debt service without enhancement and the net present value of the debt service with the enhancement.
- d) Variable Rate Debt: The City will normally not issue variable rate debt, meaning debt at rates that may adjust depending upon changed market conditions. However, it is recognized that certain circumstances may warrant the issuance of variable rate debt, but the City will attempt to stabilize the debt service payments through the use of an appropriate stabilization arrangement.
- e) Derivative type instruments and terms will be avoided.

7.5 Refinancing Debt

Refunding of outstanding debt will only be done if there is a resultant economic gain regardless of whether there is an accounting gain or loss, or a subsequent reduction or increase in cash flows. The net present value savings shall be at least 3%, preferably 5% or more. In an advanced refunding (before the call date), the ratio of present value savings to the negative arbitrage costs should be at least 2.

7.6 Debt Limitations and Capacity

Debt capacity will be evaluated by the annual dollar amount paid and the total amount outstanding with the goal to maintain the City's overall issuer rating at the very highest rating, AAA. Parameters are different for Governmental Funds, Enterprise Funds, and Related Agencies.

- a. Governmental Funds—Annual debt service (principal and interest) will not exceed 5% of annual revenues. For calculation, revenues will not include internal charges, transfers and large one-time grants. Outstanding debt in relation to population and assessed value will be monitored.
- b. Enterprise Funds—Each fund is unique and will be evaluated independently. Each fund's debt will be managed to maintain a credit score of at least an A rating. These funds typically issue revenue bonds and investors closely watch revenue coverage ratio. Coverage ratios are usually published in the Statistical Section of the City's Comprehensive Annual Financial Statement.
- c. Related Agencies—Each agency will be evaluated independently, taking into account City Charter, State statutes, market conditions and financial feasibility.

7.7 Debt Issuance Process

When the City utilizes debt financing, it will ensure that the debt is soundly financed by:

- a) Selecting an independent financial advisor to assist with determining the method of sale and the selection of other financing team members
- b) Conservatively projecting the revenue sources that will be used to pay the debt;
- c) Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt.
- d) Evaluating proposed debt against the target debt indicators.

7.8 Inter-agency Loan Program

1. *Purpose:* The purpose of the Inter-agency loan program is to support City services, missions, and values by making loans to outside entities such as the Urban Renewal Authority and the Downtown Development Authority while maintaining an adequate rate of return for the City.
2. *Eligible Applicants:* The following are examples of situations in which City loans to outside agencies may be appropriate:
 - A. An entity that was created wholly or in part by the City and is in a fledgling stage and does not yet have an established credit history to access the capital markets. Examples include the Urban Renewal Authority, etc.
 - B. An entity related to the City desires to issue debt that will be repaid over a timeframe that would be unrealistic for a private lender. Examples include bonds issued by the Downtown Development Authority for less than 10 years.
 - C. Any other situation in which the Council deems it appropriate to meet the financing needs of an entity that is engaged in services that support the mission and values of the City.
3. *Program Guidelines:*
 - A. The borrowing entity must have approval from its governing body.
 - B. The loan must be evidenced by a promissory note.
 - C. There must be a reasonable probability of repayment of the loan from an identifiable source such as TIF revenues.

- D. The interest rate assigned to the loan must be the higher of the Treasury Note or Municipal Bond of similar duration (3 year, 5 year, etc.), plus 0.5%, subject to the following minimum (floor).

FLOOR - Minimum Loan Rates

Term	Rate
0 – 5 years	2.75%
6 – 10 years	3.25%
11 – 15 years	3.75%
16 – 25 years	4.00%

- E. The loans must be limited to 25 years.
- F. City Council must review the request and approve the amount and terms and conditions of the loan.
- G. Loans of Utility reserves must be reviewed by either the Energy Board or Water Board, as applicable, in advance of City Council or Council committee consideration, and must meet the following additional criteria:
- the City Council must make a formal finding that the funds will not be needed for utility purposes during the term of the loan, and that the terms and conditions of the loan represent a reasonable rate of return to the Utility; and
 - utility rates must not be increased for the purposes of funding the loan.

4. *Limit on Funds available for Loan Program*

- A. Governmental Funds: Total loans shall not exceed 25% of the aggregate cash and investments balance of the governmental funds (i.e., General Fund and Special Revenue Funds).
- B. Enterprise Funds: Total loans shall not exceed 5% of the aggregate cash and investments balance in the enterprise funds (i.e. Utility Funds and Golf Fund).
- C. Operating and capital needs of the loaning funds shall not be significantly impaired by these loans.

- D. Loans should not impact the loaning funds compliance with minimum fund balance policies, timing of intended uses, etc

7.9 Other

Debt Management - The City will also have an administratively approved Debt Administration Policy and Procedure 53 that includes guidance on:

- a) Investment of bond proceeds
- b) Market disclosure practices to primary and secondary markets, including annual certifications, continuing disclosures agreements and material event disclosures
- c) Arbitrage rebate monitoring and filing
- d) Federal and State law compliance practices
- e) Ongoing Market and investor relations efforts
- f) Identify a Chief Compliance Officer
- g) System of actions and deadlines
- h) Records to be maintained

Getting Help

Please contact the Accounting Manager with any questions at 970.416.2436.

Related Policies/References

- *The City of Fort Collins Charter (Article V., Part II)*
- *Investment Policy*
- *Debt Administration Policy and Procedures 53*

Definitions

Conduit Debt: 1- An organization, usually a government agency, that issues municipal securities to raise capital for revenue-generating projects where the funds generated are used by a third party (known as the "conduit borrower") to make payments to investors. The conduit financing is typically backed by either the conduit borrower's credit or funds pledged toward the project by outside investors. If a project fails and the security goes into default, it falls to the conduit borrower's financial obligation, not the conduit issuer (City). 2- Common types of conduit financing include industrial development revenue bonds (IDRBs), private activity bonds and housing revenue bonds (both for single-family and multifamily projects). Most conduit-issued securities are for projects to benefit the public at large (i.e. airports, docks, sewage facilities) or specific population segments (i.e. students, low-income home buyers, veterans). 3- In some cases, a governmental entity issues municipal bonds for the purpose of making proceeds available to a private entity in furtherance of a public purpose, such as in connection with not-for-profit hospitals, affordable housing, and many other cases. These types of municipal bonds are sometimes referred to as "conduit bonds." One common structure is for the governmental issuer to enter into an arrangement with the private conduit borrower in which the bond proceeds are loaned to the conduit borrower and the conduit borrower repays the loan to the issuer. For most conduit bonds, although the governmental issuer of the bonds is legally obligated for repayment, that obligation usually is limited to the amounts of the loan repayments from the conduit borrower. If the conduit borrower fails to make loan repayments, the governmental issuer typically is not required to make up such shortfalls. Thus, unless the bond documents explicitly state otherwise, investors in conduit bonds should not view the governmental issuer as a guarantor on conduit bonds.

Credit Enhancements: the requirement that a certain percentage or amount of non-federal dollars or in-kind services be provided in addition to the grant funds.

Interagency: the individual responsible for fiscally managing the grant award and the person who maintains the records in the City's financial system.

Debt Service Coverage Ratio: is a common measure of the ability to make debt service payments. The formula is net operating income (operating revenue – operating expense) divided by debt service (annual principal and interest)

Investment Policy

Issue Date: 02-07-2023
Reviewed: 12-05-2024
Version: 5
Issued by: City Council

Objective:

This policy is to establish guidelines for the efficient management of City funds and for the purchase and sale of investments. The City’s principal investment objectives, in priority order are: legal conformance, safety, liquidity and return on investment. All investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

Applicability:

This investment policy applies to the investment of all general and specific funds over which the City exercises financial control, including operating funds, Poudre Fire Authority, the Downtown Development Authority, Poudre River Public Library District, Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority.

Authorized by:

City Council, Resolutions 90-44, 2008-121, 2009-109, 2010-065, 2012-119. 2023-017.

8.1 Policy

The City of Fort Collins, Colorado (the “City”) is a home rule municipality operating under the City Charter. Article V, Part III of the City Charter assigns to the Financial Officer the responsibility of investing City funds. Funds must be placed in investments authorized by the City Council (“Council”). The Financial Officer will administer the investment program to ensure effective and sound fiscal management.

It is the policy of the City to invest public funds in a manner which will protect capital and meet liquidity needs while providing the highest investment return.

8.2 Scope

This policy is to establish guidelines for the efficient management of City funds and for the purchase and sale of investments. This investment policy applies to the investment of all general and special funds over which the City exercises financial control, including operating funds, Poudre Fire Authority, the Downtown Development Authority, Poudre

River Public Library District, Fort Collins Leasing Corporation and the Fort Collins Urban Renewal Authority. For purposes of this policy, operating funds include:

General Fund;
 Special Revenue Funds;
 Debt Services Funds (unless prohibited by bond ordinance);
 Capital Projects Funds;
 Enterprise Funds;
 Internal Service Funds;
 Trust and Agency Fiduciary Funds; and
 Any newly created Fund, unless exempted by Council.

Unless specifically provided for in the bond ordinance, all bond proceeds, bond reserve funds and pledged revenues must be invested in accordance with the operating funds guidelines set forth in this Investment Policy. Guidelines for investing the funds of the City's defined benefit plan shall be included in the Investment Policy for the General Employees' Retirement Plan, which is monitored and approved by the General Employees' Retirement Committee.

8.3 Investment Objectives

The City's principal investment objectives, in priority order, are: legal conformance, safety, liquidity, and return on investment. All investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

1. *Legal conformance:* The investment portfolio will conform to all legal and contractual requirements.
2. *Safety:* Safety of investment principal and the preservation of capital are primary objectives of the investment program. When making investment decisions, the Financial Officer will seek to ensure the preservation of capital in the overall portfolio by mitigating credit risk and interest rate risk.
 - A. *Credit Risk:* The Financial Officer will minimize the risk of loss of principal and/or interest due to the failure of the security issuer or backer by:
 - a. Limiting investments to the safest types of securities.
 - b. Pre-qualifying financial institutions, securities brokers and dealers, and advisors.
 - c. Diversifying the investment portfolio to reduce exposure to any one security type or issuer.

Interest Rate Risk: The Financial Officer will minimize the risk that the market value of securities in the portfolio will fall due to changes in market interest rates by:

- a. Whenever possible, holding investments to their stated maturity dates.
 - b. Investing a portion of the operating funds in shorter-term securities, money market mutual funds, or local government investment pools.
3. *Liquidity:* The investment portfolio must be sufficiently liquid so as to meet all reasonably anticipated operating cash flow needs. This is accomplished by structuring the portfolio so that securities mature to meet cash requirements for ongoing operations. Investments shall be managed to avoid, but not prohibit, sale of securities before their maturities to meet foreseeable cash flow requirements. Since all possible cash needs cannot be anticipated, the portfolio must consist largely of securities with active secondary or resale markets.
4. *Return on Investment:* The investment portfolio will be designed with the objective of maximizing the rate of return on investment while maintaining acceptable risk levels and ensuring adequate liquidity. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. Investment pooling may be used to maximize the City's investment income. Interest income, from pooling, will be distributed to the participating funds in proportion to each fund's level of contribution.

The Financial Officer will determine whether a security will be sold prior to maturity. The following are examples of when a security might be sold:

- a. A security with a declining credit rating may be sold early to minimize loss of principal;
- b. A security swap would improve the quality, yield, return, or maturity distribution of the portfolio;
- c. Liquidity needs of the portfolio require that the security be sold; or
- d. The Financial Officer will obtain the best rate of return on investments by taking advantage of market volatility and recognizing gains on a portion of the portfolio.

8.4 Standards of Care

1. *Prudence:* The City has a fiduciary responsibility to protect the assets of the City and to invest funds appropriately. The standard of care to be used by City officials is the "prudent person" rule as specified by CRS 15-1-304, which reads:

"Standard for investments: In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of

others, fiduciaries shall be required to have in mind the responsibilities which are attached to such offices and the size, nature, and needs of the estates entrusted to their care and shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital. Within the limitations of the foregoing standard, fiduciaries are authorized to acquire and retain every kind of property, real, personal, and mixed, and every kind of investment, specifically including, but not by way of limitation, bonds, debentures, other corporate obligations, stocks, preferred or common, securities of any open-end or closed-end management type investment company or investment trust, and participations in common trust funds, which men of prudence, discretion, and intelligence would acquire or retain for the account of another.”

The Financial Officer and designees, acting within the guidelines of this investment policy and written procedures, the City Charter and Code, all applicable state and federal laws and after exercising due diligence, will not be held personally liable and will be relieved of personal responsibility for an individual security’s credit risk or market price changes, or for losses incurred as a result of specific investment transactions or strategies. (CRS 24-75-601.4, et seq.)

2. *Ethics and Conflicts of Interest:* City officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials must disclose any material interests in financial institutions with which they conduct business. They must further disclose any personal financial and investment positions that could be related to the performance of the City’s investment portfolio. In addition they must adhere to the rules of conflicts of interest as stated in Art. IV, Section 9(b) of the Charter of the City of Fort Collins, Colorado.

3. *Delegation of Authority:* The City Charter assigns the responsibility for the collection and investment of all city funds to the Financial Officer, subject to direction from Council by ordinance or resolution. The Financial Officer, subject to City Manager approval, may appoint other members of the Finance Department to assist in the investment function.

Administrative Procedures

- a. The Financial Officer is responsible for all investment decisions and activities, and must regulate the activities of subordinate employees for the operation of the City's investment program consistent with this investment policy.
- b. No person may engage in an investment transaction except as provided under the terms of this Investment Policy and the procedures established by the Financial Officer.

A. Authorized Designees

- a. The Financial Officer will maintain a list of individuals and institutions that are authorized to transfer, purchase, sell and wire securities or funds on behalf of the City.
- b. This list will be provided to the securities broker or dealer or financial institution prior to the City conducting any investment transactions with the institution.

B. Investment Advisors

- a. The Financial Officer has the discretion to appoint one or more investment advisors, registered with the Securities and Exchange Commission under the Investment Advisors Act of 1940, to assist in the management of all or a portion of the City's investment portfolio.
- b. All investments made through such investment advisors shall be within the guidelines of this Investment Policy.

4. *Investment Committee:* The Investment Committee consists of the Financial Officer and at least 2 other employees of the City that are knowledgeable in the area of governmental investments. The Investment Committee, at the discretion of the Financial Officer, may also include up to 2 private sector investment or banking professionals. The purpose of the Investment Committee shall be to provide advice to the Financial Officer regarding the operation of the investment program.

8.5 Safekeeping and Custody

1. *Authorized Securities Brokers and Dealers and Financial institutions*

- A. The Financial Officer will maintain a list of financial institutions authorized to provide investment services. The Financial Officer will also maintain a list of approved securities brokers and dealers. This list may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1.

- B. All financial institutions and securities brokers and dealers who wish to provide investment services to the City must supply the following (as appropriate):
- a. Current audited financial statements;
 - b. Completed securities broker and dealer questionnaire;
 - c. Proof of National Association of Securities Dealers certification and registration in the State of Colorado; and
 - d. Certification of their review, understanding and agreement to comply with the City's Investment Policy.
- C. If a financial institution or securities broker or dealer wishes to enter into a repurchase agreement with the city, the institution must sign a Master Repurchase Agreement approved as to form and content by the City Attorney's Office.
- D. The Financial Officer must conduct an annual review of the financial condition of authorized financial institutions and securities brokers and dealers.
- E. Investment transactions must be executed with an authorized financial institution or securities broker or dealer except in the following circumstances:
- a. Commercial paper, banker acceptances and guaranteed investment contracts may be purchased and sold directly from the issuer;
 - b. Mutual funds and money market funds may be purchased, sold and held directly with the funds;
 - c. Investments in local government investment pools may be transacted directly with the pool; and
 - d. Bond refunding and lease escrow agreements will be executed as provided in the bond and lease documents.
- F. The Financial Officer will establish a safekeeping agreement with an approved financial institution to act as a third party custodian. Investment securities will be held for the City by the custodian. When applicable, the Financial Officer shall establish a separate securities lending agreement with the custodian bank. The selection of the City's primary depository and primary custodian will be made through the City's competitive Request for Proposals process.
2. *Delivery versus Payment*: All trades will be executed by delivery versus payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by the City's third-party custodian as evidenced by safekeeping receipts.

3. *Internal Controls:* The Financial Officer is responsible for establishing and maintaining an internal control structure designed to provide reasonable assurance that the assets of the city are protected from loss, theft or misuse.

8.6 Suitable and Authorized Investments

As a home rule city, the City may adopt a list of acceptable investment instruments differing from those outlined in CRS 24-75-601.1. Pursuant to Article V of the City's Charter the Council has adopted the following Ordinances and Resolutions establishing the framework under which the Financial Officer must conduct his duties: Ordinance 90, 1993; Ordinance 108, 1988, Resolution 85-134; and Resolution 82-70. Council may adopt additional Ordinances or Resolutions that require modification of these investment tools.

1. *Eligible Investments:* City funds may be invested in the following:
 - A. Any securities now or hereafter designed as legal investment for municipalities in any applicable statute of the State of Colorado;
 - B. Interest-bearing accounts or time certificates of deposit, including collateralized certificates of deposit and certificates of deposit through the Account Registry Service, of financial institutions designated as depositories for public moneys by the State of Colorado;
 - C. United States Treasury obligations for which the full faith and credit of the United States are pledged for payment of principal and interest. Such securities will include but not be limited to: Treasury bills, Treasury notes, Treasury bond and Treasury strips with maturities not exceeding five years from the date of purchase;
 - D. Obligations issued by any United States government-sponsored agency or instrumentality. Maturities may not exceed five years from the date of purchase;
 - E. Obligations issued by or on behalf of the City;
 - F. Obligations issued by or on behalf of any state of the United States, political subdivision, agency, or instrumentality thereof. At the time of purchase the obligation shall have an investment grade rating of not less than AA- from Standard & Poor's, Aa3 from Moody's Investors Service or AA- from Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;
 - G. Prime-rated bankers acceptances with a maturity not exceeding six months from the date of purchase, issued by a state or national bank which has a combined capital and surplus of at least 250 million dollars, whose deposits are insured by the FDIC and whose senior long-term debt

is rated at the time of purchase at least AA- by Standard and Poor's, Aa3 by Moody's Investors Service, or AA- by Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;

- H. U.S. dollar denominated corporate notes or bank debentures. Authorized corporate bonds shall be U.S. dollar denominated, and limited to corporations organized and operated within the United States with a net worth in excess of 250 million dollars. At the time of purchase the debenture or corporate note shall have an investment grade rating of not less than AA- from Standard & Poor's, Aa3 from Moody's Investors Service or AA- from Fitch Ratings Service. The ratings must be not less than above for all agencies rating the debt, no split ratings are allowed;
- I. Prime-rated commercial paper with a maturity not exceeding six months issued by U.S. corporations. At the time of purchase the paper shall be rated A1 by Standard and Poor's and P1 by Moody's Investors Service. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated at the time of purchase at least AA- by Standard and Poor's or Aa3 by Moody's Investors Service;
- J. Guaranteed investment contracts of domestically-regulated insurance companies having a claims-paying ability rating of AA- or better from Standard & Poor's at the time of purchase;
- K. Repurchase and reverse repurchase agreements. The structure of the agreements (including margin ratios and collateralization) shall be contained in the Master Repurchase Agreements. Repurchase agreements shall include but are not limited to delivery-versus-payment, tri-party and flexible repurchase agreements;
- L. Local government investment pools authorized under the laws of the State of Colorado with a rating of AAAm; and
- M. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar denominated securities.

2. *Repurchase Agreements*

- A. Before any repurchase agreements shall be executed with an authorized securities broker or dealer or financial institution, a Master Repurchase Agreement approved as to form and content by the City Attorney's Office must be signed between the City and the securities broker or dealer or financial institution.
- B. The Financial Officer will maintain a file of all Master Repurchase Agreements.

- C. In addition to the straight forward repurchase agreement, wherein the financial institution or securities broker or dealer delivers the collateral versus payment to the City’s custodian for a fixed term at a fixed rate, the City may enter into other types of repurchase agreements which may include but not be limited to flexible repurchase agreements, tri-party agreements and reverse repurchase agreements.
- D. Repurchase agreements must be collateralized as provided in individually executed Master Repurchase Agreements at a minimum of 102 percent.
- E. Zero coupon instruments will not be accepted as collateral.
- F. The collateralized securities of the repurchase agreement can include but are not limited to: U.S Treasuries, Collateralized Mortgage Obligations or Agency securities.

8.7 Diversification and Liquidity

1. *Diversification and Asset Allocation:* It is the intent of the City to diversify its investment portfolio. Investments shall be diversified to eliminate the risk of loss resulting from over-concentration of assets in a specific maturity, issuer or class of securities. Diversification strategies and guidelines shall be determined and revised periodically by the Financial Officer. The investments may be diversified by:

- A. Limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
- B. Limiting investment in securities that have higher credit risks;
- C. Investing in securities with varying maturities; and
- D. Maintaining a portion of the portfolio in readily available funds such as local government investment pools, money market funds or short term repurchase agreements to ensure that City liquidity needs are met.

The maximum investment allowable for each investment category as a percentage of the entire portfolio is as follows (excluding collateral for repurchase agreements):

CASH AND CASH EQUIVALENTS	100%
TREASURY SECURITIES	90%
GOVERNMENT-SPONSORED AGENCY SECURITIES	90%
REPURCHASE AGREEMENTS	70%
LOCAL GOVERNMENT INVESTMENT POOLS	60%

CORPORATE NOTES OR BONDS*	40%
BANK DEBENTURES*	25%
COMMERCIAL PAPER*	25%
BANKER'S ACCEPTANCES*	25%
MONEY MARKET FUNDS AND MUTUAL FUNDS	15%
CD ACCOUNT REGISTRY SERVICE (MAXIMUM 50 MILLION)	15%
CERTIFICATES OF DEPOSIT	15%
GUARANTEED INVESTMENT CONTRACTS	5%

* A maximum of 10 percent of the portfolio may be invested in any one provider or issuer.

2. *Investment Maturity and Liquidity*

- A. A portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or short-term repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations. The City must at all times maintain 5 percent of its operating investment portfolio in instruments maturing in 120 days or less.
- B. Reserved funds may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as closely as possible with the expected use of funds.
- C. The weighted average final maturity limitation of the total portfolio, excluding pension funds and long-term reserve funds, **will not exceed 3 years**.
- D. The City may collateralize repurchase agreements with longer-dated investments, final maturity not to exceed 30 years.

8.8 Reporting

- 1. *Methods:* The Financial Officer will prepare an investment report on a quarterly basis. In addition, a comprehensive investment report may be published on the City's website on an annual basis. All investment reports will be submitted in a timely manner to the City Manager.
- 2. *Performance Standards:* The investment portfolio will be managed in accordance with the parameters specified within this Investment Policy. The Financial Officer will establish a benchmark yield for the City's investments

equal to the average yield on the U.S. Treasury security which most closely corresponds to the portfolio's actual weighted average maturity. In order to determine the actual rate of return on any portion of the portfolio managed by an investment advisor, the Financial Officer must include all of the advisor's expenses and fees in the computation of the rate of return.

3. *Marking to Market:* The market value of the portfolio will be calculated at least quarterly and a statement of the market value will be included in the quarterly investment report.

8.9 Policy Adoption

This Investment Policy will be reviewed at least every three years by the Investment Committee, City Manager and the Financial Officer and may be amended by Council as conditions warrant. The Investment Policy may be adopted by Resolution of the Council.

Definitions

Agency: *A bond, issued by a U.S. government-sponsored agency. The offerings of these agencies are backed by the U.S. government, but not guaranteed by the government since the agencies are private entities. Such agencies have been set up in order to allow certain groups of people to access low cost financing, especially students and first-time home buyers. Some prominent issuers of agency bonds are Student Loan Marketing Association (Sallie Mae), Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac). Agency bonds are usually exempt from state and local taxes, but not federal tax.*

Average Life: *The length of time that will pass before one-half of a debt obligation has been retired.*

Bankers' Acceptance: *A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank. Often used in importing and exporting, and as a money market fund investment.*

Benchmark: *A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.*

Book Value: *The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.*

Broker: *An individual who brings buyers and sellers together for a commission.*

Cash Sale/Purchase: *A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.*

Certificate of Deposit (CD): *A time deposit with a specific maturity evidenced by a certificate.*

Collateralization: *Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.*

Commercial Paper: *An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.*

Coupon Rate: *The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate".*

Credit Quality: *The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.*

Credit Risk: *The risk to an investor that an issuer will default on the payment of interest and/or principal on a security.*

Current Yield (Current Return): *A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.*

Debenture: *A bond secured only by the general credit of the issuer.*

Delivery versus Payment (DVP): *A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or to their custodian.*

Diversification: *A process of investing assets among a range of security types by sector, maturity, and quality rating.*

Duration: *A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.*

Federal Deposit Insurance Corporation (FDIC): *A federal agency that insures deposits in member banks and thrifts up to \$100,000 (\$250,000 through 12/31/2013).*

Federal Funds: *Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.*

Federal Funds Rate: *The interest rate that banks charge each other for the use of Federal funds.*

Government Securities: *An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market.*

Green Investments: *Mutual funds that are considered "ethical investments." These funds screen companies to ensure that they have sound environmental practices such as: maintaining or improving the environment, industrial relations, racial equality, community involvement, education, training, healthcare and various other environmental criteria. Negative screens include but are not limited to: alcohol, gambling, tobacco, irresponsible marketing, armaments, pornography, and animal rights.*

Interest Rate Risk: *The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.*

Investment-grade Obligations: *An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.*

Liquidity: *An asset that can be converted easily and quickly into cash without a substantial loss of value.*

Local Government Investment Pool (LGIP): *An investment by local governments in which their money is pooled as a method for managing local funds.*

Mark-to-Market: *The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.*

Market Value: *Current market price of a security.*

Master Repurchase Agreement: *A written contract covering all future transactions between the parties to repurchase and reverse repurchase. Establishes each party's rights in the transaction.*

Maturity: *The date on which payment of a financial obligation is due. The final state maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder.*

Money Market Mutual Fund: *Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repurchase agreements, and federal funds).*

Mutual Fund: *An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the investment company Act of 1940 and must abide by the Securities and Exchange Commission (SEC) disclosure guidelines.*

National Association of Securities Dealers (NASD): *A self-regulatory organization of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.*

Net Asset Value: *The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio.*

No Load Fund: *A mutual fund which does not levy a sales charge on the purchase of its shares.*

Portfolio: *Collection of securities held by an investor.*

Primary Dealer: *A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.*

Real Estate Investment Trust (REIT): *A company that buys, develops, manages and sells real estate assets. Allows participants to invest in a professionally managed portfolio of real-estate properties. The main function is to pass profits on to investors; business activities are generally restricted to generation of property rental income.*

Repurchase Agreement (Repo): *An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.*

Reverse Repurchase Agreement: *An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement of the first party to resell the securities at a specified price to the second party on demand or at a specified date.*

Rule 2a-7 of the Investment Company Act: *Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13-month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of one dollar (\$1.00).*

Securities and Exchange Commission (SEC): *Agency created by Congress to protect investors in securities transactions by administering securities legislation.*

Total Return: *The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation) + (Dividends Paid) + (Capital Gains) = Total Return*

Treasury Bills: *Short-term U.S. government non-interest-bearing debt securities with maturities of no longer than one year.*

Treasury Bonds: *Long-term U.S. government debt securities with maturities of more than ten years. Currently, the longest outstanding maturity is 30 years.*

Treasury Notes: *Intermediate U.S. government debt securities with maturities of two to ten years.*

Tri-party Repurchase Agreement: *In a "normal repurchase" transaction there are two parties, the buyer and the seller. A tri-party repurchase agreement adds a custodian as the third party to act as an impartial entity to the repurchase transaction to administer the agreement and to relieve the buyer and seller of many administrative details.*

Weighted Average Maturity (WAM): *The average maturity of all the securities that comprise a portfolio.*

Yield: *The current rate of return on an investment security. Generally expressed as a percentage of the security's current price.*

Yield Curve: *A graphical representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.*

Yield-to-Maturity: *The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.*

Zero-Coupon Securities: *A security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.*



Financial Management Policy Review

Post CFC actions edition

Randy Bailey

Accounting Director
December 5, 2024



- Does Council Finance Committee support the changes as recommended?

Scope of Review

Policy #	Policy Name	Last CFC Review Date	Next CFC Review Date
1	Budget	November 2020	December 2024
2	Revenue	November 2020	December 2024
3	General	November 2020	December 2024
5	Fund Balance	December 2022	December 2024
7	Debt	January 2022	December 2024
8	Investments	January 2022	December 2024

- **Policy 1 – Budget**

Section	As published	Revised
i. Objective	...scarce resources	...finite resources
1. Overview	<p>...through the budget, services are implemented.</p> <p>...goals</p>	<p>Utilization of the budget process enables current levels of programs and services to continue and new programs and services to be implemented.</p> <p>...priorities</p>
2. Principles for Budget Planning	<p>...residents</p> <p>In addition, the 2005-2007 Policy Agenda sets forth the implementation... with desired outcomes.</p>	<p>...community</p> <p>[Removed to simplify]</p>
3. Scope	3.D) ...commencing in 2010 and every other year thereafter...	[Removed to simplify]
4. Roles and Responsibilities	From April through June, City staff... budget.	[Removed to simplify]
5. Budgeting Control System		
6. Balanced Budget Definition		
7. Contingency Planning for Unanticipated Revenue Shortfalls		<p>Terminology updates for greater clarity and simplification</p>

- **Policy 2 – Revenue**

Section	As published	Revised
1. Limitations under TABOR		
2. Revenue Review, Objectives and Monitoring	<p>2.B.5.C Maintain Healthy Reserves</p> <p>...contingency of 60 days or 17% of next year's adopted budgeted expenditures</p>	<p>2.B.5.C Maintain Healthy Reserves</p> <p>...contingency of 45 days or 12.5% of next year's adopted budgeted expenditures</p>
3. Fee Policy		
4. Sales and Use Tax Distribution	<p>Voter approved taxation trend 1968 – 2020</p> <p>Effective taxation detail 2020</p>	<p>Voter approved taxation trend 1968 - 2024</p> <p>Effective taxation detail 2024</p>
5. Philanthropic Contributions	Legacy policy	Removed from Policy 2 – Revenue. Revised and included in two administrative policies; City Give and Philanthropic Governance

General Fund contingency limit update – see Policy 5

Tax structure updates

2.4 Sales and Use Tax Distribution

Sales and Use Tax shall be used and accounted for as intended by the voters. Details of how the different segments of sales and use tax are used are outlined in the City Code Chapter 25. The following is a summary for informational purposes only.

The City's Sales and Use Tax currently totals 4.35 cents on a \$1.00 purchase, as follows:

Effective January 1, 2024

1968 - General City uses	1.00 cent
1980 - General City uses	1.00 cent
1982 - General City uses	0.25 cent
2006 - Natural Areas & Open Space	0.25 cent*
2011 - Keeping Fort Collins Great	0.85 cent***
2015 - Street Maintenance	0.25 cent*
2015 - Community Capital Improvement Program	0.25 cent*
2020 - General City Uses	0.60 cent**
2020 - General Fund Renewable	0.25 cent**
2024 - 2050 Tax	0.50 cent**
	4.35 cent

* Excludes sales and use tax on grocery food for home consumption

** Excludes sales and use tax on grocery food for home consumption and use tax for manufacturing equipment

*** Keep Fort Collins Great tax sunset end of 2020

- **Policy 3 – General**

Section	As published	Revised
1. Administrative Charges		
2. Medical Insurance and Retirement Plan		B.2) Minor updates to plan matrix
3. Fund Organization		Add fund: 256 – 2050 Tax
4. Cost Recovery and Fee Setting	D. Recreation Fund Rates and Charges Policy ...50% of the Keep Fort Collins Great portion...	D. Recreation Fund Rates and Charges Policy ...voter approved tax revenues...
5. Capital Improvement Program		
6. Using State Allocation of Private Activity Bonds		

Minor updates to reflect normal period change

Section 2.B 401(a) and 457 Money Purchase Plans

Employee Group	401 a			457		
	Employer	Employee	Waiting	Employer	Employee	Waiting
Classified Employees	6.5%	3.0%	6 months	0.0%	optional	no wait
Classified Employees hired on or before 3/31/07	7.5%	3.0%	6 months	0.0%	optional	no wait
Unclassified Management	6.5%	6.0%	no wait	0.0%	optional	no wait
Unclassified Management hired on or before 3/31/07	7.5%	6.0%	no wait	0.0%	optional	no wait
Council Appointed Positions	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Executive and Senior Leaders	10.0%	0.0%	no wait	match up to 3%	optional	no wait
Police & Dispatch (per union agreement) *	11%	8.5%	no wait	match up to 3%	optional	6 months for match
Community Service Officer	8.0%	3.0%	6 months	0.0%	optional	no wait

Section 3 Fund Organization

Group and Type	Legal	Ref.	Name
<i>Governmental</i>			
General Fund	City	100	General Fund
Special Revenue Fund	City	250	Capital Expansion Fund
Special Revenue Fund	City	251	Sales & Use Tax Fund
Special Revenue Fund	Separate	252	General Improvement District #1
Special Revenue Fund	City	254	Keep Fort Collins Great Fund
Special Revenue Fund	City	255	Community Capital Improvement Program
Special Revenue Fund	City	256	2050 Tax

- **Policy 5 – Fund Balance Minimums**

Section	As published	Revised
1. Governmental Funds and Fund Balances		
2. Proprietary Funds and Working Capital		
3. Minimum Balances	3.A General Fund 60-day liquidity goal; 60 day or 17% of subsequent year’s budgeted expenditures and transfers out.	3.A General Fund 45-day liquidity goal; 45 day or 12.5% of subsequent year’s budgeted expenditures and transfers out.
4. Below Minimum		

General Fund contingency limit updated

• Policy 5.3.A – General Fund

General Fund	2019	2020	2021	2022	2023	* 2024
Budget	152,740,315	156,472,057	182,363,393	201,246,909	221,713,275	221,179,814
Less: ARPA				(10,953,647)	(14,900,000)	(4,845,853)
Net Budget	152,740,315	156,472,057	182,363,393	190,293,262	206,813,275	216,333,961
Total Expenditures	132,815,412	150,753,191	147,515,788	169,831,624	202,293,424	221,179,814
Fund Balance	71,768,144	62,757,091	86,545,002	85,449,320	76,661,985	51,972,652
Contingency (17%)	26,600,250	31,001,777	32,349,855	35,158,257	36,776,773	42,170,975
Contingency (12.5%)	19,559,007	22,795,424	23,786,658	25,851,659	27,041,745	31,008,070
I(D)	7,041,243	8,206,353	8,563,197	9,306,597	9,735,028	11,162,905
TABOR emergency reserve @3% of governmental revenues	7,105,519	6,673,522	7,670,272	7,779,526	9,011,743	
Equivalent percent of operating expenditures	5%	5%	5%	4%	4%	

* Estimates based on budget information

Comparative contingency reserves:

City	<12.5%	12.5%	15%	17%	>17%	Note	
Ann Arbor MI			[Bar from 15% to 20%]			Range of 15%- 20%	
Bellingham, WA	[Bar from 12.5% to 15%]					Minimum is the greater of \$5M or 6% of opex	
David, CA			[Bar from 15% to 17%]				
Denton Tx					[Bar from 17% to 20%]		20% of operating expenditures plus 5% resiliency reserve
Durham NC		[Bar from 12.5% to 17%]				Currently running closer to 12% with a plan to recover.	
Flagstaff AZ			[Bar from 15% to 20%]			Range of 15%- 20%	
Fort Collins, CO		[Bar from 12.5% to 17%]				12.5% of operating expenditures plus 4-5% emergency reserve.	
Raleigh NC	[Bar from 12.5% to 17%]					Can run as low as 8%	
Santa Barbara, CA			[Bar from 15% to 20%]			Disaster reserve of 15% and 10% contingency	
Tacoma, WA				[Bar from 17% to 20%]			

- **Policy 7 – Debt**

Section	As published	Revised
1. Authorization for Municipal Borrowing		
2. Purposes and Uses of Debt		
3. Types of Debt and Financing Agreements		
4. Debt Structure and Terms		
5. Refinancing Debt		
6. Debt Limitations and Capacity		
7. Debt Issuance Process		
7. Inter-agency Loan Program		
7. Other		

Reviewed and no changes recommended at this time

- **Policy 8 – Investments**

Section	As published	Revised
1. Policy		
2. Scope	Trust and Agency Funds	Fiduciary Funds [inclusive of pension, trust and agency funds]
3. Investment Objectives		
4. Standards of Care		
5. Safekeeping and Custody		
6. Suitable and Authorized Investments		
7. Diversification and Liquidity		
8. Reporting		
9. Policy Adoption		

Minor terminology change for clarity

- Does Council Finance Committee support the changes as recommended?

File Attachments for Item:

20. Resolution 2025-013 Approving Fort Fund Special Event 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 Special Event Grant – January Deadline category, based upon the recommendations of the Cultural Resources Board.

February 18, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Solara Clark, Project Coordinator
Eileen May, Cultural Services Director

SUBJECT

Resolution 2025- 013 Approving Fort Fund Special Event Grant Disbursements.

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 Special Event Grant – January Deadline category, based upon the recommendations of the Cultural Resources Board.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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.

January 23, 2025, Funding Session

At their January 23, 2025, funding session, the Cultural Resources Board reviewed eight Special Event Grant – January Deadline applications with total requests equaling \$52,163. Seven applications were found eligible and recommended for funding for \$25,000.

The following table summarizes the Special Event Grant – January Deadline requests, available funds and grant award amounts:

Grant Requests	Available Funds	Grant Awards
\$52,163	\$25,000	\$25,000

The Cultural Resources Board scored each application using the funding criteria outlined in the Fort Fund Guidelines and discussed the applications at its January 23, 2025, meeting. The Board's approval and discussion is outlined in the draft minutes. (Attachment 1) The Board is recommending disbursement of \$25,000 to the eligible applicants as outlined in Exhibit A to the Resolution.

CITY FINANCIAL IMPACTS

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 \$25,000 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

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 Special Event Grant – January Deadline funding.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Cultural Resources Board Minutes, January 23, 2025

RESOLUTION 2025-013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING FORT FUND SPECIAL EVENT GRANT
DISBURSEMENTS

A. Providers of lodging accommodations in Fort Collins 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.

C. 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.

D. 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.

E. 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”).

F. At its meeting on January 25, 2025, the Cultural Resources Board recommended funding for various proposals in the Special Events category based on the criteria and considerations set forth in Section 2-145(b) of the City Code and the Fort Fund Guidelines.

G. 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.

H. The City Council desires to approve Fort Fund grant disbursements as set forth in Exhibit “A” which is attached hereto and incorporated 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 TWENTY-FIVE THOUSAND DOLLARS (\$25,000), comprised of \$10,992 from the City's Cultural Development and Programming Account and \$14,008 from the Tourism Programming Account, are hereby approved for distribution as set forth in Exhibit "A".

Passed and adopted on February 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: February 18, 2025
Approving Attorney: Ted Hewitt

FORT FUND GRANT PROGRAM Special Event: January Deadline

Approved Funding						
APPLICANT	PROPOSED EVENT	FUNDING REQUESTS	CULTURAL DEVELOPMENT & PROGRAMMING	TOURISM PROGRAMMING	UNFUNDED BALANCE	PERCENT OF REQUEST FUNDED
Approved/Funded Applications						
Art Song Colorado	Arts and Family Summit	\$6,800.00	\$3,076		\$3,724	45%
Colorado American and Chinese Professional Association	Chinese New Year Celebration Gala	\$3,463.00		\$1,567	\$1,896	45%
Disabled Resource Services	BluesFest 2025	\$7,500.00		\$3,845	\$3,655	51%
Foco Flava	Foco Flava Vol. 9	\$7,500.00	\$3,845		\$3,655	51%
Northern Colorado Intertribal Pow-wow Association, Inc.	31st Annual Spring Contest Powwow and Art Market	\$7,500.00		\$4,525	\$2,975	60%
Poudre School District Foundation	The Barbara Lueck Musical Theatre Intensive	\$7,500.00	\$4,071		\$3,429	54%
Sustainable Living Association	15th Annual Earth Day Fort Collins	\$7,500.00		\$4,071	\$3,429	54%
Unfunded Application						
ARCINDA	Indonesian Music, Dances and Rod Puppet	\$4,400.00	\$0		\$4,400	0%
Totals		\$52,163.00	\$25,000		\$27,163	52%

Scores are based on application materials and Fort Fund's "Criteria for Funding."

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 20.

Cultural Resources Board REGULAR MEETING

Thursday, January 23, 2025 – 5:30 PM

Center for Creativity, Golden Aspen Room

CALL TO ORDER: 5:33 PM

ROLL CALL

- Board Members Present – Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vicki Fogel Mykles (Vice-Chair), Audra Vaisbort
- Board Members Remote – Audra Vaisbort, Leslie Walker (Chair)
- Board Members Absent –
- Staff Members Present – Solara Clark, Eileen May
- Guest(s) – Jan Iron, Katy Schneider

AGENDA REVIEW

CITIZEN PARTICIPATION

APPROVAL OF MINUTES

- Approval of November 2024 minutes. Sheri Emerick made a motion to accept the minutes. Kelly Mosher seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vicki Fogel Mykles, Audra Vaisbort, Leslie Walker.

UNFINISHED BUSINESS

NEW BUSINESS

- Grantee Presentation – Northern Colorado Intertribal Powwow Association
 - The presentation began with the Arapaho Flag Song performed by Jan Iron's son online.
 - Jan Iron with the Northern Colorado Intertribal Powwow Association discussed the history and activities of the organization, including the annual powwow and cultural classes.
- Katy Schneider, Visit Fort Collins – Update
 - Katy Schneider updated the Board on the successful redesign of the Visit Fort Collins website, resulting in a 29% increase in traffic.
 - The introduction of the new Visit Fort Collins Welcome Center was a success. The new space has a platform for performances and a packed schedule of events since its opening on August 1st.
 - Lodging tax saw an overall 1% decrease in 2024 and is probably a correction of the spike following the pandemic.
- 2025 Special Event Grant: January Deadline – Discussion and Funding Recommendations
 - Solara Clark presented and explained the funding results to the Board.

- The Board held a brief discussion about the grant applications.
- Conner Horak-Flood made a motion to accept the funding recommendations. Sheri Emerick seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vick Fogel Mykles, Audra Vaisbort, Leslie Walker.
- Future Chair Elections – Update
 - Leslie Walker informed the Board that she will not be running for Chair in the future election. Vicki Fogel Mykles will be terming off the Board at the end of March.
 - The Board was informed that elections for Chair and Vice-Chair will happen at the February meeting. Board members were informed that any questions about the positions can be directed to staff.
- 2025 Work Plan – Discussion and Approval
 - The Work Plan for 2025 year was reviewed, focusing on continuing support for the Fort Fund program, enhancing advocacy for the entire Cultural Services Department and improving marketing strategies.
 - Discussion on the Work Plan included:
 - The need for creative aging programs and lifelong learning in the arts was discussed, with suggestions to collaborate with organizations in the field.
 - Questions were raised about the inclusion of Arts in Public Places in the work plan, and the possibility of having a liaison to report on their activities. It was determined that mentions of the Art in Public Places Board are related to mentions of the FoCo Creates Arts and Culture Masterplan.
 - Kelly Mosher made a motion to accept the 2025 Work Plan. Conner Horak-Flood seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vick Fogel Mykles, Audra Vaisbort, Leslie Walker.
- 2024 Annual Report – Discussion and Approval
 - The 2024 annual report was reviewed, highlighting the board's activities and achievements over the past year.
 - Sheri Emerick made a motion to accept the 2024 Annual Report. Jessica MacMillan seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vick Fogel Mykles, Audra Vaisbort, Leslie Walker.
- Topics for Retreat – Discussion
 - Potential topics for the upcoming retreat were discussed, including:
 - Onboarding new board members
 - A mentorship program for new members
 - Recruiting additional members
 - Building a resource list for grantees
 - Fiscal Sponsorships
 - CuRB work outside of scoring grants
 - Staff made note of the above topics and will work with the Chair and Vice-Chair to begin retreat panning.

DIRECTOR'S REPORT

- Eileen May updated the Board on department operations:
 - Jack Rogers resigned from his position at The Lincoln Center. The

recruitment for a new general manager of The Lincoln Center is underway. Interview for an interim general manager are scheduled, and an offer will be extended soon.

- o The department is working on de-siloing to create a unified cultural services identity. This involves sharing resources, improving team culture, and aligning marketing efforts to better serve the community.
- o An organizational assessment is being conducted to identify efficiencies and share resources between teams, such as event staff between the Gardens on Spring Creek and The Lincoln Center.
- o There is a plan to combine the Art and Public Places Board with the Cultural Resources Board by April 1st, 2026. More information will be coming about this change.
 - The granting process is being reviewed to align with industry standards, and the ordinance for art in public places will be updated to reduce the need for Board approvals for smaller projects.
- o The Cultural Community Program, funded by ARPA, is being assessed after two years to determine future directions.
- o Eileen May invited Board members to receive two complimentary tickets to the Arturo O’Farrill & The Afro Latin Ensemble performance at The Lincoln Center on February 2, 2025.
 - Members wanting tickets should email Solara Clark.

BOARD MEMBER REPORTS

- Vicki Fogel Mykles attended the Fort Collins Symphony/Friends of the Symphony’s Peter and the Wolf family concert.
- Conner Horak-Flood attended Dance Express’ A Christmas Rose performance, and a performance by LuneAseas. Concerns were raised about the LuneAseas performance and staff will review the grant application.
- Kelly Mosher attended Nevermore at Bas Bleu Theater Company and the New Horizon’s Band performance.
- Leslie Walker attended the Build Your Own Skateboard program at Launch: Community Through Skateboarding.
- Sheri Emerick attended the Gardens of Lights at the Gardens on Spring Creek.

OTHER BUSINESS

ADJOURNMENT:

- Sheri Emerick made a motion to adjourn at 7:04 PM. Conner Horak-Flood seconded the motion. The motion passed unanimously. Approved by roll call, Ayes: Sheri Emerick, Conner Horak-Flood, Jessica MacMillan, Kelly Mosher, Vicki Fogel Mykles, Leslie Walker.

Respectfully submitted,
Solara Clark
Project Coordinator

DRAFT

File Attachments for Item:

21. Items Relating to Election Code Changes.

A. First Reading of Ordinance No. 029, 2025, Amending 7-145 of the Code of the City of Fort Collins to Clarify and Revise the Process for Enforcement of Campaign Violations.

B. First Reading of Ordinance No. 030, 2025, Amending Article V of Chapter 7 of the Code of the City of Fort Collins to Clarify and Revise the Restrictions and Requirements Related to Campaign Contributions in City Elections.

C. First Reading of Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections.

D. First Reading of Ordinance No. 032, 2025, Amending Section 7-165 of the Code of the City of Fort Collins to Clarify and Revise the Requirements for Petition Circulators.

E. First Reading of Ordinance No. 033, 2025, Amending Chapter 7 of the Code of the City of Fort Collins to Update Various Sections Related to City Elections for Consistency with the City Charter and Within Chapter 7.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

February 18, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Cecilia Good, Senior Deputy City Clerk
Sara Arfmann, Assistant City Attorney II
Carrie Daggett, City Attorney

SUBJECT

Items Relating to Election Code Changes.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 029, 2025, Amending 7-145 of the Code of the City of Fort Collins to Clarify and Revise the Process for Enforcement of Campaign Violations.
- B. First Reading of Ordinance No. 030, 2025, Amending Article V of Chapter 7 of the Code of the City of Fort Collins to Clarify and Revise the Restrictions and Requirements Related to Campaign Contributions in City Elections.
- C. First Reading of Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections.
- D. First Reading of Ordinance No. 032, 2025, Amending Section 7-165 of the Code of the City of Fort Collins to Clarify and Revise the Requirements for Petition Circulators.
- E. First Reading of Ordinance No. 033, 2025, Amending Chapter 7 of the Code of the City of Fort Collins to Update Various Sections Related to City Elections for Consistency with the City Charter and Within Chapter 7.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

The Election Code Committee (ECC) has met numerous times since September 2024, where numerous areas of Code were identified for improvement and proposed Code changes evaluated in preparation for the 2025 Regular Election for the City. The following items were approved by the ECC to move forward for consideration by the entire Council:

1. Enforcement of Campaign Violations

It is recommended that Section 7-145 be repealed in its entirety and replaced with the updated enforcement process for campaign violations. The updates generally improve and clarify the City's campaign enforcement procedures and processes and further the City's and the public's interest in shedding light for the public on the enforcement process for alleged campaign violations. The changes:

- Streamline the process and clarify roles;
- Require factual evidence of an alleged violation and create clear process stages;
- Provide notification of a presumptive fine and allow payment as a cure;
- Provide more clarification on when outside counsel will be retained and establish that internal or external investigators may be used; and
- Clarify and enhance communication requirements to all parties, including information and evidence of a cure to complainants.

2. Campaign Contributions

It is recommended that Chapter 7 be amended to clarify and revise the requirements for campaign contributions in City elections. These updates would change campaign contribution limits for the Mayor and Councilmembers, include an automatic inflation adjustment to ensure that the limits continue to be adjusted over time in line with local inflation, and provide clarification related to electronic contributions. The changes also prohibit cryptocurrency. The changes:

- Increase campaign contributions for the Mayor to \$200 and for Councilmembers to \$150;
- Add an inflationary adjustment that would look at the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index Denver-Boulder-Greeley and then round contributions to the nearest \$10;
- Recognize electronic contributions;
- Clarify third-party transaction fees and how these apply towards a contribution; and
- Prohibit cryptocurrency.

Another change to this item includes requiring additional campaign finance reports. This is intended to ensure reporting and related transparency for committees who start collecting and expending money well before an election is scheduled. The changes:

- Require a committee to file a report within two (2) weeks of receipt of the first contribution of any kind when an election is more than ninety-one (91) days away and then on the first day of the calendar quarter thereafter until the election is sixty-three (63) days away;
- Add a report on the sixty-third (63rd) day before an election; and
- Move the first report after the election up to the twenty-eighth (28th) day.

For 2025, any committees already underway will be required to file a report on May 1, 2025, for any contributions received prior to that date, or within two (2) weeks after receipt if the first contribution is received after that date, until the election is sixty-three (63) days away.

3. Write-In Candidates

It is recommended that Chapter 7, Section 103, be changed to prohibit write-in candidates. Currently write-in candidates register only a few days after the deadline for submission of nominating petitions and eliminating the potential for write-in candidates avoid complications during the ranked voting process.

4. Petition Circulation

It is recommended that Chapter 7, Section 165, be changed to indicate that, upon request, a petition will be made accessible by any reasonable method versus having it read aloud.

5. Various Clean Up Items

These items generally improve and clarify the City's election process. The changes:

- Update the duties of the City Clerk;
- Add provisions to enable the City Clerk to conduct any ranked voting election in compliance with the rules adopted by the Secretary of State, as adapted for a City administered election;
- Adjust the filing date of a nomination petition to seventy (70) days prior to an election (from 71 days);
- Adjust recall nomination petition timelines to match the requirement to have them filed with the City Clerk no later than seventy (70) days prior to the recall election and they may be circulated after a recall petition is filed with the City Clerk's Office;
- Modernize language (from shall to will, etc.); and
- Clarify the definition of *ballot issue* or *ballot question* and update the referenced Charter provisions; and
- Authorize the City Clerk to engage an outside party to assist in investigating and review of election complaints.

Any of the above items that are approved by Council will be incorporated into City Code and all election related materials as efforts move forward for the 2025 election. Candidate guidelines will be updated as soon as possible, and changes relayed to any existing candidates and highlighted in the upcoming Candidate Information Session scheduled for April 2, 2025.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

These changes reflect the recommendations of the Election Code Committee.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration
6. Presentation

ORDINANCE NO. 029, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING 7-145 OF THE CODE OF THE CITY OF FORT
COLLINS TO CLARIFY AND REVISE THE PROCESS FOR
ENFORCEMENT OF CAMPAIGN VIOLATIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7 of the City Code.

D. The Committee has continued to meet and has consider additional revisions to Chapter 7, including the repeal of City Code Section 7-145 in its entirety, to be replaced with an updated enforcement process for campaign violations.

E. The Committee has recommended these changes to Section 7-145 to generally improve and clarify the City's campaign enforcement procedures and processes.

F. These updates further the City's and the public's interest in shedding light for the public on the enforcement process for alleged campaign violations, while ensuring that the complainant and respondent are both notified at each crucial stage.

G. The Council desires to enact the recommendations of the Committee and staff to clarify and improve Section 7-145, as set forth below.

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 7-145 of the Code of the City of Fort Collins is hereby repealed in its entirety and replaced to read as follows:

Sec. 7-145. - Allegation of campaign violation.

(a) **Filing a Complaint:** Any candidate or registered elector of the City ("complainant") who has reasonable, good faith belief, based on factual information, that any person, candidate, candidate committee, issue committee, small-scale committee, or political

committee has violated Chapter 7, Article V, of this Code may file a written complaint with the City Clerk, no later than sixty (60) days after the date of the alleged violation.

(1) The complaint must contain:

- a. The name of the alleged violator;
- b. The Code provision allegedly violated;
- c. A brief statement or description of the offense allegedly committed and the basis for the allegation;
- d. All documentation or other factual evidence known to the complainant to support the allegation;
- e. Identification of any witnesses or persons with relevant knowledge; and
- f. The name, address and telephone number of the complainant.

(b) **Complaint Process:** All complaints filed under this section will be reviewed in the following manner, however if a complaint is dismissed at any stage it will end at that stage and will not proceed to the next:

- (1) Preliminary Review;
- (2) Separation of Criminal Complaints from Civil Infractions, only Civil Infractions proceed to the next stage;
- (3) Evidentiary Review;
- (4) Investigation; and
- (5) Referral to Municipal Court.

(c) **Preliminary Review:** The City Clerk, in consultation with the City Attorney, will conduct a preliminary review to determine whether the complaint is sufficient and notify both the complainant and respondent within three (3) working days of receipt of the complaint. A sufficient complaint must comply with the following:

- (1) Was timely filed under § 7-145(a);
- (2) Contains the information required by § 7-145(a)(1); and
- (3) Properly alleges a violation of Chapter 7, Article V, of this Code.

(d) **Insufficient Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is insufficient, the City Clerk will:

- (1) Notify the complainant that the complaint has been dismissed and provide a brief explanation of the determination; and

(2) Forward the complaint to the person who is the subject to the complaint (“respondent”) and notify them that the complaint has been dismissed.

(e) **Conflict:** If the complaint is determined by the City Clerk, in consultation with the City Attorney, and if the respondent to the complaint is a candidate for an elected position for municipal office or if the City Clerk, in consultation with the City Attorney, determines internal review of the complaint may raise conflict concerns, the City Attorney will retain special legal counsel to conduct the evaluation of the complaint using the process described below.

(f) **Criminal Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is sufficient and alleges a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.

(g) **Civil Infractions:** For sufficient complaints that do not allege a criminal violation, the complaints will be subject to a civil infraction process as follows:

(1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction and of the presumptive fine in accordance with § 7-143(a).

(2) Upon receipt of the complaint and at any time prior to filing of the complaint with Municipal Court, the respondent may:

a. Pay the fine; or

b. Provide any responsive information to the City Clerk regarding the allegations in the complaint.

(3) **Evidentiary Review:** After providing notice to the respondent of the complaint, the City Clerk, in consultation with the City Attorney, will determine whether the complainant has provided credible evidence to support a finding that the respondent violated this Article so as to warrant further investigation. If the City Clerk determines that the complaint does not contain credible evidence or that the allegation does not warrant further investigation, the Clerk will dismiss the complaint and notify both the respondent and the complainant of the dismissal and the reason for the dismissal.

(4) **Cure:** Upon receipt of the complaint up until the initiation of an investigation, the respondent may provide evidence of a cure. A “cure” is defined to include evidence of substantial compliance with the applicable law. Upon receipt of evidence of a cure, the City Clerk, in consultation with the City Attorney, will determine whether the provided evidence sufficiently cures the violation. If a cure is found, the City Clerk will dismiss the complaint. The City Clerk will notify both

the respondent and the complainant. When reviewing the evidence, the City Clerk, in consultation with the City Attorney, will consider the following:

- a. The extent of the respondent's noncompliance;
- b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
- c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

(5) **Investigation:** If the City Clerk, in consultation with the City Attorney, determines that the complaint contains credible evidence and warrants further investigation, the City Attorney will arrange for any necessary outside or internal investigators to assist in conducting an investigation. The City Clerk will notify the respondent and complainant that an investigation has begun, that they may be contacted for an interview or other information gathering. Any additional information that either the respondent or complainant wants to provide must be received by the City Clerk within ten (10) business days. Documentation must be received within the ten (10) working days in order to be considered during the investigation.

(6) **Payment of Civil Fine:** Upon receiving payment of the presumptive fine, the City Clerk will close the complaint and notify the respondent and complainant.

(7) Based on the outcome of the investigation the City Clerk, in consultation with the City Attorney, will determine whether a violation under Chapter 7, Article 5, of this Code occurred.

(8) If it is determined that a violation did occur, the complaint will be filed with the Municipal Court. If the City Clerk, in consultation with the City Attorney, determines that a violation under Chapter 7, Article 5 did not occur, the City Clerk will dismiss the complaint and notify the complainant and respondent of the dismissal and the reason for the dismissal.

(9) **Referral to Municipal Court:** Any complaint filed with the Municipal Court under this Section will be governed by Article V of Chapter 19 of this Code.

(10) A complainant or any other nonrespondent will not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.

(11) Any person that commits a violation of this Article will be personally liable for the penalties imposed. Any candidate will be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 030, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE V OF CHAPTER 7 OF THE CODE OF THE
CITY OF FORT COLLINS TO CLARIFY AND REVISE THE
RESTRICTIONS AND REQUIREMENTS RELATED TO
CAMPAIGN CONTRIBUTIONS IN CITY ELECTIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet and has recommended clarification of reporting of contributions, including additional reporting requirements as required under updates to Colorado election law.

E. The Committee has also recommended updating campaign contribution limits for both the mayor and councilmembers.

F. The Committee has also recommended including an automatic inflation adjustment be added to ensure that the limit continue to be adjusted over time in line with local inflation.

G. In addition, the Committee has recommended clarification on electronic contributions, update the time requirement for reporting excess contributions, clarify whether a third-party transaction fee applies to the contribution limit, and prohibiting cryptocurrency.

H. These updates generally improve and clarify the City's financial campaign requirements and processes.

I. These updates further the City's and the public's interest in efficiently updating contribution limits based on local inflation and provide clarify on new technological advances impacting election contributions.

J. The Council desires to enact the recommendations of the Committee and staff to clarify and improve various sections in Chapter 7, as set forth below.

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 7-135(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-135. - Campaign contributions/expenditures.

(a) *Limits.*

(1) No person may make contributions and/or contributions in kind totaling more than ~~one~~ **two** hundred dollars (\$~~2~~**400**.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than ~~seventy-five~~ **one hundred and fifty** dollars (~~\$75~~**\$150**.) to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:

...

Section 2. Section 7-135(a) of the Code of the City of Fort Collins is hereby amended by the addition of a new Subparagraph (4) which reads in its entirety as follows:

Sec. 7-135. - Campaign contributions/expenditures.

...

(4) *Inflation Adjustment.* The City Clerk will adjust the limit set forth in this Subsection (1) of this section based upon the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index Denver-Boulder-Greeley, all urban consumers, or its successor index, rounded to the nearest ten dollars (\$10). Rounding to the nearest ten dollars (\$10) means that if the inflation is an increase of five dollars (\$5) or more, than the contribution limit would be increased by ten dollars (\$10). If the inflation is an increase of less than five dollars (\$5), the contribution limit is not increased. The adjustment will first be done in the fourth quarter of 2026 and then every two years thereafter.

...

Section 3. Section 7-135(c) through (k) of the Code of the City of Fort Collins is hereby amended to read as follows and a new Subparagraph (n) is hereby added:

Sec. 7-135. - Campaign contributions/expenditures.

...

(c) *Joint contributions.* No person shall make a contribution jointly with another person through **an electronic payment or** the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account **or the electronic donation or other documentation provided by the contributor states it is from both**, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check **or on a document provided by the contributor**. No candidate committee shall knowingly accept a contribution made in violation of this Subsection (c).

(d) *Contributions in excess of limits.* ~~No later than ten (10) business days after receiving~~ **Upon receipt of** a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind **before the next filing deadline**.

(e) *Electronic contributions.* **A contribution made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution.**

(f) *Third-Party transaction fees.* **If a third-party transaction fee is charged by an intermediary service, only the amount the committee receives is attributable as a contribution to the committee.**

(eg) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.

(fh) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.

(gi) *Contributions from one (1) candidate committee to another.*

(1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.

(2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.

(h) *Recordkeeping.*

(1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

(2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

(i) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale issue committee or political committee with the expectation that some or all of the amounts of such

contribution will be reimbursed by another person. No person shall be reimbursed for a contribution or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.

(j) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.

(km) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate, candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.

(n) No candidate committee, issue committee, small-scale issue committee or political committee may accept contributions or contributions in kind made in cryptocurrency. Any such contributions received must be returned immediately upon the committee becoming aware of it.

Section 4. Section 7-136(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-136. - Disclosure; filing of reports.

...

(c) Reports shall be filed with the City Clerk as follows:

(1) A committee must file a report within two (2) weeks of receipt of the first contribution of any kind and then the first of each calendar quarter thereafter until the time for reporting under Subsection (2) is reached.

a. For the fall 2025 municipal general election only, a committee must file a report on May 1, 2025, for any contributions received prior to that date, or within two (2) weeks after receipt if the first contribution is received on May 1st or after that date, and then the first of the following calendar quarter thereafter until the time for reporting under subsection (2) is reached.

- (12) A committee must file reports on the following dates:
 - a. the sixty-third (63rd) day before the election;
 - b. the thirty-fifth (35th) day before the election;
 - c. the twenty-first (21st) day before the election;
 - d. the fourteenth (14th) day before the election;
 - e. no later than noon on the Friday before the election;
 - f. the ~~thirty-fifth~~ twenty-eighth (28th) day after the election; and
 - g. the seventieth (70th) day after the election.

...

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 031, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 7-103 OF THE CODE OF THE CITY OF
FORT COLLINS TO REMOVE WRITE-IN CANDIDATES IN CITY
ELECTIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022, were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended eliminating write-in candidates for City elections.

E. Write-in candidates must currently register only a few days after the deadline for submission of nominating petitions and eliminating the potential for write-in candidates will generally improve and clarify the City's election processes and will avoid unnecessarily complicating the ranked voting process.

F. These updates further the City's and the public's interest in efficiently conducting City elections.

G. The Council desires to enact the recommendations of the Committee and staff to clarify and improve Section 103 of Chapter 7, as set forth below.

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 7-103 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-103. - Write-in candidates.

No write-in vote for a candidate for City Council office will be counted. ~~unless the person whose name appears as the write-in vote has filed an affidavit of intent with the City Clerk,~~

~~no later than the close of business sixty-four (64) days before the election, indicating that such person desires and is qualified for the office.~~

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 032, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 7-165 OF THE CODE OF THE CITY OF
FORT COLLINS TO CLARIFY AND REVISE THE
REQUIREMENTS FOR PETITION CIRCULATORS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022, were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended an update to the requirements for petition circulators to ensure petitions are reasonably accessible.

E. The Council desires to enact the recommendations of the Committee and staff to clarify the obligations of petition circulators in Chapter 7, as set forth below.

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 7-165 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-165. - Obligation of petition circulators.

Any person circulating a petition approved for circulation by the City Clerk shall **must**, upon the request of any person to whom the petition is presented, ~~read aloud to such person~~ **make** the entire text of the initiated or referred measure that is the subject of the petition or, in the case of a recall petition, the statement of charges and statement of defenses, **accessible by any reasonable method**.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 033, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT
COLLINS TO UPDATE VARIOUS SECTIONS RELATED TO CITY
ELECTIONS FOR CONSISTENCY WITH THE CITY CHARTER
AND WITHIN CHAPTER 7

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended clarification and updating the duties and authority of the City Clerk in conformance with other amendments sought.

E. The Committee has also recommended updates to conform the City Code with changes that have been made to the City Charter, including the procedure for City administered ranked voting elections.

F. The Committee has also recommended clarifications to address the timelines for both general election candidate nomination petitions and recall nomination petitions in light of Charter changes and changes to overall election scheduling. This timeline takes into account both the County's requirements for receiving names before a coordinated election and sufficient time for the Clerk's Office to verify signatures as provided in the Charter.

G. These updates generally improve and clarify the City's election process and conform to provisions updated in the City Charter in November 2024 and in Chapter 7.

H. These updates further the City's and the public's interest in efficiently updating the election process and updating administrative functions to reflect other amendments.

I. The Council desires to enact the recommendations of the Committee and staff to clarify and improve various sections in Chapter 7, as set forth below.

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 7-20 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-20. - Duties of city clerk.

The City Clerk shall **is responsible to:**

- (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;
- (2) Keep a copy of any report or statement required to be filed by Article V for a period of ten (10) years from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for six (6) years after the candidate leaves office;
- (3) Make reports and statements filed under Article V available on the City's website **promptly** ~~no later than the next business day;~~
- (4) **Supervise the review and evaluation of complaints and initiate complaints** ~~Report complaints received~~ regarding alleged violations of Article V ~~to the City Manager.~~
- (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
- (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
- (7) Supervise the conduct of mail ballot elections;
- (8) Employ temporary election workers as needed;
- (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election; and
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

Section 2. Section 7-21 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-21. - Administration of City-administered elections.

The provisions of this article apply to the administration of City-administered elections. Any election conducted as a coordinated election with the County is subject to the provisions of applicable state law. Any ranked voting election conducted by the City Clerk will be in compliance with the rules adopted by the Secretary of State pursuant to the Colorado Code of Regulations 8 C.C.R. 1505-1:26, as adapted for a City-administered election.

Section 3. Section 7-116 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-116. - Nomination of candidates; withdrawal from candidacy.

(a) A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than ninety-one (91) days before the election and must be filed with the City Clerk not later than ~~seventy-one (71)~~ **seventy (70)** days before the election. ~~The petition may be amended to replace signatures that the City Clerk finds are not in apparent conformity with the requirements of the City Charter at any time no later than sixty-seven (67) days before the election.~~ **A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election.**

(b) A person who has been nominated may, not later than sixty-three (63) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.

Section 4. Section 7-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-117. - Recall elections; nomination of candidates.

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall **may** be filed with the Office of the City Clerk no later than ~~seventy~~ **seventy** ~~forty-nine (49)~~ **seventy (70)** days prior to the date of the recall election. **A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election. A nominating petition may be circulated after a recall petition is submitted to the City Clerk's Office.**

Section 5. The definition "*Ballot issue, ballot question or issue*" contained in Section 7-132 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-132. – Definitions

Ballot issue, or ballot question or issue (also referred to as *issue*) shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue, or ballot question (or issue)* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 26(b), respectively, of the Charter.

Section 6. Section 7-149 of the Code of the City of Fort Collins is hereby amended to read as follow:

Sec. 7-149. - Administrative ~~procedures~~ authority.

The City Clerk is authorized to engage an outside party to assist in investigating and review of complaints under this Article. The City Manager Clerk is charged with ultimate authority to pursue complaints under this Article and is hereby authorized to adopt administrative regulations consistent with the provisions of this Article.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

Election Code Changes

**Cecilia Good, Senior Deputy
City Clerk**

**Sara Arfmann, Assistant
City Attorney II**



- The Election Code Committee (ECC) had its first meeting on March 27, 2024
- The committee included the following topics as priorities:
 - Campaign Enforcement Process
 - Campaign Finance
 - Petition Accessibility
- Other Election Code cleanup items were identified through the update process, such as Ranked Choice Voting, Definitions, Timeline modifications, Write-in Candidates, and Clerk Duties
- Staff presented initial drafts of some code changes at the October 21, 2024 meeting and Committee members worked to refine the language and look at additional code changes at the subsequent meetings in December, January, and February.
- At its February 18, 2025 meeting, the ECC recommended adopting the code changes presented by staff.



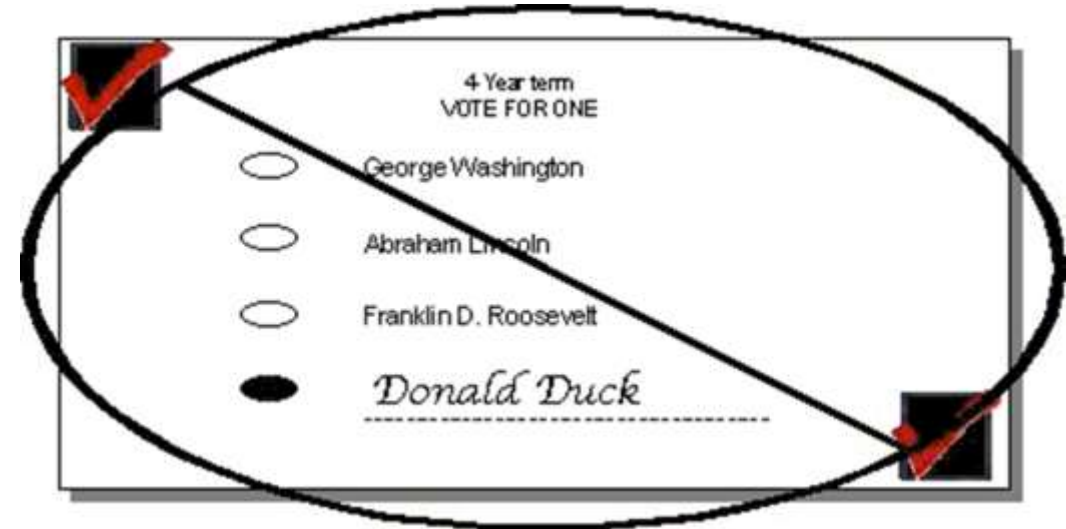
Campaign Violation Process

- Complainant must have a “reasonable, good faith belief, based on factual information” that a violation occurred
 - Currently it only states that a person has “reason to believe” a violation occurred
- Requires complainant to provide all documents/evidence of the violation known to them to support the complaint
- Clarifies that the City Clerk makes the determination with consultation with the City Attorney’s Office
- Clearly states that outside counsel will be retained if the complaint involves a candidate for an elected position
- Clearly states that the CAO may retain any internal or outside investigatory services to conduct an investigation
- Clearly states that when a complaint is dismissed the reasoning for the dismissal will be included in the required notifications
- Creates a more streamlined and easier to understand process
 - Clearer deadlines
 - Ability to pay, cure, or provide evidence earlier

Write-In Candidates

Proposal to eliminate write-in candidates.

- **Sec. 7-103. - Write-in candidates.**
- **No write-in vote for a candidate for City Council office shall be counted.** ~~unless the person whose name appears as the write-in vote has filed an affidavit of intent with the City Clerk, no later than the close of business sixty-four (64) days before the election, indicating that such person desires and is qualified for the office.~~



Petition Circulation

Proposal to eliminate the requirement that a petition must be read aloud upon request but ensuring the information is accessible by any reasonable method requested.

Sec. 7-165. – Obligation of petition circulators.

Any person circulating a petition approved for circulation by the City Clerk shall **will**, upon the request of any person to whom the petition is presented, ~~read aloud to such person~~ **make** the entire text of the initiated or referred measure that is the subject of the petition or, in the case of a recall petition, the statement of charges and statement of defenses, **accessible by any reasonable method**.



Campaign contributions/expenditures

- Increase contribution limits to \$200/Mayor; \$150/Councilmember
- Clarifies 3rd party transaction fees; joint contributions; electronic contributions
- Prohibits cryptocurrency
- Inflation Adjustment - the City Clerk will adjust the limit based on based on the CPI index for the Denver area rounded to the nearest \$10, starting in Q4 2026 then every 2 years after
 - If the new amount after CPI adjustment is \$223, then it would be rounded down to \$220
 - If the new amount after CPI adjustment is \$228, then it would be rounded up to \$230

State law requirements:

Disclosures “must be filed no later than:”

- 60 days before;
- 30 days before;
- 15 days before; and
- 30 days after.

CRS 1-45-108(F)(2)(II.5)

Sec. 7-136. - Disclosure updates:

- Report due within 2 weeks of receipt when the election is more than 91 days away
- Then the first of the quarter until the election is 63 days away, and then:
 - 63rd day before
 - 35th day before
 - 21st day before
 - 14th day before
 - Noon Friday before
 - 28th day after
 - 70th day after



- If contributions received on or before April 30th:
 - First report due: May 1st
 - Second report due: July 1st (first day of the quarter)
 - Third report due: September 2nd (63rd day before election)
 - Fourth report due: September 30th (35th day before)
 - Fifth report due: October 14th (21st day before)
 - Sixth report due: October 21st (14th day before)
 - Seventh report due: October 31st by noon (Friday before)
 - Eighth report due: December 2nd (28th day after)
 - Ninth report due: January 13th (70th day after)
- First contribution received between May 1st - August 5th (91 days before election):
 - First report due: within 2 weeks of receipt
 - All other reports the same as above as applicable

Ranked Voting Provisions

Proposal to add provisions that enable the City Clerk to run special elections that are not coordinated with the County in compliance with the rules adopted by the Secretary of State.

Sec. 7-21. - Administration of City-administered elections.

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New Jersey State Bar

Sec. 7-20. - Duties of city clerk.

The City Clerk shall **is responsible to:**

- (3) Make reports and statements filed under Article V available on the City's website **promptly** ~~no later than the next business day;~~
- (4) **Supervise the review and evaluation of complaints and initiate complaints** ~~Report complaints received regarding alleged violations of Article V to the City Manager.~~

Sec. 7-116 & 7-117 - Recall & Nomination Petition Circulation Periods:

- Circulation must be done 70 days before election
- Recall nominations may circulate upon a recall petition submitted to the CCO
- May submit additional signatures until 70 days before election

Sec. 7-149. - Administrative ~~procedures~~ authority.

The City Clerk is authorized to engage an outside party to assist in investigating and review of complaints under this Article. The City Manager **Clerk** is charged with ultimate authority to pursue complaints under this Article and is hereby authorized to adopt administrative regulations consistent with the provisions of this Article.



Questions?