



City Council Regular Meeting Agenda

September 1, 2026 at 6:00 PM

Emily Francis, Mayor
Julie Pignataro, District 2, Mayor Pro Tem
Chris Conway, District 1
Josh Fudge, District 3
Melanie Potyondy, District 4
Amy Hoeven, District 5
Anne Nelsen, District 6

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

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol: [Rules of Procedure](#)

ATTENDANCE OPTIONS

- Meetings are open to the public and can be attended by anyone in person, through the Zoom platform (<https://zoom.us/j/98241416497>) or by phone.
- Meetings are televised live on Channels 14 & 881 on cable television and livestreamed on the City's website, fortcollins.gov/Government/Get-Involved/FCTV
- All speakers are required to sign up to speak prior to 5:30 pm using the online sign-up system available at fortcollins.gov/Government/City-Council/Council-Meetings. The sign-up portal is available once the upcoming Council agenda is posted Thursday at 5pm.

Full instructions for online participation are available at fortcollins.gov/Government/City-Council/Council-Meetings.

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@fortcollins.gov
- 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.

PROCLAMATIONS & PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

1. Declaring the Month of September 2026 as Suicide Prevention Month.
2. Declaring the Month of September 2026 as National Preparedness 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

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

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:

<https://www.fortcollins.gov/Government/City-Council/Council-Meetings>

- 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.fortcollins.gov/Business/Building-and-Development/Development-Review>, 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 August 18, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the August 18, 2026, Regular Meeting.

2. Second Reading of Ordinance No. 103, 2026, Appropriating Remaining Reserves Generated From the 2016-2025 Community Capital Improvement Program Sales Tax for the Affordable Housing Capital Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates the remaining reserve funds from the 2016-2025 Community Capital Improvement Program ("CCIP") quarter cent capital sales tax, as directed by Council by Resolution 2025-104, which directs excess revenues to the Affordable Housing Capital Fund Program.

3. Second Reading of Ordinance No. 104, 2026, Authorizing Transfer of Previously Appropriated American Rescue Plan Act Funds for Purchase of a Property to Expand the Land Bank Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, transfers previously appropriated Federal American Rescue Plan Act Funding ("ARPA") funds for the expansion of the Land Bank Program to purchase a comparable parcel of land at a different location than originally planned and pay some pre-development costs.

4. Second Reading of Ordinance No. 105, 2026, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Vine and Timberline Rail Grade Separation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, requests a supplemental appropriation for the Vine and Timberline Rail Grade Separation project (the

“Project”). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF Railway (“BNSF”) rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment. If approved, the item will: 1) appropriate \$113,098 in Transportation Capital Expansion Fee funds to the Project; 2) appropriate \$22 in Transportation Services Reserve funds to the Project; and 3) transfer \$1,120 (1% of new Project funding) in Capital Projects funds to the Art in Public Places program.

5. Second Reading of Ordinance No. 106, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado State Patrol for the Beat Auto Theft Through Law Enforcement Grant Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$26,860 of unanticipated grant revenue from the Colorado State Patrol (“CSP”) for the Beat Auto Theft Through Law Enforcement (“BATTLE”) grant program. The funding will support Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

6. Second Reading of Ordinance No. 107, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Statewide Internet Portal Authority for the Micro-Grant Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority (“SIPA”) for the Micro-Grant Program. This funding will support an accessibility audit for the Municipal Court’s digital services.

7. Second Reading of Ordinance No. 108, 2026, Amending Section 3-85 of the Code of the City of Fort Collins for the Purpose of Expanding the Distance Exemption for Liquor Licenses for Schools and Colleges.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, amends City Code Section 3-85 to expand the exemption for the 500-foot radius buffer beyond application to areas around Colorado State University (“CSU”), to include other schools and colleges that choose to locate within mixed-use or non-residential areas that are intended for commercial use. This proposed Code update would permit continued City liquor license issuance within these areas intended for and supporting businesses and restaurants, in accordance with all other applicable requirements, even if a school or college is present.

8. Second Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, considers amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer’s or employee’s role about a non-routine City matter and not within the Councilmember’s role as an officer of the City.

9. Second Reading of Ordinance No. 110, 2026, Making a Supplemental Appropriation for the Linden Street Interim Parking Project.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, enables the City to receive and expend Downtown Development Authority (“DDA”) grant funds for the Linden Street Interim Parking project (the “Project”). The funds will be used for construction of improvements along Linden Street between the Poudre River and Buckingham Street. If approved, the item will appropriate \$112,438 of DDA grant funds to the Project.

10. First Reading of Ordinance No. 111, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Support of the Utilities Customer Information Systems Project and Integrated Maximo Asset Management System Project.

The purpose of this item is to appropriate supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information Systems (“CIS”) Project and integrated Maximo Asset Management System Project.

Fort Collins Utilities is evaluating extending the software go-live date for the implementation of the new Utilities CIS. While replanning efforts are underway to determine an exact date, the project is recommended to be extended into the spring of 2027 for full system readiness and allow for comprehensive product development and testing. Consequently, this project requires additional budget appropriations to cover the extended project duration through 2026.

11. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership Program Funds.

A. First Reading of Ordinance No. 112, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 113, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the HOME Investment Partnerships Grant Fund.

The purpose of this item is to appropriate the City's FY2026 Community Development Block Grant (“CDBG”) Entitlement Grant and FY2026 Home Investment Partnerships Program (“HOME”) Participating Jurisdiction Grant from the Department of Housing and Urban Development (“HUD”), CDBG program income from FY2024 & FY2025 and HOME Program Income from FY2024 & FY2025.

12. First Reading of Ordinance No. 114, 2026, Appropriating Art in Public Places Reserves for a Community Arts and Art in Public Places Master Plan.

The purpose of this item is to appropriate \$103,500 from Art in Public Places (“APP”) reserves to fund a Community Arts and Art in Public Places Master Plan (the “Master Plan”). The appropriation includes \$90,000 for consultant services and a 15% contingency of \$13,500. The planning process will build on the FoCo Creates Master Plan and prior APP and community arts work to evaluate programs, governance, funding and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The final plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of Community Arts and APP and will be referred to as the Community Arts and Art in Public Places Master Plan.

13. First Reading of Ordinance No. 115, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Natural Resources for the Fishing is Fun Grant Program and Authorizing a Transfer of Appropriations.

The purpose of this item is to appropriate \$72,700 of unanticipated grant revenue from the Colorado Department of Natural Resources, Colorado Parks and Wildlife Division, for the Fishing is Fun Grant Program. The funding will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Arapaho Bend Natural Area. This item also appropriates \$44,700 from within fund 272 to meet the cost-share requirement of the grant.

14. First Reading of Ordinance No. 116, 2026 Appropriating Unanticipated Revenue From the Extended Producer Responsibility Program for Recycling Education and Outreach and Curbside Recycling Collection.

The purpose of this item is to appropriate \$5,525,525 in funds from the statewide Extended Producer Responsibility Program to conduct recycling and outreach education activities and offset the cost of residential recycling service.

15. First Reading of Ordinance No. 117, 2026, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

The purpose of this item is to update City Code to modify the Contracted Residential Waste Collection Program to clarify the City Manager's authority to approve necessary and appropriate contract amendments with the intent of streamlining administrative processes.

16. First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to remove this item from the consent agenda and adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

17. First Reading of Ordinance No. 119, 2026, Authorizing the Purchasing Agent to Enter into a Contract with HDR, Inc., for Professional Services for a Period Longer Than Five Years for the Design and Construction Support of the North Mason Stormwater Project.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for a period longer than five years in length, for professional services for the design and construction support of the proposed North Mason Stormwater Project. Contracts authorized under the Ordinance would be extended up to the completion of the project. Design for the project began in 2019 and is expected to be completed in 2029, with pauses to better formulate the project. Under the current scenario, without the Ordinance, the existing contract would expire before the design could be completed, a situation that would result in logistical and cost ramifications for the project.

18. First Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

The purpose of this item is for Council to consider the Second Amendment to Planned Unit Development (“PUD”) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer’s purchase from the Anheuser-Busch Foundation for up to two additional years.

19. First Reading of Ordinance No. 121, 2026, Authorizing the Conveyance of a Permanent Easement and Temporary Construction Easements on Parks Property.

The purpose of this item is to authorize the conveyance of one Permanent Easement (the “PE”) and two Temporary Construction Easements (the “TCEs”) (the “Easements”), being a portion of City property owned by Parks, for the abandonment of a septic vault and installation of a sewer line.

20. First Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual.

The purpose of this item is to amend Section 2-76 of the Code of the City of Fort Collins to allow board and commission members to temporarily relocate outside the Fort Collins Growth Management Area for up to 90 days without losing their board or commission membership. If adopted, the City Clerk will amend the Boards and Commissions Manual to reflect the revised residency requirement and incorporate recent changes to the Code of Conduct.

21. Items Relating to Funding and Financing of the Construction of Improvements to the City’s Wastewater System, Including the Intent to Reimburse Capital Expenditures from Bond Proceeds and the Appropriation of Grant and Fund Reserves for the Wastewater Utility Septage Receiving Facility Project.

A. Resolution 2026-106 Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Improvements to the City's Wastewater System and Other Capital Assets of the City Through the Issuance of Bonds.

B. Resolution 2026-107 Authorizing the City Manager to Execute an Agreement for a Grant of the Colorado Department of Local Affairs Energy and Mineral Assistance Funds Between the City of Fort Collins and the State of Colorado for the Septage Receiving Facility Project.

C. First Reading of Ordinance No. 123, 2026, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund and Appropriating Wastewater Fund Reserves for the Septage Receiving Facility Project.

The purpose of Resolution 2026-106 is to express the City's intent to reimburse itself with bond proceeds for out-of-pocket expenses if it decides to finance projects identified in Wastewater Utility's 2027–2028 Capital Improvement Plan ("Wastewater Utility CIP"), with the issuance of bonds. Treasury Regulation Section 1.150-2 (the "Regulation") dictates whether an issuer can use proceeds from a tax-exempt issuance to reimburse prior capital expenditures. The Regulation requires the issuer to adopt a declaration of official intent to reimburse prior capital expenditures with the proceeds of a tax-exempt issuance in order to actually do so. The issuer can reimburse capital expenditures made within 60 days prior to the adoption of the official intent.

Adoption by Council of a reimbursement resolution, like Resolution 2026-106, does not obligate the City to issue bonds in the future, but rather serves as a declaration of the City's "official intent," pursuant the Regulation to reimburse itself with the proceeds of a bond issue in the future if the City should choose to finance the projects by issuing bonds. Resolution 2026-106, allows Fort Collins Utilities ("Utilities") to spend current Wastewater Utility Fund reserves on critical projects in the Wastewater Utility CIP immediately, and then later, to reimburse those amounts using proceeds from a planned future bond issuance. Any future bond issuance would still come forward to Council for consideration of actions to authorize that financing—the resolution does not authorize the issuance of bonds.

The Colorado Department of Local Affairs ("DOLA") made an award from the Energy/Mineral Impact Assistance Fund Grant ("EIAF") for the City's Septage Receiving Facility Project. Resolution 2026-107, if adopted by Council, is the action to accept that DOLA grant and authorize execution of the grant agreement.

Resolution 2026-106 and Resolution 2026-107 are related because the Septage Receiving Facility Project is one of the critical projects (within the Wastewater Utility CIP) for which the City plans to commence as soon as possible by applying Wastewater Utility Fund reserves and for which later financing proceeds may be used to reimburse.

Ordinance No. 123, 2026, if adopted, will appropriate the grant award revenue from DOLA, as well as amounts from the Wastewater Fund reserves, to expend for the Septage Receiving Facility Project.)

22. Resolution 2026-108 Approving Expenditures to Commission an Artist to Create Artwork for the Future Mariposa Park.

The purpose of this item is to approve the Art in Public Places ("APP") Mariposa Park Project, based upon the recommendations of the Arts & Culture Board.

23. Resolution 2026-109 Authorizing the City Manager to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District for the Development, Operation, and Administration of the Regional Water Efficiency Incentives Portal.

The purpose of this item is to seek authorization to execute an intergovernmental agreement (“IGA”) with the Northern Colorado Water Conservancy District (“Northern Water”) for participation in the Regional Water Efficiency Incentives Portal, a centralized online platform that will allow customers of participating water providers to apply for and receive water efficiency incentives.

24. Resolution 2026-110 Approving the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan.

The purpose of this item is to consider the Second Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (“PUD”) Master Plan (the “Public Benefits Agreement”). The amendment would extend the contingency for closing of the Development’s purchase from the Anheuser-Busch Foundation for up to two additional years.

25. Resolution 2026-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Strauss Lakes Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Strauss Lakes Annexation, a voluntary annexation located northeast of the intersection of Horsetooth Road and Ziegler Road. The applicant has submitted a written petition requesting annexation of 147.499 acres and zoning into the Low Density Mixed-Use Neighborhood (“LMN”) and Medium Density Mixed-Use Neighborhood (“MMN”) zone district, which is consistent with the City of Fort Collins Structure Plan Map.

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

26. Resolution 2026-112 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

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.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

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.

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

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

File Attachments for Item:

- 1. Declaring the Month of September 2026 as Suicide Prevention Month.**



PROCLAMATION

WHEREAS, every life holds inherent worth, and the loss of a person to suicide touches families, friends, colleagues, schools, neighborhoods, and our community in profound ways; and

WHEREAS, suicide is preventable, and hope can be strengthened when we listen without judgment, recognize when someone may be struggling, reduce stigma, and build connection and support; and

WHEREAS, a healthy and resilient Fort Collins is one in which every person knows they matter, experiences a sense of belonging, and has people and places to turn to during life's most difficult moments; and

WHEREAS, suicide prevention is not solely the work of those who respond in moments of crisis; it is a shared community responsibility strengthened through relationships, education, early intervention, compassion, and the everyday act of noticing and caring for one another; and

WHEREAS, the Alliance for Suicide Prevention of Larimer County, together with community partners, professionals, volunteers, and those with lived experience, continues the essential work of providing education, fostering connection, supporting those impacted by suicide, and reminding us that hope and help are possible; and

WHEREAS, during the month of September, we remember those whose lives have been lost to suicide, hold close those who carry the grief of those losses, stand alongside those who have struggled, and recommit ourselves to creating a community in which reaching for help is met with compassion, dignity, and care.

NOW, THEREFORE, I, Julie Pignataro, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim the month of September 2026 as

SUICIDE PREVENTION AND AWARENESS MONTH

and call upon all to strengthen connections, practice compassion, and create a community where every person knows they matter, belong, and that they do not have to face difficult moments alone.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of September, 2026.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

2. Declaring the Month of September 2026 as National Preparedness Month.



PROCLAMATION

WHEREAS, September 2026 is recognized as National Preparedness Month with the theme of “Preparedness Starts at Home,” reinforcing household readiness as the foundational cornerstone for broader community and organizational resilience; and

WHEREAS, National Preparedness Month presents an opportunity to raise awareness and promote actions that enhance overall preparedness across our community before, during, and after an emergency, and for the community to focus on preparing residents, homes, businesses, churches, schools and institutions for any type of emergency; and

WHEREAS, a proactive approach to personal preparedness – having an emergency kit, making a plan, and signing up for emergency alerts – can mitigate the impact of emergencies; and

WHEREAS, individuals, families, and businesses play a crucial role in fostering a culture of preparedness and creating a community prepared for disasters of any type; and

WHEREAS, the City of the Fort Collins is committed to bring together government leaders and members of the community to actively participate in emergency preparedness, planning, mitigation, response, and recovery; and

WHEREAS, the Office of Emergency Preparedness and Security has developed an emergency preparedness education program for the community, including the Fort Collins Volunteer Response Team that encourages community members to volunteer or otherwise help improve our community's resilience.

NOW, THEREFORE, I, Julie Pignataro, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim the month of September 2026 as

NATIONAL PREPAREDNESS MONTH

and encourage the community to prioritize preparedness and work together toward a more prepared and resilient community.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of September, 2026.

Mayor Pro Tem

ATTEST:

City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the August 18, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the August 18, 2026, Regular Meeting.

September 1, 2026



AGENDA ITEM SUMMARY

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the August 18, 2026, Regular Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the August 18, 2026, Regular Meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, August 18, 2026

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

A) PROCLAMATIONS AND PRESENTATIONS

1. **Declaring the Day of August 26, 2026, as Women's Equality Day.**

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

Mayor Emily Francis
Mayor Pro Tem Julie Pignataro
Councilmember Melanie Potyondy
Councilmember Amy Hoeven
Councilmember Chris Conway
Councilmember Anne Nelsen

ABSENT

Councilmember Josh Fudge

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Items 1-25 on the Consent Calendar are recommended for adoption.
- Staff report on the Rental Housing Program.
- Consideration of two Executive Sessions.

F) COMMUNITY REPORTS – None.**G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**

Stacy Koeckeritz, owner of EcoThrift, expressed concern about the loss of reuse spaces in Fort Collins and stated she has been unable to locate another location for her store as it is set to be turned over to Housing Catalyst despite the fact that it does not have funding for its project.

Nicolas Rodon spoke about injustice and misappropriation of funds related to the Police Department.

Christopher Deile shared suggestions to improve public safety. He shared information about Senate Bill 26-141, the federal wildlife crossover program, and the need for more non-lethal means of defense against bears.

Jan Clodfelder spoke against the use of pigs to manage weeds at Rigden Farm and shared her disappointment with the HOA.

Rich Stave spoke about Item #12, *Second Reading of Ordinance No. 098, 2026, Authorizing the Conveyance of City-Owned Real Property Located at 314 North Howes Street in Support of Affordable Housing Development*, stating it appears to be a large giveaway. He also questioned whether pigs will now be allowed anywhere in the city per Item No. 13, *Second Reading of Ordinance No. 099, 2026, Approving the Addition of Permitted Uses Associated with the Rigden Farm Sixth Filing Major Amendment and Final Development Plan FDP260002*. Additionally, he suggested ethics issues related to Item Nos. 22, *First Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters*, and 24, *Resolution 2026-104 Approving Amendments to the Code of Conduct Policy Recommended by the Ethics Review Board*.

Roche Fahlaneigh expressed concern about the lack of supervision, particularly as related to use by children, in the weight rooms at Northside Atzlan Center and Foothills Mall recreation facilities.

Nadine Jung spoke in support of using pigs to manage weeds at Rigden Farm.

Adam Hirschhorn commented on several issues.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Nelsen noted the delay in funding for the project at the EcoThrift site is largely due to the extremely competitive process for affordable housing subsidies. She thanked Ms. Koeckeritz and EcoThrift for the services they have provided to the community.

Councilmember Potyondy thanked the speakers and noted Fort Collins Police Services staff are engaging in conversations with Mr. Rodon.

Councilmember Hoeven thanked the speakers and acknowledged concerns about the use of pigs for weed control at Rigden Farm.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the July 14, 2026, Special Meeting and the Minutes of the July 21, 2026, Regular Meeting.**

The purpose of this item is to approve the minutes of the July 14, 2026, Special Meeting and the minutes of the July 21, 2026, Regular Meeting.

Approved.

2. **Second Reading of Ordinance No. 081, 2026, Appropriating Unanticipated Revenue Received Through City Give.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, requests an appropriation of \$124,482.46 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 082, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the North Mason Stormwater Project and Associated Right-of-Way Acquisitions for North Mason Street and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, enables the City to receive and expend Fort Collins Urban Renewal Authority ("FCURA") funds and appropriate matching funds for the North Mason Stormwater project (the "Project"). The funds will be used to acquire right-of-way for North Mason Street between Hickory Street and Alpine Street as well as to design and construct a stormwater outfall system to serve the area. The right-of-way will provide for the installation of the stormwater outfall as well as provide access to the adjacent properties along North Mason. If approved, the item will: 1) appropriate \$550,000 of FCURA funds for the Project for right-of-way acquisition; 3) appropriate \$838,475 of Transportation Capital Expansion Fee (TCEF) funds to the Project for right-of-way acquisition; 4) appropriate \$275 of Transportation Services Reserve Fund (TSRF) to the Project for right-of-way acquisition; and 5) transfer \$13,750

(1% of new right-of-way Project funding) in capital project funds to the Art in Public Places (APP) program.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 083, 2026, Approving an Intergovernmental Agreement and Appropriating Unanticipated Grant Revenue from the Colorado Department of Public Health and Environment for the Indoor Radon Grant Program.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$7,793.18 of unanticipated grant revenue from the Colorado Department of Public Health and Environment (CDPHE) for the Indoor Radon Grant Program. The funding will support outreach and educational campaigns to increase radon awareness and provide radon test kits to residents.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 084, 2026, Approving an Intergovernmental Agreement for Grant Funding and Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs and Authorizing Transfers of Appropriations for the Best and Brightest Undergrad Internship Pilot Program.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$3,000 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA) for the Best and Brightest Undergrad Internship Pilot Program. The funding will support three Colorado State University undergraduate internships. This Ordinance also appropriates \$3,000 from fund 100 and 605 to meet the local match requirements of the grant.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 086, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Public Safety Division of Homeland Security and Emergency Management for the Homeland Security Grant Program and Authorizing Related Agreements.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$51,450 of unanticipated grant revenue from the Colorado Department of Public Safety Division of Homeland Security and Emergency Management (DHSEM) for the Homeland Security Grant Program. The funding will support a digital fire extinguisher training system for Community Emergency Response Teams (CERT) and specialized cybersecurity training for Poudre Fire Authority.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 087, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Transportation – Office of Transportation Safety and Risk Management for the Law Enforcement Assistance Fund Grant Program.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$11,015.78 of unanticipated grant revenue from the Colorado Department of Transportation (“CDOT”) Office of Transportation Safety and Risk Management for the Law Enforcement Assistance Fund (“LEAF”) grant program. The funding will support the purchase of materials and equipment to support high visibility enforcement and impaired driving efforts.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 088, 2026, Appropriating Unanticipated Grant Revenue from the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) for the Community Clean Transportation Assistance Program (CCTAP) Grant and Authorizing Transfers of Appropriations.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, enables the City to receive and expend State of Colorado Nonattainment Air Pollution Mitigation Enterprise ("NAAPME"), Colorado Department of Transportation ("CDOT"), and local funds for the Connecting North College project (the "Project"). The funding will support the feasibility and preliminary design of bicycle, pedestrian, and connectivity improvements adjacent to North College Avenue as well as bicycle and pedestrian improvements along West Vine Drive.

If approved, the item will:

- 1) Appropriate \$528,275 of NAAPME Community Clean Transportation Assistance Program (CCTAP) grant funds for the Project; and*
- 2) Appropriate \$102,690 in matching funds to meet the cost-share requirement of the grant.*

Adopted on Second Reading.

9. **Items Relating to Municipal Court Sentencing Penalties and Other Updates to the Criminal Code.**

A. Second Reading of Ordinance No. 089, 2026, Amending Portions of Chapter 1 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

B. Second Reading of Ordinance No. 090, 2026, Amending Portions of Chapter 4 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

C. Second Reading of Ordinance No. 091, 2026, Amending Portions of Chapter 9 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

D. Second Reading of Ordinance No. 092, 2026, Amending Portions of Chapter 17 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

E. Second Reading of Ordinance No. 093, 2026, Amending Section 20-42 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

F. Second Reading of Ordinance No. 094, 2026, Amending Sections 23-193 and 23-203 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

G. Second Reading of Ordinance No. 095, 2026, Amending Sections of the Fort Collins Traffic Code to Align with State Law and Making Other Related Updates and Corrections.

These Ordinances, unanimously adopted on First Reading on July 21, 2026, amend provisions of the City Code and Traffic Code to align the City's penalty framework and related procedures with recent Colorado Supreme Court decisions in In re People v. Camp and In re People v. Simons as phase 2 of the Municipal Court sentencing Code update.

There are additional amendments being made to a few of the Code sections to track state law updates that have been made to those charges over time. The proposed amendments formalize current practice, improve clarity, provide clear notice to the public, law enforcement and the court, and will ensure consistency in charging and sentencing.

Proposed changes for Second Reading to Ordinances No. 090, 2026, No. 092, 2026, No. 094, 2026, and No. 095, 2026, are to keep the language of the Code consistent throughout, to make minor corrections, and for necessary modifications identified upon further review after First Reading and public comment.

All Ordinances Adopted on Second Reading.

10. **Second Reading of Ordinance No. 096, 2026, Amending Section 2-31(a)(5) of the Code of the City of Fort Collins to Update the Cross Reference to Telecommunication Facilities and Services.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, updates a reference in City Code Section 2-31(a)(5) to refer to the correct City Code Section.

Adopted on Second Reading.

11. **Second Reading of Ordinance No. 097, 2026, Authorizing the City Manager to Execute an Agreement With Cargill, Inc., Regarding Exchanging 11.5 Arthur Irrigation Company Shares for Water Supply Requirement Credit.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, approves the Agreement Between Cargill, Inc. and the City of Fort Collins Regarding Exchanging 11.5 Arthur Irrigation Company shares for Water Supply Requirement Credit. The exchange of Arthur Irrigation Company shares for Water Supply Requirement credit proposed in the agreement will eliminate the need for expensive repair and maintenance issues on the Cargill Lateral while still providing water to meet Cargill, Inc.'s needs without injury to the City or its Water Utility rate payers.

Adopted on Second Reading.

12. **Second Reading of Ordinance No. 098, 2026, Authorizing the Conveyance of City-Owned Real Property Located at 314 North Howes Street in Support of Affordable Housing Development.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, approves the conveyance of City property to Housing Catalyst to develop affordable housing. City staff has identified a site for potential partnership with Housing Catalyst to produce a plan for redevelopment of 314 North Howes Street (the "Property"), focusing on affordable housing. On April 21, 2026, Resolution 2026-060 to approve an Option Agreement for the potential sale of the property was adopted by Council. The Property is currently owned by the City and supports EcoThrift, which is a private tenant, and has been evaluated for possible disposition to Housing Catalyst. The current tenant's lease expires on September 30, 2026. City staff negotiated an Option Agreement with Housing Catalyst with the intention to convey 314 North Howes to Housing Catalyst at nominal consideration in support of affordable housing. On June 9, 2026, Housing Catalyst delivered Notice of Exercise of Option to Purchase Real Property to the City. The proposed Ordinance approves the execution of an agreement to facilitate disposition of 314 N. Howes Street to Housing Catalyst. The rationale for this proposal is outlined in the background and discussion section. The original Resolution is also attached to this Agenda Item Summary.

Adopted on Second Reading.**13. Second Reading of Ordinance No. 099, 2026, Approving the Addition of Permitted Uses Associated with the Rigden Farm Sixth Filing Major Amendment and Final Development Plan FDP260002.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, presents an Addition of Permitted Uses (APU) and combined Major Amendment and Final Development Plan (FDP) which proposes to have pigs graze part of a tract owned by the Rigden Farm Homeowners Association (HOA). The applicant (AloTerra Restoration Services) proposes to use up to 15 pigs to eat the extensive seedbank of the troublesome weed, Kochia scoparia (kochia) in 0.8 acres of this 3.96-acre park space during the growing seasons for a two to five-year period. A Modification of Standard was requested to permit an electric fence associated with the pigs.

The Council's decision on the proposed APU is a quasi-judicial decision governed by the standards in the Land Use Code. If considered on the consent agenda, a public hearing is deemed to have been open and closed, with the only evidence considered being that set forth in the agenda item summary and the attachments thereto, including the staff report and public comment. If the APU is pulled from the consent calendar, Council will conduct a public hearing pursuant to the Council Rules of Procedure. If Council votes down the Ordinance, a second motion formally stating denial of the application for the addition of a permitted use would be appropriate.

The site is located in the Low-Density Mixed-Use Neighborhood (LMN) zone district. The proposed land use, Farm Animals, is not a permitted use in the LMN district, so this proposal is subject to an Addition of Permitted Uses and Major Amendment with a Type 2 (Planning and Zoning Commission) hearing for a recommendation to City Council for a decision.

Staff has heard significant public comment on this proposal. While much of the feedback has been supportive of the pigs, some neighbors have grievances, citing previous problems with odor and noise, and a general lack of trust of the applicant team's abilities and intentions. In order to address these concerns, staff worked closely with the applicant to ensure robust noise and odor mitigation strategies in the Site and Management Plan. Staff and the applicant also worked to ensure the Site and Management Plan included animal husbandry procedures in alignment with recommendations from the Larimer Public Health Department and NOCO Humane.

On June 18, 2026, the Planning and Zoning Commission voted 5-1 to approve the Site and Management Plan (FDP260002) and 5-1 to approve the Modification of Standard for the electric fence. The Commission also voted 5-1 to recommend Council approval of the Addition of Permitted Use for the Farm Animals.

If this item is pulled from the Consent Calendar for individual discussion, under Section 2.d. of the Council Rules of Procedure, the hearing procedure for Addition of Permitted Uses applications would be as follows:

- (1) Announcement of item;*
- (2) Consideration of any procedural issues;*
- (3) Explanation of the application by City staff;*
- (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);*
- (5) Public testimony regarding the application;*
- (6) Rebuttal testimony by the applicant/property owner;*
- (7) Councilmember questions of City staff, the applicant/property owner and other comments; and*

(8) Motion, discussion and vote by City Council.

Adopted on Second Reading.

14. **Second Reading of Ordinance No. 100, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Public Health and Environment and Authorizing Transfers for the Clean Fleet Vehicle and Technology Grant Program.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$1,806,281 of unanticipated grant revenue from the Colorado Department of Public Health and Environment for the Clean Fleet Vehicle and Technology (CFVT) grant program. The funding will support the replacement of 13 end of life vehicles across various city operations. This item also appropriates \$921,914 in matching funds to meet the cost-share requirement of the grant.

This item was updated between First and Second Reading to include the transfer of \$280,121 from Fund 256 (2050 Climate Tax) and \$7,000 from Fund 100. These existing appropriations will be used for match/upfit allocations according to the updated table in the City Financial Impacts section.

Adopted on Second Reading.

15. **Second Reading of Ordinance No. 102, 2026, Waiving Basic Development Review and Associated Development Standards Under Land Use Code Section 4.3.4(F)(6) to Facilitate the Larimer County-Led Plugging and Abandonment of Orphaned Oil and Gas Wells in Northeast Fort Collins.**

This Ordinance, unanimously adopted on First Reading on July 21, 2026, waives Basic Development Review requirements and associated development standards under Land Use Code (LUC) Section 4.3.4(F)(6) to facilitate the Larimer County-led plugging and abandonment of orphaned oil and gas wells within Fort Collins city limits.

Adopted on Second Reading.

16. **First Reading of Ordinance No. 103, 2026, Appropriating Remaining Reserves Generated From the 2016-2025 Community Capital Improvement Program Sales Tax for the Affordable Housing Capital Program.**

The purpose of this item is to appropriate the remaining reserve funds from the 2016-2025 Community Capital Improvement Program ("CCIP") quarter cent capital sales tax, as directed by Council by Resolution 2025-104, which directs excess revenues to the Affordable Housing Capital Fund Program.

Adopted on First Reading.

17. **First Reading of Ordinance No. 104, 2026, Authorizing Transfer of Previously Appropriated American Rescue Plan Act Funds for Purchase of a Property to Expand the Land Bank Program.**

The purpose of this item is to transfer previously appropriated Federal American Rescue Plan Act Funding ("ARPA") funds for the expansion of the Land Bank Program to purchase a comparable parcel of land at a different location than originally planned and pay some pre-development costs.

Adopted on First Reading.

18. **First Reading of Ordinance No. 105, 2026, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Vine and Timberline Rail Grade Separation Project and Related Art in Public Places.**

The purpose of this item is to request a supplemental appropriation for the Vine and Timberline Rail Grade Separation project (the "Project"). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF Railway ("BNSF") rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment. If approved, the item will: 1) appropriate \$113,098 in Transportation Capital Expansion Fee funds to the Project; 2) appropriate \$22 in Transportation Services Reserve funds to the Project; and 3) transfer \$1,120 (1% of new Project funding) in Capital Projects funds to the Art in Public Places program.

Adopted on First Reading.

19. **First Reading of Ordinance No. 106, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado State Patrol for the Beat Auto Theft Through Law Enforcement Grant Program.**

The purpose of this item is to appropriate \$26,860 of unanticipated grant revenue from the Colorado State Patrol ("CSP") for the Beat Auto Theft Through Law Enforcement ("BATTLE") grant program. The funding will support Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on First Reading.

20. **First Reading of Ordinance No. 107, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Statewide Internet Portal Authority for the Micro-Grant Program.**

The purpose of this item is to appropriate \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority ("SIPA") for the Micro-Grant Program. This funding will support an accessibility audit for the Municipal Court's digital services.

Adopted on First Reading.

21. **First Reading of Ordinance No. 108, 2026, Amending Section 3-85 of the Code of the City of Fort Collins for the Purpose of Expanding the Distance Exemption for Liquor Licenses for Schools and Colleges.**

The purpose of this item is to amend City Code Section 3-85 to expand the exemption for the 500-foot radius buffer beyond application to areas around Colorado State University ("CSU"), to include other schools and colleges that choose to locate within mixed-use or non-residential areas that are intended for commercial use. This proposed Code update would permit continued City liquor license issuance within these areas intended for and supporting businesses and restaurants, in accordance with all other applicable requirements, even if a school or college is present.

Adopted on First Reading.

22. **First Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters.**

The purpose of this item is to consider amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer's or employee's role about a non-routine City matter and not within the Councilmember's role as an officer of the City.

Adopted on First Reading.

23. Items Relating to the Linden Street Interim Parking Project.

A. Resolution 2026-103 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant from the Downtown Development Authority to the City of Fort Collins for the Linden Street Interim Parking Project.

B. First Reading of Ordinance No. 110, 2026, Making a Supplemental Appropriation for the Linden Street Interim Parking Project.

The purpose of this item is to enable the City to receive and expend Downtown Development Authority ("DDA") grant funds for the Linden Street Interim Parking project (the "Project"). The funds will be used for construction of improvements along Linden Street between the Poudre River and Buckingham Street. If approved, the item will: 1) authorize the City Manager to execute an intergovernmental agreement ("IGA") for the Project with the DDA and 2) appropriate \$112,438 of DDA grant funds to the Project.

Resolution Adopted and Ordinance Adopted on First Reading.

24. Resolution 2026-104 Approving Amendments to the Code of Conduct Policy Recommended by the Ethics Review Board.

The purpose of this item is to consider the Ethics Review Board's (the "Board") recommended revisions to the City's Code of Conduct policy. The recommended changes clarify board and commission members' duty to the community, prohibit using board and commission membership to benefit other organizations, protect confidential City information and promote active meeting participation.

Adopted.

25. Resolution 2026-105 Supporting an Application for a Great Outdoors Colorado Land Acquisition Grant.

The purpose of this item is to obtain Council support for Natural Areas to apply for the Great Outdoors Colorado ("GOCO") Land Acquisition Grant.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Pignataro moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-25, on the Consent Calendar.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP

Mayor Pro Tem Pignataro thanked the Ethics Review Board for its work on Item Nos. 22, *First Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters*, and 24, *Resolution 2026-104 Approving Amendments to the Code of Conduct Policy Recommended by the Ethics Review Board*, and noted staff liaisons will be providing additional information to their Boards at upcoming meetings.

L) STAFF REPORTS**Staff Report: Rental Housing Program Update**

The purpose of this item is to provide an update on the Rental Housing Program.

Jacob Castillo, Assistant City Manager, noted the Rental Housing Program was launched in 2024 as a product of the Housing Strategic Plan that was adopted in 2021 with the intention of creating safety, habitability and security in the city's housing stock.

Marcy Yoder, Senior Manager, noted about half of Fort Collins properties are renter occupied and noted there are five full-time City positions related to rental housing management. She stated the premise behind the program is voluntary compliance, though the Code is written to allow for enforcement if needed. She noted the Program includes a registration platform which is the foundation for how information is collected and gathered to do the other components of the Program. Yoder also noted mobile home parks and owner-occupied units are exempt from the Program, and she provided information about the Program fees.

Vanessa Fenley, Senior Housing Manager, stated the Program operates with a number of collaborative partnerships both internally and externally. She stated more than 9,000 properties have been registered and self-certified to date, which comprises approximately 80% of the city's rental units. Additionally, the Program has invested over \$200,000 in different rental properties in the form of incentives and grants. Fenley noted only five properties have been cited for failing to register.

Fenley outlined common issues seen in rental inspections and noted there has been a great deal of success in bringing properties into compliance when issues have been identified. She noted some frustration has been expressed in terms of navigating the current registration system; however, it is being upgraded soon and should be more user friendly. Fenley outlined upcoming items associated with the Program, which includes examining the fee structure, supporting the development and implementation of FC Clear, the new registration system, enhancing data collection, and expanding programs and incentives to property owners, property managers, and tenants.

Mayor Pro Tem Pignataro asked if the four illegal dwellings mentioned were brought into compliance. Marcus Coldiron, Chief Building Official, replied he could follow up with additional details regarding those specific cases; however, staff does its best to work with property owners to bring illegal dwelling units into substantial compliance with the Building Code, which frequently means converting a single-family dwelling into a duplex.

Mayor Pro Tem Pignataro asked if the grant funds are available to fund any needed improvements. Yoder replied the dollars are typically earmarked ahead of time based on the funding source; some have been focused on safety and others on upgrades and energy efficiency.

Mayor Pro Tem Pignataro requested follow-up on whether rentals are being removed from the market because of non-compliance.

Mayor Francis concurred with Mayor Pro Tem Pignataro's comment and asked if there is a program in place to grandfather what were illegal dwelling units as part of the recent Land Use Code changes. Coldiron replied there was previously a program approved by Council that was to bring illegal dwelling units into compliance, and many units came into compliance as part of that program, which required units to meet minimum life and safety codes but waived development review fees. He replied he would follow-up regarding the new Land Use Code changes.

Mayor Francis asked if metrics were set for the Rental Program when it started. Yoder replied there are some operational benchmarks being analyzed, though the Program is not quite far enough along to look at some of the larger outcomes that may have community-wide impacts.

Mayor Francis suggested program metrics should be available after two years.

Councilmember Hoeven asked if the number of unregistered units is available. Yoder replied that is something staff is planning to examine.

Councilmember Hoeven commented on a letter received from a constituent regarding the fee structure and his perception of its inequity as the larger multi-unit dwellings pay the same fees as a duplex or four-plex and stated she would like that examined as part of the fee structure analysis. She asked about the steps for the issuance of a citation. Coldiron replied fines up to \$3,000 per day can be the result of citations, and the fines are generally assessed by the Municipal Judge, though typically the cases are resolved prior to getting to a fine amount.

Councilmember Hoeven asked about the impacts to tenants if the City is forced to not renew a license or if a landlord does not renew a license. Fenley replied properties do not renew licenses for a variety of reasons, though there are provisions in the Code that if it is a City decision to suspend a registration or not renew a registration, the current lease cannot be impacted. However, the lease cannot be renewed, and the property cannot be leased to another tenant without issues being corrected and the registration being renewed.

Councilmember Potyondy commended staff for their work on the Program. She requested an explanation of the benefits of the City having its own registration program versus leaning on existing data sources. Yoder replied there is not one data source that could be used instead of the registration program and noted Assessor data does not provide the same information that is requested in the rental registration forms. Additionally, the Program allows property owners and managers to better connect to the City.

Councilmember Potyondy asked about safeguards that are in place if a compliant-based inspection is initiated to prevent inspectors from looking for things that are beyond health and safety, thereby potentially imperiling an affordable rental unit. Coldiron replied staff expectations are based on minimum Code requirements and nothing above and beyond that can be enforced.

Councilmember Nelsen thanked staff for their work on the Program and asked if the fee structure covers staff time. Yoder replied the Program is designed to ultimately be cost neutral so the fees cover the Program administration.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Attended the United Way of Larimer County's Community Impact Center block party.

- Attended the Turkish Festival at City Park.
- Attended ComicCon.
- Wished all in Poudre School District a good first day of the school year.

Councilmember Amy Hoeven

- Attended a ride along with Poudre Fire Authority.
- Attended the Adelante graduation.
- Toured the new CSU Clark Building and vet school.
- Attended the Salud Family Health Day.
- Attended a job fair.
- Toured the Museum of Discovery and its new CPR exhibit.
- Announced a Listening Session at 2000 Mathews on Saturday.
- Celebrated Women's Day of Equality today.

Mayor Emily Francis

- Attended the City employee appreciation event at City Park and thanked employees for their service to the city.

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

26. Second Reading of Ordinance No. 101, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs and Authorizing Transfers of Appropriations for the Accessory Dwelling Unit Grant Program.

This Ordinance, unanimously adopted on First Reading on July 21, 2026, appropriates \$157,000 of unanticipated grant revenue from the Department of Local Affairs (DOLA) for the Accessory Dwelling Unit Grant Program. Funding will support the development of accessory dwelling unit (ADU) design plans and provide eligible fee waivers. This item also appropriates \$83,000 from the 2050 City Climate Tax to meet the cost-share requirement.

Mayor Francis withdrew from the discussion of this item due to a conflict of interest.

PUBLIC COMMENT

Rich Stave expressed reservations about ADU's and questioned whether an ADU is actually just a duplex in a single-family home, and if so, would the ADU get these special accommodations. He also questioned the criteria for how the funds will be distributed.

Adam Hirschhorn spoke in favor of tiny green homes.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy thanked staff for responding to her previous questions and stated she would support the item.

Councilmember Nelsen thanked the speakers and requested an overview of the Land Use Code requirements for ADU's. Clay Frickey, Planning Manager, replied an ADU is distinguished from a duplex based on the size of the second unit and utility services are separate if they are in two separate structures, sometimes apart from sewer service.

Councilmember Nelsen moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 101, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Local Affairs and Authorizing Transfers of Appropriations for the Accessory Dwelling Unit Grant Program, on Second Reading.

The motion carried 5-0. (Fudge absent, Francis recused.)

- 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 Potential Economic Development Incentive Negotiations Approach and Strategy:**

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, that City Council go into executive session to discuss with appropriate City staff:

the City's negotiating position for potential business incentives for three separate Fort Collins projects, developing strategy for those negotiations, and instructing negotiators, pursuant to:

- **City Charter Article Two, Section Eleven, Subsection Five**
- **City Code Section 2-31(a)(6), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(e)(one).**

- OB 3. Consideration of a Motion to go into Executive Session on Water Storage Projects:**

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

- **City Charter Article Two, Section Eleven, Subsection Five**
- **City Code Section 2-31(a)(6), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(e)(one)**

For the purpose of discussing with the appropriate City staff:

- **The City's negotiating position on new and existing water storage project opportunities, developing strategy for those negotiations, and instructing negotiators.**

Both Executive Session motions were approved together and the motion carried 6-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:14 p.m.

Mayor

ATTEST:

City Clerk

DRAFT

File Attachments for Item:

2. Second Reading of Ordinance No. 103, 2026, Appropriating Remaining Reserves Generated From the 2016-2025 Community Capital Improvement Program Sales Tax for the Affordable Housing Capital Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates the remaining reserve funds from the 2016-2025 Community Capital Improvement Program ("CCIP") quarter cent capital sales tax, as directed by Council by Resolution 2025-104, which directs excess revenues to the Affordable Housing Capital Fund Program.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Vanessa Fenley, Senior Housing Manager
Caleb Weitz, Chief Financial Officer

SUBJECT

Second Reading of Ordinance No. 103, 2026, Appropriating Remaining Reserves Generated From the 2016-2025 Community Capital Improvement Program Sales Tax for the Affordable Housing Capital Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates the remaining reserve funds from the 2016-2025 Community Capital Improvement Program ("CCIP") quarter cent capital sales tax, as directed by Council by Resolution 2025-104, which directs excess revenues to the Affordable Housing Capital Fund Program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On April 7, 2015, voters approved the CCIP quarter cent capital sales tax, with revenue for the identified projects to be generated by a ten-year ¼-cent sales tax, which included an estimated \$4,000,000 of funding for the Affordable Housing Capital Fund ("AHCF"), supporting public or private housing projects designated for low-income individuals and families.

During the Southeast Community Center ("SECC") funding plan development in 2025, Council approved \$9,500,000 of CCIP reserves to go towards the SECC, leaving anticipated reserves in the amount of \$5,000,000 at the expiration of the sales tax period. Council later approved Resolution 2025-104 directing excess revenues to the Affordable Housing Capital Fund Project.

The CCIP tax sales collected from January 1, 2016, until December 31, 2025, has generated \$98,900,000 over the 10-year period. To date, of the CCIP Projects approved by voters, \$93,200,000 of CCIP revenues have been used to deliver these Projects or have been appropriated towards design or planning of the Projects. Therefore, \$5,700,000 of CCIP revenues are available to appropriate towards the Affordable Housing Capital Fund.

Based on discussion and Councilmember feedback during the March 10, 2026, Work Session, staff will prioritize AHCF funds for affordable housing project gap subsidy. Staff will monitor fund expenditures and anticipated funding gaps of projects in the affordable housing pipeline and may recommend to Council that

a portion of funds be used for other activities that will support and advance affordable housing development and preservation, such as investing in site improvements to land bank parcels to make development on those sites more predictable and affordable.

CITY FINANCIAL IMPACTS

The appropriation of \$5,717,333 will appropriate all remaining reserves generated from the 2016-2025 CCIP ¼ cent sales tax for the Affordable Housing Capital Program within the Community Capital Improvement Program Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

CCIP revenues and purposes presented in the context of the SECC Project at the following public meetings:

- Council Work Session on February 25, 2025;
- Council Finance Committee on October 2, 2025;
- Council Work Session on October 14, 2025; and
- Regular Council Meeting on November 3, 2025.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 103, 2026

ORDINANCE NO. 103, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING REMAINING RESERVES GENERATED FROM THE 2016-2025
COMMUNITY CAPITAL IMPROVEMENT PROGRAM SALES TAX FOR THE
AFFORDABLE HOUSING CAPITAL PROGRAM

A. On April 7, 2015, City voters approved Ballot Issue No. 1 and Ordinance No. 013, 2015, extending an existing twenty-five hundredths percent (0.25%) sales and use tax for the purpose of raising revenue for the Community Capital Improvement Program ("CCIP") to fund a list of projects ("CCIP Projects") and estimated costs, including \$4.0 million for affordable housing development and rehabilitation projects ("Affordable Housing Projects").

B. Section 2(a) of Ordinance No. 013, 2015, states that Council will determine the design, property acquisition, and construction of the CCIP Projects, and that Council may enhance the scope or design of any of the CCIP Projects, or increase the cost thereof, so long as Council has determined that taking such action will not substantially impair the City's ability to fully fund the other CCIP Projects or the limited operation and maintenance costs identified in the 2015 CCIP Tax.

C. The CCIP Tax, collected from January 1, 2016, until December 31, 2025, generated approximately \$98,900,000 over the ten-year period. To date, of the CCIP Projects approved by voters, approximately \$93,200,000 of CCIP revenues have been used to deliver the CCIP Projects or towards design or planning of the Projects. City staff do not anticipate needing any additional CCIP revenues to fully fund the CCIP Projects or the limited operation and maintenance costs identified in the 2015 CCIP Tax. Therefore, approximately \$5,700,000 of CCIP revenues are available to appropriate towards CCIP Projects.

D. City Council, through Resolution 2025-104, directed City staff to begin the necessary preparations and work to develop and present to Council any actions needed to proceed with directing excess CCIP revenues to the Affordable Housing Capital Program.

E. The City's Financial Officer has evaluated and determined that this appropriation would not impair the City's ability to fully fund other CCIP Projects or the limited operation and maintenance costs identified in the 2015 CCIP Tax.

F. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of financially supporting affordable housing development and rehabilitation projects for the community.

G. Article V, Section 9 of the City Charter permits 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.

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

I. Article V, Section 11 of the City Charter authorizes 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.

J. City Council wishes to designate the appropriation herein for the Affordable Housing Capital Program in the Community Capital Improvement Program Fund as an appropriation that shall not lapse until the completion of the project.

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

Section 1. Consistent with Resolution 2025-104, City Council determines that appropriating \$5,717,333 in excess CCIP revenues to the Affordable Housing Capital Program will not substantially impair the City's ability to fully fund the other CCIP Projects or the limited operation and maintenance costs identified in the 2015 CCIP Tax.

Section 2. There is hereby appropriated from prior year reserves in the Community Capital Improvement Program Fund the sum of FIVE MILLION SEVEN HUNDRED SEVENTEEN THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS (\$5,717,333) to be expended in the Community Capital Improvement Program Fund for the Affordable Housing Capital Program.

Section 3. The appropriation herein for the Affordable Housing Capital Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Section 4. City Council has determined that taking such action will not substantially impair the City's ability to fully fund other CCIP Projects or the limited operation and maintenance costs identified in the 2015 CCIP Tax.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

3. Second Reading of Ordinance No. 104, 2026, Authorizing Transfer of Previously Appropriated American Rescue Plan Act Funds for Purchase of a Property to Expand the Land Bank Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, transfers previously appropriated Federal American Rescue Plan Act Funding (“ARPA”) funds for the expansion of the Land Bank Program to purchase a comparable parcel of land at a different location than originally planned and pay some pre-development costs.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Sue Beck-Ferkiss, Social Policy and Housing Programs Manager
Joanne Cech, Fiscal Recovery Manager

SUBJECT

Second Reading of Ordinance No. 104, 2026, Authorizing Transfer of Previously Appropriated American Rescue Plan Act Funds for Purchase of a Property to Expand the Land Bank Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, transfers previously appropriated Federal American Rescue Plan Act Funding ("ARPA") funds for the expansion of the Land Bank Program to purchase a comparable parcel of land at a different location than originally planned and pay some pre-development costs.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Fort Collins Affordable Housing Land Bank Program is the City's only long-term affordable housing incentive. Land is purchased for the purpose of preserving locations throughout the City for future development of affordable housing. Not only does this ensure good distribution of affordable housing now and in the future, but it locks in today's price for tomorrow's development, which often allows the land's appreciation to be used as subsidy in the ultimate development.

The City received \$28,100,000 from the U.S. Department of Treasury under ARPA's State and Local Fiscal Recovery Fund. ARPA funds had to be obligated by the end of 2024 and must be spent by the end of 2026. A 2024 Memorandum of Understanding between the City Manager and the Director of the Social Sustainability Department, now named Housing and Community Vitality, agreed that \$1,000,000 of ARPA funds would be made available for the expansion of the Affordable Housing Land Bank Program.

Offer 31.20 from the 2023-2024 Budget set aside \$1,000,000 of ARPA funding for the expansion of the Land Bank Program. It referred to exercising a specific option to purchase five acres in northeast Fort Collins in a planned development. However, due to factors beyond the City's control, this option cannot be exercised at this time. This transfer of previously appropriated funds will allow staff to purchase an alternative site that meets the Land Bank Program's criterion that the property must be located in the City. Staff has located an appropriate alternative site in northwest Fort Collins and is seeking authorization to use the ARPA funds to purchase this comparable property and to pay for due diligence and some pre-development costs.

CITY FINANCIAL IMPACTS

The prior appropriation was for the same amount, \$1,000,000, and, if the transfer is authorized, will be used to acquire property that the City's Affordable Housing Land Bank Program will own. Because federal ARPA funds will be used for this purchase, the City must follow ARPA compliance requirements which are already in place. The ARPA Recovery Administration team is involved in this purchase to ensure compliance.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Affordable Housing Board was informed about this transaction.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 104, 2026

ORDINANCE NO. 104, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFER OF PREVIOUSLY APPROPRIATED AMERICAN
RESCUE PLAN ACT FUNDS FOR PURCHASE OF A PROPERTY TO EXPAND THE
LAND BANK PROGRAM

A. The City's Affordable Housing Land Bank Program supports affordable housing by purchasing land for the purpose of preserving locations throughout the City for future development of affordable housing.

B. In 2021 and 2022, the City received \$28.1 million from the American Rescue Plan Act's ("ARPA") State and Local Fiscal Recovery Fund. The City's 2023-2024 Budget appropriated \$1,000,000 of the City's ARPA funding for the expansion of the Land Bank Program. The appropriation authorized the City to use these funds to exercise an Option held by the City to purchase five acres in northeast Fort Collins in a planned development. However, due to factors beyond the City's control, the City has not been able to exercise this Option.

C. The U.S. Department of Treasury's rules on ARPA require all ARPA funds to have been obligated by the end of 2024. The rules also allow ARPA recipients to re-obligate ARPA funds that were already obligated by the end of 2024, so long as the re-obligation is necessary due to changed circumstances and so long as the re-obligation is for the same purpose and within the same scope as the original obligation. The City must spend its ARPA funds by the end of 2026.

D. City staff has located a comparable property in northwest Fort Collins for acquisition. This Ordinance authorizes the transfer of previously appropriated City ARPA funds in the amount of \$1,000,000 to allow the City to re-obligate these funds for the purchase of this comparable property for the City's Affordable Housing Land Bank Program and to pay for due diligence and some pre-development costs.

E. This transfer benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the acquisition of property for an affordable housing project.

F. Article V, Section 10 of the City Charter authorizes 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 \$1,000,000 from the General Fund ARPA Land Bank Program project to purchase land in northeast Fort Collins to the General Fund ARPA Land Bank Program project to purchase land in northwest Fort Collins and determined that the purpose for which the transferred funds are to be expended remains unchanged, but the location changed.

H. Article V, Section 11 of the City Charter authorizes 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 donation or the City's expenditure of all funds received from such grant or donation.

I. City Council wishes to designate the transfer herein for ARPA funding for expansion of the Land Brank Program to purchase property in northwest Fort Collins 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. The unexpended and unencumbered appropriated amount of ONE MILLION DOLLARS (\$1,000,000) is authorized for transfer from the ARPA Land Bank Program northeast land purchase project in the General Fund to the ARPA Land Bank Program northwest land purchase project in the General Fund and appropriated therein to be expended to expand the Land Bank program and for related due diligence and pre-development costs.

Section 2. The appropriation herein of ARPA funding to expand the Land Bank Program 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 August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

4. Second Reading of Ordinance No. 105, 2026, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Vine and Timberline Rail Grade Separation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, requests a supplemental appropriation for the Vine and Timberline Rail Grade Separation project (the "Project"). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF Railway ("BNSF") rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment. If approved, the item will: 1) appropriate \$113,098 in Transportation Capital Expansion Fee funds to the Project; 2) appropriate \$22 in Transportation Services Reserve funds to the Project; and 3) transfer \$1,120 (1% of new Project funding) in Capital Projects funds to the Art in Public Places program.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Gunnar Hale, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Second Reading of Ordinance No. 105, 2026, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Vine and Timberline Rail Grade Separation Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, requests a supplemental appropriation for the Vine and Timberline Rail Grade Separation project (the "Project"). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF Railway ("BNSF") rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment. If approved, the item will: 1) appropriate \$113,098 in Transportation Capital Expansion Fee funds to the Project; 2) appropriate \$22 in Transportation Services Reserve funds to the Project; and 3) transfer \$1,120 (1% of new Project funding) in Capital Projects funds to the Art in Public Places program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing four-way stop control along with an at-grade rail crossing near the intersection. The Vine and Timberline Intersection Improvements project will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project has been delayed by utility relocations being performed by the Poudre Valley Rural Electric Association and will be completed later this summer.

As northeast Fort Collins continues to develop, increasing traffic volumes at the intersection will result in the need for an overpass like the one constructed at Vine and Lemay completed in 2022. This grade separation over the railroad has been part of the City's Master Street Plan for several years. The Transportation Capital Projects Prioritization Study ("TCPPS") includes the Project as one of the top 15 projects in the study and includes development of a conceptual design (Attachment 4). TCPPS was discussed at a Council Work Session (August 22, 2023) and later adopted by Council on September 19, 2023 (Resolution 2023-086).

The East Ridge Second Filing and Waterfield Fourth Filing developments provided development contributions towards the Project that were previously appropriated by Council via Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The City worked with a consultant to develop a Railroad Crossing Elimination program grant application that was submitted in 2024. The application requested funding to complete Project planning. The application was successful, and the City entered an intergovernmental agreement with the Federal Railroad Administration (“FRA”) in 2025, which was authorized by Resolution 2025-064, with funds appropriated via Ordinance No. 105, 2025. The planning effort is underway and is scheduled to be completed in August 2027.

The East Ridge Fifth Filing (Mosaic Development), in the southeast quadrant of the Vine Drive and Timberline Road intersection, was required to set aside the area envisioned for the Project. The homeowner’s association is now in possession of the common areas of the development and expressed the desire to transfer the property rights to the City for the Project. In discussions between the City’s Real Estate Services group and representatives of the homeowner’s association, it was determined that securing an all-purpose easement for the Project would be more direct and less costly than securing the property as right-of-way. The FRA confirmed that an easement would suffice under its regulations for the purpose of the Project. The supplemental appropriation, in conjunction with funds already appropriated to the Project, will allow the easement acquisition to move forward, securing property rights for a crucial portion of the Project.

CITY FINANCIAL IMPACTS

This item appropriates \$112,000 to support an easement acquisition for the Vine and Timberline Rail Grade Separation project.

The following is a summary of the current and proposed funding appropriations for the Project.

Previously Appropriated and/or Transferred Funds	
Development Contribution (DC) to Construction	\$ 331,827
Federal Railroad Administration (FRA) Railroad Crossing Elimination (RCE) Funds	\$ 765,616
Art in Public Places (APP) Program	\$ (3,318)
Total Prior Appropriation	\$ 1,094,125

Funds to be Appropriated and/or Transferred with this Action	
Transportation Capital Expansion Fee (TCEF)	\$ 113,098
Transportation Services Reserve Fund (TSRF)	\$ 22
Net Total Funds to be Appropriated per this Action	\$ 113,120

Proposed Transfer to Art in Public Places (APP) Program	\$ 1,120
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Total Proposed Project Funds	\$ 1,206,125
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The total fund amount projected for this Project is \$1,206,125 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Council adopted TCPPTS (project is identified in the Transportation Capital Projects Prioritization Study) on September 19, 2023. The study was also brought to the Transportation Board on August 16, 2023, and the Bike Advisory Committee on August 28, 2023, and both bodies support the results of the study. The Project has been before Council on three previous occasions resulting in appropriations to the Project: Ordinance

No. 122, 2023 (budget cleanup appropriating a development contribution), Ordinance No. 115, 2024 (development contribution), and Resolution 2025-064 and Ordinance No. 105, 2025 (RCE grant and match appropriation).

PUBLIC OUTREACH

A public engagement plan was established as part of the development of the TCPPS work plan. This effort included a bilingual webpage on ourcity.fcgov.com, social media platforms, press releases, newsletters published by the City and various organizations, email distribution in coordination with Larimer County Department of Health and Environment, and an in-person open house table for the West Elizabeth Corridor Design Project in July 2021.

A virtual open house for TCPPS was held from October 14-31, 2021, to provide a progress update, display analysis findings, garner feedback, and encourage viewers to take a public survey if they had not already done so. The public survey itself was accessed by 472 visitors, contributed to by 166 unique people, and received 1,020 pins/comments.

An individual public outreach plan has been developed by the Project team for the planning effort in conjunction with the Communications and Public Involvement Office. A public engagement event is being scheduled for November 2026.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 105, 2026

ORDINANCE NO. 105, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE VINE AND TIMBERLINE RAIL GRADE SEPARATION
PROJECT AND RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a supplemental amount for the Vine and Timberline Rail Grade Separation project (the “Project”). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment.

B. The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing four-way stop control along with an at-grade rail crossing near the intersection. A current intersection improvements project is improving the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway.

C. As northeast Fort Collins continues to develop, increasing traffic volumes at the intersection will result in the need for an overpass over the railroad tracks. This grade separation over the railroad has been part of the City’s Master Street Plan for several years. The Transportation Capital Projects Prioritization Study (“TCPSP”) includes the Project as one of the top fifteen projects in the study and includes development of a conceptual design.

D. The Project has been before City Council on three previous occasions resulting in appropriations to the Project: Ordinance No. 122, 2023, (budget cleanup appropriating a development contribution), Ordinance No. 115, 2024, (development contribution), and Resolution 2025-064 and Ordinance No. 105, 2025, (Federal Railroad Administration (“FRA”) Railroad Crossing Elimination program grant and match appropriation).

E. A private development in the southeast quadrant of the Vine Drive and Timberline Road intersection was required to set aside the area envisioned for the Project. The homeowner’s association is now in possession of the common areas of the development and expressed the desire to transfer the property rights to the City for the Project. The City’s Real Estate Services group and representatives of the homeowner’s association determined that securing an all-purpose easement for the Project would be more direct and less costly than securing the property as right-of-way. The FRA confirmed that an easement would suffice under its regulations for the purpose of the Project.

F. The supplemental appropriation, in conjunction with funds already appropriated to the Project, will allow the easement acquisition to move forward, securing property rights for a crucial portion of the Project.

G. Article V, Section 9 of the City Charter permits 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.

H. The City Manager has recommended the appropriations described in Sections 1 and 2 below and determined that the appropriations described in those sections are available and previously unappropriated from the Transportation Capital Expansion Fee fund and the Transportation Services fund, as applicable, and that these appropriations will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund or the Transportation Services fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

I. Article V, Section 10 of the City Charter authorizes 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 \$113,098 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and \$22 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. 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 Arts and Culture fund for a contribution to the Art in Public Places ("APP") program.

L. The additional project cost of \$112,000 has been used to calculate the contribution to the APP program.

M. The amount to be contributed in this Ordinance to the APP program is \$1,120.

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

O. City Council wishes to designate the appropriations herein for the Project as appropriations that shall not lapse until the completion of the Project.

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

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

Section 1. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of ONE HUNDRED THIRTEEN THOUSAND NINETY-EIGHT DOLLARS (\$113,098) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be expended therein for the Vine and Timberline Rail Grade Separation Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWENTY-TWO DOLLARS (\$22) to be expended in the Transportation Services fund for transfer to the Capital Projects fund to be expended therein for the Vine and Timberline Rail Grade Separation Project.

Section 3. The unexpended and unencumbered appropriated amount of EIGHT HUNDRED SEVENTY-FOUR DOLLARS (\$874) in the Capital Projects Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of TWO HUNDRED TWENTY-FOUR DOLLARS (\$224) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the operation costs of the APP program.

Section 5. The unexpended and unencumbered appropriated amount of TWENTY-TWO DOLLARS (\$22) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 6. The appropriations herein for the Vine and Timberline Rail Grade Separation Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026
Approving Attorney: Heather N. Jarvis

Exhibit: None

File Attachments for Item:

5. Second Reading of Ordinance No. 106, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado State Patrol for the Beat Auto Theft Through Law Enforcement Grant Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$26,860 of unanticipated grant revenue from the Colorado State Patrol ("CSP") for the Beat Auto Theft Through Law Enforcement ("BATTLE") grant program. The funding will support Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Jason Lang, Detective
Carisa Clinton, Grants Administration Manager

SUBJECT

Second Reading of Ordinance No. 106, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado State Patrol for the Beat Auto Theft Through Law Enforcement Grant Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$26,860 of unanticipated grant revenue from the Colorado State Patrol ("CSP") for the Beat Auto Theft Through Law Enforcement ("BATTLE") grant program. The funding will support Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The BATTLE program is comprised of several regions throughout Colorado, including the BATTLE North Region. Fort Collins Police Services ("FCPS"), 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 \$26,860 in BATTLE program funds will be used to support FCPS's Property Crimes Unit to prevent auto theft crimes and to cover overtime pay for FCPS personnel.

CITY FINANCIAL IMPACTS

This item appropriates \$26,860 of unanticipated grant revenue from the CSP BATTLE grant program. Grant funds will be used to support FCPS personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

The grant is reimbursement-based and does not require local match funding.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 106, 2026

ORDINANCE NO. 106, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF GRANT
FUNDS FROM THE COLORADO STATE PATROL FOR THE
BEAT AUTO THEFT THROUGH LAW ENFORCEMENT GRANT
PROGRAM

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

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

C. FCPS has received BATTLE grant funding as a partner agency since 2021. On July 27, 2026, the BATTLE Task Force awarded FCPS \$26,860 in grant funds for the FY27 grant cycle running from the period of July 1, 2026, through June 30, 2027. The grant funds will be used to support FCPS’s Property Crimes Unit to prevent auto theft crimes and to cover overtime pay for FCPS personnel.

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 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 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. City Council wishes to designate the appropriation herein for the Colorado State Patrol BATTLE grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of TWENTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$28,860) to be expended in the General Fund to support the Fort Collins Police Services Property Crimes Unit to prevent auto theft crimes.

Section 2. The appropriation herein for the Colorado State Patrol BATTLE 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 August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026
Approving Attorney: Andrew Trevino

Exhibit: None

File Attachments for Item:

6. Second Reading of Ordinance No. 107, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Statewide Internet Portal Authority for the Micro-Grant Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority ("SIPA") for the Micro-Grant Program. This funding will support an accessibility audit for the Municipal Court's digital services.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Claudia Menendez, Equity Officer
Carisa Clinton, Grants Administration

SUBJECT

Second Reading of Ordinance No. 107, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Statewide Internet Portal Authority for the Micro-Grant Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority ("SIPA") for the Micro-Grant Program. This funding will support an accessibility audit for the Municipal Court's digital services.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

SIPA enables residents to access government services more easily through digital solutions that meet accessibility standards, enhancing their interactions with state and local governments. Micro-Grant funding is for projects that support SIPA's mission of providing residents access to government through effective and efficient online and mobile technologies. The \$8,122 of grant funds will support an accessibility audit for the Municipal Court digital services.

CITY FINANCIAL IMPACTS

This item appropriates \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority Micro-Grant Program to fund 100. Grant funds will support an accessibility audit for the Municipal Court.

This grant utilizes advanced payment and does not require a match. Any unspent funds will be repaid to SIPA at project completion.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 107, 2026

ORDINANCE NO. 107, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF GRANT FUNDS FROM THE
COLORADO STATEWIDE INTERNET PORTAL AUTHORITY FOR THE MICRO-
GRANT PROGRAM

A. The City applied for and received a grant from the Colorado Statewide Internet Portal Authority's Micro-Grant Program. The City received an award of \$8,122.

B. The purpose of the grant program is to provide funds to Colorado governmental entities to improve government services and make it easier for residents to access information and services online. The \$8,122 will be used to conduct an accessibility audit of the municipal court's digital services.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of auditing and promoting the accessibility of municipal court functions.

D. Article V, Section 9 of the City Charter permits 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.

E. 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.

F. Article V, Section 11 of the City Charter authorizes 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 donation or the City's expenditure of all funds received from such grant or donation.

G. City Council wishes to designate the appropriation of grant funds herein from the Colorado Statewide Internal Portal Authority ("SIPA") Micro-Grant program 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. Any unspent funds will be repaid to SIPA at project completion.

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 EIGHT THOUSAND ONE HUNDRED TWENTY-TWO DOLLARS (\$8,122) to be expended in the General Fund to support an accessibility audit for the Municipal Court.

Section 2. The appropriation of grant funds herein from the Colorado SIPA Micro-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. Any unspent funds will be repaid to SIPA at project completion.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: None

File Attachments for Item:

7. Second Reading of Ordinance No. 108, 2026, Amending Section 3-85 of the Code of the City of Fort Collins for the Purpose of Expanding the Distance Exemption for Liquor Licenses for Schools and Colleges.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, amends City Code Section 3-85 to expand the exemption for the 500-foot radius buffer beyond application to areas around Colorado State University (“CSU”), to include other schools and colleges that choose to locate within mixed-use or non-residential areas that are intended for commercial use. This proposed Code update would permit continued City liquor license issuance within these areas intended for and supporting businesses and restaurants, in accordance with all other applicable requirements, even if a school or college is present.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner, Planning Department
Michael Bussmann, Lead Business Specialist, Economic Development Office

SUBJECT

Second Reading of Ordinance No. 108, 2026, Amending Section 3-85 of the Code of the City of Fort Collins for the Purpose of Expanding the Distance Exemption for Liquor Licenses for Schools and Colleges.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, amends City Code Section 3-85 to expand the exemption for the 500-foot radius buffer beyond application to areas around Colorado State University ("CSU"), to include other schools and colleges that choose to locate within mixed-use or non-residential areas that are intended for commercial use. This proposed Code update would permit continued City liquor license issuance within these areas intended for and supporting businesses and restaurants, in accordance with all other applicable requirements, even if a school or college is present.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Staff has identified a recent trend of new or expanding charter schools in the Development Review SPAR (Site Plan Advisory Review) process that is resulting in some schools that are located in commercial and industrial/employment areas. In locating in such areas, these new schools *do not impact existing* liquor licenses that may be on the same premises or on nearby properties, or the transfer of an existing license; however, a school locating in such an area would preclude the City's ability to issue any new liquor licenses on that property (in the case of a shopping center) or within 500 feet of the school. This impacts businesses and property owners, and has been cause for two prospective licensees, that staff is aware of, with small local businesses to be forced to seek different locations – sometimes after having signed a lease and invested in the tenant space.

Existing restaurant space, in particular, has high value for reestablishing another restaurant given the specialized systems that may be in place or ready to use, such as electric capacity, kitchen equipment, walk in refrigeration units, fire suppression systems, floor drains, ventilation hoods, grease traps, and other specialty plumbing and electrical needs. In Fort Collins, many of our restaurants tend to be local, small businesses, and these commercial spaces serve as valuable real estate for the business community. Staff wants to ensure that these spaces remain available for the "next" local restaurant to establish and flourish.

The City does not have the jurisdiction to regulate the location of public schools, but is provided the ability to create exemptions from the state statutes that dictate liquor licensing distance requirements, and has done so for the primary Colorado State University campus since 1997 (Ordinance No. 117, 1997), allowing such commercial areas as Campus West, College Avenue and Laurel Street, along South College Avenue, and the College Avenue and Prospect Road areas to flourish as busy commercial corridors and activity areas with a variety of restaurants and businesses that serve the community.

The proposed Code amendment would expand a similar exemption to all “colleges, universities or seminaries” (C.R.S. Section 44-3-313(1)(d)(III)). This definition would encompass Front Range Community College, private institutions such as IBMC or trade and vocational schools. This Code amendment would also apply to “public or parochial schools” such as Poudre School District, charter schools, and St. Joseph’s Catholic School. This will allow commercial centers or sites that are otherwise appropriately zoned and in compliance with all other applicable codes and criteria, to be eligible for the applicable liquor license.

This extended exemption would only apply to locations that would otherwise permit a business or use to obtain a liquor license, remaining in compliance with all other applicable municipal and land use codes, such as zoning.

Staff discovered that Boulder created exemptions for University of Colorado and Naropa University – limiting to certain classes of licenses, namely hotel-restaurant, and beer and wine. Colorado Springs and Golden adopted exemptions for all “schools, colleges, universities or seminaries” for hotel and restaurant licenses.

To simplify Fort Collins’ Code update:

- no substantive changes are proposed to the current language regarding Colorado State University (CSU) – there was reorganization of the existing code language to expand the applicability of the prescribed distance restrictions to additional areas in the city, and
- no additional specific license type restrictions are proposed, beyond those that currently apply to CSU, thereby retaining the full breadth of review and determination criteria and discretion granted to the Liquor License Authority, as it may apply to a specific license type and location context.

CITY FINANCIAL IMPACTS

No direct impacts. This amendment would support local liquor stores, retailers, and restaurant businesses, and continued sales tax revenue would be anticipated.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Economic Development and Planning staff collaborated with a host of internal and external stakeholders, including City Clerk’s Office, City Manager’s Office, City Attorney’s Office, Police Services, Economic Advisory Board, Planning and Zoning Commission, Poudre School District, Front Range Community College, the Chamber/LLAC, Downtown Development Authority (“DDA”), and individual charter schools.

City staff provided information (including redlined and clean proposed code language) and actively reached out to Poudre School District administrators as well as specific correspondence with each of 11 public charter schools that staff are aware of. Staff received no inquiries or responses from any of the school or district contacts.

Staff also informed the Local Legislative Affairs Committee at the Fort Collins Area Chamber of Commerce, the DDA, and Front Range Community College operations leadership.

No specific outreach or meetings have been held with the general public.

ATTACHMENTS

First Reading attachments available in August 18, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 108, 2026

ORDINANCE NO. 108, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 3-85 OF THE CODE OF THE CITY OF
FORT COLLINS FOR THE PURPOSE OF EXPANDING THE
DISTANCE EXEMPTION FOR LIQUOR LICENSES FOR
SCHOOLS AND COLLEGES

A. City Code Section 3-85 currently states that businesses that sell alcohol are prohibited from selling alcoholic beverages within 500 feet of any public or parochial schools, principal campus of any college, university or seminary with the exception of Colorado State University ("CSU").

B. There are no exceptions to the current 500-foot distance requirement other than CSU as stated in Section 3-85.

C. There has been an inadvertent impact on businesses, especially small local restaurants, due to new and expanding locations of charter schools in mixed-use or non-residential areas that are intended for commercial use. This limits the ability to issue liquor licenses to new businesses or an existing business seeking a concept change located near these new schools.

D. This Ordinance amends the City Code to expand the current exception for the 500-foot restriction to now include all colleges, universities or seminaries and to public or parochial schools that are located within the commercial, industrial, mixed-use and downtown zones. This modification does not impact any locations in zones other than those aforementioned zoned areas.

E. City Council hereby finds that amending the distance restrictions as set out in this Ordinance is in the best interest of the City and its businesses by allowing commercial centers or sites that are appropriately zoned and in compliance with all other applicable criteria, to be eligible for the applicable liquor license.

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:

Sec. 3-85. Distance restrictions.

(a) The distance restrictions imposed by C.R.S. § 44-3-313(1)(d)(I), prohibiting the sale of alcohol beverages sold pursuant to a license described in C.R.S. § 44-3-309(1), within five hundred (500) feet of any public or parochial school or the principal campus of any college, university, or seminary, are eliminated only as to the following licenses and types of schools or campuses. All other distance restrictions established by C.R.S. § 44-3-313(1)(d)(I), shall continue in full force and effect:

(1) Any class of retail license in C.R.S. § 44-3-309(1), except the retail liquor store and the liquor-licensed drugstore licenses with respect to the distance between the proposed licensed premises and the properties owned by the State Board of Agriculture for the benefit and use of Colorado State University.

(2) Any class of retail license in C.R.S. § 44-3-309(1), with respect to the distance between the proposed licensed premises and any public or parochial school when both the proposed licensed premises and school property are entirely located inside any of the following Zone Districts as defined in Article 2, of the Fort Collins Land Use Code:

- a. Commercial (Land Use Code Division 2.3);
- b. Employment, Industrial, Other (Land Use Code Division 2.5);
- c. Mixed-Use (Land Use Code Division 2.2); and
- d. Downtown (Land Use Code Division 2.4).

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026
Approving Attorney: Kevin Haugland

Exhibit: None

File Attachments for Item:

8. Second Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, considers amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer's or employee's role about a non-routine City matter and not within the Councilmember's role as an officer of the City.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Jenny Lopez Filkins, Chief Deputy City Attorney

SUBJECT

Second Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, considers amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer's or employee's role about a non-routine City matter and not within the Councilmember's role as an officer of the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In March and April of 2026, the Ethics Review Board (the "Board") held meetings to consider a request made by Councilmember Anne Nelsen for an ethics opinion about questions related to her employment with a City subcontractor and the work she performs for the subcontractor on City projects. The Board recommended adoption of Ethics Opinion 2026-01 to City Council, and, on May 5, 2026, City Council adopted the opinion by resolution. Ethics Opinion 2026-01 concluded that, with respect to her employment with a City subcontractor, Councilmember Nelsen is not barred from working on City projects her employer completes for the City.

City Code Section 2-578 identifies the circumstances in which a Councilmember must report a contact with a City officer or employee regarding a matter that is outside the Councilmember's role and is not a routine City matter. The requirement applies when the Councilmember contacts a City officer or employee about a request that relates to the officer's or employee's official role. A Councilmember who makes such a contact must report it to the City Clerk, City Manager, and other Councilmembers by 5:00 p.m. on the next business day. The Code defines a "routine City matter" as a customary or standard request, application, registration, reservation, or appeal for City services or approvals that is handled through established processes and standard practices.

The nature of the City projects Councilmember Nelsen and any other similarly situated City Councilmember will work on for their employer has and will continue to require regular communication and coordination of various City projects with City staff. These contacts will not be about routine City matters.

Discussion about this reporting obligation took place during the Board's April 13, June 9, and July 24, 2026, meetings. The Board recognized that amendments to City Code Section 2-578 should be considered given the frequency of contacts by a Councilmember who is authorized to work for a City subcontractor on a City project. The Board also recognized the value of retaining the requirement that Councilmembers disclose the City projects on which they work because of the authority inherent in their elected office.

The Board considered various options for amending the Code and recommended changes to Section 2-578 that create an exception to the current obligation. The exception applies to communications made by a Councilmember in the course of their employment on a City project, provided:

- the Council has approved an ethics opinion that the work of the Councilmember on behalf of the City complies with applicable ethics rules; and
- the Councilmembers files a standing disclosure identifying each City project and the nature of the Councilmember's professional involvement; and
- the Councilmember has otherwise complied with all applicable ethics and conflict-of-interest and disclosure requirements; and
- the request concerns routine project administration; and
- the request does not seek special treatment, waiver or modification of applicable requirements, or discretionary action unavailable to similarly situated persons.

The Board supported ensuring that any recommended Code amendments apply equally to and benefit other similarly situated Councilmembers.

The Board unanimously approved a motion to recommend amendments to City Code Section 2-578.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ethics Review Board recommended the draft amendments for Council consideration.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 109, 2026

ORDINANCE NO. 109, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 2, ARTICLE VII, DIVISION 2 OF THE
CODE OF THE CITY OF FORT COLLINS ETHICS RULES
RELATED TO COUNCILMEMBER OBLIGATIONS TO REPORT
CONTACTS WITH CITY STAFF ABOUT NON-ROUTINE CITY
MATTERS

A. In March and April of 2026, the Ethics Review Board (the “Board”) met to consider a request by Councilmember Anne Nelsen for an ethics opinion about questions related to her employment with a City subcontractor and the work she performs for the subcontractor on City projects.

B. Ethics Opinion 2026-01 concluded that, with respect to her employment with a City subcontractor on City projects, Councilmember Nelsen is not barred from working on City projects her employer completes for the City. The Board recommended adoption of Ethics Opinion 2026-01 to City Council, and, on May 5, 2026, City Council adopted the opinion by resolution.

C. City Code Section 2-578 identifies the circumstances in which a Councilmember must report a contact with a City officer or employee regarding a matter that is outside the Councilmember’s role and is not a routine City matter. The requirement applies when the Councilmember contacts a City officer or employee about a request that relates to the officer’s or employee’s official role. A Councilmember who makes such a contact must report it to the City Clerk, City Manager, and other Councilmembers by 5:00 p.m. on the next business day.

D. A “routine City matter” is a customary or standard request, application, registration, reservation, or appeal for City services or approvals that is handled through established processes and standard practices.

E. The nature of the City projects Councilmember Nelsen and any other similarly situated Councilmember will work on for their employer has and will continue to require regular communication and coordination of various City projects with City staff. These contacts will not be about routine City matters.

F. Discussion about this reporting obligation took place during the Board’s April 13, June 9, and July 24, 2026, meetings. The Board recognized that amendments to City Code Section 2-578 should be considered given the frequency of contacts about requests by a Councilmember who is authorized to work for a City subcontractor on a City project. The Board also recognized the value of retaining the requirement that Councilmembers disclose the City projects on which they work because of the authority inherent in their elected office.

G. The Board considered various options for amending the City’s ethics rules and unanimously approved a motion to recommend amendments to Code Section 2-578 consistent with these goals.

H. The proposed amendments to Code Section 2-578 create an exception to the reporting obligation.

I. City Council desires to amend Code Sections 2-578 consistent with the Board's recommended amendments.

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 2-578 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-578. - Additional ethical rules of conduct—Mayor and council members.

. . .

(b) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than 5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

The disclosure requirement of this subsection shall not apply to requests made by a Councilmember acting solely within the scope of their employment or professional services on behalf of a contractor, consultant, or other entity engaged by the City, provided that:

- (1) The Ethics Review Board has issued an ethics opinion, and City Council has approved such opinion that the work of the Councilmember on behalf of the City complies with applicable ethics rules; and
- (2) The Councilmember has filed a standing disclosure identifying each City project and the nature of the Councilmember's professional involvement; and
- (3) The Councilmember has otherwise complied with applicable ethics opinions, conflict-of-interest, and disclosure requirements; and
- (4) The request concerns the performance, administration, design, review, coordination, or implementation of the project or contract; and

- (5) The request does not seek special treatment, waiver or modification of applicable requirements, or discretionary action unavailable to similarly situated persons.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: None

File Attachments for Item:

9. Second Reading of Ordinance No. 110, 2026, Making a Supplemental Appropriation for the Linden Street Interim Parking Project.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, enables the City to receive and expend Downtown Development Authority (“DDA”) grant funds for the Linden Street Interim Parking project (the “Project”). The funds will be used for construction of improvements along Linden Street between the Poudre River and Buckingham Street. If approved, the item will appropriate \$112,438 of DDA grant funds to the Project.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

John Gerwel, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Second Reading of Ordinance No. 110, 2026, Making a Supplemental Appropriation for the Linden Street Interim Parking Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, enables the City to receive and expend Downtown Development Authority ("DDA") grant funds for the Linden Street Interim Parking project (the "Project"). The funds will be used for construction of improvements along Linden Street between the Poudre River and Buckingham Street. If approved, the item will appropriate \$112,438 of DDA grant funds to the Project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Linden development and the Willow Street Improvements – Linden Street to Lincoln Avenue capital project are anticipated to temporarily reduce public parking and disrupt access to the River District during their construction activities. The City and the DDA have partnered to mitigate the disruption by redesigning the on-street parking on Linden Street between the Poudre River and Buckingham Street. The existing parking is gravel parallel parking on the southeast side of Linden Street. The improvements would convert the existing parallel parking into gravel pull-in, diagonal parking, and in the process, establish the subgrade needed to pave the pull-in parking with asphalt. See Attachment 1 for the Project Plan for the improvements. The existing space accommodates approximately sixteen parallel parking spaces. The proposed diagonal parking would accommodate forty-three spaces.

CITY FINANCIAL IMPACTS

The following table is a summary of the proposed funding appropriation for the Project. This construction project is less than \$250,000. The Project is not required to include one percent of the estimated cost as a contribution to the Art in Public Places program.

Funds to be Appropriated or Transferred per this Action	
Downtown Development Authority (DDA) Funds	\$ 112,438
Net Total Project Funds to be Appropriated or Transferred	\$ 112,438

Total Project Funds	\$ 112,438
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The total fund amount projected for the Project is \$112,438 composed of funds appropriated with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Project and proposed IGA will be brought before the DDA Board of Directors Meeting on August 13, 2026, where the IGA is expected to be approved. Meeting minutes confirming this will be included with this item prior to second reading. The Project was discussed at the River District meeting on July 17, 2026. River District business owners expressed support for the Project.

PUBLIC OUTREACH

Staff will work with the DDA and the Communications and Public Involvement Office to develop and implement a public engagement plan for the Project.

ATTACHMENTS / LINKS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 110, 2026

ORDINANCE NO. 110, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR THE LINDEN STREET INTERIM
PARKING PROJECT

A. The purpose of this Ordinance is to appropriate Downtown Development Authority (“DDA”) grant funds in the amount of \$112,438 for the Linden Street Interim Parking project (the “Project”). The funds will be used for construction of improvements along the southeast side of Linden Street between the Poudre River and Buckingham Street.

B. The Willow Street Improvements – Linden Street to Lincoln Avenue capital project and a private development project (The Linden), together, are anticipated to temporarily reduce public parking and disrupt access to the River District during their construction activities.

C. The City and the DDA have partnered to mitigate the disruption by redesigning the on-street parking on Linden Street between the Poudre River and Buckingham Street. The existing parking is gravel parallel parking on the southeast side of Linden Street. The improvements would convert the existing parallel parking into gravel pull-in diagonal parking, and in the process, establish the subgrade needed to pave the pull-in parking with asphalt. The existing space accommodates approximately sixteen parallel parking spaces. The proposed diagonal parking would accommodate forty-three spaces.

D. The City and DDA have prepared an intergovernmental agreement (“IGA”) to establish the DDA’s and the City’s current contributions towards the Project as well as other terms and conditions. This IGA was approved by the City Council in Resolution 2026-103.

E. Article V, Section 9 of the City Charter permits 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 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.

G. Article V, Section 11 of the City Charter authorizes 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.

H. City Council wishes to designate the appropriation herein for the Linden Street Interim Parking Project as an appropriation that shall not lapse until the completion of the Project.

I. The appropriation in this Ordinance benefits public health, safety and welfare of the residents and the traveling public of Fort Collins and serves the public purposes of improving transportation and parking infrastructure and safety within the City.

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

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of ONE HUNDRED TWELVE THOUSAND FOUR HUNDRED THIRTY-EIGHT DOLLARS (\$112,438) to be expended in the Capital Projects fund for the Linden Street Interim Parking Project.

Section 2. The appropriation herein for the Linden Street Interim Parking Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026
Approving Attorney: Heather N. Jarvis

Exhibit: None

File Attachments for Item:

10. First Reading of Ordinance No. 111, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Support of the Utilities Customer Information Systems Project and Integrated Maximo Asset Management System Project.

The purpose of this item is to appropriate supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information Systems ("CIS") Project and integrated Maximo Asset Management System Project.

Fort Collins Utilities is evaluating extending the software go-live date for the implementation of the new Utilities CIS. While replanning efforts are underway to determine an exact date, the project is recommended to be extended into the spring of 2027 for full system readiness and allow for comprehensive product development and testing. Consequently, this project requires additional budget appropriations to cover the extended project duration through 2026.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Joe Wimmer, Utilities Finance Director

SUBJECT

First Reading of Ordinance No. 111, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Support of the Utilities Customer Information Systems Project and Integrated Maximo Asset Management System Project.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information Systems ("CIS") Project and integrated Maximo Asset Management System Project.

Fort Collins Utilities is evaluating extending the software go-live date for the implementation of the new Utilities CIS. While replanning efforts are underway to determine an exact date, the project is recommended to be extended into the spring of 2027 for full system readiness and allow for comprehensive product development and testing. Consequently, this project requires additional budget appropriations to cover the extended project duration through 2026.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Utilities CIS project is a strategic initiative to replace our aging legacy billing system, Banner, with a modern, cloud-based CIS. This transition is essential for maintaining financial accuracy, improving operational efficiency, and meeting service expectations of Utilities customers. The present system, Banner, was implemented in November 2000.

The current CIS replacement project (the "CIS Project") was started in October 2023 with an original budget of \$13,950,000 and initial go-live date of May 2025. To date, the project has operated within its original budget while facing multiple delays and launch date changes, including an upcoming go-live date change past the now-outdated target of October 19, 2026. Staff and the software vendor are underway on intensive replanning effort to determine a proper go-live date target for 2027.

To keep the CIS Project on track through 2026, a supplemental appropriation is needed for fiscal year 2026, while an additional project appropriation will be planned as part of the City Manager's Recommended 2027/2028 budget for the required extension into 2027. The supplemental appropriation will include project

costs in addition to operating budgets for the extension of multiple legacy systems to continue operations until the new system cutover.

The 2026 CIS Appropriation Request:

Monthly Subscription Fees (new & legacy)	\$579,595
Project Management, Training, Testing Support	\$230,000
Third Party Integration Support	\$235,712
Product Change Requests	\$49,000
Marketing & Communications	\$100,000
Remaining Project Budget Contingency	(\$503,462)
Total	\$690,845

Maximo Asset Management Software is an established, multi-year utility software modernization project which will enable Utilities to proactively and more accurately track, manage, and maintain infrastructure assets.

The Maximo system will be integrated with the new CIS to enable the exchange of meter data and asset information between the two systems. Without a system integration, entering manual information within the systems would introduce risk to the accuracy of customer service data and inefficiencies to field operations processes.

The \$701,303 appropriation request for Maximo is primarily driven by accelerating this project timeline to align with the CIS deployment. Alternatively, these project phases would have been scheduled for incorporation into the 2027/2028 Utilities Capital Improvement Plan.

Maximo Project Appropriation Request:

Maximo Upgrade/ Vertex Integration / Water Meters	\$465,276
Mobile Solution	\$181,327
Project Management Services	\$54,700
Total	\$701,303

Transfer of Existing Appropriations from the CIS Capital Project to the Utility Customer Services and Administration Fund (“CS&A”) 2026 Lapsing Operational Budget

The CIS Project includes different types of cost categories, including consulting services for organizational change management and training of City personnel. Based on these costs not being capitalizable with respect to generally accepted accounting principles, this Ordinance also serves to transfer appropriations in the CIS Project to CS&A's 2026 lapsing operational budget. This will support proper financial reporting of capital versus non-capital costs. The transfer of existing appropriations within the CIS project includes:

- \$1,063,892 for organizational change management costs; and
- \$377,502 for training of City personnel for operating the new Utilities CIS.

CITY FINANCIAL IMPACTS

Fund Appropriation Summary: The CIS Project budget and associated lapsing operating budget are accounted for within Utilities CS&A Fund.

This item appropriates \$690,845 in additional costs to support the CIS Project from:

- \$212,045 in Utilities CS&A Fund reserves into the CIS Project budget; and
- \$478,800 in Utilities CS&A Fund reserves into the 2026 operational (lapsing) budget of Utilities CS&A fund.

To support proper financial reporting of all existing costs associated with the CIS Project – capitalizable v. non-capitalizable, this item transfers \$1,441,394 in existing appropriations in the CIS Project to Utilities 2026 operational (lapsing) budget as follows:

- \$1,063,892 for organizational change management services; and
- \$377,502 for training of City personnel in use of the new Utilities CIS.

The Maximo project budget is accounted for within each of the respective Utilities funds – Light & Power Fund, Water Fund, Wastewater Fund and the Stormwater Fund. Operation costs are accounted for in Utilities CS&A Fund.

This item also appropriates \$701,303 in costs to support the Maximo project from:

- \$443,694 in Water Fund reserves into the Maximo project budget;
- \$166,152 in Wastewater Fund reserves into the Maximo project budget;
- \$66,457 in Stormwater Fund reserves into the Maximo project budget; and
- \$25,000 in Utilities CS&A Fund reserves into Utilities CS&A Fund 2026 operational (lapsing) budget

Fund reserves are available for the above respective appropriations, with each fund projected to end 2026 above the City's fund reserve target.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Energy Board and Water Commission agenda items for updates on the project will be scheduled after a new go-live date is determined.

PUBLIC OUTREACH

There is no CIS public outreach related to the appropriation request, however, there is an extensive draft communications plan to reach customers regarding the new portal.

ATTACHMENTS / LINKS

1. Ordinance No. 111, 2026

ORDINANCE NO. 111, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS IN SUPPORT OF THE
UTILITIES CUSTOMER INFORMATION SYSTEMS PROJECT
AND INTEGRATED MAXIMO ASSET MANAGEMENT SYSTEM
PROJECT

A. The purpose of this item is to appropriate supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information System ("CIS") Project and integrated Maximo Asset Management System Project.

B. The Utilities CIS project is a strategic initiative that was started in October 2023 to replace the Utilities aging billing system with a modern, cloud-based CIS.

C. To keep the CIS Project on track through 2026, the supplemental appropriation is needed for project costs, in addition to operating budgets for the extension of multiple legacy systems to continue operations.

D. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of transitioning to a system that will maintain financial accuracy, improve operational efficiency, and meet service expectations of Utilities customers.

E. Article V, Section 9 of the City Charter permits 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.

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

G. Article V, Section 10 of the City Charter authorizes 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 \$1,441,394 in the Utility Customer Service and Administration CIS Project (non-lapsing) budget to the Utility Customer Service and Administration (lapsing) operational budget 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 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.

J. City Council wishes to designate the appropriation herein for the Utility CIS Project budget for the capital project as an appropriation that shall not lapse until the completion of the project.

K. City Council wishes to designate the appropriation herein for the Utility Maximo Project Budget the capital project as an appropriation that shall not lapse until the completion of the project.

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

Section 1. There is hereby appropriated from prior year reserves in the Utility Customer Service and Administration Fund the sum of TWO HUNDRED TWELVE THOUSAND FORTY-FIVE DOLLARS (\$212,045) to be expended in the Utility Customer Service and Administration Fund for additional costs of the Utility CIS Project.

Section 2. There is hereby appropriated from prior year reserves in the Utility Customer Service and Administration Fund the sum of FOUR HUNDRED SEVENTY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$478,800) to be expended in the Utility Customer Service and Administration Fund for operational costs associated with the Utility CIS Project within the lapsing budget.

Section 3. The unexpended and unencumbered appropriated amount of ONE-MILLION FOUR HUNDRED FORTY-ONE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS (\$1,441,394) is authorized for transfer from the Utility Customer Service and Administration Fund CIS Project budget to the Utility Customer Service and Administration Fund Operation budget and appropriated therein to be expended for non-capitalized operational cost for training and change management of the Utility CIS Project.

Section 4. The appropriation herein for the Utility CIS Project budget is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation

that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Section 5. There is hereby appropriated from prior year reserves in the Water Fund the sum of FOUR HUNDRED FORTY-THREE THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$443,694) to be expended in the Water Fund for Utility Maximo Project (non-lapsing budget).

Section 6. There is hereby appropriated from prior year reserves in the Wastewater Fund the sum of ONE HUNDRED SIXTY-SIX THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS (\$166,152) to be expended in the Wastewater Fund for the Utility Maximo Project (non-lapsing budget).

Section 7. There is hereby appropriated from prior year reserves in the Stormwater Fund the sum of SIXTY-SIX THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS (\$66,457) to be expended in the Stormwater Fund for the Utility Maximo Project (non-lapsing budget).

Section 8. There is hereby appropriated from prior year reserves in the Utility Customer Service and Administration Fund the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) to be expended in the Utility Customer Service and Administration Fund for Maximo Operational Costs (lapsing budget).

Section 9. The appropriation herein for the Utility Maximo Project budget is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Yvette Lewis-Molock

Exhibit: None

Ordinance No. 111, 2026

File Attachments for Item:

11. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership Program Funds.

A. First Reading of Ordinance No. 112, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 113, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the HOME Investment Partnerships Grant Fund.

The purpose of this item is to appropriate the City's FY2026 Community Development Block Grant ("CDBG") Entitlement Grant and FY2026 Home Investment Partnerships Program ("HOME") Participating Jurisdiction Grant from the Department of Housing and Urban Development ("HUD"), CDBG program income from FY2024 & FY2025 and HOME Program Income from FY2024 & FY2025.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Manager, Housing and Community Vitality
 Carissa Clinton, Manager, Grants Administration

SUBJECT

Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership Program Funds.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 112, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 113, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the HOME Investment Partnerships Grant Fund.

The purpose of this item is to appropriate the City's FY2026 Community Development Block Grant ("CDBG") Entitlement Grant and FY2026 Home Investment Partnerships Program ("HOME") Participating Jurisdiction Grant from the Department of Housing and Urban Development ("HUD"), CDBG program income from FY2024 & FY2025 and HOME Program Income from FY2024 & FY2025.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

The CDBG Entitlement Program provides annual grants on a formula basis to eligible cities and counties to improve the living conditions for low and moderate-income persons. Recipient communities develop their own programs and funding priorities. In the 2025-2029 Consolidated Plan which was accepted by HUD in September 2025, the City prioritized the use of these funds to further its affordable housing goals and provide public services for persons experiencing homelessness.

HOME provides annual grants on a formula basis to participating jurisdictions to implement local housing strategies designed to increase homeownership and housing opportunity for low and very low-income residents. These funds are used annually to further the eligible affordable housing goals outlined in the Housing Strategic Plan.

On April 6, 2026, the City received notice of its Fiscal Year 2026 CDBG and HOME allocations from HUD. This appropriation includes \$1,131,416 for CDBG and \$631,053.38 for HOME. Additionally, the City receives annual repayments into the CDBG & HOME programs, referred to as Program Income ("PI"), through the payoffs of Home Buyer Assistance loans and loan payments on affordable housing projects. These payments go back to their respective programs for re-allocation to eligible projects. From April 1,

2025, through May 31, 2026, the CDBG program received \$94,369 in PI and the HOME Program received \$177,941 in PI.

Ordinance No. 112, 2026, appropriates a total of \$1,225,785 into the CDBG Program, which includes the Entitlement Award of \$1,131,416 and \$94,369 from PI.

Ordinance No. 113, 2026, appropriates a total of \$808,994.38 into the HOME Program, which includes the Entitlement Award of \$631,053.38 and \$177,941 from PI.

These funds are allocated through an annual Competitive Process, with funding recommendations being made to Council by the Human Services and Housing Funding Board. These recommendations were approved by Council at its regular meeting on June 16, 2026.

CITY FINANCIAL IMPACTS

This item will appropriate \$2,034,779.38 in federal funding to the City of Fort Collins which will be allocated to housing and community development related programs and projects, and the administration of the funds, thereby reducing the demand on the City's General Fund budget to address such needs.

This item appropriates a total of \$1,225,785 to CDBG Fund 280.

This item appropriates a total of \$808,994.38 to HOME Fund 281.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. FY2026 CDBG & HOME Formula Letter from HUD
2. Ordinance No, 112, 2026
3. Ordinance No. 113, 2026



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

Item 11.

April 6, 2026

Ms. Emily Francis
Mayor of Fort Collins
300 Laporte Ave
P.O. Box 580
Fort Collins, CO 80522

Dear Mayor Francis,

Secretary Scott Turner is committed to improving housing opportunities, reducing regulations to lower housing cost, and expanding housing supply for hardworking Americans. The nationwide shortage of rental and owner-occupied properties and the current rate of construction have not kept pace with the demand. This lack of adequate housing supply leads to higher prices for renters and homebuyers alike, forcing some into homelessness and preventing countless Americans from becoming homeowners. Across the country, partnerships between public and private sectors are providing millions of Americans an opportunity to get ahead. HUD is determined to continue its collaboration with you so programs are responsibly utilized and can spark additional leveraging and partnerships to address the nation's housing challenges.

As authorized by the Consolidated Appropriations Act (Public Law 119-75) on February 3, 2026, I am honored and excited to announce that your jurisdiction is receiving the following Fiscal Year 2026 allocations for the identified programs:

Community Development Block Grant (CDBG) \$1,131,416.00

HOME Investment Partnerships Program (HOME) \$631,053.38

Emergency Solutions Grants (ESG) \$ 0.00

Housing Opportunities for Persons With AIDS (HOPWA) \$ 0.00

Recovery Housing Program (RHP) \$ 0.00

In addition, your jurisdiction's CDBG allocation for this year provides you with \$5,657,080.00 in available Section 108 loan guarantee borrowing authority. Section 108 permits you to borrow up to five times of your current CDBG allocation. This loan allows jurisdictions to maximize access to low-interest capital, and provide long-term financing to invest in Opportunity Zones, or further address gap financing for big projects that you envision for your community.

As you are finalizing your Annual Action Plans or Consolidated Plans that are due for submission to our office by August 16, 2026, please be reminded that it is important to align with

applicable laws and executive orders. If you or any member of your staff have questions, please do not hesitate to contact your local HUD Field Office in Fort Collins, CO or CPDGDAS@hud.gov.

Thank you for your interest in CPD programs and for ensuring that these dollars are responsibly achieving outcomes as intended by law. When people have a safe and stable place to call home, they can focus on contributing to the economy and be productive members of their respective communities.

Sincerely,

A handwritten signature in black ink, reading "Ronald J. Kurtz". The signature is written in a cursive style with a horizontal line underneath the name.

Ronald J. Kurtz
Assistant Secretary
for Community Planning and Development

ORDINANCE NO. 112, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT GRANT FUNDS IN THE COMMUNITY
DEVELOPMENT BLOCK GRANT FUND

A. The City estimates it will receive in federal fiscal year 2026-2027 unanticipated revenue in the form of federal Community Development Block Grant (“CDBG”) funds from the U.S. Department of Housing and Urban Development (“HUD”) totaling \$1,131,416.

B. The City received unanticipated CDBG Program Income in the amount of \$94,369.

C. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 16, 2026.

D. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of providing human services and affordable housing for City residents.

E. Article V, Section 9 of the City Charter permits 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 appropriations described herein and determined that the funds to be appropriated are available and previously unappropriated from the Community Development Block Grant Fund and that these appropriations will not cause the total amount appropriated in the Community Development Block Grant 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 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 donation or the City’s expenditure of all funds received from such grant or donation.

H. City Council wishes to designate the appropriations herein of funds from the Department of Housing and Urban Development for the Community Development Block Grant and associated Program Income as appropriations 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 Community Development Block Grant Fund the sum of ONE MILLION ONE HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED SIXTEEN DOLLARS (\$1,131,416) to be expended in the Community Development Block Grant Fund for housing and community development related programs and projects, and the administration of the funds.

Section 2. There is hereby appropriated from new revenue or other funds in the Community Development Block Grant Fund the sum of NINETY-FOUR THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS (\$94,369) to be expended in the Community Development Block Grant Fund for housing and community development related programs and projects, and the administration of the funds.

Section 3. The appropriations herein for the Community Development Block Grant and associated Program Income are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the 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 September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

ORDINANCE NO. 113, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT GRANT FUNDS IN THE HOME INVESTMENT
PARTNERSHIPS GRANT FUND

A. The Home Investment Partnerships Program (the “HOME Program”) was authorized by the National Affordable Housing Act of 1990 to provide funds in the form of Participating Jurisdiction Grants for a variety of housing-related activities that would increase the supply of suitable, safe, and affordable housing.

B. On March 1, 1994, City Council adopted Resolution 1994-092 authorizing the Mayor to submit to the U.S. Department of Housing and Urban Development (“HUD”) a notification of intent to participate in the HOME Program.

C. On May 26, 1994, HUD designated the City as a Participating Jurisdiction in the HOME Program, allowing the City to receive an allocation of HOME Program funds as long as Congress re-authorizes and continues to fund the HOME Program.

D. The City estimates it will receive in federal fiscal year 2026-2027 unanticipated revenue in the form of HOME funds from HUD totaling \$631,053.

E. The City received unanticipated HOME Program Income in the amount of \$177,941.

F. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 16, 2026.

G. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of providing affordable housing for City residents.

H. Article V, Section 9 of the City Charter permits 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.

I. The City Manager has recommended the appropriations described herein and determined that the funds to be appropriated are available and previously unappropriated from the Home Investment Partnerships Grant Fund and that these appropriations will not cause the total amount appropriated in the Home Investment Partnerships Grant 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.

J. Article V, Section 11 of the City Charter authorizes 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 donation or the City's expenditure of all funds received from such grant or donation.

K. City Council wishes to designate the appropriations herein of funds from the Department of Housing and Urban Development for the Home Investment Partnerships Program and associated Program Income as appropriations 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 Home Investment Partnerships Grant Fund the sum of SIX HUNDRED THIRTY-ONE THOUSAND FIFTY-THREE DOLLARS (\$631,053) to be expended in the Home Investment Partnerships Grant Fund for housing and community development related programs and projects, and the administration of the funds.

Section 2. There is hereby appropriated from new revenue or other funds in the Home Investment Partnerships Grant Fund the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED FORTY-ONE DOLLARS (\$177,941) to be expended in the Home Investment Partnerships Grant Fund for housing and community development related programs and projects, and the administration of the funds.

Section 3. The appropriations herein for the Home Investment Partnerships Program Grant and associated Program Income are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the 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 September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

12. First Reading of Ordinance No. 114, 2026, Appropriating Art in Public Places Reserves for a Community Arts and Art in Public Places Master Plan.

The purpose of this item is to appropriate \$103,500 from Art in Public Places (“APP”) reserves to fund a Community Arts and Art in Public Places Master Plan (the “Master Plan”). The appropriation includes \$90,000 for consultant services and a 15% contingency of \$13,500. The planning process will build on the FoCo Creates Master Plan and prior APP and community arts work to evaluate programs, governance, funding and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The final plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of Community Arts and APP and will be referred to as the Community Arts and Art in Public Places Master Plan.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Eileen May, Arts and Culture Director

SUBJECT

First Reading of Ordinance No. 114, 2026, Appropriating Art in Public Places Reserves for a Community Arts and Art in Public Places Master Plan.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$103,500 from Art in Public Places ("APP") reserves to fund a Community Arts and Art in Public Places Master Plan (the "Master Plan"). The appropriation includes \$90,000 for consultant services and a 15% contingency of \$13,500. The planning process will build on the FoCo Creates Master Plan and prior APP and community arts work to evaluate programs, governance, funding and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The final plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of Community Arts and APP and will be referred to as the Community Arts and Art in Public Places Master Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City adopted the FoCo Creates Arts & Culture Master Plan to establish a broad community vision for arts and culture. Since that time, the City has expanded community arts initiatives, grantmaking, public art investments, and partnerships while learning from the Art in Public Places Program Evaluation and Community Cultural ARPA-funded efforts.

City Council approval of the proposed Ordinance will allow City staff to work with a consultant to develop Master Plan for Council approval. The proposed Master Plan will build on this foundation and provide a more detailed roadmap for Community Arts and APP. The process will examine program effectiveness, governance, sustainable funding and strategic use of reserves, APP funding mechanisms and relationships with capital and utility projects, grants and partnerships, staffing capacity, equitable community engagement, metrics, and opportunities to modernize the public art ordinance and related policies. The final plan will identify clear priorities, roles, implementation actions, and measures of success.

Project Timeline and Council Touchpoints

The master planning process is anticipated to begin in October 2026 and take approximately nine months, with completion anticipated in summer 2027.

- **Fall 2026:** Project kickoff, research, and review of existing plans, programs, policies, and funding structures.
- **Winter 2026–Spring 2027:** Community and stakeholder engagement and development of key findings and recommendations.
- **Spring 2027:** Council work session to review findings and provide input on strategic and policy direction.
- **Summer 2027:** Final plan and recommendations presented to Council, including any proposed ordinance or policy updates.

CITY FINANCIAL IMPACTS

This Ordinance appropriates \$103,500 from APP reserves: \$90,000 for consultant services and \$13,500 for a 15% contingency. Contingency funds, if needed, would be limited to additional work directly related to the master planning effort. No General Fund appropriation is requested.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Community engagement will be a central component of the planning process. The consultant will work with City engagement resources to involve artists, arts and cultural organizations, community partners, residents, historically underrepresented communities, City staff, boards and commissions, and other stakeholders. Engagement findings will directly inform plan priorities and recommendations.

ATTACHMENTS / LINKS

1. Ordinance No. 114, 2026

ORDINANCE NO. 114, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING ART IN PUBLIC PLACES RESERVES FOR A COMMUNITY ARTS
AND ART IN PUBLIC PLACES MASTER PLAN

A. At its May 21, 2019, meeting, City Council approved Resolution 2019-066, which adopted the FoCo Creates Arts and Culture Master Plan ("Master Plan") to establish a broad community vision for arts and culture.

B. Since adoption of the Master Plan, the City has expanded community arts initiatives, grantmaking, public art investments, and partnerships while learning from an Art in Public Places ("APP") program evaluation effort.

C. This Ordinance appropriates \$103,500 to build on the FoCo Creates Arts and Culture Master Plan and develop a Community Arts and APP Master Plan ("Master Plan"). The funding made possible with this appropriation will allow City staff to work with a consultant to evaluate programs, governance, funding and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The Master Plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of community arts and APP.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of developing a plan to modernize public art programs and priorities.

E. Article V, Section 9 of the City Charter permits 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.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Arts and Culture Fund and that this appropriation will not cause the total amount appropriated in the Arts and Culture 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 Arts and Culture Fund the sum of ONE HUNDRED THREE THOUSAND FIVE HUNDRED DOLLARS (\$103,500) to be expended in the Arts and Culture Fund for the development of a Community Arts and Art in Public Places Master Plan.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

13. First Reading of Ordinance No. 115, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Natural Resources for the Fishing is Fun Grant Program and Authorizing a Transfer of Appropriations.

The purpose of this item is to appropriate \$72,700 of unanticipated grant revenue from the Colorado Department of Natural Resources, Colorado Parks and Wildlife Division, for the Fishing is Fun Grant Program. The funding will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Arapaho Bend Natural Area. This item also appropriates \$44,700 from within fund 272 to meet the cost-share requirement of the grant.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kate Rentschlar, Environmental Planner
Carisa Clinton, Grants Administration Manager

SUBJECT

First Reading of Ordinance No. 115, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Natural Resources for the Fishing is Fun Grant Program and Authorizing a Transfer of Appropriations.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$72,700 of unanticipated grant revenue from the Colorado Department of Natural Resources, Colorado Parks and Wildlife Division, for the Fishing is Fun Grant Program. The funding will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Arapaho Bend Natural Area. This item also appropriates \$44,700 from within fund 272 to meet the cost-share requirement of the grant.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Arapaho Bend Natural Area is a high-traffic destination with over 160,000 annual visits, yet Beaver Pond, the largest pond on the site, currently lacks formal access. The project will install an ADA accessible fishing pier and other visitor amenities and will improve aquatic habitats for warmwater aquatic species including Largemouth Bass, Walleye, and Channel Catfish.

This project will also provide the first truly barrier-free fishing access point in southeast Fort Collins. Benefits include increased angler safety, enhanced sportfish spawning success, and a functional space for youth fishing clinics. By concentrating access in designated areas, the project will also reduce shoreline erosion and improve the ecological health of the 34.8-acre fishery.

CITY FINANCIAL IMPACTS

This item appropriates \$72,700 of unanticipated grant revenue from the State of Colorado Department of Natural Resources for the Fishing is Fun Grant Program to fund 272. Grant funds will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Beaver Pond. This item also authorizes the transfer \$44,700 of matching funds within fund 272 to the project.

The grant is reimbursement-based, with funds provided after eligible project expenses have been incurred.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 115, 2026

ORDINANCE NO. 115, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM THE COLORADO
DEPARTMENT OF NATURAL RESOURCES FOR THE FISHING IS FUN GRANT
PROGRAM AND AUTHORIZING A TRANSFER OF APPROPRIATIONS

A. The Colorado Department of Natural Resources, Colorado Parks and Wildlife Division ("CPWD"), Fishing is Fun grant program provides up to \$650,000 annually in matching grants to local governments, recreation departments, water districts and angling groups to enhance public fishing access, construct new aquatic habitats, and upgrade site amenities statewide.

B. The City has received a grant from CPWD from this program in the amount of \$72,700. The grant requires the recipient to provide matching funds. The Grant Purchase Order is attached hereto as Exhibit A and incorporated herein by reference. The Scope of Work is attached hereto as Exhibit B and incorporated herein by reference.

C. The grant funds will be used to make improvements at the Arapaho Bend Natural Area, including formal access to Beaver Pond, an ADA accessible fishing pier and other visitor amenities, and improved aquatic habits for warmwater aquatic species.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of improving accessibility to a City Natural Area.

E. Article V, Section 9 of the City Charter permits 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 the funds to be appropriated are available and previously unappropriated from the Natural Areas Fund and that this appropriation will not cause the total amount appropriated in the Natural Areas 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 10 of the City Charter authorizes 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 \$44,700 from the Natural Areas Fund to the project budget in the Natural Areas 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 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 donation or the City's expenditure of all funds received from such grant or donation.

J. City Council wishes to designate the appropriation herein for the Colorado Department of Natural Resources Fishing is Fun Grant Program 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.

K. The City has been awarded the grant described herein, and the grant award and related grant terms and conditions set forth the requirements applicable to the City's receipt and expenditure of the grant 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 Natural Areas Fund the sum of SEVENTY-TWO THOUSAND SEVEN HUNDRED DOLLARS (\$72,700) to be expended in the Natural Areas Fund for the Colorado Department of Natural Resources Fishing is Fun Grant Program.

Section 2. The unexpended and unencumbered appropriated amount of FORTY-FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$44,700) is authorized for transfer from the Natural Areas Fund to the project account in the Natural Areas Fund and appropriated therein to be expended as matching funds for the Colorado Department of Natural Resources Fishing is Fun Grant Program.

Section 3. The appropriation herein for the Colorado Department of Natural Resources Fishing is Fun Grant Program 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.

Section 4. City Council authorizes the City Manager or their designee to accept the grant and execute the grant agreement and any other documents necessary to

effectuate the grant, and to obligate the City to comply with the terms and conditions of the grant, substantially in the form presented to City Council, with such non-substantive modifications as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: Exhibit A – Grant Purchase Order
 Exhibit B – Scope of Work



STATE OF COLORADO
Department of Natural Resources

Page 1 of 1

ORDER		*****IMPORTANT*****				
Number:	POGG1,PMAA,202700002120	The order number and line number must appear on all invoices, packing slips, cartons, and correspondence.				
Date:	8/3/26					
Description:	PMAA - 5504 - Beaver Pond - Ft. Collins - FIF2602	BILL TO				
		BUDGET/PLANNING/GRANTS 6060 Broadway DENVER, CO 80216				
Effective Date:	07/29/26					
Expiration Date:	12/31/28					
BUYER		SHIP TO				
Buyer:	Anna Stern	BUDGET/PLANNING/GRANTS				
Email:	anna.stern@state.co.us	6060 Broadway				
VENDOR		DENVER, CO 80216				
CITY OF FORT COLLINS Finance Department 215 N MASON ST FORT COLLINS, CO 80524		SHIPPING INSTRUCTIONS				
Contact:	EFT REMIT	Delivery/Install Date:				
Phone:		FOB:				
VENDOR INSTRUCTIONS						
EXTENDED DESCRIPTION						
The following Exhibits and attachments are included with this Agreement:						
1. Exhibit A, Statement of Work						
2. Exhibit B, Budget						
Line Item	Commodity/Item Code	UOM	QTY	Unit Cost	Total Cost	MSDS Req.
1	G1000		0	0.00	\$72,700.00	☐
Description: Grant Commodity						
PMAA - 5504 - Beaver Pond - Ft. Collins - FIF2602						
Service From: 07/29/26			Service To: 12/31/28			
TERMS AND CONDITIONS						
https://www.colorado.gov/osc/purchase-order-terms-conditions						
DOCUMENT TOTAL = \$72,700.00						

Scope of Work

STATE: Colorado
STATE IDENTIFIER: FIF2602
PROJECT TITLE: Beaver Pond Trailhead – Fort Collins, CO
GRANT PERIOD: July 1st, 2026 – December 31st, 2028

PURPOSE:

Improve angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Beaver Pond.

NEED:

Arapaho Bend Natural Area is a high-traffic destination with over 160,000 annual visits, yet Beaver Pond currently lacks formal access. Anglers must navigate steep banks and "social" dirt trails, creating significant barriers for those with mobility impairments. Furthermore, visitors currently park on the narrow shoulder of Strauss Cabin Road, creating a safety hazard due to heavy semi-truck traffic from nearby gravel mines. Current restroom facilities are a half-mile away, and the lack of structural diversity in the pond limits the concentration of sportfish near accessible shorelines.

OBJECTIVES:

By December 31st, 2028:

- Construct a designated trailhead and parking area to eliminate hazardous roadside parking.
- Install a universally accessible (ADA) fishing pier and 2,122 sq. ft. of ADA-compliant concrete pathways.
- Install a double-unit vault restroom to serve the Beaver Pond fishery.
- Improve aquatic habitat by installing 8 structures and stabilizing banks to support warmwater species including Largemouth Bass, Walleye, and Channel Catfish.

EXPECTED BENEFITS:

This project will provide the first truly barrier-free fishing access point in southeast Fort Collins. Benefits include increased angler safety, enhanced sportfish spawning success, and a functional space for youth fishing clinics. By concentrating access in designated areas, the project will also reduce shoreline erosion and improve the ecological health of the 34.8-acre fishery.

APPROACH:

The City of Fort Collins Natural Areas Department (NAD) will manage the project, currently at 60% design. Following final permitting in mid2026, a contractor will be hired for heavy civil work (grading, concrete, vault installation) to occur between August and December 2027 to avoid disturbance to nearby nesting eagles.

In Spring/Summer 2028, NAD staff will assemble and place the floating fishing pier and aquatic habitat

structures. The City will also perform native revegetation of eroded banks. Placement of habitat structures will be coordinated directly with CPW aquatic biologists to maximize angler benefit.

LOCATION:

Beaver Pond, Arapaho Bend Natural Area, 1745 Hoffman Mill Rd (Access via Strauss Cabin Rd), Fort Collins, CO 80524.

ESTIMATED PROJECT COSTS: **Exhibit B**

The total estimated cost of the project is **\$117,400**. CPW grants **\$72,700 (62%)** in Fishing is Fun funding. Local matching funds from the City of Fort Collins total **\$44,700 (38%)**, exceeding the minimum 25% requirement.

Budget Detail

Item	Quantity	Unit Cost	Total Cost
ADA Concrete Sidewalk to Pier (sqft)	2,122	\$18.00	\$38,196
ADA Concrete Parking & Toilet Landing (sqft)	1,278	\$18.00	\$23,004
Floating Fishing Pier (Dock Expense)	1	\$18,500.00	\$18,500
Floating Dock Footing	1	\$12,000.00	\$12,000
Boulder Retaining Wall (linear ft)	98	\$100.00	\$9,800

Habitat Structures	8	\$500.00	\$4,000
Staff Project Management (In-Kind)	297.5 hrs	\$40.00	\$11,900
Total Estimated Cost			\$117,400

Match Summary

Source	Type	Amount
City of Fort Collins	Cash	\$32,800
City of Fort Collins (Personnel)	In-Kind	\$11,900
Total Match		\$44,700

USEFUL LIFE OF CAPITAL IMPROVEMENTS:

The useful life of the trailhead, concrete paths, and restroom facility is anticipated to be 20 years. The floating pier system is anticipated to have a useful life of 20 years with regular maintenance.

PERSONNEL:

- **Travis Long** Colorado Parks and Wildlife 303-291-7621
- **Kate Rentschlar** City of Fort Collins 970-416-4295

- **Becky Pomeroy** City of Fort Collins 970-416-2183

SCHEDULE:

- **Jan – Jul 2026:** Permitting and Final Design.
- **Aug – Nov 2027:** Trailhead construction and vault restroom installation.
- **Spring/Summer 2028:** Fishing pier assembly, habitat structure placement, and revegetation.

File Attachments for Item:

14. First Reading of Ordinance No. 116, 2026 Appropriating Unanticipated Revenue From the Extended Producer Responsibility Program for Recycling Education and Outreach and Curbside Recycling Collection.

The purpose of this item is to appropriate \$5,525,525 in funds from the statewide Extended Producer Responsibility Program to conduct recycling and outreach education activities and offset the cost of residential recycling service.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Deputy Director, Community Development, Housing, & Sustainability
Megan DeMaster, Director, Environmental Sustainability
Emily Wenger, Lead Specialist, Environmental Sustainability

SUBJECT

First Reading of Ordinance No. 116, 2026 Appropriating Unanticipated Revenue From the Extended Producer Responsibility Program for Recycling Education and Outreach and Curbside Recycling Collection.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$5,525,525 in funds from the statewide Extended Producer Responsibility Program to conduct recycling and outreach education activities and offset the cost of residential recycling service.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The statewide Extended Producer Responsibility ("EPR") program shifts the responsibility for funding collection, recycling, and end-of-life management for paper and packaging from consumers to the producers. Large companies that make and sell packaged products in Colorado will pay dues to the Circular Action Alliance ("CAA") that fully cover the cost of recycling those products. The dues are then allocated amongst entities that operate recycling programs to offset the cost of recycling for consumers. The program aims to increase statewide recycling rates from 25% to 55% by 2035 and decrease contamination rates through increased access to recycling services and clear education. CAA is rolling out EPR in phases and is providing funding only for residential recycling services until 2028, but municipal services will eventually be eligible for reimbursement. For more information on the timeline of phases please visit <https://circularactionalliance.org/circular-action-alliance-colorado#timeline>.

To participate, the City will enter into a service agreement with CAA that will provide funding for education and outreach, Administrative Cost, and City provided drop-off and curbside recycling services. The agreement will define service standards, allowable expenses and require regular reporting. The agreement outlines the following funding amounts: \$185,525 for education and outreach, \$40,000 City Administrative Cost, \$5,300,000 for curbside recycling collection, and \$172,996 for the Timberline Recycling Center (which will be appropriated through the Streets Department 2027 budget process). The funds being appropriated now will supplement the recycling education and outreach the Environmental Sustainability

Department already conducts and offset the cost of recycling for residents in the City's residential trash and recycling collection program.

Education and outreach funds will go towards resources and activities such as bill inserts, mailers, door-to-door outreach, events, tours, and local partnerships. This funding will allow the Environmental Sustainability Department to scale up recycling education, reaching a total of 54,000-69,000 households, leading to better recycling from residents.

Curbside collection funds will offset the cost of recycling for more than 37,700 residents receiving curbside service through the City's trash and recycling collection program. These funds will be paid by CAA directly to the City's contracted service provider (Republic Services), where they will be used to offset the cost of recycling, decreasing residents' bills.

EPR will support both the City's zero waste goals and the State's goals around providing consistent recycling service and education statewide. The funding considered in this appropriation will expand local recycling efforts and the City's ability to continue providing quality services.

CITY FINANCIAL IMPACTS

The agreement between the City and CAA will appropriate an additional \$185,525 for recycling education and outreach to be spent between October 1, 2026, and December 1, 2027, \$40,000 annually for partial Administrative costs and \$5,300,000 in pass-through funds to offset the cost of curbside recycling services. Pass through funds will be paid to Republic Services, as the City's contracted service provider, who will apply these funds directly as a discount on residents' bills.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 116, 2026

ORDINANCE NO. 116, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM THE EXTENDED PRODUCER
RESPONSIBILITY PROGRAM FOR RECYCLING EDUCATION AND OUTREACH
AND CURBSIDE RECYCLING COLLECTION

A. In 2022, the State of Colorado enacted the Extended Producer Responsibility Program, codified at Colorado Revised Statutes § 25-17-701 et seq, (“EPR”). EPR shifts responsibility for the cost of recycling paper and packaging from consumers to producers and creates a financial mechanism to incentivize recycling.

B. Under EPR, large companies that make and sell covered materials in Colorado pay dues for the cost of recycling those materials to the Circular Action Alliance (“CAA”). CAA will distribute these funds to service providers for providing residential recycling services. Service providers may apply and establish a service agreement with CAA to receive reimbursement for the cost of recycling covered materials in accordance with EPR requirements.

C. To participate in EPR, the City will enter into a service agreement with CAA under which CAA will provide grant funds to the City for education and outreach and City-provided curbside recycling services. The agreement will define service standards, allowable expenses and require regular reporting. The agreement will outline the following funding amounts that CAA will provide to the City: \$185,525 for education and outreach, \$40,000 for administrative costs, and \$5,300,000 for curbside recycling collection. Subject to execution of that agreement, the funds appropriated through this Ordinance will supplement the recycling education and outreach, provide funding for City administrative costs and offset the cost of recycling for residents in the City’s residential trash and recycling collection program.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of encouraging and supporting paper and packaging recycling.

E. Article V, Section 9 of the City Charter permits 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 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.

G. Article V, Section 11 of the City Charter authorizes 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 donation or the City's expenditure of all funds received from such grant or donation.

H. City Council wishes to designate the appropriation herein for the Extended Producer Responsibility Program 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. Upon the City's execution of an agreement with the Circular Action Alliance for funding for recycling education and outreach and residential recycling services, there is hereby appropriated from new revenue or other funds in the General Fund the sum of FIVE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$5,525,525) to be expended in the General Fund for recycling outreach education activities and offset the cost of residential recycling service.

Section 2. The appropriation herein for the Extended Producer Responsibility Program 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 September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

15. First Reading of Ordinance No. 117, 2026, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

The purpose of this item is to update City Code to modify the Contracted Residential Waste Collection Program to clarify the City Manager's authority to approve necessary and appropriate contract amendments with the intent of streamlining administrative processes.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Community Development, Housing, & Sustainability Deputy Director
Megan DeMaster, Environmental Sustainability Director
Emily Wenger, Environmental Sustainability Lead Specialist

SUBJECT

First Reading of Ordinance No. 117, 2026, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

EXECUTIVE SUMMARY

The purpose of this item is to update City Code to modify the Contracted Residential Waste Collection Program to clarify the City Manager's authority to approve necessary and appropriate contract amendments with the intent of streamlining administrative processes.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

City Code gives the City Manager authority to approve amendments to the City's residential waste collection contract that are determined to be necessary and appropriate to facilitate the program. This recommended Code change removes one restriction to this authority that was initially included to ensure Council's involvement in decisions on the program as the program began implementation. Removal of that restriction would allow the City Manager to approve contract amendments that increase obligations and responsibilities of the City under the contract. If the update to Code is adopted, the restriction on the City Manager's authority that requires Council approval of any amendment that results in a cost increase without a commensurate service improvement (outside of routine annual rate increases) would remain, as would the requirement for Council approval if an amendment would substantially change the purpose of the contract.

This Code change will streamline administrative processes ahead of an anticipated contract amendment to align the program with the new statewide Extended Producer Responsibility ("EPR") program and will clarify the City Manager's role in approving future necessary and appropriate amendments. Council retains their ability to influence the program at any regular meeting by requesting a change or raising an issue through the rule of three (at least three Councilmembers ask the City Manager to address or bring forward an item).

More information about the EPR program will be shared with Council in a memo between 1st and 2nd reading of the Ordinance.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 117, 2026

ORDINANCE NO. 117, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 12-32 OF THE CODE OF THE CITY OF
FORT COLLINS TO UPDATE THE RESIDENTIAL WASTE
COLLECTION PROGRAM

A. Colorado Revised Statutes (“C.R.S.”) Section 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the “Program”), through which the City can require municipal residents in single-unit residences and multi-unit residences with seven or fewer dwelling units to use or pay user charges for residential waste services.

B. At its July 19, 2022, meeting, City Council approved Resolution 2022-079, which directed City staff to design and issue a request for proposals for residential waste collection services, including trash and recycling collection services for purposes of establishing a waste collection program as authorized by C.R.S. Section 30-15-401(7.5).

C. At its April 18, 2023, meeting, City Council approved Ordinance No. 054, 2023, which authorized the City to establish the Program. At its April 18, 2023, meeting, City Council also approved Ordinance No. 055, 2023, which authorized the City to enter into a contract (the “Contract”) with a waste hauler to provide residential waste collection services under the Program. City Council determined that adoption of the Program would improve waste collection in the City including by: increasing equity and lowering pricing; increasing composting of yard trimmings; reducing greenhouse gas emissions; saving on street maintenance; and ensuring a high level of waste collection customer service with enforcement capability.

D. Section 12-32(a)(3) of the City Code gives the City Manager authority to approve amendments to the Contract that the City Manager determines are necessary and appropriate to facilitate the Program provided they 1) do not increase costs to Program customers without an equal improvement in service, 2) do not substantially change the purposes of the Contract, and 3) do not increase obligations and responsibilities of the City.

E. The Code change made by this Ordinance streamlines the City’s administration of the Program by removing the third of these restrictions, which was included to ensure City Council’s involvement in Program decisions as the Program began implementation. Because the Program has been successfully implemented in large measure, this restriction on the City Manager’s authority to modify the Contract is no longer necessary.

F. Additionally, this change to Section 12-32(a)(3) will facilitate an anticipated Contract amendment to align the Program with the new statewide Extended Producer Responsibility program, which may result in additional City oversight responsibilities.

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 12-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-32. - City contract; City administrative fee; rates.

(a) The City may enter into an agreement with a licensed collector to become the City's contracted waste collector, subject to the following:

...

(3) The City Manager may approve and execute future amendments to the contract that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate the program, so long as such amendments do not increase costs to program customers without a commensurate service improvement, **or** substantially modify the purposes of the contract, ~~or increase the obligations and responsibilities of the City as set forth in the contract.~~

...

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

16. First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review (“BDR”) in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff’s recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to remove this item from the consent agenda and adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Clay Frickey, Planning Director
Noah Beals, Development Services Manager

SUBJECT

First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

EXECUTIVE SUMMARY

At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to remove this item from the consent agenda and adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance with Staff's recommended changes.

BACKGROUND / DISCUSSION

Council established priorities for their two-year term in February 2026. One of these priorities is:

Promote affordability and sustainable growth by making development predictable, efficient and cost-effective:

City Plan sets forth a bold vision of livable and sustainable growth for Fort Collins. This priority will remove, replace or fix the systems and regulatory layers creating the biggest challenges to build. We will evaluate programs, incentives, and costs and fees through a lens of a simplified customer experience, to provide growth and development that supports community resilience, creates jobs, provides housing choices, and contributes to cleaner air.

To support this priority, Council created a sub-committee to focus on this Council priority. This sub-committee is called the Ad Hoc Committee on Affordable and Sustainable Growth. At the July 8, 2026, and August 5, 2026, meetings of the Ad Hoc Committee, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review.

Overview of Proposed Code Changes

The proposed Land Use Code changes modify the Land Use Table in Article 4 as shown in the Ordinance.. The version of the Table within the Ordinance does not change the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. This will provide a process incentive for denser development in these corridors. Staff recommends adoption of the Land Use Code changes that do not change the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts. An alternative version of the Land Use Table, which changes the level of review to Basic Development Review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts, is shown in Attachment 2 in case Council decides that adopting the alternative version is appropriate. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session.

Alignment with Adopted Plans:

City Plan (2019)

City Plan contains a section of policies pertaining to Neighborhood Livability and Social Health that contains a wide range of policies dealing with housing and the character of development. Neighborhood Livability and Social Health contains a wide range of housing related policies that acknowledges the various contexts that exist within Fort Collins and a desire to densify in mixed-use, commercial, and downtown districts. What follows is an overview of policies most pertinent to the proposed Land Use Code changes and why they support Staff's recommendation to only lower the review level for single-unit detached, single-unit attached, and two-unit dwellings in residential and mixed-use districts.

- *Principle LIV 1 — Compact pattern of growth / efficient use of land.* Lower density housing types are most appropriate at the edges of the community. Lowering the level of review for these land uses creates a process incentive for housing types that are not ideal for achieving a compact pattern of growth.

- *Policy LIV 3.6 – Context-sensitive Development.* City Plan envisions denser housing along transit, Downtown, and near the CSU campus. While permitting single-unit detached, single-unit attached, and two-unit dwellings are appropriate for neighborhoods, these housing types are not most appropriate in commercial, downtown, and employment districts. As such, these land uses should be subject to heightened review to ensure alignment with the vision of City Plan.
- *Policy LIV 4.1 — New Neighborhoods.* Staff's recommendation better calibrates the review level for lower density housing in new neighborhoods where these land uses are most appropriate.
- *Policy LIV 5.1 — Housing Options.* The proposed Code changes retain the ability for developers to build a wide range of housing throughout Fort Collins while calibrating the level of review to the desired outcomes for each neighborhood context.
- *Policy LIV 5.2 — Supply of Attainable Housing.* Permitting these uses helps ensure a mix of housing that helps lead to more attainable housing. Calibrating the review levels for each type of housing according to the vision of City Plan helps ensure that new development contributes to achieving the goals of City Plan. Staff's recommendation will help to ensure that there is not an incentive to build lower density housing where City Plan calls for higher density housing.

Housing Strategic Plan (2021)

Council adopted the Housing Strategic Plan in 2021 to address the housing affordability challenges facing Fort Collins. The Housing Strategic Plan has a vision that everyone has healthy, stable housing they can afford and puts forth 26 strategies to help achieve this vision. These Land Use Code changes best align with Strategy 16 – Remove barriers to allowed densities through Code revisions. This strategy intended to make it easier to build denser housing and permit a wider variety of housing types in the Land Use Code. The proposed Code changes will better calibrate the level of review for these housing types based on the context in alignment with Strategy 16.

CITY FINANCIAL IMPACTS

Changing the review level for these projects will result in less development review fee collections for these projects. The table below shows the difference in fees between different submittal types.

Application Type	Fee
Basic Development Review	\$16,900
Project Development Plan and Final Plan	\$49,250
Combined Project Development Plan and Final Plan	\$27,675
Limited Scope Review	\$6,925

Most residential projects currently submit both a Project Development Plan and Final Plan. This means that the proposed Land Use Code changes could result in a decrease in fee collections of \$32,350 per project. Some applicants elect to submit a combined Project Development Plan and Final Plan. This option is appealing for applicants with smaller, more straightforward projects that require less utility and engineering review. In an instance where an applicant would currently elect to submit a combined Project Development Plan and Final Plan, the fee differential with Basic Development Review is \$10,775. Staff may also charge projects the Limited Scope Review fee for smaller projects. This fee can apply to projects under 10 residential units.

To understand the financial impact of these changes, staff analyzed all development projects submitted from 2022-2026 (Attachment 1). Staff then applied the new BDR fee to all projects that did not receive the Limited Scope Review fee that are currently a different review level in the Land Use Code. Staff excluded affordable housing projects from this analysis since these submit as Basic Development Review per recent changes to the Land Use Code. Staff found the following:

- Staff found 31 projects that would have had lower fees
 - 25 projects that submitted both a Project Development Plan and Final Plan
 - 4 Project Development Plan submittals that did not proceed to Final Plan
 - 2 combined Project Development Plan/Final Plan applications
- If these projects would have been submitted as Basic Development Review, the City would have received \$873,400 less in development review fees.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning & Zoning Commission considered these proposed Land Use Code changes at their regular meeting on August 20, 2026. The Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with the following comments: The Land Use Code retain Type 2 review for large multifamily and mixed-use developments while allowing Basic Development Review for smaller, less complex housing projects. Large projects can have substantial, long-term effects on transportation, infrastructure, neighborhood connectivity, building form, and surrounding properties. Neighborhood meetings and public hearings provide transparency and meaningful engagement that written comments during administrative review cannot fully replace, and they create an important opportunity to address concerns at the Project Development Plan stage before final engineering limits the ability to make changes. A tiered review framework should establish reasonable thresholds based on unit count, acreage, building size, or anticipated community impact. This recommendation is in addition to the Staff limiting the less intense dwellings in commercial zone districts.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Fee Differential by Development Project – 2022-2026 YTD
2. Alternative Proposed Land Use Code Changes
3. Presentation
4. Ordinance No. 118, 2026

Fee Differential By Development Project - 2022 - 2026 YTD

Project	PDP	FDP	Combined	Limited Scope	Fee Differential
HTP Apartments	X	X			\$32,350
Shire Farm Townhomes				X	\$0
Duplex at 1719 Mathews St.				X	\$0
Prospect Ridge Mixed Use - Lot 4	X	X			\$32,350
The Edison at University Plaza	X	X			\$32,350
Gilmartin Single-Unit Dwelling with ADU			X		\$10,775
Prospect Ridge Multifamily	X	X			\$32,350
The Ellie at Old Town North	X	X			\$32,350
Snow Ridge Apartments	X	X			\$32,350
Union Park	X	X			\$32,350
Bloom Filing Four	X	X			\$32,350
East Oak Townhomes	X	X			\$32,350
Longstein Single-Unit Dwelling with ADU				X	\$0
The Mark			X		\$10,775
Wilcox Farm	X	X			\$32,350
Villas on Main				X	\$0
Polestar Village	X	X			\$32,350
College & Trilby Multifamily Community	X	X			\$32,350
209 Cherry Street - Mixed Use	X	X			\$32,350
Crowne at Suniga	X	X			\$32,350
The Landing at Lemay Multifamily and Mixed-Use	X	X			\$32,350
Hull Orchards	X				\$10,775
Gateway Apartments	X				\$10,775
Sun Communities - The Foothills Phase Two	X				\$10,775
Sonders Village	X				\$10,775
The Flats at Hansen Farm	X	X			\$32,350
Fischer Properties	X	X			\$32,350
Bloom Filing Two	X	X			\$32,350
556 Cajetan Street - Duplex & Carriage House				X	\$0
Jerome Street Station	X	X			\$32,350
The Savoy	X	X			\$32,350
Sunrise Ridge Third Filing				X	\$0
Ridgewood Hills	X	X			\$32,350
Timberlark Single-Family Development	X	X			\$32,350
Sun Communities - The Foothills	X	X			\$32,350
Poudre Valley Plaza Mixed-Use	X	X			\$32,350
Enclave at Redwood	X	X			\$32,350
Total					\$873,400

Project Type	Fees
BDR	\$16,900
PDP + FDP	\$49,250
Combined PDP/FDP or PDP	\$27,675

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER							
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T				
RESIDENTIAL USES																																			
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		■	■			■		■	■	■						■	■					△		
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■	■		■	■	■	■	■			■	■	■	■	■	■					△	
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■	■		■	■	■	■	■			■		■	■	■	■						
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■						
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■						
Single Unit Dwelling	■	■	■	■	■		■	■		■	■	■	■	■	■		■		■	■	■						■	■						△	
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■	■		■	■	■	■	■			■	■	■	■	■	■						△
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■	■		■	■	■	■	■			■		■	■	■	■						
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■						
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■						
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■					△
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■					
Short Term Non-Primary Rentals														■	■	■	■		■	■	■	■	■	■	■	■	■	■	■						
Fraternity & Sorority Houses								■	■		■	■		■					■	■															
Manufactured Housing Community						■	■													■									■					△	
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■						△



Land Use Code Updates

Moving Certain Residential Uses to BDR

Clay Frickey | Planning Director
Noah Beals | Development Review Manager

- Better align levels of review to Council priority
 - Promote affordability and sustainable growth by making development predictable, efficient and cost-effective
- Change levels of review to BDR for:
 - Single-unit detached
 - Single-unit attached
 - Two-unit dwelling
 - Multi-unit dwelling
 - Mixed-use dwelling
- Council Ad Hoc Committee requested changes for consideration in September

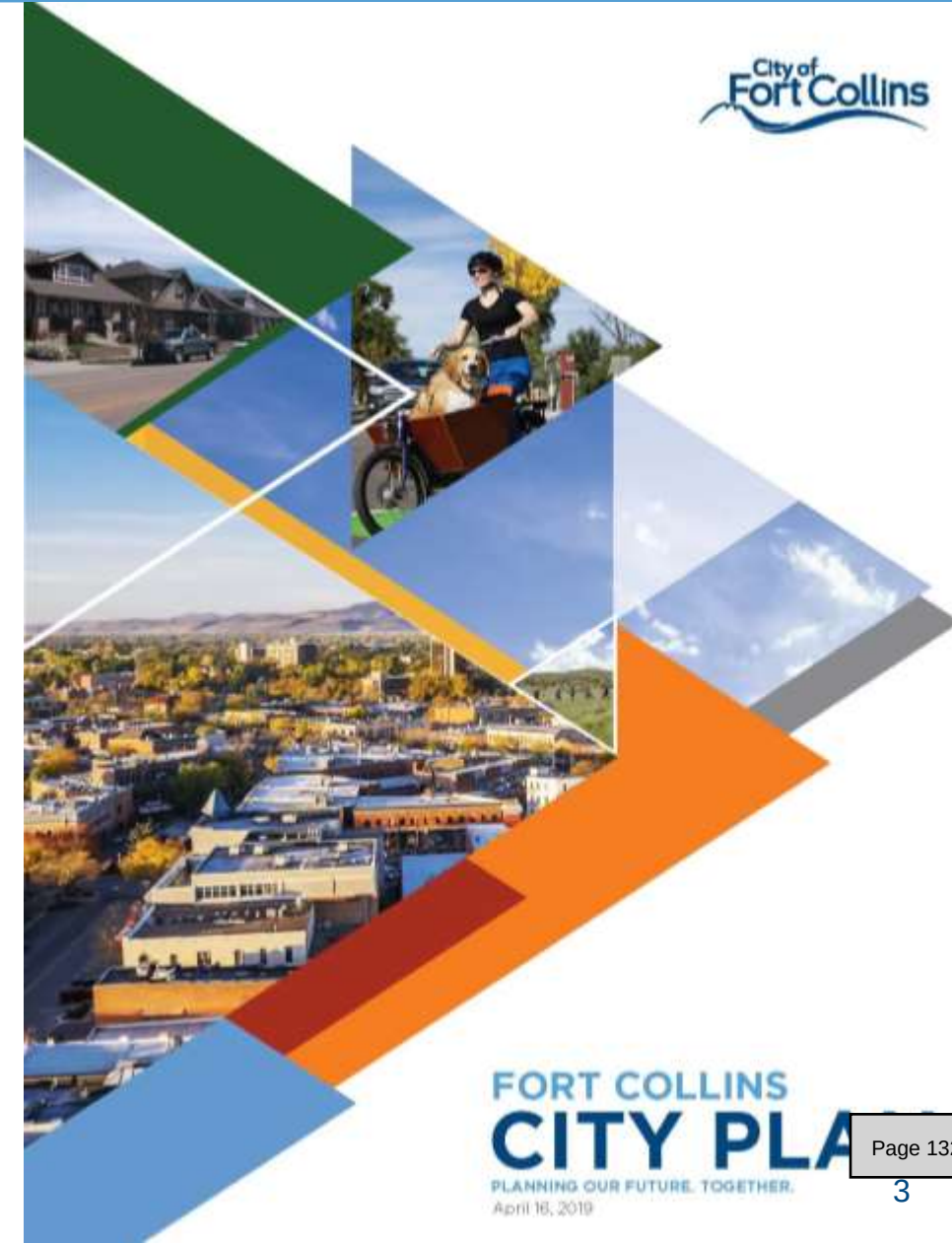


City Plan

- Principle LIV 1 — Compact pattern of growth / efficient use of land
- Policy LIV 3.6 – Context-sensitive Development
- Policy LIV 4.1 — New Neighborhoods
- Policy LIV 5.1 — Housing Options
- Policy LIV 5.2 — Supply of Attainable Housing

Housing Strategic Plan

- Strategy 16 – Remove barriers to allowed densities through Code revisions



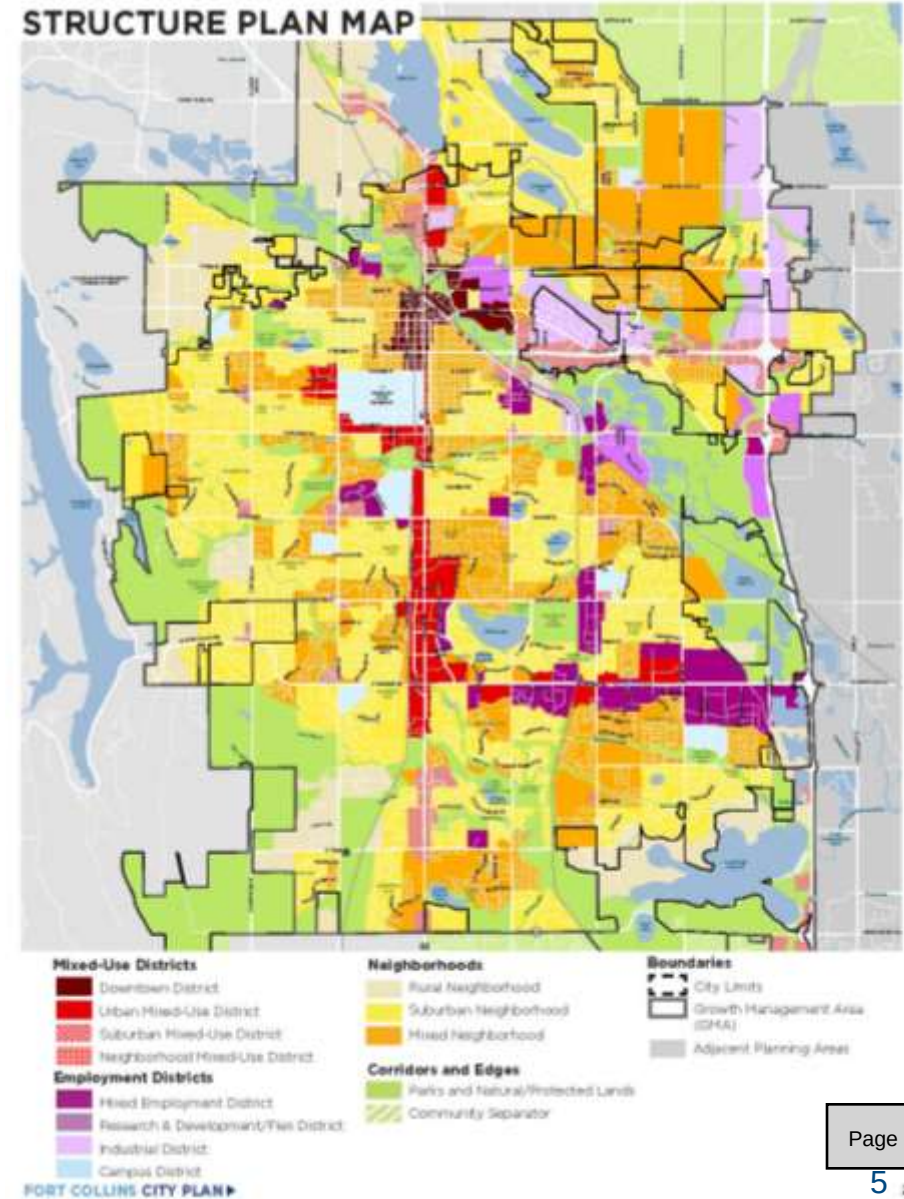
Staff Recommended Code Changes

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS							EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H CORE	CA/C/ NM	I/R	RC	CN	EC	E	I	POL	T		
RESIDENTIAL USES																																	
Single Unit Dwelling																																	
Single Unit Attached Dwelling																																	
Two Unit Dwelling																																	
Multi-Unit Dwelling																																	
Mixed-Use Dwelling Units																																	
Accessory Dwelling Unit																																	
Short Term Primary Rentals																																	
Short Term Non-Primary Rentals																																	
Fraternity & Sorority Houses																																	
Manufactured Housing Community																																	
Shelter for victims of domestic violence																																	

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H CORE	CA/C/NM	I/R	RC	CN	EC	E	I	POL	T	
RESIDENTIAL USES																																
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		■	■			■		■	■	■						■	■				
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■	■		■	■	■			
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■			■	■	■			
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■		■	■	■	■	■	■
Short Term Non-Primary Rentals														■	■	■	■		■	■	■	■	■	■		■	■	■	■	■	■	
Fraternity & Sorority Houses								■	■		■	■		■					■	■												
Manufactured Housing Community						■	■																						■			
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■		■	■	■				

Key Considerations

1. Align review type with vision of City Plan
 - Process incentive for dense development in key locations
 - Downtown
 - Near CSU
 - Near transit
 - More scrutiny for lower intensity development where City Plan envisions denser development
2. Shift in philosophy
 - Review level less tied to complexity and impact
 - Role of community
 - Role of P&Z
 - Fees





- \$10,775 - \$32,350 less revenue per application
- \$873,400 impact if applied 2022-2026

Planning & Zoning Commission Recommendation



- Recommended adopting staff's recommendations with conditions
- Retain Type 2 review for large multi-unit and mixed-use dwelling projects

Staff recommend Council adopt staff's recommended Code changes.

ORDINANCE NO. 118, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE OF THE CITY OF FORT
COLLINS TO CHANGE THE TYPE OF REVIEW FOR CERTAIN
RESIDENTIAL USES

A. The City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City.

B. In 2024, City Council approved Ordinance No. 055, 2024, with an effective date of May 27, 2024, to adopt the current Land Use Code by reference to replace the previous Land Use Code originally adopted in 1997.

C. When the current Land Use Code was adopted, City Council and staff understood that the Land Use Code would be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document responsive to community needs and changing conditions.

D. City Council Ad Hoc Committee on Affordable and Sustainable Growth is exploring ways to support housing affordability while guiding responsible and sustainable development. To facilitate residential development, the Committee directed City staff to prepare for Council review Land Use Code changes to the level of review of certain residential uses to become basic development review.

E. On August 20, 2026, the Planning and Zoning Commission recommended to City Council on a 5 - 0 vote (Stackhouse and Bruxvoort absent) that City Council adopt with certain proposed changes the Land Use Code amendments set forth in this Ordinance.

F. City Council has determined that adoption of the amendments set forth in this Ordinance is in the best interests of the City and promote the general public health, safety, and welfare.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Residential Use Table contained in Division 4.2 of the Land Use Code is hereby amended to read as follows:

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER						
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H-CORE	CA/C /HM	I/R	RC	CN	EC	E	I	POL	T			
RESIDENTIAL USES																																		
Single Unit Dwelling	■	■	■	■	■		■	■		■	■	■	■	■	■	■	■	■	■	■	■	■					■	■						△
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	△
Two Unit Dwelling	■	■	■	■			■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Mixed-Use Dwelling Units							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Single Unit Dwelling	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	△
Single Unit Attached Dwelling	■	■	■				■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	△
Two Unit Dwelling	■	■	■				■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Mixed-Use Dwelling Units							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Accessory Dwelling Unit	■		■	■	■	■			■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	△
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Short Term Non-Primary Rentals													■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Fraternity & Sorority Houses									■	■		■									■	■											△	
Manufactured Housing Community						■	■																					■					△	
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	△

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

17. First Reading of Ordinance No. 119, 2026, Authorizing the Purchasing Agent to Enter into a Contract with HDR, Inc., for Professional Services for a Period Longer Than Five Years for the Design and Construction Support of the North Mason Stormwater Project.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for a period longer than five years in length, for professional services for the design and construction support of the proposed North Mason Stormwater Project. Contracts authorized under the Ordinance would be extended up to the completion of the project. Design for the project began in 2019 and is expected to be completed in 2029, with pauses to better formulate the project. Under the current scenario, without the Ordinance, the existing contract would expire before the design could be completed, a situation that would result in logistical and cost ramifications for the project.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Jason Clemens, Civil Engineer III
Heather McDowell, Director of Civil Engineering
Jake Rector, Director of Purchasing

SUBJECT

First Reading of Ordinance No. 119, 2026, Authorizing the Purchasing Agent to Enter into a Contract with HDR, Inc., for Professional Services for a Period Longer Than Five Years for the Design and Construction Support of the North Mason Stormwater Project.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for a period longer than five years in length, for professional services for the design and construction support of the proposed North Mason Stormwater Project. Contracts authorized under the Ordinance would be extended up to the completion of the project. Design for the project began in 2019 and is expected to be completed in 2029, with pauses to better formulate the project. Under the current scenario, without the Ordinance, the existing contract would expire before the design could be completed, a situation that would result in logistical and cost ramifications for the project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The North Mason Stormwater Project will continue with final design and construction of stormwater infrastructure for the North Mason Street transportation corridor. The project will result in the construction of new stormwater infrastructure from the Hickory Regional Detention Pond, north of Hickory Street, to the Cache la Poudre River along the North Mason Street corridor. This project will support development and redevelopment in the area and protect and improve the Poudre River watershed and ecological health.

The North Mason Stormwater Project design was paused after preliminary stages of utilities design while right-of-way ("ROW") and road alignments could be evaluated. During the design pause, Utilities also coordinated with the Parks Department and Natural Areas Department for long term planning and to align project outcomes, and Lake Canal Company to evaluate outfall options. Recently, the execution of an Intergovernmental Agreement between the City and the Fort Collins Urban Renewal Authority was approved, so the Engineering Department will pursue acquisition of new ROW and road design for the North Mason Corridor. Concurrently with the ROW acquisition, the utilities design is now being rebooted for completion.

HDR, Inc. was hired as the design consultant for the project since project initiation and continues to be the lead engineer for the infrastructure portion of the project. They have been an integral partner throughout the design and have critical knowledge of the project in terms of technical knowledge, critical design decisions, and risks associated with the project. Their contract is scheduled to expire before the end of 2026, however, the remaining design and construction is projected to be completed in 2029. There are approximately 12 months of design remaining to complete construction plans. Then, the utility construction phase is expected to take 12 months to complete. By extending the contract, HDR, Inc., will continue to be a critical collaborator throughout final design and construction of the North Mason Stormwater Project.

The timeline of the project is approximately 10 years, as described below:

- Conceptual Design and Alternatives Evaluation: 2019 – 2020
- Preliminary (60%) Design: 2020 – 2022
- Final (100%) Design and Bid Documents: May 2026 – June 2027
- Construction RFP and Contract: June 2027 – October 2027
- Preconstruction and Outreach: October 2027 – April 2028
- Construction: April 2028 – May 2029

City Code Section 8-186(a) states no contract for materials, services or professional services, including all renewals, shall be made by the City for a period longer than five (5) years, unless authorized by ordinance, which ordinance shall not be passed as an emergency.

CITY FINANCIAL IMPACTS

This is a cost avoidance measure. Cost efficiencies will be realized by the City if the Purchasing Agent can enter into a contract for professional services more than five years for the North Mason Stormwater Project. The cost efficiencies occur when the contract is extended because there are added costs associated with soliciting a new design consultant and the schedule delay for construction completion.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Public outreach for the project will be a part of the continuing design and part of the preconstruction and construction phases.

ATTACHMENTS / LINKS

1. Project Summary and Schedule Presentation
2. Ordinance No. 119, 2026

North Mason Stormwater Project: Project Summary and Schedule

Jason Clemens

Civil Engineer III; FC Utilities
One Water Capital Projects



Project Overview

- The project will design and construct new storm sewer assets from the Hickory Regional Retention Pond along the N. Mason St. corridor to an outfall into at the Cache la Poudre River.

Project Outcomes

- The project will provide a stormwater outfall for the North Mason St. area and address flood risks in the area.
- Support and stimulate urban renewal and economic development in the area
- Provide water quality design elements to improve health and function of the Poudre River
- Improve riparian vegetation and natural habitat functionality

*Photo: Hickory Regional Retention Pond



Prior Timeline and Events

- 2017 – North College Drainage Improvement District Report
- 2019 – 2020: Conceptual Design and Alternatives Evaluation
- 2020 – Spring 2022: Preliminary (60%) Design
- 2021-2025: Adjacent project - Fort Collins Rescue Mission and Hickory Pond Coordination, Construction is on-going
- Summer 2022 – Spring 2026: Road corridor alignment and Right of way evaluation. Utilities coordination with Natural Areas and Parks Departments

Tentative Design and Construction Schedule

- Spring 2026 – Fall 2027: Right of Way Acquisition
- Summer 2026 – Spring 2027: Final (90%) Design
- Fall 2027: Design Complete and Bid for Construction
- Spring 2028 – Summer 2029: Construction
- Summer 2029 – Fall 2029: Project Closeout

*Photo: Lower River's Edge Natural Area



ORDINANCE NO. 119, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A
CONTRACT WITH HDR, INC., FOR PROFESSIONAL SERVICES
FOR A PERIOD LONGER THAN FIVE YEARS FOR THE DESIGN
AND CONSTRUCTION SUPPORT OF THE NORTH MASON
STORMWATER PROJECT

A. The City, through the Stormwater Utility, is developing and pursuing the North Mason Stormwater Project (the "Project"). The Project will continue with final design and construction of stormwater infrastructure for the North Mason Street transportation corridor and will result in the construction of new stormwater infrastructure from the Hickory Regional Detention Pond, north of Hickory Street, to the Cache la Poudre River along the North Mason Street corridor. The Project will support development and redevelopment in the area and protect and improve the Poudre River watershed and ecological health.

B. The City hired HDR, Inc., as the design consultant for the Project since project initiation in 2019 and it continues to be the lead engineer for the infrastructure portion of the Project. The City's contract with HDR, Inc., is scheduled to expire before the end of 2026. However, the remaining design and construction of the Project is projected to be completed in 2029.

C. City Code Section 8-186(a) states that no contract for materials, services or professional services, including all renewals, shall be made by the City for a period longer than five (5) years, unless authorized by ordinance, which ordinance shall not be passed as an emergency ordinance.

D. Good cause exists for the City to enter into a contract with HDR, Inc., for longer than five years and through the completion of the Project because: HDR, Inc., has been an integral partner throughout the design and has critical knowledge of the project in terms of technical knowledge, critical design decisions, and risks associated with the Project; and the City will realize cost efficiencies when the contract is extended because there are added costs associated with soliciting a new design consultant and the schedule delay for construction completion.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Purchasing Agent is hereby authorized, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for professional services for the design and construction support of the North Mason Stormwater Project for a period longer than five years for a period through the completion of the Project.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Eric Potyondy

Exhibit: None

File Attachments for Item:

18. First Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

The purpose of this item is for Council to consider the Second Amendment to Planned Unit Development (“PUD”) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer’s purchase from the Anheuser-Busch Foundation for up to two additional years.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

First Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider the Second Amendment to Planned Unit Development ("PUD") Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for up to two additional years.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On February 18, 2020, Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020. In connection with the PUD Master Plan, Council also approved the PUD Master Plan Development Agreement by Ordinance No. 015, 2020. The Development Agreement primarily addresses the 25 years extended vested rights period and other terms of development within the Montava PUD Overlay and Master Plan.

The Development Agreement envisions Montava's acquisition of approximately 844 acres from the Anheuser-Busch Foundation and an additional 108 acres via an exchange with the Poudre School District, with the resulting property being developed in phases subject to the PUD Master Plan, the Development Agreement, and the accompanying Public Benefits Agreement. The Development Agreement contains a contingency requiring the closing of Montava's purchase from the Anheuser-Busch Foundation within five years after the agreement's effective date of March 13, 2020; the First Amendment to that agreement extended that an additional two years.

Montava has submitted four development applications for phases within the PUD Master Plan, with two having received approvals – the recording of those final documents are pending closing on the property. Montava has encountered numerous complicated issues in finalizing long-term solutions related to ditch crossings and improvements, stormwater management, and potable and non-potable water causing significant delay and continued erosion of the contingency period stated in the original agreement and first amendment. At this time, Montava is awaiting resolution on a proposed agreement between the City of Fort Collins and the East Larimer County Water District related to the possible sale of water that may impact

the Montava land closing and development schedule. (Council held a work session on August 25, 2026, to discuss said agreement.)

Because of the delays Montava has encountered trying to obtain potable and non-potable for the development, the developer is requesting that Council approve a second amendment to further extend the period in which to purchase the property. The developer is requesting that should the water agreements between the City and East Larimer County Water District be approved by or on December 29, 2026, the closing deadline would be extended until the end of day March 25, 2028, to close on the property. If the City does not approve the water agreements by or on December 29, 2026, a longer extension would be granted until the end of day March 25, 2029.

The City and Montava are authorized to amend the Development Agreement without the consent of the Anheuser-Busch Foundation or the Poudre School District, although both entities are advised of this request.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 120, 2026

ORDINANCE NO. 120, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE SECOND AMENDMENT TO THE PUD MASTER PLAN
DEVELOPMENT AGREEMENT FOR THE MONTAVA PLANNED UNIT
DEVELOPMENT OVERLAY AND MASTER PLAN

A. Montava is a Planned Unit Development (“PUD”) established under Transitional Land Use Code Divisions 2.15 and 4.29 for a section of rural and agricultural land next to the Anheuser-Busch facility in northeast Fort Collins, modeled after a village-style development for the wide variety of land uses planned. The development intends to include a variety of housing, amenities and public spaces. The proposal calls for a complete, connected community with new neighborhoods, parks, schools, a town center, urban agriculture, businesses, and transportation connections.

B. On February 18, 2020, Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020, and the PUD Master Plan Development Agreement (the “Development Agreement”) by Ordinance No. 015, 2020.

C. The Development Agreement primarily addresses an extension from three to twenty-five years of the vested rights period, because vested property rights are normally valid for up to three years under Transitional Land Use Code Section 2.2.11(C)(2) unless City Council approves an extended period.

D. The Development Agreement also addresses other terms of development within the Montava PUD Overlay and Master Plan. The Development Agreement envisions the Montava developer's (the “Developer”) acquisition of approximately 844 acres from the Anheuser-Busch Foundation and an additional 108 acres via an exchange with the Poudre School District, with the resulting property being developed in phases subject to the PUD Master Plan, the Development Agreement and the accompanying Public Benefits Agreement.

E. The Development Agreement at Subsection V.C.1. contains a contingency requiring the closing of the Developer's purchase from the Anheuser-Busch Foundation within five years after the agreement's effective date and if the closing does not occur before the end of the five years, the Development Agreement would automatically terminate.

F. Due to complications in finalizing long-term solutions for ditch crossings, ditch modifications and stormwater management, City Council adopted Ordinance 005, 2025, approving the First Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan to extend the time period in which to purchase the property by two years until March 13, 2027.

G. The Developer has encountered complicated issues in finalizing long-term solutions for potable and non-potable water causing additional delay. The City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (the “Water Agreements”) setting forth the terms for the provision of such water. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters.

H. Due to the continued delays, the Developer is requesting a further extension of the time to purchase the property as set forth in the Second Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan (the “Second Amendment”), attached hereto and incorporated herein by this reference as Exhibit A. As described in the Second Amendment, should the Water Agreements be approved by or on December 29, 2026, an extension will be granted until the end of day March 25, 2028, to close on the property. If the City does not approve the Water Agreements by or on December 29, 2026, a longer extension will be granted until the end of day March 25, 2029.

I. There will not be financial impact on the City for extending the existing deadline.

J. City Council finds and determines that the adoption of this Ordinance advances the public's health, safety, and welfare by ultimately facilitating the Montava development and its associated public improvements and benefits.

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 Second Amendment is hereby approved by City Council.

Section 2. The Mayor is authorized to execute the Second Amendment on behalf of the City in substantially the same form as Exhibit A.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Brad Yatabe

Exhibit: Exhibit A - Second Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan

**SECOND AMENDMENT TO
PUD MASTER PLAN DEVELOPMENT AGREEMENT FOR
THE MONTAVA PLANNED UNIT DEVELOPMENT OVERLAY
AND MASTER PLAN**

THIS SECOND AMENDMENT TO PUD MASTER PLAN DEVELOPMENT AGREEMENT FOR THE MONTAVA PLANNED UNIT DEVELOPMENT OVERLAY AND MASTER PLAN (“Second Amendment”) is made and entered into this _____ day of _____, 2026, by and between the CITY OF FORT COLLINS, COLORADO, a municipal corporation of the State of Colorado (“City”); and MONTAVA PARTNERS, LLC, a Colorado limited liability company (“Montava”), as successor to HF2M, INC., a Texas corporation (“HF2M”). The City and Montava may be referred to individually, each as a “Party,” or collectively, the “Parties.”

RECITALS

WHEREAS, the City and HF2M entered into the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan on May 23, 2020 (the “Original Agreement”), together with U.S. BANK NATIONAL ASSOCIATION, as successor in interest to U.S. BANK AS CORPORATE TRUSTEE OF THE ANHEUSER-BUSCH FOUNDATION, a Missouri charitable trust (“Foundation”) and POUDRE SCHOOL DISTRICT R-1, a political subdivision of the State of Colorado (“School District”); the Foundation and School District being collectively referred to herein as “Owners.” The Effective Date of the Original Agreement was February 28, 2020; and

WHEREAS, HF2M assigned all of its obligations, rights, title, interest in and to the Original Agreement to Montava effective March 8, 2021; and

WHEREAS, the closing of the sale of the Foundation Property to Montava was delayed by unforeseen complications thus creating a risk that the Foundation Contingency in Subsection V.C.1. of the Original Agreement could not be satisfied within the five year time frame originally envisioned; and

WHEREAS, on January 21, 2025, the City approved the First Amendment to the Original Agreement (the “First Amendment”) via Ordinance 005, 2025, to extend the Foundation Contingency deadline for the sale of the Foundation Property to Montava until March 13, 2027; and

WHEREAS, since the First Amendment was approved, the City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (“Water Agreements”) setting forth the terms for the provision of such water; and

WHEREAS, if City Council approves the Water Agreements on or before December 29, 2026, the Parties desire to further amend the Original Agreement to extend the Foundation

Contingency period until the end of the day on March 25, 2028. For the avoidance of doubt, this extension shall commence upon the expiration of the extension granted under the First Amendment, thereby extending the applicable deadline from March 13, 2027, to the end of day March 25, 2028; and

WHEREAS, alternatively, if the Water Agreements are not fully executed on or before December 29, 2026, the Parties desire to amend the Original Agreement to extend the Foundation Contingency period until the end of the day on March 25, 2029. For the avoidance of doubt, this alternative extension would commence upon the expiration of the extension granted under the First Amendment, thereby extending the applicable deadline from March 13, 2027, to the end of day March 25, 2029; and

WHEREAS, the Original Agreement may be amended by the City and Montava without the consent of the Owners, and Montava has not granted the right to consent to this Second Amendment to any successor or assigns.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, such consideration being acknowledged as sufficient and of significant value to the Parties, the Parties agree as follows.

- A. Incorporation of Recitals. The foregoing Recitals are incorporated herein as material terms.
- B. Definitions. Capitalized terms not otherwise defined herein shall retain the meanings set forth in the Original Agreement.
- C. Foundation Contingency. The Developer has encountered complicated issues in finalizing long-term solutions for water management causing years of delay. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters. Should the Water Agreements be approved by or on December 29, 2026, Developer will have until the end of day March 25, 2028, to close on the property described in Subsection V.C.1. of the PUD Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. If the City does not approve the Water Agreements by or on December 29, 2026, the Developer shall be granted a longer extension until the end of day March 25, 2029, to effectuate the closing on the property.
- D. Amendment of Foundation Contingency. The Parties therefore agree to amend Subsection V.C.1 of the Original Agreement to read as follows:

“Foundation Contingency. The Parties hereto expressly agree that this Agreement is contingent upon the closing of the sale of substantially all of the Foundation Property to the Developer pursuant to the terms of the Foundation Agreement by either the end of day March 25, 2028, if Council approves the Water Agreements, as defined in the Second Amendment to this Agreement, by or on December 29, 2026; or by the end of day March 25, 2029, if Council does not approve the Water

Agreements by or on December 29, 2026. If such closing does not occur by the applicable date, this Agreement shall thereupon automatically terminate and thereafter be of no force or effect, and the Parties hereto shall be released from all obligations hereunder.”

- E. Original Agreement. The Original Agreement remains in full force and effect, as amended by the First Amendment and this Second Amendment.
- F. First Amendment Effective Date. The First Amendment became effective on the tenth day following final passage by the City Council of the ordinance approving the First Amendment.
- G. Second Amendment Effective Date. This Second Amendment became effective on the tenth day following final passage by the City Council of the ordinance approving the Second Amendment.
- H. Counterparts. This Second Amendment may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same amendment.
- I. Recordation. The City shall record this Second Amendment in the Larimer County Records with a copy of the City of Fort Collins ordinance approving this Second Amendment attached, and Montava shall pay the cost of the same.

IN WITNESS WHEREOF, the Parties agree to the terms and conditions of this Second Amendment described above effective as of the Second Amendment Effective Date.

CITY:

CITY OF FORT COLLINS, COLORADO,
a Municipal Corporation

By: _____
Emily Francis, Mayor

Date: _____

ATTEST:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Brad Yatabe, Deputy City Attorney

MONTAVA:

MONTAVA PARTNERS, LLC, a Colorado
Limited liability company

By: CAMERON INVESTMENTS L.C., an
Idaho limited liability company, Manager

By: _____
Richard P. Clark, Manager

Date: _____

ATTEST:

Printed name, Title

File Attachments for Item:

19. First Reading of Ordinance No. 121, 2026, Authorizing the Conveyance of a Permanent Easement and Temporary Construction Easements on Parks Property.

The purpose of this item is to authorize the conveyance of one Permanent Easement (the “PE”) and two Temporary Construction Easements (the “TCEs”) (the “Easements”), being a portion of City property owned by Parks, for the abandonment of a septic vault and installation of a sewer line.

August 25, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Raime Lanham, Real Estate Specialist
Missy Nelson, Sr. Technical Project Manager

SUBJECT

First Reading of Ordinance No. 121, 2026, Authorizing the Conveyance of a Permanent Easement and Temporary Construction Easements on Parks Property.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the conveyance of one Permanent Easement (the “PE”) and two Temporary Construction Easements (the “TCEs”) (the “Easements”), being a portion of City property owned by Parks, for the abandonment of a septic vault and installation of a sewer line.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Rightside Investments LLC is the owner and developer (the “Developer”) of the real property located at 425 N. College Avenue and 429 N. College Avenue “The Developer’s Property”. The Developer’s Property bound on the north and south by City-owned land. The Developers is required to abandon an existing cesspool associated with their property to facilitate the installation of a new sewer line that will provide service to their property. The cesspool is currently located partially on City-owned land (The “North City Parcel”). The new sewer line will be installed on City-owned land (the “South City Parcel”).

The City parcels in question are portions of land managed by the Parks Department, further identified as follows:

Property	Tax ID Number	Permanent Easement	Temporary Easement
N. City Parcel	9711114904	None	1,050 SF for cesspool removal
S. City Parcel	9711111911	345 SF Sewer Easement	1,681 SF For Sewer Line Installation

The parcels are located near the Fort Collins Discovery Museum and Lee Martinez Park but are not included as part of either site plan. The properties are incorporated into the City of Fort Collins. Location Maps are attached as part of the Ordinance.

The South City Parcel was conveyed to the City by Wonderland Hill Development Company in that certain Special Warranty Deed dated July 30, 1997, recorded at Reception No. 19970041141, Clerk and Recorder's Records, Larimer County, Colorado.

The North City Parcel was conveyed to the City by the Colorado Department of Transportation in that certain Quitclaim Deed dated November 27, 1995, recorded at Reception No. 19950075120, Clerk and Recorder's Records, Larimer County, Colorado.

The proposed work on both parcels will be completed using an open-trench excavation method. The existing cesspool, located on the North City Parcel, will be opened and pumped out. Following removal of the contents, the cesspool walls will be collapsed, and the resulting excavation will be backfilled with suitable fill material and compacted. This work will require only a temporary construction easement.

The installation of the new sewer line on the South City Parcel will require both a temporary construction easement and a permanent easement. The temporary construction easement will provide the contractor with the necessary access and work area to perform the open-trench excavation and install the new sewer line. The permanent easement will accommodate the sewer line and associated piping necessary to connect the properties located at 425 N. College Avenue and 429 N. College Avenue to the new sewer system and will remain in place following completion of construction.

The temporary construction easement will terminate upon completion of the work and restoration of the affected area, while the permanent easement will provide for the continued operation, maintenance, repair, and replacement of the sewer line and associated improvements.

All construction activities will be conducted a minimum of two feet from the paved trail. No construction activities or staging of construction materials may occur within the railroad easement, on the paved trail, sidewalk, or landscaped areas. The Developer's contractor will be responsible for implementing all necessary safety precautions associated with the work, including, but not limited to, the installation and maintenance of appropriate construction fencing. Utility locates are required to be requested and completed prior to the commencement of any work, and all applicable permits must be obtained by Rightside Investments LLC or contractor before construction begins. Site restoration is also required.

There is existing light and power infrastructure located east of the proposed cesspool work area which Rightside Investments LLC is aware of. Additionally, the trees located west of the cesspool work area consist of suckers from undesirable tree species. City Forestry has determined that these trees do not require protection during construction.

Alternative Location Analysis

No alternative locations were considered, as the sewage vault is fixed in its existing location, and the proposed new sewer line was designed to minimize impacts to City property and ties into an existing fixed-location City sewer line.

CITY FINANCIAL IMPACTS

Aside from staff time, there is no cost to the City associated with the PE and TCEs. Rightside Investments LLC will reimburse the City for the cost of Real Estate Services' staff time related to this matter. Additionally, City Staff estimates the fair market value of the Easements to total \$601, being itemized as follows (the "Property Values"):

- 1) Permanent Easement – \$328
- 2) Temporary Construction Easements – \$273

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The current existing policy for seeking Parks and Recreation Advisory Board approval is limited to large and impactful land purchases, sales, or policies, because the duties of Parks and Recreation Advisory Board relate to “rules, regulations, policies and administrative and budgetary matters”. This Agenda item for two temporary construction easements and one permanent easement was evaluated to have minimal or no impact on the underlying uses of the parcels in question because the easements are located on land the Park obtained as part of a CDOT land exchange. City staff has determined that these easements on Parks’ properties will have minimal impact on the underlying properties’ purpose and function; therefore, the matter has not been brought before the Board.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 121, 2026

ORDINANCE NO. 121, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS
ON PARKS PROPERTY

A. To the west of North College Avenue and to the north of Maple Street, the City owns two parcels that adjoin the privately-owned property at 425 and 429 North College Avenue. One of the City's parcels is to the north of 425 and 429 North College Avenue (the "City's North Parcel") and the other City parcel is to the south of 425 and 429 North College Avenue (the "City's South Parcel").

B. Rightside Investments, LLC ("Rightside") owns 425 and 429 North College Avenue and seeks a Permanent Easement ("PE") and a Temporary Construction Easements ("TCEs") on the City's South Parcel; and also seeks a TCE on the City North Parcel. Rightside seeks to redevelop its properties. The PE and TCEs will allow Rightside to deconstruct an existing cesspool on the North Parcel and to facilitate the installation of a new sewer line on the South Parcel.

C. Rightside will use an open-trench excavation method within a TCE on the City's North Parcel to open and pump out an existing cesspool. Following removal of the contents, the cesspool walls will be collapsed, and the resulting excavation will be backfilled with suitable fill material and compacted.

D. Rightside seeks both a PE and a TCE on the City's South Parcel to install a new sewer line. The TCE will provide Rightside with the necessary access and work area to perform the open-trench excavation and install the new sewer line. The PE will accommodate the sewer line and associated piping necessary to connect the properties located at 425 and 429 North College Avenue to the new sewer system and will remain in place following completion of construction.

E. The form of the PE with its terms and conditions is shown on Exhibit A, attached hereto and incorporated herein by this reference. The area of the PE is described on Exhibit B to the PE.

F. The form of the TCEs with its terms and conditions is shown on Exhibit B, attached hereto and incorporated herein by this reference. The areas of the TCEs are described on Exhibit B to the TCEs.

G. The City's North Parcel and the City's South Parcel are managed by the City's Parks Department.

H. The City has determined the fair market value of the PE and TCEs together is \$601. Rightside will pay the City \$601 for the PE and the TCEs and also pay the City

for its staff time relating to this matter. The Parks Department will receive the \$601 compensation.

I. Section 23-111(a) of the City Code authorizes City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided 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. City Council finds that granting the conveyance of the PE and the TCEs on the terms and conditions described herein is in the best interests of the City.

Section 2. City Council hereby authorizes the Mayor to execute the PE 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 or effectuate the purposes of this Ordinance.

Section 3. City Council hereby authorizes the Mayor to execute the TCEs substantially in the form attached hereto as Exhibit B 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 or effectuate the purposes of this Ordinance.

Section 4. This Ordinance shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Permanent Easement
 Exhibit B – Temporary Construction Easements

PERMANENT EASEMENT
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation
Grantor Signing Authority and Title: Emily Francis, Mayor
Grantor Mailing Address: Real Estate Services, P.O. Box 580, Fort Collins, Colorado 80522
Grantor Phone Number/Email: (970) 221-6211 / RealEstateServices@fcgov.com

Grantee: Rightside Investments LLC
Grantee Signing Authority and Title: Cjay Manthey, Owner
Grantee Mailing Address: 425 N College Ave, Fort Collins, CO 80524
Grantee Phone Number/Email: (970) 689-1566 / silver_m68@yahoo.com

Effective Date: September 25, 2026
Consideration: \$328.00
Easement Improvements: Sewer Line Improvements

Easement Appurtenant to Grantee's Property? ☒ Y ☐ N: If so, see Exhibit C

Special Restoration Requirements? ☐ Y ☒ N:

Exhibits:

- Exhibit A – Grantor's Property** (number of pages): 1
- Exhibit B – Easement Area** (number of pages): 2
- Exhibit C – Grantee's Property** (number of pages): 1

All exhibits are attached and incorporated into this Conveyance by reference.

This **PERMANENT EASEMENT** (the "Conveyance") is made and entered into on the Effective Date by and between Grantor and Grantee.

1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Grantor's Property").
2. Grant of Easement – Consideration. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement (the "Easement") on, over, under, and across the Grantor's Property as described more fully on **Exhibit B**, (the "Easement Area"), for the benefit of Grantee's Property, which is described in **Exhibit C**, attached hereto. The Easement includes the right of vehicular and pedestrian ingress and egress to the Easement Area, and the right to install, maintain, and use gates in all fences that cross the Easement Area now or in the future. Grantee, and its successors, assigns, employees, contractors,

agents, consultants, and invitees (collectively, the “Permittees”) shall have the right to use the Easement and enter upon the Easement Area only for purposes permitted by this Conveyance.

3. Purpose and Use of Easement. Grantee and Grantee’s Permittees may use the Easement to install, access, operate, maintain, repair, reconstruct, relocate, improve, enlarge, replace, inspect, and remove, at any time and from time to time, the Easement Improvements, and for the temporary storage and staging of materials and equipment. Grantor further grants to Grantee:

- A. The right of ingress to and egress from the Easement Area over and across Grantor’s Property by means of any roads and lanes thereon, or as otherwise agreed in writing by Grantor;
- B. The right to mark the location of the Easement Area by suitable markers set in the ground;
- C. The right to install temporary fencing and gates for security and safety purposes during construction activities.

After initial installation of the Improvements, if Grantee wishes to relocate or replace the Improvements with any other number or type of similar improvements, either in the original location or at any alternate location or locations within the Easement Area, such improvements must be generally consistent with the intended purposes of the Easement, and Grantee must give Grantor advance notice of any change in the type, number or location of improvements and cannot proceed until Grantor has provided its written consent, which shall not be unreasonably withheld or delayed.

4. Grantor’s Rights in Easement Area.

- A. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee’s full enjoyment of the rights granted herein, including but not limited to Grantor’s right to operate or allow others to operate utility improvements within the Easement Area.
- B. Grantor may plant or maintain permanent trees, shrubs or other plant material in the Easement Area provided that no such plantings may be planted directly over the Easement Improvements. Grantor may install or utilize signs or paths over the Easement Area, and may pave, surface in some other manner, or otherwise improve the Easement Area as Grantor desires, provided that the foregoing will not unreasonably interfere with Grantee’s full enjoyment of the rights granted herein. Additionally, Grantor may install permanent buildings or structures over the Easement Area; provided however that no such building or structures will unreasonably interfere with Grantee’s full enjoyment of the rights granted herein and further provided that Grantor agrees to remove such structures at its expense if reasonably required for Grantee’s access to the Easement Area, and to assume all risk, repair, and maintenance if any damage occurs to these permanent buildings and/or structures as a result of Grantee’s use of or activities over or within the Easement Area.

5. Grantee's Obligations Regarding Easement Areas.

- A. All activities by the Grantee and Grantee's Permittees on the Easement Area, including access across Grantor's Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property, any improvements thereon, and the Grantor's intended purposes therefor.
- B. Grantee must maintain the Easement Improvements in an entirely secure, safe and sanitary condition, and repair the Easement Improvements as necessary to ensure the Easement Improvements do not cause injury or damage to persons or property.
- C. Grantee shall notify Grantor a minimum of one week prior to performing any construction, maintenance, repair, or other work on or within the Easement Area and shall in advance of any non-emergency work submit a construction plan and schedule to Grantor for approval, which approval shall not be unreasonably delayed or withheld. Grantee will need a Temporary Construction Easement from Grantor if working on Grantor's Property outside of the Easement Area. Notwithstanding these notification requirements, in cases of emergency repair, Grantee shall notify Grantor of the emergency and provide related construction plans and schedules as soon as reasonably practicable.
- D. In the event damage occurs from Grantee's or Grantee's Permittee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the Easement Improvements within the Easement Area, Grantee agrees to make such repairs or take such other action as may be reasonably necessary to restore the Easement Area and Grantor's Property to a condition reasonably comparable to their condition prior to Grantee's activities in the Easement Area, except as necessarily modified to accommodate the Easement Improvements, including but not limited to the reseedling and replanting of any disturbed areas in a manner reasonably satisfactory to the Grantor, and the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities (but only to the extent directly impacted by Grantee's activities), until such time as any such repair and restoration is fully established and stabilized.

6. Maintenance of the Easement Area.

- A. Grantor will maintain the surface of the Easement Area (except for the Easement Improvements) in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements; however, Grantor is not responsible for any conditions directly caused by Grantee's use and occupancy of the Easement Area.
- B. Grantor will not deposit, or permit, or allow to be deposited, earth, rubbish, debris, or any other substance or material, whether combustible or noncombustible, on the Easement Area.

7. As-Built Drawings. Grantee will provide Grantor with as-built drawings accurately depicting the location and nature of the Easement Improvements constructed within the Easement Area no later than thirty (30) days following completion of the Easement Improvements, and no later than thirty (30) days following a change in the type, number or location of the Easement Improvements, as described in Section 3.

8. [Intentionally omitted]

9. Recordation. Grantee will record this Conveyance in the records of the Larimer County Clerk and Recorder and furnish evidence of such recording to Grantor. This Conveyance will not be valid until it is recorded. If this Conveyance has not been recorded with the Larimer County Clerk and Recorder within ninety (90) days of the Effective Date, then this Conveyance will be null and void and have no force and effect whatsoever, and the parties will be relieved of any remaining obligations hereunder as of the date of such termination.

10. Abandonment. Should Grantee fail to construct the Improvements within five (5) years from the date of this Conveyance, or should Grantee permanently discontinue maintaining and using the Easement Improvements within the Easement Area for a period of five (5) years, this shall constitute an abandonment of the Easement, the Easement Improvements, and Grantee's rights under this Conveyance, and the Easement shall automatically terminate, and Grantee shall, at its own sole cost and expense, remove all Easement Improvements from the Easement Area, provided that Grantee shall consult with Grantor in advance of any such removal, and Grantor shall be entitled to require Grantee to leave some or all such Easement Improvements in place. If Grantee removes the Easement Improvements from the Easement Area, Grantee shall carry out such removal consistent with the requirements set forth in Section 4 and restore the Easement Area, at its sole cost and expense, to a condition comparable to its condition just prior to Grantee's removal activities. Grantee shall then execute and record a termination or quitclaim to Grantor of the Easement.

11. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors and assigns from and against all claims that may accrue to Grantee for personal injury, death or property damage resulting from or arising out of Grantee's use of the Easement Area or other activities on Grantor's Property. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Property, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Conveyance.
- B. Grantee shall procure, pay for, and keep in full force and effect during the term of this Conveyance a comprehensive policy of general liability insurance covering the Easement Improvements and insuring Grantee in an amount not less than One Million dollars (\$1,000,000.00) covering bodily injury, including death to persons,

personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the Easement Area or on Grantor's Property, the operation, maintenance, or use of the Easement Improvements (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles. Such coverage must also include coverage for such other risks as are customarily required by private institutional mortgage lenders with regard to property similar in construction, location, and use as the Easement Improvements. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of Grantee, and in such event the cost of such insurance shall be paid for by Grantee promptly upon receipt of an invoice covering such charges.

12. Notices. Any notice or other communication relating to this Conveyance must be in writing and shall be deemed given (i) when delivered personally, or (ii) on the first business day which is three (3) days following mailing by certified mail, return receipt requested and postage prepaid, or (iii) the next business day after sending by a nationally recognized overnight delivery service, and addressed to the party at its respective address on the first page of this Conveyance.

13. Default, Remedies and Litigation Expenses. If a party to this Conveyance is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance or damages or both. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default. In the event a party defaults in any of its covenants or obligations and the party not in default commences and substantially prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar costs of legal representation.

14. Covenants Running with the Land. The terms, obligations, and easement granted herein shall be appurtenant to the Grantee's Property, shall be binding upon the Grantor's Property and shall run with the land thereby benefited and burdened and may be enforced by any owner for so long as any such party shall remain an owner. This Conveyance shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Each owner of any portion of the Grantee's Property and Grantor's Property shall be released from liability for any obligation first arising after such owner no longer owns any portion of the Grantee's Property and Grantor's Property, but with respect to any indemnity obligation of Grantee, such release shall not

apply to events occurring during the period of such owner's ownership of any portion of the Grantee's Property.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. This Conveyance is to be construed and enforced according to the laws of Colorado, and venue in any proceeding related to this Conveyance shall be in Larimer County, Colorado. If any term of this Conveyance is determined by any court to be unenforceable, the other terms of this Conveyance shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Conveyance as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Authority. Each person executing this Conveyance represents and warrants that he or she is duly authorized to execute this Conveyance in his or her individual or representative capacity as indicated.

IN WITNESS WHEREOF, Grantee has hereunder set its hand and seal the day and year written below; and Grantor has caused this Conveyance to be executed by its Mayor, attested to by its City Clerk, and its corporate seal to be hereunto affixed, all pursuant to Ordinance No. ###, 2026, passed on final reading by the City Council of the City of Fort Collins on September 15, 2026.

[Signatures on following page(s)]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

Date

Emily Francis, Mayor

ATTESTED AND ACKNOWLEDGED:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Ted Hewitt, Assistant City Attorney

GRANTEE:

**Rightside Investments LLC, A COLORADO
LIMITED LIABILITY COMPANY**

Date

Cjay Manthey, Owner

Exhibit A
Grantor's Property
(Page 1 of 1)

Legal Description of Subject Property per County Assessor:

0.43 acres, more or less, located in the Northeast Quarter (SE/4) Section 11, Township 7N, Range 69W, 6th P.M., Larimer County, being all being all that was conveyed by Special Warranty Deed dated June 30, 1997 recorded at Reception No. 19970041141, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address of Subject Property:

Unaddressed

Assessor Parcel Number of Subject Property:

9711111911

Map:



Exhibit B
Easement Area
Legal Description and Depiction
(Page 1 of 2)

PARCEL DESCRIPTION

A tract of land, being part of that parcel, as described in the Special Warranty Deed, recorded June 30, 1997, as Reception No. 19970041141 of the Records of the Larimer County Clerk and Recorder (LCCR), said parcels situate in the Northeast Quarter (NE1/4) of Section Eleven (11), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 11 and assuming the East line of said NE1/4 as bearing North 00°06'15" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2656.85 feet, being monumented by a 2" aluminum cap stamped LS 17497 at the East Quarter corner and a 3" illegible brass cap at the Northeast corner and with all other bearings contained herein relative thereto;

THENCE North 00°06'15" East, along said East line, a distance of 1547.83 feet;

THENCE North 89°53'45" West a distance of 60.00 feet to the Northeast corner of said Reception No. 1970041141;

THENCE North 89°53'45" West, along the North line of Reception No. 1970041141, a distance of 49.04 feet to the POINT OF BEGINNING;

THENCE South 14°52'22" West a distance of 34.45 feet;

THENCE South 56°25'02" West a distance of 13.57 feet;

THENCE North 14°52'22" East a distance of 42.24 feet to the North line of Reception No. 1970041141;

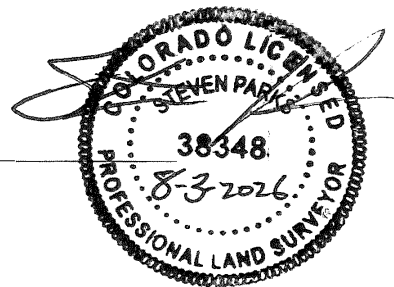
THENCE South 89°53'45" East, along said North line, a distance of 9.31 feet to the POINT OF BEGINNING.

Said described parcel of land contains 345 Square Feet, more or less (±).

SURVEYORS STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

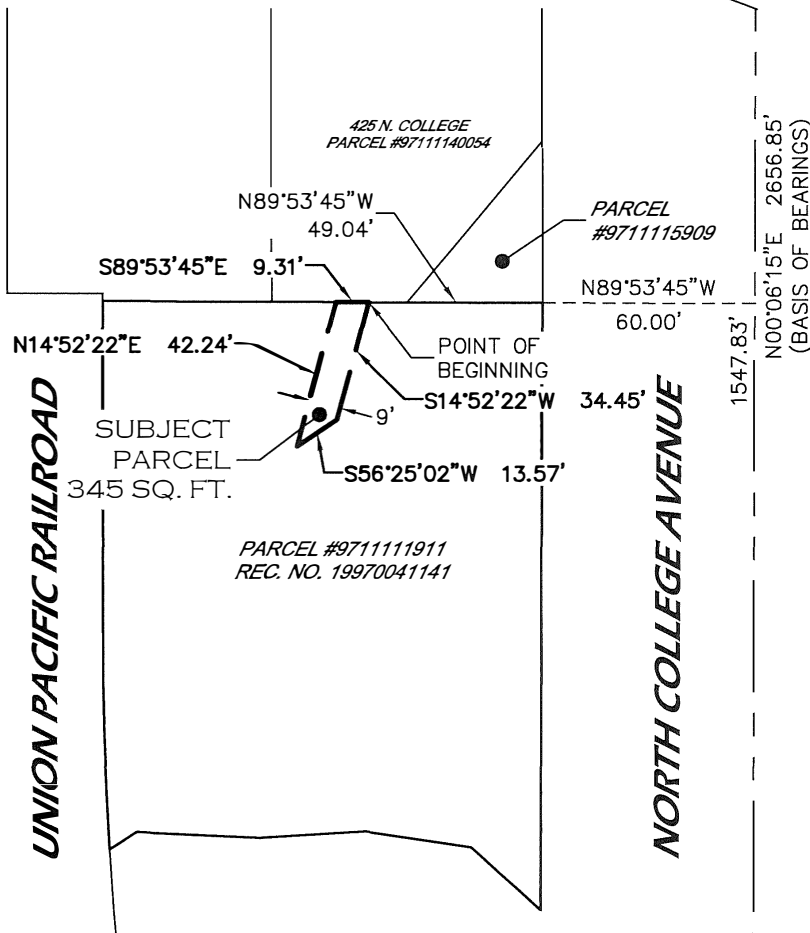
Steven Parks - on behalf of Majestic Surveying, LLC
 Colorado Licensed Professional Land Surveyor #38348



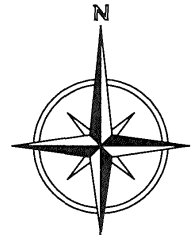
Sanitary Sewer Easement
NE1/4 Section 11, T.7N., R.69W.

Exhibit B
Easement Area
Legal Description and Depiction
(Page 2 of 2)

Page 2 of 2



NORTHEAST CORNER
SECTION 11, T.7N., R.69W.
FOUND 3" BRASS CAP
IN CONCRETE IN
MONUMENT BOX

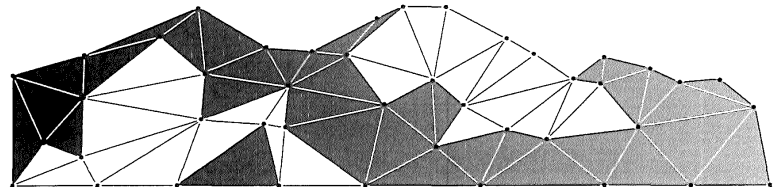
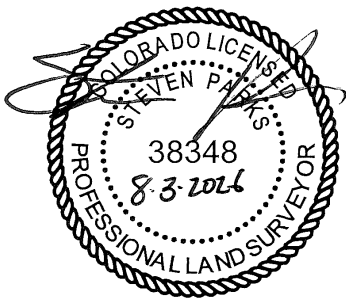


Note: This drawing does not represent a
monumented land survey. Its sole purpose
is a graphic representation of the
accompanying written description.

See Reception No. 20230039507 for
boundary determination.

EAST QUARTER CORNER
SECTION 11, T.7N., R.69W.
FOUND 2" ALUMINUM CAP
IN CONCRETE, STAMPED
LS 17497, 2004
POINT OF COMMENCEMENT

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. (CRS 13-80-105)



MAJESTIC SURVEYING

Steven Parks, PLS 38348
On behalf of Majestic Surveying, LLC

PROJECT NO: 2026262 CLIENT: MANTHEY
DATE: 8-3-2026 SCALE: 1"=50'

Exhibit C
Grantee's Property
(Page 1 of 1)

Legal Description of Grantee Properties per County Assessor:

0.45 acres, more or less, located in the Northeast Quarter (SE/4) Section 11, Township 7N, Range 69W, 6th P.M., Larimer County, being all that was conveyed by Special Warranty Deed dated April 20, 2026 recorded at Reception No. 20260018385, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address of Grantee Properties:

425 and 429 N College AVE
Fort Collins, CO 80524

Assessor Parcel Number of Grantee Properties:

9711115006
9711114005
9711100001

Map



TEMPORARY CONSTRUCTION EASEMENTS
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation

Grantor Signing Authority and Title: Emily Francis, Mayor

Grantor Mailing Address: C/O Real Estate Services,
P.O. Box 580,
Fort Collins, Colorado 80522

Grantor Phone Number/Email: (970) 221-6211 / RealEstateServices@fcgov.com

Grantee: Rightside Investments LLC

Grantee Signing Authority and Title: Cjay Manthey, Owner

Grantee Mailing Address: 425 N College Ave, Fort Collins, CO 80524

Grantee Phone Number/Email: (970) 689-1566 / silver_m68@yahoo.com

Project: Sewer Line Improvements and abandonment of a cesspool

Effective Date: Date of mutual execution

Expiration Date: One (1) year after the Effective Date

Consideration: \$273.00

Exhibit A – Larger Parcel Description: 1 page

Exhibit B – TCE Area Depiction: 2 pages

This **TEMPORARY CONSTRUCTION EASEMENT** (the “TCE”) is made and entered into by and between Grantor and Grantee on the dates written below, and the above referenced Exhibits A through B are attached to and made a part of this TCE.

1. Grantor’s Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the “Larger Parcel”).

2. Grant of Easement. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration, and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a temporary construction easement (the “Easement”) on, over, under, and across that certain portion of the Larger Parcel described more fully and depicted on **Exhibit B** (the “TCE Area”), subject to the conditions and restrictions set forth below. Grantee, and its successors, assigns, employees, contractors, agents, consultants, and invitees (collectively, the “Permittees”) shall have the right to use the Easement and enter upon the TCE Area only for purposes permitted by this TCE.

3. Purpose and Use of Easement.

A. During the term of this TCE, Grantee may use the TCE Area for the following temporary activities related to the Project (defined above):

- i. Construction activities;
- ii. Marking the location of the TCE Area by suitable markers set in the ground;
- iii. Storage and staging of materials and equipment;
- iv. Fencing and gates for security and safety purposes;
- v. Ingress and egress to the construction site;
- vi. The right to use existing gates in all fences which now cross or shall hereafter cross the TCE Area.

B. Grantee's and the Permittee's use of the Easement is subject to the following:

- i. Grantee and the Permittees may only access the TCE Area from their property, and Grantee has no right of ingress and egress across any portion of the Larger Parcel not included in the TCE Area;
- ii. If Grantor's main access to the Larger Parcel is located within the TCE Area, Grantee must allow for Grantor's reasonable access to the Larger Parcel;
- iii. All activities by Grantee and the Permittees in the TCE Area must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property and Grantor's intended purposes and uses therefor; Grantee shall protect all trees located on the Larger Parcel from any damage by Grantee's construction activities;
- iv. Grantee shall restore the TCE Area in accordance with Section 6 below;
- v. Grantee shall provide Grantor notice of the date it intends to commence construction operations for the Project, insofar as said operations pertain to the TCE Area, at least seven (7) calendar days prior to such date, and such notice shall include any construction plans and construction schedule for the Project. Grantee shall coordinate such work in the TCE Area with Grantor;
- vi. All activities by Grantee within the TCE Area must be carried out in a secure and sanitary manner and to prevent injury or damage to persons or property;
- vii. Grantee shall provide Grantor notice of any accident, emergency, or other dangerous or hazardous occurrence in the TCE Area as promptly as reasonably possible following such occurrence and Grantee must make best efforts to correct or mitigate any such occurrence as soon as practicably possible; and
- viii. Grantee shall not be permitted to enter any portion of any building located within the TCE Area without obtaining the prior written consent of Grantor.
- ix. All construction activities must be at least Two (2) Feet away from the paved trails.
- x. No construction activities or staging of construction materials may be located within railroad easement, on the paved trail, sidewalk or landscape areas.
- xi. Utility locates must be called in prior to commencement of any work.
- xii. Contractor is responsible for all related safety precautions, including, but not limited to construction fencing.
- xiii. All applicable permits are required to be pulled by the Grantee or Contractor.

4. [Reserved]

5. Maintenance of the TCE Area. During the term of this TCE, the Grantee will maintain the surface of the TCE Area, specifically limited to any conditions directly caused by Grantee's use and occupancy of the TCE Area or conditions reasonably within Grantee's control. Grantee will

not release, or permit, or allow to be released any hazardous or combustible substance or material within the TCE Area in violation of applicable law. As used herein, “hazardous substances” shall mean any toxic or hazardous or noxious substance, material or waste which is regulated by any government authority having jurisdiction over the TCE Area.

6. Restoration of TCE Area.

- A. Prior to the Expiration Date, Grantee, in accordance with the requirements of this Section 6, will make such repairs or take such other action as may be necessary to restore the TCE Area as reasonably possible to a condition comparable to its condition as of the Effective Date (the “Construction Repairs”), except as necessarily modified to accommodate the Construction Repairs, including but not limited to the reseeded and replanting of any disturbed areas, correction of any subsidence, compaction, and restoration of any other improvements or conditions impacted by Grantee’s activities (but only to the extent directly impacted by Grantee’s activities). All restoration activities must be pre-approved in writing by the Grantor’s Parks Planning Department.
- B. The Grantee agrees to provide to Grantor a maintenance guarantee and a repair guarantee covering the design, construction, and maintenance of the Construction Repairs (the “Restoration Guarantees”). The Restoration Guarantees shall commence upon the date of the City’s final approval and acceptance of the Construction Repairs, which shall be in writing (the “Final Approval”). Subject to the foregoing, the ownership of the Construction Repairs shall pass to Grantor upon Final Approval.

7. Term. This TCE will commence on the Effective Date and will automatically terminate thirty (30) days after final completion of the Project, but in no event later than the Expiration Date. No extension of this TCE term shall be effective unless an amendment hereto is executed by both parties, and no release or notice of termination shall be required to be filed to evidence the automatic termination of this TCE.

8. No Recordation. The parties agree that this TCE shall not be recorded by either party.

9. Authority. Each person executing this TCE represents and warrants that he or she is duly authorized to execute this TCE in his or her individual or representative capacity as indicated.

10. Intentionally Omitted

11. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors, and assigns from and against all claims that may accrue to Grantee or Grantee’s Permittees for personal injury, death, or property damage resulting from or arising out of the Grantee’s use of the TCE Area or other activities on the Larger Parcel. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor

and Grantee, for any liability to third parties arising out of Grantee's use or use by Grantee's Permittees of the Easement Area or other activities on Grantor's Larger Parcel, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the TCE Area, and for any actions or omissions by Grantee or Grantee's Permittees in violation of this TCE. Nothing shall require Grantee to indemnify Grantor from any claim or liability, including reasonable attorney's fees and costs, for claims arising from the negligence or willful misconduct of Grantor.

- B. Grantee shall procure, pay for, and keep in full force and effect during the term of the TCE a comprehensive policy of general liability insurance insuring Grantee in an amount not less than One Million Dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the TCE Area or on Grantor's Larger Parcel (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles.
- C. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor.
- D. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving the Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of the Grantee, and in such event the cost of such insurance shall be paid for by the Grantee promptly upon receipt of an invoice covering such charges.

12. Notice. Any notice or other communication relating to this TCE must be in writing and shall be deemed given upon actual receipt at the physical or electronic mailing addresses set forth above, which may be amended by providing written notice to the other party.

13. Default, Remedies and Litigation Expenses. If a party to this TCE is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance and/or damages. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default.

14. Assignment. The Grantee may not assign its rights under this TCE without the prior written consent of the Grantor.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All of the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. The parties agree that this TCE is to be construed and enforced according to the laws of Colorado, and venue for any proceeding relating to the subject matter of this TCE shall be in Larimer County, Colorado. If any term of this TCE is determined by any court to be unenforceable, the other terms of this TCE shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this TCE as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Final Agreement. This TCE represents the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes and replaces all previous oral and written representations, understandings, and agreements between the parties pertaining to the subject matter of this TCE.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date(s) written below, but this TCE shall be effective as of the Effective Date; and the Grantor has caused this TCE to be executed pursuant to Ordinance No. ###, 2026, passed on final reading by the City Council of the City of Fort Collins on September 15, 2026.

[Signatures on the following page(s)]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

Date

Emily Francis, Mayor

ATTEST:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Ted Hewitt, Assistant City Attorney

GRANTEE:

**Rightside Investments LLC, A COLORADO
LIMITED LIABILITY COMPANY**

Date

Cjay Manthey, Owner

Exhibit A
Grantor's Property
(Page 1 of 1)

Legal Description of Subject Property #1 per County Assessor:

0.22 acres, more or less, located in the Northeast Quarter (SE/4) Section 11, Township 7N, Range 69W, 6th P.M., Larimer County, being all that was conveyed by Quitclaim Deed dated November 27, 1995 recorded at Reception No. 19950075120, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address of Subject Property #1:

Unaddressed

Assessor Parcel Number of Subject Property #1:

9711114904

Legal Description of Subject Property #2 per County Assessor:

0.43 acres, more or less, located in the Northeast Quarter (SE/4) Section 11, Township 7N, Range 69W, 6th P.M., Larimer County, being all being all that was conveyed by Special Warranty Deed dated June 30, 1997 recorded at Reception No. 19970041141, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address of Subject Property #2:

Unaddressed

Assessor Parcel Number of Subject Property #2:

9711111911

Map:



Exhibit B
TCE Area Depiction
(Page 1 of 2)

TCE on Subject Property #1 Parcel 9711114904



Exhibit B
TCE Area Depiction
(Page 2 of 2)

TCE on Subject Property #2 Parcel 9711111911



File Attachments for Item:

20. First Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual.

The purpose of this item is to amend Section 2-76 of the Code of the City of Fort Collins to allow board and commission members to temporarily relocate outside the Fort Collins Growth Management Area for up to 90 days without losing their board or commission membership. If adopted, the City Clerk will amend the Boards and Commissions Manual to reflect the revised residency requirement and incorporate recent changes to the Code of Conduct.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist

SUBJECT

First Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual.

EXECUTIVE SUMMARY

The purpose of this item is to amend Section 2-76 of the Code of the City of Fort Collins to allow board and commission members to temporarily relocate outside the Fort Collins Growth Management Area for up to 90 days without losing their board or commission membership. If adopted, the City Clerk will amend the Boards and Commissions Manual to reflect the revised residency requirement and incorporate recent changes to the Code of Conduct.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

City Code Section 2-76 requires City board and commission members to reside within the Fort Collins Growth Management Area ("GMA") while serving on a board or commission and must resign their membership if they relocate outside of the GMA.

Occasionally, a board or commission member may need to temporarily relocate out of the GMA. The board and commission member selection process requires administrative resources and Councilmember involvement. City staff believes allowing temporary relocation would enable contributing board or commission members to continue to serve when there is a need to temporarily relocate and lessen use of City resources to replace a member who temporarily relocates. This change would not alter a board or commission member's attendance obligations.

City staff recommends limiting the period during which a member may temporarily relocate to no more than 90 days. City staff further recommends that, upon the effective date of this Ordinance, the City Clerk update the administrative requirements for temporary vacancies in the Boards and Commissions Manual ("Manual").

On August 18, 2026, City Council approved Resolution 2026-104, which approved amendments to the Code of Conduct Policy recommended by the Ethics Review Board. The Code of Conduct Policy is an

exhibit to the Manual. The Manual should therefore be amended to incorporate the updated Code of Conduct Policy.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 122, 2026

ORDINANCE NO. 122, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-76 OF THE CODE OF THE CITY OF
FORT COLLINS TO UPDATE THE BOARD AND COMMISSION
MEMBER RESIDENCY REQUIREMENT AND DIRECTING
AMENDMENTS TO THE BOARDS AND COMMISSIONS MANUAL

A. The City has 22 boards and commissions, created by the City Council by ordinance, that perform a wide range of functions from advising City staff and the City Council to making quasi-judicial decisions on a variety of topics. City Council, by City ordinance, establishes the terms of such membership in the Fort Collins Municipal Code, the Boards and Commissions Manual and the Code of Conduct.

B. Currently, Section 2-76 of the City Code requires City board and commission members to reside within the Fort Collins Growth Management Area ("GMA") while serving on a board or commission and must resign their membership if they relocate outside of the GMA.

C. Occasionally, a board or commission member may need to temporarily relocate out of the GMA. The board and commission member selection process requires administrative resources and Councilmember involvement. City staff believes allowing temporary relocation would enable contributing board or commission members to continue to serve when there is a need to temporarily relocate and lessen use of City resources to replace a member who temporarily relocates. This change would not alter a board or commission member's attendance obligations.

D. City staff has recommended limiting the period during which a member may temporarily relocate to no more than 90 days. City staff further recommends that, upon the effective date of this Ordinance, the City Clerk update the administrative requirements for temporary vacancies in the Boards and Commissions Manual ("Manual").

E. On August 18, 2026, City Council approved Resolution 2026-104, which approved amendments to the Code of Conduct Policy recommended by the Ethics Review Board. The Code of Conduct Policy is an exhibit to the Manual. The Manual should therefore be amended to incorporate the updated Code of Conduct Policy.

F. The City Council finds that the proposed changes to the City Code and Manual are in the best interests of the City and its residents.

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 2-76 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-76. – Membership; vacancy.

(a) All persons appointed or reappointed to any board or commission shall reside within the Fort Collins Growth Management Area while serving on the board or commission. Any member serving on a board or commission who permanently or indefinitely relocates outside of the Growth Management Area during their term of service on a board or commission, regardless of their date of appointment or reappointment, shall resign their membership. Temporary relocation for no longer than ninety (90) days is permitted. These limitations shall not apply to applicants for, or members of, the General Employees Retirement Committee.

...

Section 2. The City Clerk is authorized and directed to make such adjustments to the Boards and Commission Manual, in consultation with the City Attorney, as necessary to effectuate administrative requirements related to this City Code amendment.

Section 3. The City Clerk is authorized and directed to amend the Boards and Commissions Manual to incorporate the updated Code of Conduct Policy adopted by Resolution 2026-104.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: None

File Attachments for Item:

21. Items Relating to Funding and Financing of the Construction of Improvements to the City's Wastewater System, Including the Intent to Reimburse Capital Expenditures from Bond Proceeds and the Appropriation of Grant and Fund Reserves for the Wastewater Utility Septage Receiving Facility Project.

A. Resolution 2026-106 Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Improvements to the City's Wastewater System and Other Capital Assets of the City Through the Issuance of Bonds.

B. Resolution 2026-107 Authorizing the City Manager to Execute an Agreement for a Grant of the Colorado Department of Local Affairs Energy and Mineral Assistance Funds Between the City of Fort Collins and the State of Colorado for the Septage Receiving Facility Project.

C. First Reading of Ordinance No. 123, 2026, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund and Appropriating Wastewater Fund Reserves for the Septage Receiving Facility Project.

The purpose of Resolution 2026-106 is to express the City's intent to reimburse itself with bond proceeds for out-of-pocket expenses if it decides to finance projects identified in Wastewater Utility's 2027–2028 Capital Improvement Plan ("Wastewater Utility CIP"), with the issuance of bonds. Treasury Regulation Section 1.150-2 (the "Regulation") dictates whether an issuer can use proceeds from a tax-exempt issuance to reimburse prior capital expenditures. The Regulation requires the issuer to adopt a declaration of official intent to reimburse prior capital expenditures with the proceeds of a tax-exempt issuance in order to actually do so. The issuer can reimburse capital expenditures made within 60 days prior to the adoption of the official intent.

Adoption by Council of a reimbursement resolution, like Resolution 2026-106, does not obligate the City to issue bonds in the future, but rather serves as a declaration of the City's "official intent," pursuant the Regulation to reimburse itself with the proceeds of a bond issue in the future if the City should choose to finance the projects by issuing bonds. Resolution 2026-106, allows Fort Collins Utilities ("Utilities") to spend current Wastewater Utility Fund reserves on critical projects in the Wastewater Utility CIP immediately, and then later, to reimburse those amounts using proceeds from a planned future bond issuance. Any future bond issuance would still come forward to Council for consideration of actions to authorize that financing—the resolution does not authorize the issuance of bonds.

The Colorado Department of Local Affairs ("DOLA") made an award from the Energy/Mineral Impact Assistance Fund Grant ("EIAF") for the City's Septage Receiving Facility Project. Resolution 2026-107, if adopted by Council, is the action to accept that DOLA grant and authorize execution of the grant agreement.

Resolution 2026-106 and Resolution 2026-107 are related because the Septage Receiving Facility Project is one of the critical projects (within the Wastewater Utility CIP) for which the City plans to commence as soon as possible by applying Wastewater Utility Fund reserves and for which later financing proceeds may be used to reimburse.

Ordinance No. 123, 2026, if adopted, will appropriate the grant award revenue from DOLA, as well as amounts from the Wastewater Fund reserves, to expend for the Septage Receiving Facility Project.)

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Joe Wimmer, Utilities Finance Director
Matt Fater, Water Engineering, Senior Director

SUBJECT

Items Relating to Funding and Financing of the Construction of Improvements to the City's Wastewater System, Including the Intent to Reimburse Capital Expenditures from Bond Proceeds and the Appropriation of Grant and Fund Reserves for the Wastewater Utility Septage Receiving Facility Project.

EXECUTIVE SUMMARY

A. Resolution 2026-106 Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Improvements to the City's Wastewater System and Other Capital Assets of the City Through the Issuance of Bonds.

B. Resolution 2026-107 Authorizing the City Manager to Execute an Agreement for a Grant of the Colorado Department of Local Affairs Energy and Mineral Assistance Funds Between the City of Fort Collins and the State of Colorado for the Septage Receiving Facility Project.

C. First Reading of Ordinance No. 123, 2026, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund and Appropriating Wastewater Fund Reserves for the Septage Receiving Facility Project.

The purpose of Resolution 2026-106 is to express the City's intent to reimburse itself with bond proceeds for out-of-pocket expenses if it decides to finance projects identified in Wastewater Utility's 2027–2028 Capital Improvement Plan ("Wastewater Utility CIP"), with the issuance of bonds. Treasury Regulation Section 1.150-2 (the "Regulation") dictates whether an issuer can use proceeds from a tax-exempt issuance to reimburse prior capital expenditures. The Regulation requires the issuer to adopt a declaration of official intent to reimburse prior capital expenditures with the proceeds of a tax-exempt issuance in order to actually do so. The issuer can reimburse capital expenditures made within 60 days prior to the adoption of the official intent.

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The Colorado Department of Local Affairs (“DOLA”) made an award from the Energy/Mineral Impact Assistance Fund Grant (“EIAF”) for the City’s Septage Receiving Facility Project. Resolution 2026-107, if adopted by Council, is the action to accept that DOLA grant and authorize execution of the grant agreement.

Resolution 2026-106 and Resolution 2026-107 are related because the Septage Receiving Facility Project is one of the critical projects (within the Wastewater Utility CIP) for which the City plans to commence as soon as possible by applying Wastewater Utility Fund reserves and for which later financing proceeds may be used to reimburse.

Ordinance No. 123, 2026, if adopted, will appropriate the grant award revenue from DOLA, as well as amounts from the Wastewater Fund reserves, to expend for the Septage Receiving Facility Project.)

STAFF RECOMMENDATION

Staff recommends adoption of Resolutions and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Consistent with the Wastewater Utility’s CIP and rate recommendations for the 2027-28 budget cycle, several critical capital projects are ready to begin ahead of a planned revenue bond issuance in Q2/Q3 2027. One of these critical capital projects is the Septage Receiving Facility Project to relocate the septage receiving station at the Drake Reclamation Facility (the “Project”). The estimated cost of the Project is \$3,000,000. Because of the critical need for this Project, it would need to be brought forward regardless of proposed rate adjustments.

In response to the DOLA request for applications for projects to protect public health and the environment, Utilities submitted an application for EIAF grant funds to support the Project. The City’s application for the Project met the grant eligibility criteria because the application proposed a project which protects public health and the environment by safely continuing to provide septage receiving services to the greater Northern Colorado region. Utilities presented the Project proposal to the EIAF Advisory Committee in late spring 2026, and based on the City’s application and Utilities presentation, the Committee recommended that the City receive a partial EIAF grant award of \$500,000. Pursuant to the recommendation of the EIAF Advisory Committee, DOLA awarded \$500,000 in support of the Project. (See AIS Attachment No. 1, May 26, 2026 EIAF Septage Project Grant Award Letter.) If the Council accepts this \$500,000 EIF grant award, remaining \$2,500,000 of the Project cost will funded by revenues generated by septage receiving fees and charges, pursuant to City Council adoption of Ordinance No. 044, 2026 (AIS Attachment No. 2).

Resolution 2026-107, if adopted by Council, would accept the EIAF grant and authorize the City manager to execute the Intergovernmental Grant Agreement with the State of Colorado for the EIAF 26-241 Fort Collins Septage Receiving Station Construction Project (the “Draft 2026 EIAF Septage Project Grant Agreement”), attached to the resolution as an exhibit, in the same general form as the draft, with the final Project specifics and other details, indicated in **highlights** in the draft, to be completed and filled out for the final agreement. City staff make their recommendation to Council to accept this award and bind the City to the final intergovernmental agreement based on (1) Utilities schedule for construction of the septage receiving station to align and begin with the intergovernmental agreement effective date (2) match requirements being met through the Ordinance to appropriate \$2,500,000 from the Wastewater Fund reserves.

Resolution 2026-106 authorizes Utilities to temporarily utilize available Wastewater Fund reserves to commence needed projects. Beginning projects before the issuance of revenue bonds is recommended to ensure project timelines are met, minimizing potential for cost escalations. Wastewater Fund reserves will be replenished from 2027 revenue bond proceeds, if the City Council decides to authorize the issuance of revenue bonds in 2027. In addition to the subject Septage Receiving Facility Project, there are other

proposed wastewater reclamation projects anticipated to utilize the proposed reimbursement framework. Individual project appropriations will come forward for City Council approval before commencing and utilizing the bond reimbursement strategy.

CITY FINANCIAL IMPACTS

The Ordinance No.123, 2026 includes the following actions in support of the Septage Receiving Facility Project:

- Appropriate \$500,000 of unanticipated grant revenue from DOLA's Energy and Mineral Impact Assistance Fund; and
- Appropriate \$2,500,000 from the Wastewater Fund reserves.

The award from DOLA is a reimbursement type award, meaning Wastewater Fund expenses will be reimbursed up to \$500,000. The \$500,000 is contingent upon execution of the associated grant agreement. In the event the agreement is not executed, this appropriation will sunset on December 31, 2026. This contingency ensures that the City is only obligated to expend funds once final grant terms are in place.

Wastewater Fund reserves are available to support the \$2,500,000 million for the Septage Receiving Facility Project, as well as initial costs for other proposed wastewater reclamation projects within the Utilities Capital Improvement Plan.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Utilities staff presented the proposed septage receiving fee increases related to the Project at the regular meeting of the Water Commission on March 19, 2026, and Council Finance Committee meeting on March 17, 2026. The Water Commission and Council Finance Committee were supportive of the fee increases and recommended Council formally adopt the updated septage receiving rates which went into effect July 1, 2026.

PUBLIC OUTREACH

Beginning July 2026, Utilities met with septage haulers to discuss the Project and associated fee increases, communicating the addition of the grant funds reducing rate increases that will be implemented in phases through 2028.

ATTACHMENTS / LINKS

1. EIAF Septage Project Grant Award Letter, May 26, 2026
2. Ordinance No. 044, 2026 (copy)
3. Presentation – Water Commission and Council Finance Committee, March 2026
4. Resolution 2026-106
5. Resolution 2026-107
6. Ordinance No. 123, 2026



May 26, 2026

The Honorable Emily Francis, Mayor
City of Fort Collins
P.O. Box 580
Fort Collins, CO 80521

RE: EIAF 26-241 Fort Collins Septage Receiving Station Construction

Dear Mayor Francis,

Congratulations! After thorough review, I am excited to offer a partial grant award in the amount of \$500,000 to assist with the above-mentioned project.

Your project was reviewed based on a variety of factors such as its connection to energy impact, degree of need, measurable outcomes, amount of request, relationship to community goals, level of local match and community support, management capacity, resiliency and readiness to go. Competition for these limited funds is intense, and we are seeing great demand.

This grant offer is made from federal mineral lease (FML) proceeds.

Please contact your Regional Manager, Chris La May, at 970-679-7679 for information on how to proceed. Expenditure of State funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the State. Per our program guidelines, this offer is valid for one year from the date of this letter.

Thank you for helping Colorado build an economy where all Coloradans can thrive.





COLORADO
Department of Local Affairs
Division of Local Government

Item 21.

Sincerely,

Maria De Cambra
Executive Director

cc: Cathy Kipp, State Senator
Andrew Boesenecker, State Representative
Kelly DiMartino, City Manager
Mandy Rasmussen, City of Fort Collins
Carisa Clinton, City of Fort Collins
Chris La May, DOLA

Governor Jared S. Polis | Maria De Cambra, Executive Director | Eric H. Bergman, Division Director

1313 Sherman St., Room 315, Denver, CO 80203

Phone: 303-864-7720 Fax: 303-864-7719 dlg.colorado.gov

Strengthening Colorado Communities



ORDINANCE NO. 044, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 26-289(5)(a) OF THE CODE OF THE CITY
OF FORT COLLINS TO REVISE THE CHARGES FOR DISPOSAL
AT THE FORT COLLINS REGIONAL SANITARY WASTE
TRANSIT STATION FOR SEPTIC TANKS, VAULTS, PRIVIES,
AND PORTABLE TOILETS

A. The City Council is empowered and directed by City of Fort Collins Charter Article XII, Section 6 to, by ordinance from time to time, fix, establish, maintain, and provide for the collection of such rates, fees, or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations.

B. The City of Fort Collins owns and operates a Wastewater Utility that provides wastewater service to customers in its service area and also accepts for disposal the waste from septic tanks, vaults, privies, and portable toilets.

C. Code Article IV, Chapter 26 establishes the Wastewater Utility as a utility service furnished by an enterprise of the City.

D. The charges for disposal of the waste from septic tanks, vaults, privies, and portable toilets at the Fort Collins Regional Sanitary Waste Transfer Station are set forth in Section 26-289(5)(a) of the City Code.

E. Code Section 26-277 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year.

F. The City Manager and Wastewater Utility staff has reviewed and proposed amendments to Code Section 26-289(5)(a) to compensate the Wastewater Utility for the costs of disposing of such waste.

G. On March 19, 2026, the Water Commission considered the proposed amendments to Code Section 26-289(5)(a) at its meeting and recommend their approval.

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 Code Section 26-289(5) is hereby amended to read as follows:

Sec. 26-289. - Miscellaneous fees and charges.

The following is a schedule of miscellaneous fees and charges:

<i>Description</i>	<i>Basis</i>	<i>Amount</i>
...		
(5) Charges for disposal at the Fort Collins Regional Sanitary Waste Transfer Station:		
a. Septic tanks, vaults, privies, portable toilets:	Per gallon Effective July 1, 2026	\$0.11
	Per gallon Effective January 1, 2027	\$0.13
	Per gallon Effective January 1, 2028	\$0.16
...		

Introduced, considered favorably on first reading on April 21, 2026, and approved on second reading for final passage on May 5, 2026.



Mayor

ATTEST:



City Clerk



Effective Date: May 15, 2026
Approving Attorney: Eric Potyondy

Exhibit: None

Wastewater Septage Receiving Fee Adjustment

Christina Schroeder

Director, Plant Operations

Joe Wimmer

Director, Utilities Finance



01

Does the Commission support an adjustment to Septage Receiving Fees to recover costs related to the upcoming Septage Receiving Capital Project?

02

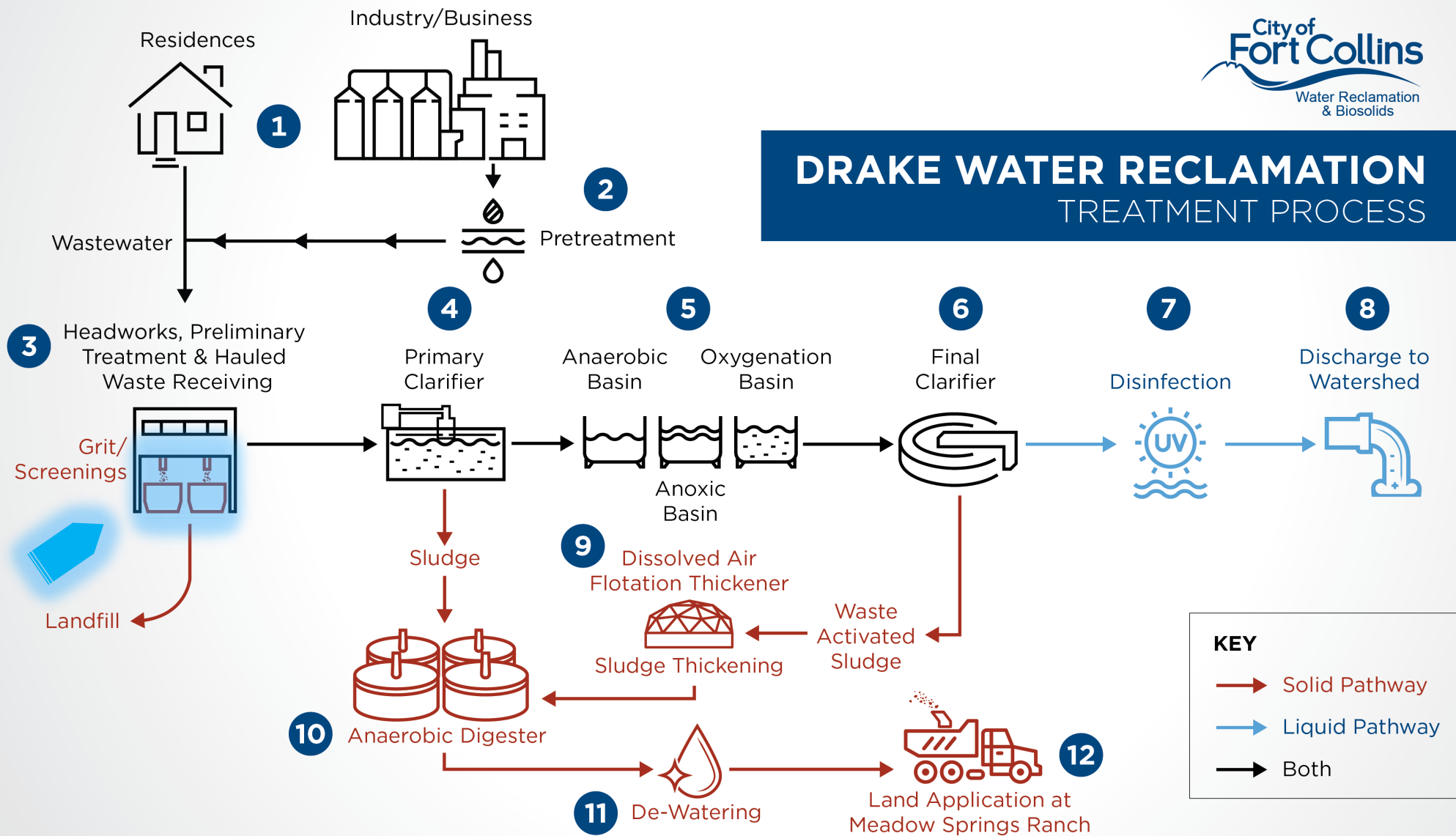
Does the Commission support the phased-in approach for fee increases from mid-2026 to 2028?

Background

- Drake Water Reclamation Facility (DWRF)
- Septage Receiving Station in operation for over 25 years.
- Hauled waste services include septic tanks, portable rentals, vault toilets, etc.
- Haulers are approved through an application system. Domestic wastewater only.
- Haulers are required to identify source, volume discharged.
- Subject to random sampling.



DWRF – Headworks, Preliminary Treatment, and Septage Receiving

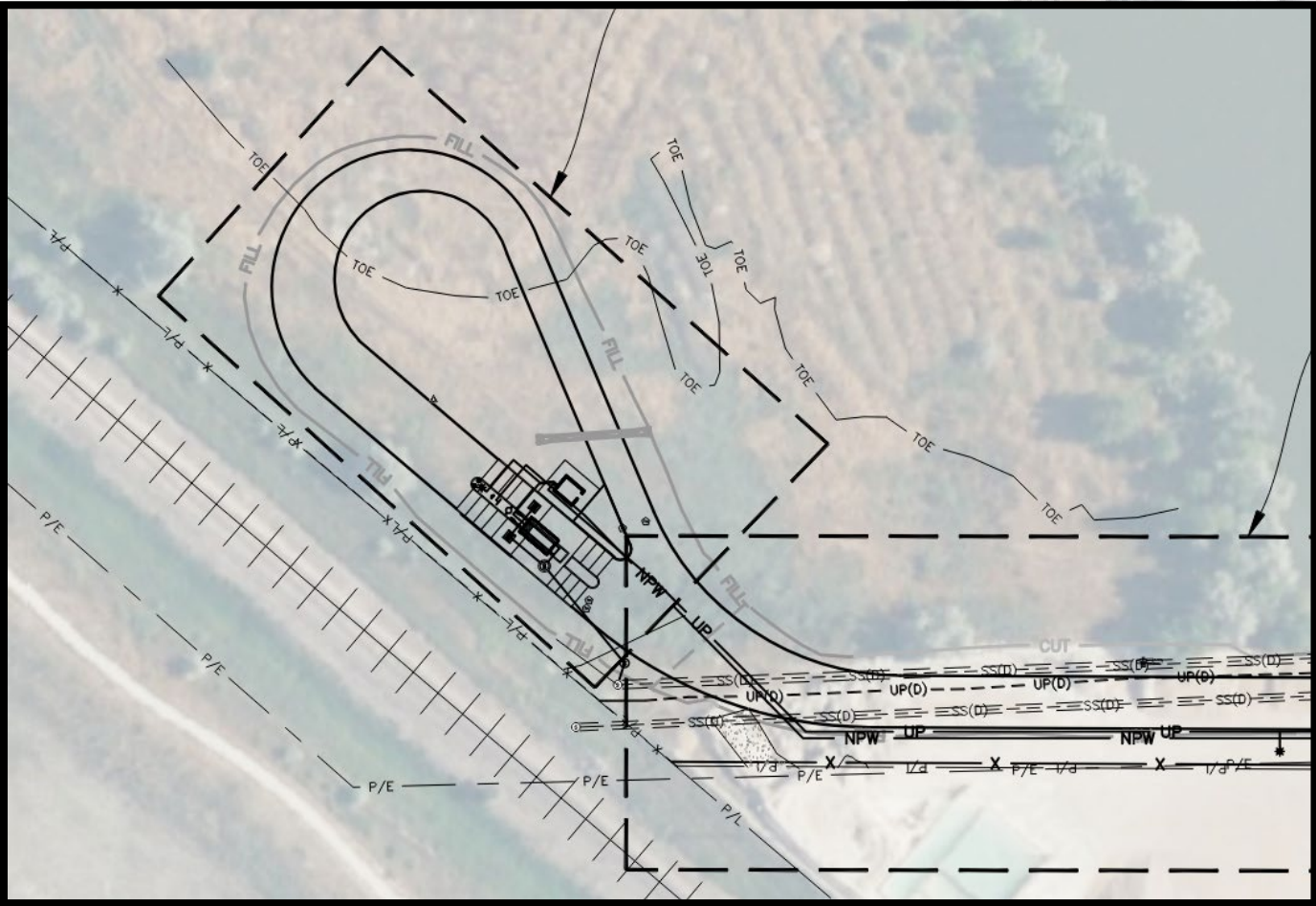


Septage Receiving Station Capital Project

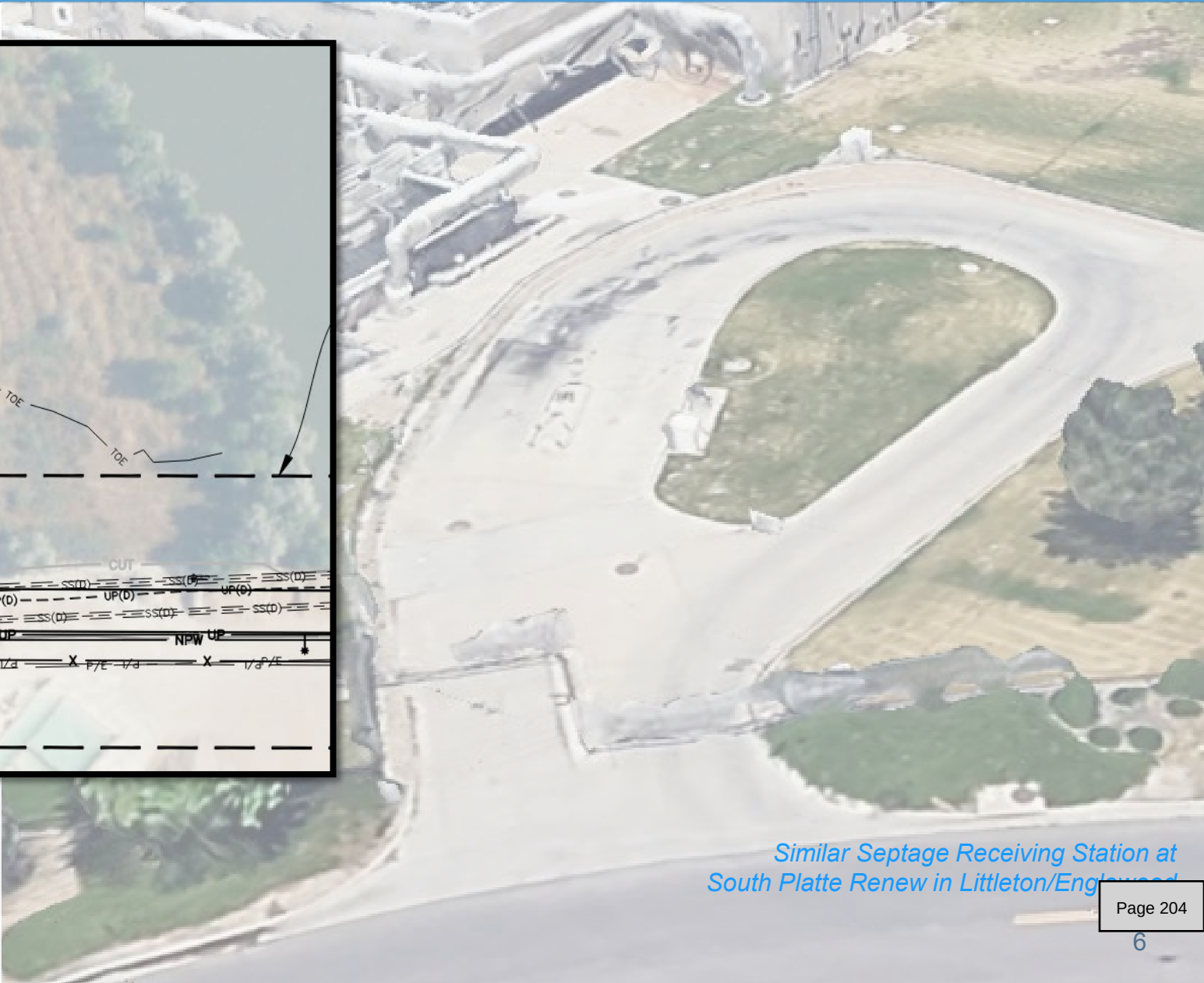
Project Goal: Remove septage receiving from Headworks Building to a new location within the DWRF property. Address safety and regulatory compliance.



Septage Receiving Station Capital Project



DWRF Septage Receiving Station – 90% Design



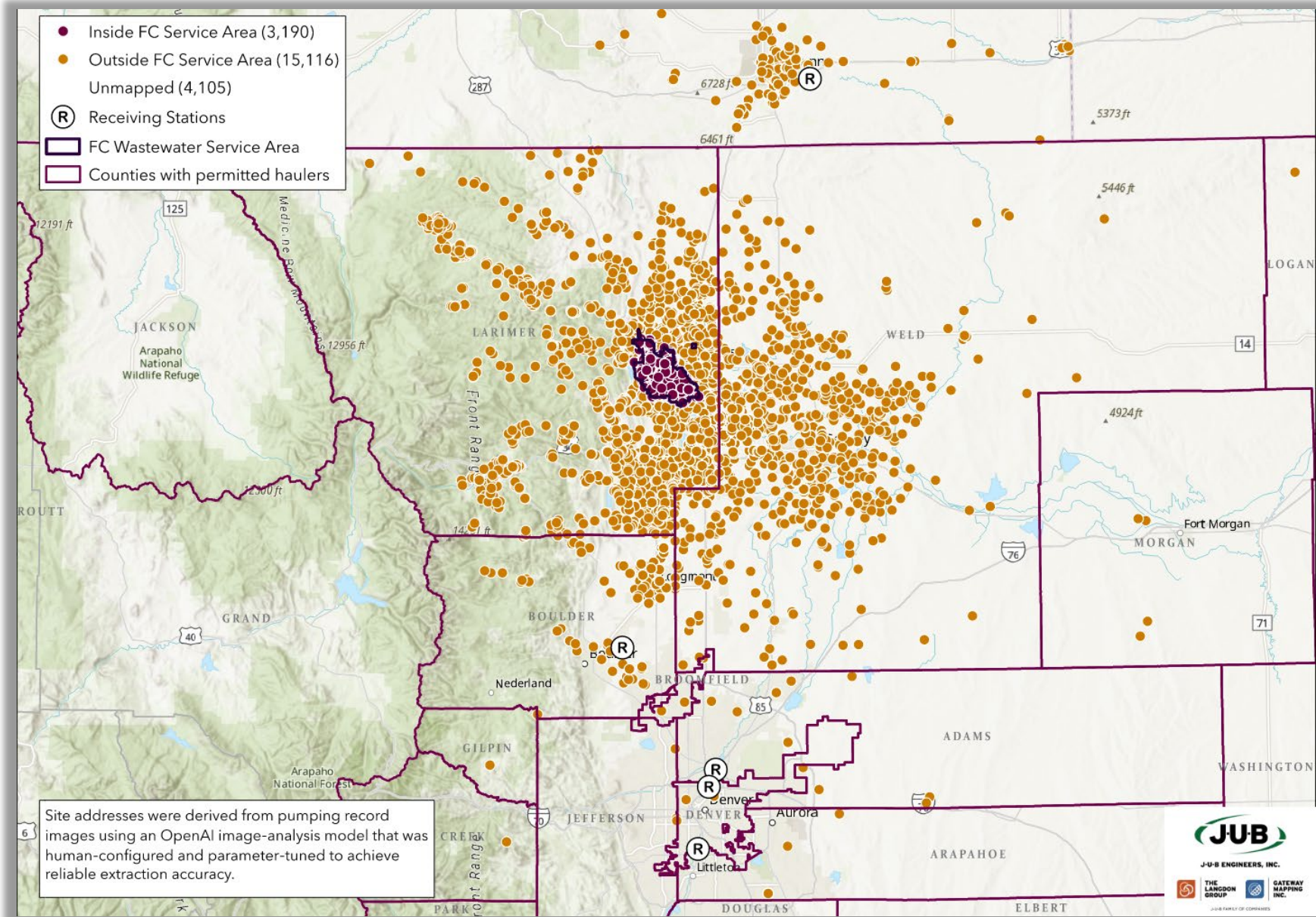
Similar Septage Receiving Station at
South Platte Renew in Littleton/Englewood

Septage Receiving Station Capital Project

- Engineer's Opinion of Probable Cost for Construction (2025) = \$2,120,000
- Design work is complete; project is ready to bid for construction
- Construction is scheduled for 2027 (funding dependent)

Item	Budget
Construction (2025 dollars)	\$2,120,000
Consulting Services during Construction	\$250,000
City Project Management and 10% Contingency	\$350,000
Inflation (2025 – 2027)	\$280,000
Total Construction Budget (2027 dollars)	\$3,000,000

Customer Map



- Recovering cost of operations and capital improvement
- 2026 Current Rate - \$0.09 / gal

Capital	\$0.045 / gal
Labor & Operations	\$0.075 / gal
Treatment	\$0.042 / gal
Total	\$0.162 / gal

- Fee structure change from self-reported gallon estimate to truck tank capacity – timing being evaluated

Phased-In Fee Adjustment



Communication Plan

- Letter notification to haulers – March 2026
- Communication following Council adoption – May/June 2026
- Annual meeting for obtaining permit – November 2026

01

Does the Commission support an adjustment to Septage Receiving Fees to recover costs related to the upcoming Septage Receiving Capital Project?

02

Does the Commission support the phased-in approach for fee increases from mid-2026 to 2028?

RESOLUTION 2026-106
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED
FOR CERTAIN EXPENSES RELATING TO THE
CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S
WASTEWATER SYSTEM AND OTHER CAPITAL ASSETS OF
THE CITY THROUGH THE ISSUANCE OF BONDS

A. The City of Fort Collins, Colorado (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City.

B. The members of the City Council of the City (the "Council") have been duly appointed and qualified

C. It is the current intent of the City to make capital expenditures for the acquisition, construction and equipping of improvements to the City's wastewater system, including but not limited to improvements to the Drake Water Reclamation Facility and the construction of a new water laboratory, and for the construction, equipping, remodeling and improvement of other capital assets owned by the City (collectively, the "Project").

D. The City has determined that it is in the best interest of the City to finance the Project through a tax-exempt financing which may include the issuance of revenue bonds; or by any other means legally available to the City (the "Financing").

E. The City has determined that it is necessary to make capital expenditures in connection with the Project prior to the time that the City arranges for the specific Financing for the Project.

F. It is the City's reasonable expectation that when such Financing occurs, the capital expenditures will be reimbursed with the proceeds of the Financing.

G. In order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the City's desire that this resolution shall constitute the "official intent" of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

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. All action (not inconsistent with the provisions of this Resolution) heretofore taken by the City and the officers, employees and agents of the City directed toward the Financing and the Project is hereby ratified, approved and confirmed.

Section 2. The City intends to finance approximately \$75,000,000 to pay the costs of the Project through the execution of the Financing, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of the Financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this Resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this Resolution.

Section 5. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This Resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the City, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The Resolution shall be in full force and effect upon its passage and approval by City Council.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026
Approving Attorney: Dianne Criswell

Exhibit: None

RESOLUTION 2026-107
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AGREEMENT FOR A GRANT OF THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS ENERGY AND MINERAL
IMPACT ASSISTANCE FUNDS BETWEEN THE CITY OF FORT
COLLINS AND THE STATE OF COLORADO FOR THE SEPTAGE
RECEIVING FACILITY PROJECT

A. The Colorado Department of Local Affairs (“DOLA”) administers the Energy/Mineral Assistance Impact Fund (“EIAF”), which is used for a variety of grant opportunities, including funding for local projects that serve to protect public health and the environment.

B. The City applied for EIAF grant funding for the Septage Receiving Facility Project to relocate the septage receiving station at the Drake Reclamation Facility (the “Project”), which will protect public health and the environment by safely continuing to provide septage receiving services to the greater Northern Colorado region. The estimated cost of the Project is \$3,000,000.

C. On May 26, 2026, DOLA notified the City that it was awarded a partial grant \$500,000 for the Project. DOLA will provide the City grant funds pursuant to an Intergovernmental Grant Agreement for the EIAF 26-241 Fort Collins Septage Receiving Station Construction Project (the “2026 EIAF Septage Project Grant Agreement”), which is in draft form and attached hereto as Exhibit A and incorporated by this reference. The draft 2026 EIAF Septage Project Grant Agreement includes the generally applicable terms and conditions, and other final details will be completed for the final version for signature. The minimum local match requirement, which is not yet specified in the 2026 EIAF Septage Project Grant Agreement, will be met by Council adoption on second reading of Ordinance No. 123, 2026, which appropriates of \$2,500,000 from Wastewater Fund reserves for the Project.

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 2026 EIAF Septage Project Grant Agreement is hereby approved.

Section 2. City Council hereby authorizes the City Manager to execute the 2026 EIAF Septage Project Grant Agreement on behalf of the City in substantially the form attached hereto as Exhibit A, with the details and specifics to be completed in the final presented for signature, and together with such additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be

necessary and appropriate to protect the interests of the City and advance the purposes set forth in this Resolution.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026
Approving Attorney: Dianne Criswell

Exhibit: Exhibit A - 2026 EIAF Septage Project Grant Agreement

State of Colorado Intergovernmental Grant Agreement Summary of Terms and Conditions

State Agency

DEPARTMENT OF LOCAL AFFAIRS (DOLA)

Grantee

Insert Grantee's Full Legal Name

Project Number and Name

EIAF xx-xxx - name of Project from Award Ltr

DLG Portal Number

Insert DLG Portal Proj #

CMS Number

Insert CMS number

Grant Award Amount

\$000,000.00

Retainage Amount

\$000,000.00

Funding Account Codes

Acctg enters CTGG1 #

Phase Code

Acctg enters Phase Code

VCUST#

Enter VCUST Number

Address Code

Enter Address Code Enter EFT or WARR

Performance Start Date

The later of the Effective Date or Month Day, Year

Grant Expiration Date

Month Day, Year

DOLA Regional Manager

Choose an item.

DOLA Regional Assistant

Choose an item.

Program Name

Energy & Mineral Impact Assistance Program
(Acctg Dropdown EIAF)

Agreement Authority

Authority to enter into this Grant exists in C.R.S. 24-32-106 and 29-3.5-101 and funds have been budgeted, appropriated and otherwise made available pursuant to Choose an item. and a sufficient unencumbered balance thereof remains available for payment. Required approvals, clearance and coordination have been accomplished from and with appropriate agencies. This Intergovernmental Grant Agreement is funded, in whole or in part, with Choose an item.

Grant Purpose/Project Description

Insert Brief Description of the Project

Exhibits and Order of Precedence

The following Exhibits and attachments are included with this Agreement:

1. Exhibit B, Scope of Project
2. Exhibit G, Sample Option Letter

In the event of a conflict of inconsistency between this Agreement and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:

1. Colorado Special Provisions in §18 of the main body of this Agreement
2. Any properly executed Option Letter or Amendment
3. The provisions of the other sections of the main body of this Agreement
4. Exhibit B, Scope of Project

Signature Page

The Signatories Listed Below Authorize this Grant

DEPARTMENT OF LOCAL AFFAIRS
PROGRAM REVIEWER

STATE OF COLORADO
Jared S. Polis, Governor
DEPARTMENT OF LOCAL AFFAIRS
Maria De Cambra, Executive Director

By: Maria De Cambra, Executive Director

By: Angie Cue, EIAF Program Manager

Date: _____

Date: _____

In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate (the “Effective Date”).

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

Name: Controller Delegate

Signature: Controller Delegate

Effective Date _____

1. Grant

As of the Performance Start Date, the State Agency shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement (the “State”) hereby obligates and awards to Grantee shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement (the “Grantee”) an award of Grant Funds in the amounts shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement. By accepting the Grant Funds provided under this Intergovernmental Grant Agreement, Grantee agrees to comply with the terms and conditions of this Intergovernmental Grant Agreement and requirements and provisions of all Exhibits to this Intergovernmental Grant Agreement.

2. Term

A. Initial Grant Term and Extension

The Parties’ respective performances under this Intergovernmental Grant Agreement shall commence on the Performance Start Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Intergovernmental Grant Agreement. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Intergovernmental Grant Agreement by providing Grantee with an updated Intergovernmental Grant Agreement or an executed Option Letter showing the new Grant Expiration Date.

B. Early Termination in the Public Interest

The State is entering into this Intergovernmental Grant Agreement to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Intergovernmental Grant Agreement ceases to further the public interest of the State or if State, Federal or other funds used for this Intergovernmental Grant Agreement are not appropriated, or otherwise become unavailable to fund this Intergovernmental Grant Agreement, the State, in its discretion, may terminate this Intergovernmental Grant Agreement in whole or in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Intergovernmental Grant Agreement in the public interest, the State shall pay Grantee an amount equal to the percentage of the total reimbursement payable under this Intergovernmental Grant Agreement that corresponds to the percentage of Work satisfactorily completed, as determined by the State, less payments previously made. Additionally, the State, in its discretion, may reimburse

Grantee for a portion of actual, out-of-pocket expenses not otherwise reimbursed under this Intergovernmental Grant Agreement that are incurred by Grantee and are directly attributable to the uncompleted portion of Grantee's obligations, provided that the sum of any and all reimbursements shall not exceed the maximum amount payable to Grantee hereunder. This subsection shall not apply to a termination of this Intergovernmental Grant Agreement by the State for breach by Grantee.

C. *Reserved.*

3. Definitions

The following terms shall be construed and interpreted as follows:

- A. **"Agreement"** means this agreement, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future modifications thereto.
- B. *Reserved.*
- C. **"Breach of Agreement"** means the failure of a Party to perform any of its obligations in accordance with this Agreement, in whole or in part or in a timely or satisfactory manner. The institution of proceedings under any bankruptcy, insolvency, reorganization or similar law, by or against Grantee, or the appointment of a receiver or similar officer for Grantee or any of its property, which is not vacated or fully stayed within 30 days after the institution of such proceeding, shall also constitute a breach. If Grantee is debarred or suspended under §24-109-105, C.R.S. at any time during the term of this Agreement, then such debarment or suspension shall constitute a breach.
- D. **"Budget"** means the budget for the Work described in **Exhibit B**.
- E. **"Business Day"** means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1) C.R.S.
- F. *Reserved.*
- G. **"CORA"** means the Colorado Open Records Act, §§24-72-200.1 *et seq.*, C.R.S.
- H. *Reserved.*
- I. **"Grant" or "Grant Agreement" or "Intergovernmental Grant Agreement"** means this agreement which offers Grant Funds to Grantee, including all attached Exhibits, all

documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.

- J. **“Grant Funds” or “Grant Award Amount”** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Intergovernmental Grant Agreement.
- K. **“Grant Expiration Date”** means the Grant Expiration Date shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement. Work performed after the Grant Expiration Date is not eligible for reimbursement from Grant Funds.
- L. **“Effective Date” or “Performance Start Date”** means the Performance Start Date shown on the first page of this Intergovernmental Grant Agreement. Work performed prior to the Effective Date is not eligible for reimbursement from Grant Funds.
- M. **“Exhibits”** means the exhibits and attachments included with this Grant as shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement.
- N. **“Extension Term”** means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Intergovernmental Grant Agreement, an Amendment, or an Option Letter.
- O. *Reserved.*
- P. *Reserved.*
- Q. **“Goods”** means any movable material acquired, produced, or delivered by Grantee as set forth in this Intergovernmental Grant Agreement and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- R. **“Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.
- S. **“Initial Term”** means the time period between the initial Performance Start Date and the initial Grant Expiration Date.
- T. **“Party”** means the State or Grantee, and **“Parties”** means both the State and Grantee.
- U. *Reserved.*
- V. **“PII”** means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of

birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101 C.R.S. "PII" shall also mean "personal identifying information" as set forth at § 24-74-102, et. seq., C.R.S.

W. *Reserved.*

X. *Reserved.*

Y. **"Services"** means the services to be performed by Grantee as set forth in this Intergovernmental Grant Agreement, and shall include any services to be rendered by Grantee in connection with the Goods.

Z. **"State Confidential Information"** means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Grantee which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Grantee without restrictions at the time of its disclosure to Grantee; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Grantee to the State; (iv) is disclosed to Grantee, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.

AA. **"State Fiscal Rules"** means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a) C.R.S.

BB. **"State Fiscal Year"** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.

CC. **"State Records"** means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.

DD. *Reserved.*

EE. **"Subcontractor"** means third-parties, if any, engaged by Grantee to aid in performance of the Work. "Subcontractor" also includes sub-grantees.

FF. *Reserved.*

GG. *Reserved.*

HH. *Reserved.*

II. **“Work”** means the delivery of the Goods and performance of the Services described in this Intergovernmental Grant Agreement.

JJ. **“Work Product”** means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Performance Start Date that is used, without modification, in the performance of the Work.

Any other term used in this Intergovernmental Grant Agreement that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. Statement of Work

Grantee shall complete the Work as described in this Intergovernmental Grant Agreement and in accordance with the provisions of **Exhibit B**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Intergovernmental Grant Agreement.

5. Payments to Grantee

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount shown on the first page of this Intergovernmental Grant Agreement. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Performance Start Date or after the Grant Expiration Date.

i. The State may increase or decrease the Grant Award Amount by providing Grantee with an updated Intergovernmental Grant Agreement or an executed Option Letter showing the new Grant Award Amount.

B. *Reserved.*

C. Matching Funds

Grantee shall provide the Other Funds amount shown on the Project Budget in **Exhibit B** (the “Local Match Amount”). Grantee shall appropriate and allocate all Local Match Amounts to the purpose of this Intergovernmental Grant Agreement each fiscal year prior to accepting any Grant Funds for that fiscal year. Grantee does not by accepting this Intergovernmental Grant Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and this Intergovernmental Grant Agreement is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Grantee’s laws or policies.

D. Reimbursement of Grantee Costs

Upon prior written approval, the State shall reimburse Grantee’s allowable costs, not exceeding the maximum total amount described in this Intergovernmental Grant Agreement for all allowable costs described in this Intergovernmental Grant Agreement and shown in the Budget in **Exhibit B**. Upon request of the Grantee, the State may, without changing the maximum total amount of Grant Funds, adjust or otherwise reallocate Grant Funds among or between each line of the Budget by providing Grantee with an executed Option Letter or formal amendment. The State shall only reimburse allowable costs if those costs are: (i) reasonable and necessary to accomplish the Work and for the Goods and Services provided; and (ii) equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).

E. Close-Out and Deobligation of Grant Funds.

Grantee shall close out this Grant within 90 days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Intergovernmental Grant Agreement and Grantee’s final reimbursement request or invoice. The State will withhold 5% of allowable costs until all final documentation has been submitted and accepted by the State as substantially complete. Any Grant Funds remaining after submission and payment of Grantee’s final reimbursement request are subject to deobligation by the State.

F. Erroneous Payments.

The State may recover, at the State’s discretion, payments made to Grantee in error for any reason, including, but not limited to, overpayments or improper payments, and

unexpended or excess funds received by Grantee. The State may recover such payments by deduction from subsequent payments under this Intergovernmental Grant Agreement, deduction from any payment due under any other contracts, grants or agreements between the State and Grantee, or by any other appropriate method for collecting debts owed to the State.

6. Reporting - Notification

A. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close-out period described in **§5.E**.

B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting this Award.

7. Grantee Records

A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

B. Monitoring

The State will monitor Grantee's performance of its obligations under this Intergovernmental Grant Agreement using procedures as determined by the State. The State shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work.

C. Final Audit Report

Grantee shall comply with all State and federal audit requirements. Grantee shall provide copies of audits to the State upon request.

8. Confidential Information-State Records

A. Confidentiality

Grantee shall hold and maintain, and cause all Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publicly available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Intergovernmental Grant Agreement. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Grantee or any of its Subcontractors will or may receive the following types of data, Grantee or its Subcontractors shall provide for the security of such data according to the following: (i) the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Grant as an Exhibit, if applicable, (ii) the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, (iii) the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJ, and (iv) the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Intergovernmental Grant Agreement. Grantee shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign or

Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

E. Safeguarding PII

If Grantee or any of its Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S. In addition, as set forth in § 24-74-102, *et. seq.*, C.R.S., Grantee, including, but not limited to, Grantee's employees, agents and Subcontractors, agrees not to share any PII with any third parties for the purpose of investigating for, participating in, cooperating

with, or assisting with Federal immigration enforcement. If Grantee is given direct access to any State databases containing PII, Grantee shall execute, on behalf of itself and its employees, the certification attached hereto as **Exhibit E** on an annual basis. Grantee's duty and obligation to certify as set forth in **Exhibit E** shall continue as long as Grantee has direct access to any State databases containing PII. If Grantee uses any Subcontractors to perform services requiring direct access to State databases containing PII, the Grantee shall require such Subcontractors to execute and deliver the certification to the State on an annual basis, so long as the Subcontractor has access to State databases containing PII.

9. Conflict of Interest

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Grantee acknowledges that all State employees are subject to the ethical principles described in §24-18-105, C.R.S. Grantee further acknowledges that State employees may be subject to the requirements of §24-18-105, C.R.S. with regard to this Grant.

10. Insurance

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subcontractors maintain all insurance customary for the completion of the Work done by that Subcontractor and as required by the State or the GIA.

11. Breach of Agreement

In the event of a breach of Agreement, the aggrieved Party shall give written notice of breach of agreement to the other party. If the notified party does not cure the breach, at its sole expense, within 30 days after the delivery of written notice, the Party may exercise any of the remedies as described in §12 for that party. Notwithstanding any provision of this Agreement to the contrary, the State, in its discretion, need not provide notice or a cure period and may

immediately terminate this Agreement in whole or in part or institute any other remedy in this Agreement in order to protect the public interest of the State; or if Grantee is debarred or suspended under §24-109-105, C.R.S., the State, in its discretion, need not provide notice or cure period and may terminate this Agreement in whole or in part or institute any other remedy in this Agreement as of the date that the debarment or suspension takes effect.

12. Remedies

A. State's Remedies

In addition to any remedies available under any Exhibit to this Grant Agreement, if Grantee is in breach under any provision of this Agreement and fails to cure such breach, the State, following the notice and cure period set forth in §11, shall have all of the remedies listed in this section in addition to all other remedies set forth in this Agreement or at law. The State may exercise any or all of the remedies available to it, in its discretion, concurrently or consecutively.

I. Termination for Breach

In the event of Grantee's uncured breach, the State may terminate this entire Agreement or any part of this Agreement. Additionally, if Grantee fails to comply with any term or condition of this Award, then the State may, in its discretion, terminate this entire Agreement or any part of this Agreement. Grantee shall continue performance of this Agreement to the extent not terminated, if any.

The State may also terminate this Grant Agreement at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

a. Obligation and Rights

To the extent specified in any termination notice, Grantee shall not incur further obligations or render further performance past the effective date of such notice, and shall terminate outstanding orders and subcontracts with third parties. However, Grantee shall complete and deliver to the State all Work not cancelled by the termination notice, and may incur obligations as necessary to do so within this Agreement's terms. At the request of the State, Grantee shall assign to the State all of Grantee's rights, title, and interest in and to such terminated orders or subcontracts. Upon termination, Grantee shall take timely, reasonable and necessary action to protect and preserve property in the possession of Grantee but in which the State has an interest.

At the State's request, Grantee shall return materials owned by the State in Grantee's possession at the time of any termination. Grantee shall deliver all completed Work Product and all Work Product that was in the process of completion to the State at the State's request.

b. Payments

Notwithstanding anything to the contrary, the State shall only pay Grantee for accepted Work received as of the date of termination. If, after termination by the State, the State agrees that Grantee was not in breach or that Grantee's action or inaction was excusable, such termination shall be treated as a termination in the public interest, and the rights and obligations of the Parties shall be as if this Agreement had been terminated in the public interest under **§2.B.**

c. Damages and Withholding

Notwithstanding any other remedial action by the State, Grantee shall remain liable to the State for any damages sustained by the State in connection with any breach by Grantee, and the State may withhold payment to Grantee for the purpose of mitigating the State's damages until such time as the exact amount of damages due to the State from Grantee is determined. The State may withhold any amount that may be due Grantee as the State deems necessary to protect the State against loss including, without limitation, loss as a result of outstanding liens and excess costs incurred by the State in procuring from third parties replacement Work as cover.

II. Remedies Not Involving Termination

The State, in its discretion, may exercise one or more of the following additional remedies:

a. Suspend Performance

Suspend Grantee's performance with respect to all or any portion of the Work pending corrective action as specified by the State without entitling Grantee to an adjustment in price or cost or an adjustment in the performance schedule. Grantee shall promptly cease performing Work and incurring costs

in accordance with the State's directive, and the State shall not be liable for costs incurred by Grantee after the suspension of performance.

b. Withhold Payment

Withhold payment to Grantee until Grantee corrects its Work.

c. Deny Payment

Deny payment for Work not performed, or that due to Grantee's actions or inactions, cannot be performed or if they were performed are reasonably of no value to the state; provided, that any denial of payment shall be equal to the value of the obligations not performed.

d. Removal

Demand immediate removal of any of Grantee's employees, agents, or subcontractors from the Work whom the State deems incompetent, careless, insubordinate, unsuitable, or otherwise unacceptable or whose continued relation to this Agreement is deemed by the State to be contrary to the public interest or the State's best interest.

e. Intellectual Property

If any Work infringes, or if the State in its sole discretion determines that any Work is likely to infringe, a patent, copyright, trademark, trade secret or other intellectual property right, Grantee shall, as approved by the State (i) secure that right to use such work for the State and Grantee; (ii) replace the work with non-infringing work or modify the work so that it becomes non-infringing; or, (iii) remove any infringing work and refund the amount paid for such work to the State.

B. Grantee's Remedies

If the State is in breach of any provision of this Agreement and does not cure such breach, Grantee, following the notice and cure period in §11 and the dispute resolution process in §13 shall have all remedies available at law and equity.

13. Dispute Resolution

Except as herein specifically provided otherwise, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in

writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

14. Notices and Representatives

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Intergovernmental Grant Agreement shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §14.

15. Rights in Work Product and Other Information

Grantee hereby grants to the State a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

16. Governmental Immunity

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions, committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b); and the State's risk management statutes, §§24-30-1501, *et seq.*, C.R.S. No term or condition of this Intergovernmental Grant Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

17. General Provisions

A. Assignment

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Intergovernmental Grant Agreement.

B. Captions and References

The captions and headings in this Intergovernmental Grant Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Intergovernmental Grant Agreement to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

C. Entire Understanding

This Intergovernmental Grant Agreement represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Intergovernmental Grant Agreement.

D. Modification

The State may modify the terms and conditions of this Grant by issuance of an updated Intergovernmental Grant Agreement, which shall be effective if Grantee accepts Grant Funds following receipt of the updated letter. The Parties may also agree to modification of the terms and conditions of the Grant in either an option letter or a formal amendment to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules.

E. Statutes, Regulations, Fiscal Rules, and Other Authority.

Any reference in this Intergovernmental Grant Agreement to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Performance Start Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

G. Severability

The invalidity or unenforceability of any provision of this Intergovernmental Grant Agreement shall not affect the validity or enforceability of any other provision of this Intergovernmental Grant Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

H. Survival of Certain Intergovernmental Grant Agreement Terms

Any provision of this Intergovernmental Grant Agreement that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

I. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Intergovernmental Grant Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

J. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Intergovernmental Grant Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

K. Accessibility

- i. *Reserved.*
- ii. Grantee shall comply with the Accessibility Standards for Individuals with a Disability, as adopted by the Office of Information Technology pursuant to §24-85-103 C.R.S.
- iii. The State may require Grantee's compliance with the Accessibility Standards for Individuals with a Disability adopted by the Office of Information Technology pursuant to §24-85-103 C.R.S. is determined and tested by a qualified third party selected by the State. The State may ask the Grantee to review the selection of the third party. Grantee shall be responsible for all costs associated with the third-party vendor's assessment. If Grantee is not in compliance as determined by the third-party vendor, at the State's request and at the State's direction, Grantee shall

promptly take all necessary actions to come into compliance using a State-approved vendor, at no additional cost to the State.

L. *Reserved*

18. Colorado Special Provisions (Colorado Fiscal Rule 3-3)

A. Statutory Approval. §24-30-202(1) C.R.S.

This Intergovernmental Grant Agreement shall not be valid until it has been approved by the Colorado State Controller or designee. If this Intergovernmental Grant Agreement is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), then this Intergovernmental Grant Agreement shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. Fund Availability. §24-30-202(5.5) C.R.S.

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. Governmental Immunity.

Liability for claims for injuries to persons or property arising from the negligence of the Parties, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b); and the State's risk management statutes, §§24-30-1501, *et seq.*, C.R.S. No term or condition of this Intergovernmental Grant Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. Independent Contractor.

Grantee shall perform its duties hereunder as an independent contractor and not as an employee. Neither Grantee nor any agent or employee of Grantee shall be deemed to be an agent or employee of the State. Grantee shall not have authorization, express or implied, to bind the State to any agreement, liability, or understanding, except as expressly set forth herein. Grantee and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Grantee or any of its agents or employees. Grantee shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Intergovernmental Grant Agreement.

Grantee shall (a) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (b) provide proof thereof when requested by the State, and (c) be solely responsible for its acts and those of its employees and agents.

E. Compliance with Law.

Grantee shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Choice of Law, Jurisdiction, and Venue.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Agreement shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. Prohibited Terms.

Any term included in this Agreement that requires the State to indemnify or hold Grantee harmless; requires the State to agree to binding arbitration; limits Grantee's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void *ab initio*. Nothing in this Agreement shall be construed as a waiver of any provision of §24-106-109, C.R.S.

H. Software Piracy Prohibition.

State or other public funds payable under this Grantee shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Grantee hereby certifies and warrants that, during the term of this Agreement and any extensions, Grantee has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Grantee is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Grantee, including, without limitation, immediate termination of this Agreement and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. Employee Financial Interest/Conflict of Interest. §§24-18-201 and 24-50-507 C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Agreement. Grantee has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Grantee's services and Grantee shall not employ any person having such known interests.

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EXHIBIT B - SCOPE OF PROJECT (SOP)

1. PURPOSE

- 1.1. **Energy Impact.** The purpose of the Energy and Mineral Impact Assistance Program is to assist political subdivisions that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels.

2. DESCRIPTION OF THE PROJECT(S) AND WORK

- 2.1. **Project Description.** [Overall description of Project, of which Work is a subset.]

- 2.2. **Work Description.** (Insert description of the specific activity or service for which funds are being provided, including a) the name of the Contractor and sub-contractor if applicable; b) size, use, capacity, quantity, quality, etc. of Project or Project aspects or components; c) address and/or location of improvement(s), d) entity owning the improvement(s); and e) any other important aspects or components of the project. Given the unique nature of each project, additional language may be added in this section that is directly related to the project.) Grantee will own all improvements and, in accordance with §9 below, a contractor will be hired to complete the Work.

- 2.2.1. A contract for consultant services shall be awarded by Grantee to a qualified firm through a formal Request For Proposals or competitive selection process.
- 2.2.2. A contract for the purchase or acquisition of materials, equipment, or vehicles shall be awarded by Grantee to a qualified vendor or firm through a competitive selection process with the Grantee being obligated to award the contract to the lowest responsive, responsible bidder meeting the Grantee's specifications.
- 2.2.3. During a period of ten (10) years following the date of closeout of the Project by the State, the Grantee may not change the use or planned use of the property. If the Grantee decides to change the use of the property to a use which the State determines does not qualify in meeting the original intent of the Project, the Grantee must reimburse to the State an amount equal to the current fair market value of the property, less any portion of the value attributable to expenditures of non Energy Impact grant funds for acquisition of and improvements to, the property. At the end of the ten (10) year period following the date of completion and thereafter, no State restrictions on use of the property shall be in effect.
- 2.2.4. The Grantee warrants that the facility will continue to be utilized as a _____ for at least ten (10) years following completion of the Grant. If the facility is used for any purpose other than intended during that ten-year

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period, the Grantee shall return a portion of the grant funds based on the following payback schedule: In year one, one hundred percent (100%) of the grant funds must be returned; in year two, ninety percent (90%); in year three, eighty percent (80%); in year four, seventy percent (70%); in year five, sixty percent (60%); in year six, fifty percent (50%); in year seven, forty percent (40%); in year eight, thirty (30%) percent; in year nine, twenty (20%) and in year ten, ten (10%) percent. At the end of the ten (10) year period following the date of completion of the renovations and thereafter, no State restrictions on use of the property shall be in effect.

2.2.5. During a period of ten (10) years following the date of closeout of the Project by the State, the Grantee may not change the ownership of the equipment. If the Grantee decides to change the ownership of the equipment to an entity which the State determines does not qualify in meeting the original intent of the Project, the Grantee must reimburse to the State an amount equal to the current fair market value of the equipment, less any portion of the value attributable to expenditures of non Energy Impact grant funds for acquisition of and improvements to, the equipment. At the end of the ten (10) year period following the date of completion and thereafter, no State restrictions on ownership of the equipment shall be in effect.

2.3.Responsibilities. Grantee shall be responsible for the completion of the Work and to provide required documentation to DOLA as specified herein.

2.3.1. Grantee shall notify DOLA at least 30 days in advance of Project Completion.

2.4.Recapture of Advanced Funds. To maximize the use of Grant Funds, the State shall evaluate Grantee's expenditure of the Grant Funds for timeliness and compliance with the terms of this Grant. DOLA reserves the right to recapture advanced Grant Funds when Grantee has not or is not complying with the terms of this Grant.

2.5.Eligible Expenses. Eligible expenses shall include: (Insert description or listing of Project expenses eligible for payment or reimbursement with EIAF funds. As appropriate, identify any ineligible or excluded expenses.)

3. DEFINITIONS

3.1.Project Budget Lines.

3.1.1. "Architectural/Engineering Services" means professional architectural/engineering fees, RFP/bid advertisements, survey work,

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water/sewer testing fees, electrical inspection and testing fees, CDPHE permit fees, and attorney's fees.

- 3.1.2. "Consultant Services" means consultant fees, RFP/bid advertisements, and attorney's fees.
 - 3.1.3. "Real Property Acquisition" means real property purchase price, right-of-way acquisition costs, appraisal fees, closing costs, legal and attorney's fees.
 - 3.1.4. "Clearance/Demolition/Site Prep" means labor and materials costs, bond and insurance costs, and bid advertisement costs.
 - 3.1.5. "Building or Facility Construction" means labor and materials costs, bond and insurance costs, bid advertisements, purchase and erection of pre-engineered buildings, and attorney's fees.
 - 3.1.6. "Rehabilitation/Remodel of Public Structures" means labor and materials costs, bond and insurance costs, bid advertisements, purchase and erection of pre-engineered additions, and attorney's fees.
 - 3.1.7. "Construction/Improvement of Public Roadways" means labor and materials costs, bond and insurance costs, bid advertisements, attorney's fees, and right-of-way acquisition costs.
 - 3.1.8. "Construction/Improvement of Public Utilities" means labor and materials costs, bond and insurance costs, bid advertisements, attorney's fees, and right-of-way acquisition costs.
 - 3.1.9. "Equipment, Vehicles or Materials Acquisition" means vehicles, equipment and materials costs, freight costs, RFP/Bid advertisement costs, hardware, software and training costs, installation costs, and attorney's fees.
 - 3.1.10. "Personnel Services Costs" means program-specific allowable salary and benefits costs.
 - 3.1.11. "Operations/Program Costs" means supplies, vehicle costs such as mileage or gas purchases, telephone and internet costs, meeting costs, copies, and printing.
 - 3.1.12. "Other" means (specify).
- 3.2. "Substantial Completion" means the Work is sufficiently complete in accordance with the Grant so it can be utilized for its intended purpose without undue interference.

4. DELIVERABLES

- 4.1. Outcome. The final outcome of this Grant is (insert expected outcome for the Project and/or Work (as applicable), e.g. construction of a WWTP, completion of a master plan, purchase of , etc.).

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4.2. Service Area. The performance of the Work described within this Grant shall be located in (insert City, Town and/or County) - if only portion of city, town or county, include census tract and block group(s) necessary information.

4.3. Performance Measures. Grantee shall comply with the following performance measures:

<u>Milestone/Performance Measure/Grantee will:</u>	<u>By:</u>
Put Project out to bid.	Within __ days after the Effective Date of this Intergovernmental Grant Agreement.
Award and finalize subcontract(s).	[give target date]
Provide DOLA with Project Timeline.	Within __ days after the Effective Date of the subcontract(s).
Begin work/Contractor mobilization.	Within __ days after the Effective Date of the subcontract(s).
Conduct on-site walk through inspection(s) of Work Site(s).	[give target date]
Submit Select Quarterly or Monthly Pay Requests	See §4.5.2 below
Submit Select Quarterly or Monthly Reports	See §4.5.2 below
Submit Project Final Report	[give date certain]

4.4. Budget Line Adjustments.

4.4.1. Grant Funds. Grantee may request in writing that DOLA move Grant Funds between and among budget lines, so long as the total amount of Grant Funds remains unchanged. To make such budget line changes, DOLA will use an Option Letter (Exhibit G).

4.4.2. Other Funds. Grantee may increase or decrease the amount of Other Funds in any one or any combination of budget lines as described in §6.2, or move Other Funds between and among budget lines, so long as the total amount of such “Other Funds” is not less than the amount set forth in §6.2 below. Grantee may increase the Total Project Cost with “Other Funds” and such change does not require an amendment or option letter. DOLA will verify the Grantee’s contribution of “Other Funds” and compliance with this section at Project Closeout.

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4.5. Select Quarterly or Monthly Pay Request and Status Reports. Beginning 30 days after the end of the first **Select Quarter or Month** following execution of this Grant and for each **Select Quarter or Month** thereafter until termination of this Grant, Grantee shall submit Pay Requests and Status Reports using a form provided by the State. The State shall pay the Grantee for actual expenditures made in the performance of this Grant based on the submission of statements in the format prescribed by the State. The Grantee shall submit Pay Requests setting forth a detailed description and provide documentation of the amounts and types of reimbursable expenses. Pay Requests and Status Reports are due within 30 days of the end of the **Select Quarter or Month** but may be submitted more frequently at the discretion of the Grantee.

4.5.1. For **Select Quarters or Months** in which there are no expenditures to reimburse, Grantee shall indicate zero (0) requested in the Pay Request and describe the status of the Work in the Status Report. The report will contain an update of expenditure of funds by budget line as per **§6.2** of this **Exhibit B** Scope of Project as well as a projection of all Work expected to be accomplished in the following **Select Quarter or Month**, including an estimate of Grant Funds to be expended.

4.5.2. Specific submittal dates.

Quarter	Year	Due Date	Pay Request Due	Status Report Due
2nd (Apr-Jun)	2026	JULY 15, 2026*	Yes	Yes
3rd (Jul-Sep)	2026	October 30, 2026	Yes	Yes
4th (Oct-Dec)	2026	January 30, 2027	Yes	Yes
1st (Jan-Mar)	2027	April 30, 2027	Yes	Yes
2nd (Apr-Jun)	2027	JULY 15, 2027*	Yes	Yes
3rd (Jul-Sep)	2027	October 30, 2027	Yes	Yes
4th (Oct-Dec)	2027	January 30, 2028	Yes	Yes
1st (Jan-Mar)	2028	April 30, 2028	Yes	Yes
2nd (Apr-Jun)	2028	JULY 15, 2028*	Yes	Yes

*State fiscal year runs July 1 - June 30 annually. Grantee must request reimbursement for all eligible costs incurred during a State fiscal year by July 15 annually.

Month	Year	Due Date	Pay Request Due	Status Report Due
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January	2025	March 02, 2025	Yes	Yes
February	2025	March 30, 2025	Yes	Yes
March	2025	April 30, 2025	Yes	Yes
April	2025	May 30, 2025	Yes	Yes
May	2025	June 30, 2025	Yes	Yes
June	2025	JULY 15, 2025*	Yes	Yes
July	2025	August 30, 2025	Yes	Yes
August	2025	September 30, 2025	Yes	Yes
September	2025	October 30, 2025	Yes	Yes
October	2025	November 30, 2025	Yes	Yes
November	2025	December 30, 2025	Yes	Yes
December	2025	January 30, 2026	Yes	Yes

*State fiscal year runs July 1 - June 30 annually. Grantee must request reimbursement for all eligible costs incurred during a State fiscal year by July 15 annually.

4.6.DOLA Acknowledgment. The Grantee agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Work and the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

5. PERSONNEL

5.1.Responsible Administrator. Grantee's performance hereunder shall be under the direct supervision of INSERT RESPONSIBLE ADMINISTRATOR (name, title, email address), who is an employee or agent of Grantee, and is hereby designated as the responsible administrator of this Project and a key person under this §5. Such administrator shall be updated through the process in §5.3. If this person is an agent of the Grantee, such person must have signature authority to bind the Grantee and must provide evidence of such authority.

5.2.Other Key Personnel. name, title, and email address. Such key personnel shall be updated through the process in §5.3.

5.3.Replacement. Grantee shall immediately notify the State if any key personnel specified in §5 of this Exhibit B cease to serve. All notices sent under this subsection shall be sent in accordance with §14 of the Grant.

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5.4.DLG Regional Manager: Choose an item.

5.5.DLG Regional Assistant: Choose an item.

6. FUNDING

The State provided funds shall be limited to the amount specified under the “Grant Funds” column of **\$6.2**, Budget, below.

6.1.Matching/Other Funds. Grantee shall provide **at least ____%** **[or \$\$\$ amount]** of the Total Project Cost as documented by Grantee and verified by DOLA at Project Closeout. Initial estimates of Grantee’s contribution are noted in the “Other Funds” column of **\$6.2** below. Increases to Grantee’s contribution to Total Project Cost do not require modification of this Intergovernmental Grant Agreement and/or **Exhibit B**.

6.2.Budget

Budget Line(s)		Total Project	Grant	Other	Other
Line #	Cost Category	Cost	Funds	Funds	Funds Source
	Architectural/Engineering Services	\$ 0.00			Grantee
	Consultant Services	\$ 0.00			Grantee
	Real Property Acquisition	\$ 0.00			Grantee
	Clearance/Demolition/Site Prep	\$ 0.00			Grantee
	Building or Facility Construction	\$ 0.00			Grantee
	Rehabilitation/Remodel of Public Structures	\$ 0.00			Grantee
	Construction/Improvement of Public Roadways	\$ 0.00			Grantee
	Construction/Improvement of Public Utilities	\$ 0.00			Grantee
	Equipment, Vehicles or Materials Acquisition	\$ 0.00			Grantee
	Personnel Services Costs	\$ 0.00			Grantee
	Operations/Program Costs	\$ 0.00			Grantee
	Other: (specify)	\$ 0.00			Grantee
	Total	\$ 0.00	\$ 0.00	\$ 0.00	

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7. PAYMENT

Payments shall be made in accordance with this section and the provisions set forth in §5 of the Grant.

7.1.Payment Schedule. If Work is subcontracted or subgranted and such Subcontractors and/or Subgrantees are not previously paid, Grantee shall disburse Grant Funds received from the State to such Subcontractor or Subgrantee within fifteen days of receipt. Excess funds shall be returned to DOLA.

Payment	Amount	
Interim Payment(s)		Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.
Final Payment		Paid upon Substantial Completion of the Project (as determined by the State in its sole discretion), provided that the Grantee has submitted, and DOLA has accepted, all required reports.
Total	\$ 0.00	

7.2.Interest. Grantee or Subgrantee may keep interest earned from Grant Funds up to \$100 per year for administrative expenses.

8. ADMINISTRATIVE REQUIREMENTS

8.1.Reporting. Grantee shall submit the following reports to DOLA using the State-provided forms. DOLA may withhold payment(s) if such reports are not submitted timely.

8.1.1. **Select Quarterly or Monthly Pay Request and Status Reports.** **Select Quarterly or Monthly** Pay Requests shall be submitted to DOLA in accordance with §4.5 of this Exhibit B.

8.1.2. Final Reports. Within 90 days after the completion of the Project, Grantee shall submit the final Pay Request and Status Report to DOLA.

8.2.Monitoring. DOLA shall monitor this Work on an as-needed basis. DOLA may choose to audit the records for activities performed under this Grant. Grantee shall maintain a complete file of all records, documents, communications, notes and other written materials or electronic media, files or communications, which pertain in any manner to the operation of activities undertaken pursuant to an executed Grant. Such books and records shall

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contain documentation of the Grantee's pertinent activity under this Grant in accordance with Generally Accepted Accounting Principles.

8.2.1. Subgrantee/Subcontractor. Grantee shall monitor its Subgrantees and/or Subcontractors, if any, during the term of this Grant. Results of such monitoring shall be documented by Grantee and maintained on file.

8.3. Bonds. If Project includes construction or facility improvements, Grantee and/or its contractor (or subcontractors) performing such work shall secure the bonds hereunder from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223 and are authorized to do business in Colorado.

8.3.1. Bid Bond. A bid guarantee from each bidder equivalent to 5 percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

8.3.2. Performance Bond. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

8.3.3. Payment Bond. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

8.3.4. Substitution. The bonding requirements in this **§8.3** may be waived in lieu of an irrevocable letter of credit if the price is less than \$50,000.

9. CONSTRUCTION/RENOVATION. The following subsections shall apply to construction and/or renovation related projects/activities:

9.1. Plans & Specifications. Construction plans and specifications shall be drawn up by a qualified engineer or architect licensed in the State of Colorado, or pre-engineered in accordance with Colorado law, and hired by the Grantee through a competitive selection process.

9.2. Procurement. A construction contract shall be awarded to a qualified construction firm through a formal selection process with the Grantee being obligated to award the construction contract to the lowest responsive, responsible bidder meeting the Grantee's specifications.

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9.3.Subcontracts. Copies of any and all contracts entered into by the Grantee in order to accomplish this Project shall be submitted to DOLA upon request, and any and all contracts entered into by the Grantee or any of its Subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

9.4.Standards. Grantee, Subgrantees and Subcontractors shall comply with all applicable statutory design and construction standards and procedures that may be required, including the standards required by Colorado Department of Public Health and Environment, and shall provide the State with documentation of such compliance.

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EIAF #

STATE OF COLORADO CONTRACT MODIFICATION

OPTION LETTER #Insert # Here

SIGNATURE AND COVER PAGE

State Agency

Department of Local Affairs (DOLA)

Grantee

Insert Grantee's Full Legal Name

Project Number and Name

Insert DOLA's project number and name

Option Letter CMS Number

Insert CMS number for this Amendment

Previous CMS #(s)

Insert CMS number for orig Agreement, and
any prior chg docs

Program Name

Energy & Mineral Impact Assistance Program

(Acctg Dropdwn EIAF)

Funding Account Codes

Enter CTGG1 number

Phase Code

Acctg enters Phase Code

DLG Portal Number

Insert DLG Portal number for this Project

Current Grant Agreement Expiration Date

Month Day, Year

Prior Grant Agreement Expiration Date

Month Day, Year

Grant Amount

Initial Award: \$0.00

Option Letter # and date effective/spendable:
\$0.00

Option Letter # and date effective/spendable:
\$0.00

Total Grant Amount: \$0.00

DOLA Regional Manager

Choose an item.

DOLA Regional Assistant

Choose an item.

EIAF #

STATE OF COLORADO
Jared S. Polis, Governor
Colorado Department of Local Affairs

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: Maria De Cambra, Executive Director

Date: _____

Name: Controller Delegate

Signature: Controller Delegate

Effective Date: _____

In accordance with **§24-30-202**, C.R.S., this
Option is not valid until signed and dated
above by the State Controller or an
authorized delegate.

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EIAF #

1. **OPTIONS.** Choose all applicable options listed in §1 and in §2:

- A. ☐ Option to extend (use this option for Extension of Time)
- B. ☐ Change in the Grant Award Amount within the current term (use this option for an Increase or Decrease in Grant Funds, including Supplemental funding awards)
- C. ☐ Budget Line Adjustment(s) reallocation of awarded Grant Funds to Budget Line(s) (use this Option to redistribute existing Grant Funds between budget lines)

2. **REQUIRED PROVISIONS.** All Option Letters shall contain the appropriate provisions set forth below:

- A. **For use with Option 1(A):** In accordance with **Section 2(A)** of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and **Grantee's Name**, the State hereby exercises its option for an additional term beginning **Insert start date** and ending on **Insert ending date**. Tables in **Sections 4.3 and 4.5.2 of Exhibit B** are deleted and replaced with the following:

<u>Milestone/Performance Measure</u>	<u>By:</u>
Put Project out to bid.	Within __ days of the Effective Date of this Intergovernmental Grant Agreement.
Award and finalize subcontract(s) and/or sub-grant(s).	[give target date]
Provide DOLA with Project Timeline	Within __ days of the Effective Date of the subcontract(s).
Contractor mobilization/begin Work.	Within __ days of the Effective Date of the subcontract(s).
Submit Quarterly Pay Requests	See §4.5.2 below
Submit Quarterly Status Reports	See §4.5.2 below
Submit Project Final Report	[give date certain]

EIAF #

Quarter	Year	Due Date	Pay Request	Status Report
4 th (Oct-Dec)	2024	January 30, 2025	Yes	Yes
1 st (Jan-Mar)	2025	April 30, 2025	Yes	Yes
2 nd (Apr-Jun)	2025	JULY 15, 2025*	Yes	Yes
3 rd (Jul-Sep)	2025	October 30, 2025	Yes	Yes
4 th (Oct-Dec)	2025	January 30, 2026	Yes	Yes
1 st (Jan-Mar)	2026	April 30, 2026	Yes	Yes
2 nd (Apr-Jun)	2026	JULY 15, 2026*	Yes	Yes
3 rd (Jul-Sep)	2026	October 30, 2026	Yes	Yes
4 th (Oct-Dec)	2026	January 30, 2027	Yes	Yes

- B. For use with Option 1(B): In accordance with Section 5(A)(i) of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and Grantee's Name, the State hereby exercises its option to increase/decrease Grant Funds awarded for this Project in an amount equal to amt of increase or (decrease), from beginning dollar amt to ending dollar amt. The Grant Award Amount shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement is hereby changed to ending dollar amt. The Budget table in Section 6.2 and the Payment Schedule in Section 7.1, both of Exhibit B, are deleted and replaced with the following:

Budget Line(s)		Total Project	Grant	Other	Other Funds
Line	Cost Category	Cost	Funds	Funds	Source
#					
	Architectural/Engineering Services	\$ 0.00			Grantee
	Construction/Improvement of Public Roadways				Grantee
	Total	\$ 0.00	\$ 0.00	\$ 0.00	

Payment	Amount	
---------	--------	--

EIAF #

Interim Payment(s)		Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.
Final Payment		Paid upon Substantial Completion of the Project (as determined by the State in its sole discretion), provided that the Grantee has submitted, and DOLA has accepted, all required reports.
Total		

- C. **For use with Option 1(C):** In accordance with **Section 5(D)** of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and **Grantee's Name**, the State hereby exercises its option to re-allocate awarded Grant Funds within the Project Budget. The Budget table in **Section 6.2** of **Exhibit B** is deleted and replaced with the following:

Budget Line(s)		Total Project	Grant	Other	Other Funds
Line	Cost Category	Cost	Funds	Funds	Source
#					
	Architectural/Engineering Services	\$ 0.00			Grantee
	Construction/Improvement of Public Roadways				Grantee
	Total	\$ 0.00	\$ 0.00	\$ 0.00	

3. OPTION LETTER EFFECTIVE DATE:

The Effective Date of this Option Letter is upon approval of the State Controller or Month Day, Year, whichever is later.

ORDINANCE NO. 123, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS ENERGY AND MINERAL IMPACT ASSISTANCE
FUND AND APPROPRIATING WASTEWATER FUND RESERVES FOR THE
SEPTAGE RECEIVING FACILITY PROJECT

A. Fort Collins Wastewater Utility has developed a Capital Improvement Plan ("Wastewater Utility CIP"), which identifies capital needs and assists in the planning, budgeting, and execution of necessary projects.

B. One of the critical projects identified in the Wastewater Utility CIP is the Septage Receiving Facility Project intended to relocate the septage receiving station at the Drake Reclamation Facility (the "Septage Receiving Facility Project").

C. In pursuit of funding opportunities, the City applied for and was awarded a partial grant of \$500,000 for the Project from the Energy/Mineral Assistance Impact Fund ("EIAF"), administered by the Colorado Department of Local Affairs ("DOLA").

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of providing funding for the Septage Receiving Facility Project, which will protect public health and the environment by safely continuing to provide septage receiving services to the greater Northern Colorado region.

E. Article V, Section 9 of the City Charter permits 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 the funds to be appropriated are available and previously unappropriated from the Wastewater Fund and that this appropriation will not cause the total amount appropriated in the Wastewater 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 9 of the City Charter permits 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.

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

I. Article V, Section 11 of the City Charter authorizes 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 donation or the City's expenditure of all funds received from such grant or donation.

J. City Council wishes to designate the appropriation herein for EIAF grant and Wastewater Fund reserves, in support of the Septage Receiving Facility Project, as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant. The award from DOLA is a reimbursement type award, meaning Wastewater Fund expenses will be reimbursed up to \$500,000. The \$500,000 is contingent upon execution of the associated Intergovernmental Grant Agreement for the EIAF 26-241 Fort Collins Septage Receiving Station Construction Project, approved by Council by its adoption of Resolution 2026-107, with details and specifics to be completed in the final presented by DOLA for execution by the City Manager. In the event the grant agreement is not executed, this appropriation will sunset on December 31, 2026.

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 Wastewater Fund the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) to be expended in the Wastewater Fund for the DOLA Energy and Mineral Impact Assistance Fund grant in support of the Septage Receiving Facility Project.

Section 2. There is hereby appropriated from prior year reserves in the Wastewater Fund the sum of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to be expended in the Wastewater Fund for the Septage Receiving Facility Project.

Section 3. The appropriation herein for the DOLA Energy and Mineral Impact Assistance Fund grant and Wastewater Fund reserves, in support of the Septage Receiving Facility Project, is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant. In the event the grant agreement is not executed, the

appropriation of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) of new revenue from unanticipated grant funds will sunset on December 31, 2026.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

22. Resolution 2026-108 Approving Expenditures to Commission an Artist to Create Artwork for the Future Mariposa Park.

The purpose of this item is to approve the Art in Public Places (“APP”) Mariposa Park Project, based upon the recommendations of the Arts & Culture Board.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Liz Good, Visual Arts Coordinator
Cheryl Donalson Moses, Arts and Culture Senior Manager
Eileen May, Arts and Culture Director

SUBJECT

Resolution 2026-108 Approving Expenditures to Commission an Artist to Create Artwork for the Future Mariposa Park.

EXECUTIVE SUMMARY

The purpose of this item is to approve the Art in Public Places ("APP") Mariposa Park Project, based upon the recommendations of the Arts & Culture Board.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The Arts & Culture Board recommends commissioning local artist Lisa Cameron Russell to create artwork for the future Mariposa Park in northeast Fort Collins. The proposed artwork concept was reviewed and recommended for Council approval by the Arts & Culture Board on August 10, 2026, following a public art design phase by the project team. The project team included artist Lisa Cameron Russell and representatives from the City's Park Planning & Development Department and APP.

The public art design is inspired by the neighborhood park's layout that loosely mimics the form of a butterfly. The proposed colorful steel sculpture is intended to respectively celebrate Colorado's state insect, the Colorado hairstreak butterfly, creating connections to the park theme, nature and community.

Located at the park's central entrance off Sykes Drive, the artwork is intended to be a statement piece viewed by pedestrians passing by or guests entering the park.

CITY FINANCIAL IMPACTS

The overall public art budget for the APP Mariposa Park Project includes sculpture fabrication, site preparation, installation, insurance labor, and contingency, totaling \$30,500. The funds for this item have been appropriated in the Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the subject artwork and the rest of the APP art collection.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The APP Mariposa Park Project was reviewed and recommended for Council approval by the Arts & Culture Board at the August 10, 2026, meeting.

Exhibit A to the Resolution presents the APP Mariposa Park Project details to Council.

The attached PDF is the draft Arts & Culture Board Minutes from the August 10, 2026, Board meeting where the project was reviewed and approved by a vote of the Board.

PUBLIC OUTREACH

The selected artist collaborates with the project team to develop concepts for the artwork based on the goals of the project and input from the team. The final design and budget are reviewed and approved by the project team and then the APP Board, who then recommends the project to Council for approval.

The APP Program promotes the project in development, fabrication, installation, and completion of the artwork on social media, webpage and newsletters.

ATTACHMENTS / LINKS

1. Arts and Culture Board Meeting Minutes, August 10, 2026 (draft)
2. Resolution 2026-108

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Arts & Culture Board REGULAR MEETING

Monday, August 10, 2026 – 5:30 PM

Gardens on Spring Creek, Community Room

CALL TO ORDER: 5:30 PM

ROLL CALL

- Board Members Present –Lorrie Beaumont, Sheri Emerick, Myra Powers, Chris Quatrano, Jordan Sorokin, Eleanor Van Deusen, Aerica Van Dorn, Nancy Zola
- Board Members Remote – Ben Griffin
- Board Members Absent –
- Staff Members Present – Amanda Castelli, Solara Clark, Libby Colbert, Liz Good, Annie Irwin, Eileen May
- Guest(s) – Christine Hogg

AGENDA REVIEW

- Gardens on Spring Creek - Native Gardens was removed from New Business due to staff being out sick.

PUBLIC PARTICIPATION

- Christine Hogg attended the meeting to observe.

APPROVAL OF MINUTES

- Approval of July 2026 minutes. Aerica Van Dorn made a motion to accept the minutes. Sheri Emerick seconded the motion. The motion passed unanimously via roll call.
- Re-approval of June 2026 minutes. Due to a mistake found in the June minutes after approval at the July meeting, staff requested a re-approval of the revised minutes. Myra Powers made a motion to accept the minutes. Jordan Sorokin seconded the motion. The motion passed unanimously via roll call.

UNFINISHED BUSINESS

NEW BUSINESS

- Sykes Drive Park Project Design Review
 - Liz Good introduced the Sykes Drive Park Project, now named Mariposa Park, and introduced Amanda Castelli and Annie Erwin to

- o further present the public art for the park.
 - o Amanda Castelli and Annie Erwin presented the proposed sculpture inspired by the Colorado hairstreak butterfly by artist Lisa Cameron Russell that will be located near the Sykes Drive entrance to the park.
 - o Myra Powers made a motion to recommend the proposed Mariposa Park Project public art project to City Council for approval. Jordan Sorokin seconded the motion. The motion passed unanimously via roll call.
- Transformer Cabinet Design Review
 - o Libby Colbert reviewed a transformer cabinet design by Terry McNerney near Stuart Street.
 - o The mural concept features Colorado wildlife in Terry's signature playful style.
 - o Sheri Emerick made a motion to approve the Transformer Cabinet Mural Design. Eleanor Van Deusen seconded the motion. The motion passed unanimously via roll call.
- Center for Creativity Call for Activation Educational Review
 - o Solara Clark, Libby Colbert and Liz Good informed the Board about an upcoming review of Center for Creativity Activation applications.
 - o Staff will do an initial review and provide the Board with a recommended ranked list of applications. The Board will be asked to review the applications and come prepared to discuss and shift the ranked list if desired.
 - o Upon an approved list, staff will work to coordinate with applicants to provide space at the Center for Creativity at no charge.
 - o The review will come two weeks prior to the September meeting.
- Programming Gaps Brainstorming – Small Groups
 - o Eileen May prompted the Board to split into two small groups and discuss programming topics such as gaps in current program, spaces or locations that can be utilized for programming and possibilities moving forward.
 - o After the Board split to brainstorm, the group came back together to present their ideas. Staff collected brainstorming pages and will create a written list for reference.

DIRECTOR'S REPORT

- o Eileen May updated the Board on department updates:
 - The Community Art and Art in Public Places Masterplan Request for Proposal is in the process of being awarded. The goal is to start the work October 1, 2026.
 - There is a financial review of Art in Public Places Program on August 31, 2026, by the Council Finance Committee.
 - The Department redesign initiative small group is ready to present an initial idea to leadership within the Department.
 - The horticulture staff at the Gardens on Spring Creek is being restructured to allow for four entry level technicians rather than

the current three to address short staffing.

- Marketing is starting a shift into a centralized team within Community Services. Emily Haukeness is the lead for that team.
- Some upcoming events to be aware of are:
 - September 26: Everything I Know: Mandy Gonzalez sings Lin-Manuel Miranda with the Fort Collins Symphony at The Lincoln Center.
 - August 29: Big Bad Voodoo Daddy at The Gardens on Spring Creek

OTHER BUSINESS

ADJOURNMENT:

- Chris Quatrano made a motion to adjourn at 7:05 PM. Jordan Sorokin seconded the motion. The motion passed unanimously.

Minutes approved by the chair and a vote of the Board/Commission on XX/XX/XXXX.

RESOLUTION 2026-108
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING EXPENDITURES TO COMMISSION AN ARTIST TO CREATE
ARTWORK FOR THE FUTURE MARIPOSA PARK

A. On August 10, 2026, the City's Arts and Culture Board (the "Board") reviewed and voted to recommend City Council approval to commission local artist Lisa Cameron Russell to create a sculpture for the future Mariposa Park in northeast Fort Collins (the "Sculpture"). The Sculpture is inspired by the neighborhood park's layout that loosely mimics the form of a butterfly. The proposed colorful steel sculpture is intended to celebrate Colorado's state insect, the Colorado hairstreak butterfly, creating connections to the park theme, nature and community. Exhibit A, attached hereto, includes details about the Sculpture.

B. The overall budget for the Sculpture includes the artist fee, fabrication, site preparation, installation, insurance, labor, and contingency, totaling \$30,500. The City Council has previously appropriated sufficient funds for the Sculpture in the Art in Public Places Reserves Account.

C. City Code Section 23-308 requires that the Board's recommendation concerning the use of funds for the Sculpture be presented for City Council review and approval as the cost of the Sculpture exceeds \$30,000.

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 that City Council hereby approves of 1) the Sculpture described herein for inclusion in the future Mariposa Park in northeast Fort Collins, the conceptual design for which was reviewed and approved by the Arts and Culture Board on August 10, 2026; and 2) the use of previously appropriated funds in an amount not to exceed Thirty Thousand Five-Hundred Dollars (\$30,500) from the Art in Public Places Reserve Account in the Arts and Culture Fund for the Sculpture.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Art in Public Places Sculpture Information



Mariposa Park

The public art design is inspired by the neighborhood park's layout that loosely mimics the form of a butterfly. This art project is intended to respectively celebrate the Colorado State Insect the Colorado hairstreak butterfly creating connections to the park theme, nature and community.

Hairstreak butterflies are best known for the delicate, thread-like tails and prominent eye-spots on their hind wings.

Located at the park's central entrance off Sykes Drive, the artwork is intended to be a statement piece viewed by pedestrians passing by or entering the park. Additionally, it can be viewed by park guests from the adjacent seat wall. Walking around the project each side offers different interesting compositions of wing shapes and color inspired by the fluttering movement of the Colorado hairstreak butterfly.

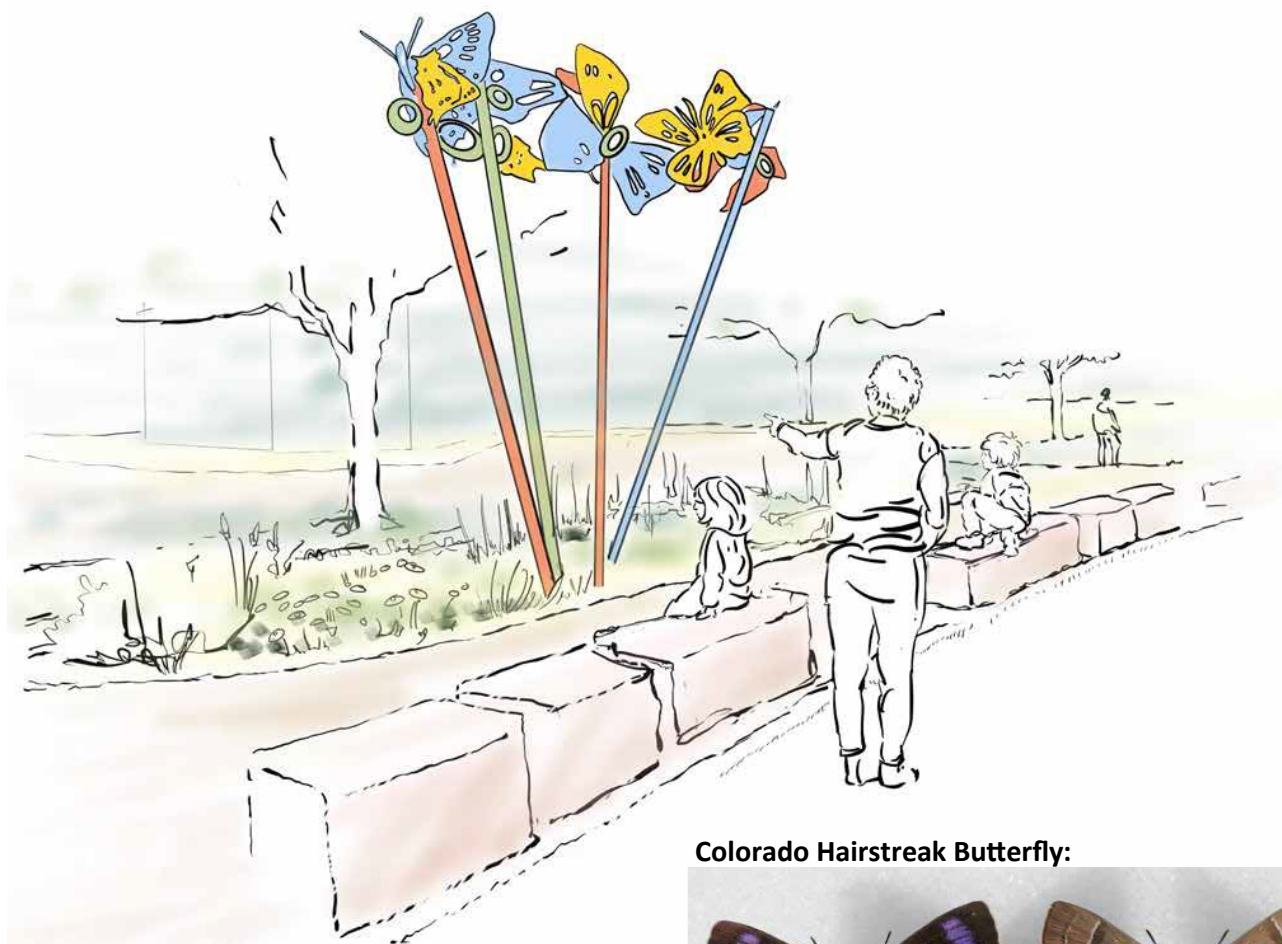


Illustration of the proposed sculpture from nearby seat wall. Colors subject to change.

Colorado Hairstreak Butterfly:



Materials and Scale (illustrated view from two sides):

MATERIAL

Mild Steel 9 GA +/-
Square Tubing 2" x 2" OD +/-

FINISH

Welded Gusset Joins

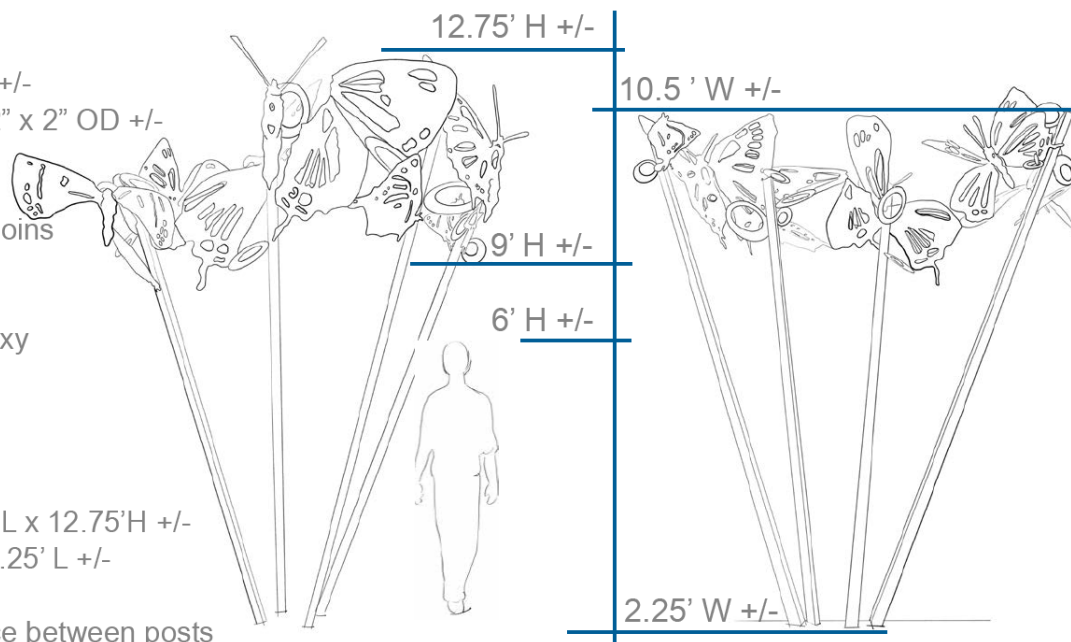
Hand Painted
DTM Marine Epoxy

FOOTPRINT

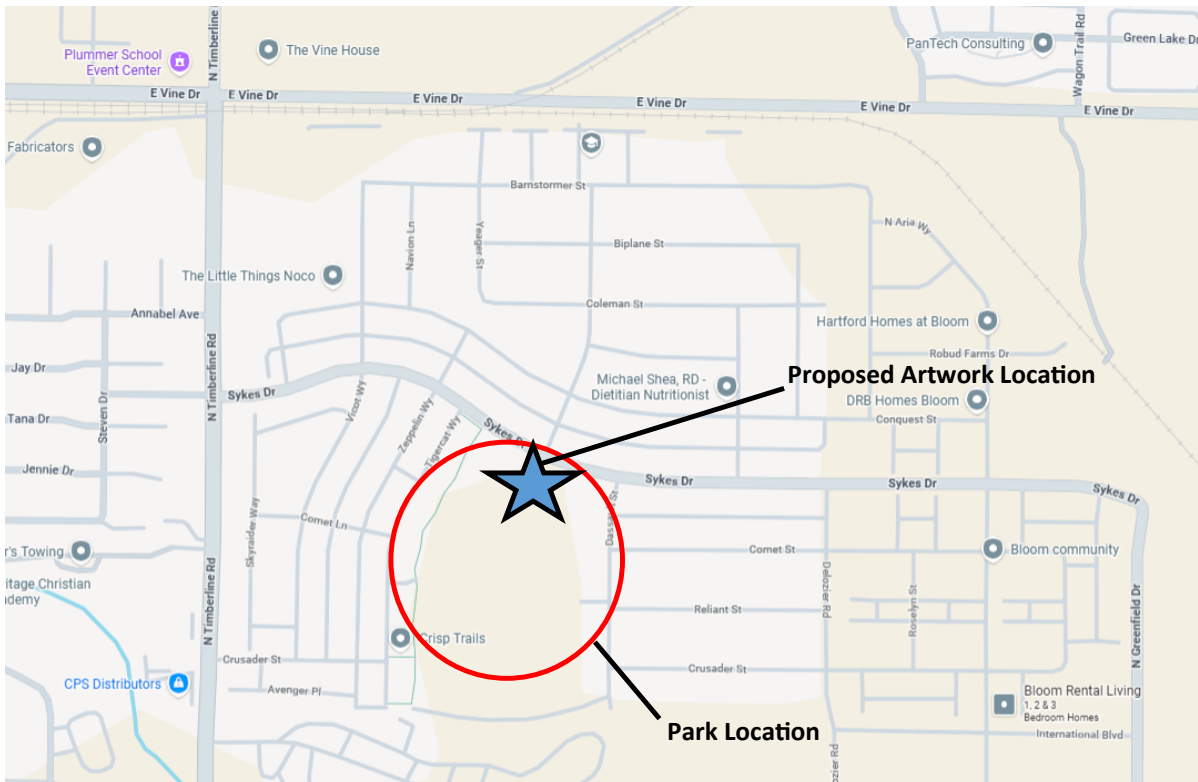
12.75' H +/-

Top: 5' W x 10.5' L x 12.75' H +/-
Base: 1.5' W x 2.25' L +/-

9" Minimum space between posts



Location:



File Attachments for Item:

23. Resolution 2026-109 Authorizing the City Manager to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District for the Development, Operation, and Administration of the Regional Water Efficiency Incentives Portal.

The purpose of this item is to seek authorization to execute an intergovernmental agreement (“IGA”) with the Northern Colorado Water Conservancy District (“Northern Water”) for participation in the Regional Water Efficiency Incentives Portal, a centralized online platform that will allow customers of participating water providers to apply for and receive water efficiency incentives.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kelsey Doan, Water Conservation Program Specialist and Project Manager
Kelly Smith, Water Conservation Manager

SUBJECT

Resolution 2026-109 Authorizing the City Manager to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District for the Development, Operation, and Administration of the Regional Water Efficiency Incentives Portal.

EXECUTIVE SUMMARY

The purpose of this item is to seek authorization to execute an intergovernmental agreement ("IGA") with the Northern Colorado Water Conservancy District ("Northern Water") for participation in the Regional Water Efficiency Incentives Portal, a centralized online platform that will allow customers of participating water providers to apply for and receive water efficiency incentives.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Water efficiency incentives support Fort Collins Utilities ("Utilities") 2025 Water Efficiency Plan, and other City water conservation and efficiency goals, by encouraging water-saving practices and reducing long-term water demand. Utilities, the City of Longmont and Loveland Utilities historically partnered with Platte River Power Authority ("PRPA") to administer residential and commercial water efficiency incentives through the Efficiency Works program. At the end of 2025, PRPA discontinued administering these incentives to focus exclusively on energy efficiency programs. Since January 2026, Utilities has managed the incentives internally, requiring considerable staff time and resources.

Utilities, Northern Water, the City of Longmont and Loveland Utilities have been collaborating to develop the Regional Water Efficiency Incentives Portal, a long-term regional solution for administering water efficiency incentives through a third-party vendor.

A regional approach is intended to:

- improve the customer experience by providing a streamlined and consistent process for accessing water efficiency incentives;
- reduce administrative burden for participating providers;
- create economies of scale by leveraging shared systems, processes and resources;

- support consistent water efficiency programming across Northern Colorado; and
- provide a scalable platform that allows additional water providers to join and participate in future years.

The proposed IGA establishes the framework for participation in the Regional Water Efficiency Incentives Portal. Under the agreement, Northern Water will serve as the convening partner and contract administrator, responsible for procuring and managing the contract with the portal vendor, overseeing portal administration, and coordinating regional program operations. Northern Water conducted the procurement process on behalf of the participating water providers and selected the vendor, Electric & Gas Industries Association ("EGIA"), to develop and administer the online portal.

Participating water providers, including Utilities, will serve as Municipal Partners and participate in a regional Steering Committee that provides oversight of the portal. The Steering Committee will establish annual program requirements, approve incentive offerings, review operational and marketing decisions, and provide strategic direction for the regional program. While the portal will be administered regionally, each participating water provider retains authority over its individual incentive offerings and budgets.

The agreement defines each party's financial responsibilities and establishes provisions for cybersecurity, accessibility compliance, audit rights, governance, and participation by future regional partners. The initial term of the agreement is five years with automatic one-year renewals unless terminated in accordance with the agreement.

Approval of this item authorizes the City Manager to execute the IGA between the City and Northern Water, allowing Utilities to participate in the Regional Water Efficiency Incentives Portal.

CITY FINANCIAL IMPACTS

Northern Water will fund 50% of the portal's operating costs, with participating water providers sharing the remaining costs based on the number of active water service connections. The Municipal Partners' combined annual contribution for operating costs is capped at \$21,000, with the City's share estimated at approximately \$8,000 per year until additional water providers join the portal.

Northern Water received grant funding from the Statewide Internet Portal Authority to develop the portal, and participating water providers will not be invoiced for operating costs until those grant funds are exhausted.

The City will continue to determine and fund its own rebate budget independently and will be responsible for all rebate processing fees charged by the portal contractor.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Resolution 2026-109

RESOLUTION 2026-109
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT WITH THE NORTHERN
COLORADO WATER CONSERVANCY DISTRICT FOR THE
DEVELOPMENT, OPERATION, AND ADMINISTRATION OF THE
REGIONAL WATER EFFICIENCY INCENTIVES PORTAL

A. The City owns and operates a Water Utility that provides water service to customers in its water service area.

B. The City's Water Utility has a Water Conservation Division and various water conservation and efficiency programs, including incentives. Water efficiency incentives support the City's water conservation and efficiency policy goals, including the Fort Collins Utilities 2025 Water Efficiency Plan, by encouraging water-saving practices and reducing long-term water demand by City Water Utility customers.

C. The City's Water Utility, the City of Longmont, and Loveland Utilities historically partnered with Platte River Power Authority ("PRPA") to administer residential and commercial water efficiency incentives for their respective customers through the Efficiency Works program. At the end of 2025, PRPA discontinued administering these incentives to focus exclusively on energy efficiency programs. Since January 2026, the City Water Utility has managed the water-related incentives internally, requiring considerable staff time and resources.

D. The City's Water Utility, the City of Longmont, Loveland Utilities, and the Northern Colorado Water Conservancy District ("Northern Water") have been collaborating to develop the Regional Water Efficiency Incentives Portal, a long-term regional solution for administering water efficiency incentives through a third-party vendor. Such an approach has various benefits, including to:

- improve the customer experience by providing a streamlined and consistent process for accessing water efficiency incentives;
- reduce administrative burden for participating providers, including the City;
- create economies of scale by leveraging shared systems, processes and resources;
- support consistent water efficiency programming across Northern Colorado; and
- provide a scalable platform that allows additional water providers to join and participate in future years

E. To establish the framework for participation in and management of the Regional Water Efficiency Incentives Portal, the City's Water Utility, the City of Longmont, Loveland Utilities, and Northern Water have thus negotiated the Intergovernmental Agreement for Regional Water Efficiency Incentives Portal (the "Agreement"), a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

F. City staff has recommended that the City execute the Agreement.

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 that the City Manager is hereby authorized to execute the Agreement in the form of Exhibit A, attached hereto and incorporated by this reference, with such modifications and additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026

Approving Attorney: Eric Potyondy

Exhibit: Exhibit A – Intergovernmental Agreement for Regional Water Efficiency Incentives Portal

**INTERGOVERNMENTAL AGREEMENT
FOR
REGIONAL WATER EFFICIENCY INCENTIVES PORTAL**

This Intergovernmental Agreement for Regional Water Efficiency Incentives Portal (“Agreement”) is made this ____ day of _____, by and between Northern Colorado Water Conservancy District, a quasi-municipal entity and political subdivision of the State of Colorado (“Northern Water”), and _____, which are hereinafter referred to collectively as the “Parties” or individually as a “Party,” for the operation and administration of the Regional Water Efficiency Incentives Portal (“Portal”).

RECITALS

WHEREAS, all Parties benefit from water conservation efforts and reducing their respective demand for limited water resources in the region; and

WHEREAS, the Parties wish to collaborate to develop and manage a Regional Water Efficiency Incentives Portal (“Portal”) that will allow residents and businesses that receive water service from the Parties to access a central website that will allow them to apply for and receive reimbursements for purchases made on select water efficiency products and services; and

WHEREAS, Northern Water has agreed to contract with a qualified contractor (“Portal Contractor”) to host and operate the Portal as well as process the incentive applications on behalf of all Parties, and

WHEREAS, the use of a single, centralized platform for the Parties’ water customers reduces collective costs and administrative burdens, promotes regional consistency in rebate program delivery through uniform eligibility criteria and application procedures, provides customers with a single source of information regarding available incentives, and facilitates the sharing of information and best practices concerning water-efficiency measures among the Parties; and

WHEREAS, other Parties may wish to utilize the Portal and share in the costs of its operation and maintenance, and the Parties intend to allow such additional Parties join the Portal on terms equivalent to the Parties; and

WHEREAS, the Parties wish to establish their relative rights and responsibilities regarding development and operation of the Portal and related operational costs; and

WHEREAS, Section 29-1-203, C.R.S. authorizes entities such as the Parties to enter into agreements to provide services, each are independently authorized to provide.

NOW THEREFORE, the Parties agree as follows:

AGREEMENTS AND COMMITMENTS

1. **Northern Water Responsibilities.** Northern Water shall be considered a Convening Partner. The Convening Partner is the contract administrator for this program and shall be responsible for performing all responsibilities provided herein as defined in Paragraphs 3 and 4, below.
2. _____' **Responsibilities.** _____ shall be considered a Municipal Partner and shall be responsible for performing all responsibilities of a Municipal Partner as provided herein as defined in Paragraphs 3 and 4 below. A Municipal Partner refers to any water utility, municipality or special district that is participating in the Portal.
3. **Governance and Steering Committee.** The Parties shall participate in a Steering Committee ("SC") consisting of no more than two (2) representatives from each Convening and Municipal Partner. The SC shall meet monthly to oversee strategic planning, review annual budget, select incentive offerings, approve marketing materials, review program requirements, and make operational decisions related to the Portal. Consensus shall be the preferred decision-making method. To this end, Parties in the SC shall make a good faith effort to reach consensus, propose alternative solutions, and otherwise work to resolve any issues that prevent consensus. If consensus cannot be reached, any matter requiring a decision by the SC may be decided by a majority vote of 75% and above. Each Partner shall receive one vote. Given Northern Water is the contract holder and assumes the associated contractual risk, no proposed change, action, or decision shall be deemed approved if Northern Water casts a dissenting vote. For any decision that results in a financial obligation or expenditure for the group, only those Steering Committee members voting in favor of the approved change or measure shall be responsible for funding the associated cost. Partners voting against the motion or abstaining shall not be obligated to contribute financially toward that expenditure unless they voluntarily choose to do so.
 - a. SC Responsibilities: Each Party shall have the following responsibilities on the SC, subject to staffing and budget availability.

i. Convening Partner:

1. Serve as the meeting facilitator, including hosting meetings virtually or in person and ensuring the SC receives an agenda before each meeting.
2. Host a shared SharePoint or similar technology to ensure all Partners have access to materials, resources, contracts, guiding documents, and other items as needed.
3. Add and remove resources as needed and ensure the SharePoint remains organized.
4. Furnish a report of incentive participation to the Municipal Partners monthly, as well as an aggregated report annually.

ii. Municipal Partners:

1. Assign at least one staff liaison to participate in SC meetings and identify who that person is via email to Northern Water. As roles change, Municipal Partners shall provide Northern Water with updated contact information.
2. Participate in mandatory biannual meetings held each April and September.
3. Take turns recording meeting minutes.
4. Participate in regional marketing efforts, including:
 - a. Guiding the creation of a set of standard marketing design specifications for all Parties to use, including a standard color scheme, naming convention, and branding for the Portal and Partner materials.
 - b. Collaborating on the creation of regional marketing and outreach efforts. This may be performed by SC members or contracted out to the Portal Contractor or other third-party contractor should budget allow.
 - c. Promoting and marketing incentives to its water customers.
 - d. Sharing and displaying co-branded promotional materials at events at which the Partner is tabling.
5. Manually review escalated applications from customers within the Municipal Partner's service area that exceed the defined dollar cap (to be set annually by the Municipal Partner or SC). The defined dollar cap is the maximum amount that may be paid per rebate or application. Municipal Partners shall, in good faith and with

guidance from Northern Water, attempt to keep the defined dollar cap consistent among all entities.

6. Ensure public communications regarding the Portal are consistent with its own policies, branding, and communication standards.

b. Incentive Selection and Program Requirements:

- i. Each year, the SC shall review and determine the incentives to be offered through the Portal, including application criteria, eligibility requirements, documentation standards, and applicable incentive amounts.
- ii. The annual review shall include:
 1. Changes to available incentives.
 2. Adjustments to incentive amounts. Incentive amounts may also be modified during the year, as determined by the SC and agreed upon by the Portal Contractor, to allow for greater flexibility.
 3. Changes to incentive eligibility requirements, documentation requirements, fraud prevention procedures, accessibility standards, application review processes, and other program standards.
- iii. Proposed changes shall be presented at the first June meeting each year, with final decisions made no later than the September meeting.
- iv. At the beginning of each contract year, the SC shall provide the Portal Contractor with a final list of incentives approved for reimbursement.
- v. Municipal Partners agree to contribute to determining and comply with all incentive eligibility standards, documentation requirements, fraud prevention procedures, accessibility standards, and application review processes approved by the SC and administered through the Portal Contractor.

4. **Resource Commitments.**

- a. Convening Partner: As a Convening Partner, Northern Water shall:
 - i. Procure a contractor to develop and administer the Portal (“Portal Contractor”), including drafting and publishing a request for proposals, managing contract negotiations, and signing a contract with the Portal Contractor; and the costs of developing the procurement documents, conducting the procurement process,

- identifying the Portal Contractor, and managing communications with Municipal Partners shall be borne solely by Northern Water.
- ii. Oversee, with support and input from all Municipal Partners, the Portal Contractor, and ensure the terms of the contract are met.
 - iii. Invoice _____ and other Municipal Partners for their respective shares of monthly costs of administering and operating the Portal (“Operational Costs”), including but not limited to Portal and website creation and maintenance, compliance with applicable laws and regulations, including the Americans with Disabilities Act (ADA), branding, marketing, reporting. Invoices will cover amounts necessary to pay the Portal Contractor for Operational Costs, on or before _____ each month. Operational Costs do not include any costs associated with incentive payments to customers and the processing of incentive applications (“Incentives and Processing Fees”) as described in Paragraph 3, Section b.
 - iv. Northern Water’s share of Operational Costs shall be 50% of the Operational Costs.
- b. Municipal Partners: As a Municipal Partner, _____ shall:
- i. Pay _____’s pro rata share of Operational Costs on a monthly basis within thirty (30) days of receipt of the invoice for same. Each Municipal Partner’s pro rata share of the 50% of the Operational Costs shall be based on the percentage of “active taps” served by such Municipal Partner at the beginning of the calendar year compared to the total “active taps” served by all Municipal Partners at the beginning of that calendar year. “Active Taps” shall mean the connection between a water utility main and the water services that provide water to a residence or business. Active taps are a proxy for the number of people and business served by a utility or municipality. The Municipal Partner’s annual monetary obligation for operational costs under this Agreement shall not exceed \$21,000.
 - ii. Provide, on an annual basis, a budget for Incentives and Processing fees. Such amounts shall either (a) be paid to the Portal Contractor at the beginning of each calendar year, to be drawn upon by the Portal Contractor as rebate applications are approved and paid, or (b) be invoiced by the Portal Contractor and paid by the Municipal Partner on a monthly basis as rebate applications are approved for payment.

If the budgeted amounts are exhausted during the calendar year, the Municipal Partner may, in its sole discretion, (a) provide additional funds to the Portal Contractor for continued drawdown

and payment of approved incentives and related fees, or (b) direct the Portal Contractor to suspend the approval and payment of incentives funded by the Municipal Partner for the remainder of the calendar year, or until such time as additional funds are provided.

5. **Default.** If _____ fails to pay its share of Operational Costs within thirty (30) days of receiving an invoice for same, Northern Water will provide written notice of nonpayment to _____. If full payment from _____ is not received by Northern Water within thirty (30) days of such notice, _____'s access to the Portal will be suspended, _____ will no longer be entitled to use the Portal or to process rebate requests for its customers through the Portal, and this Agreement will terminate.
6. **Grant Funds.** Northern Water has applied for grant funding for the initial stages of Portal development, and the Parties anticipate that said grant funding will cover initial Operational Costs. The Parties will also cooperate to identify and apply for grant funding to cover future operational costs. Northern Water will not invoice _____ for any Operational Costs hereunder until all grant funds have been expended. If grant funding is not received in amounts sufficient to cover Portal development, the Parties will confer regarding the financial feasibility of developing the Portal. If one or both Parties determines it lacks sufficient funds to pay for development of the Portal, the Parties may terminate this Agreement pursuant to the provisions of Paragraph 8.
7. **Data Security and Cyber Incident Response.** The SC and the Portal Contractor shall collaboratively develop, maintain, and annually review a Cybersecurity Incident Response Plan for the Portal. This plan shall clearly define roles, responsibilities, communication protocols, and procedures for identifying and responding to actual or suspected cybersecurity incidents affecting the Portal or related data. The Portal Contractor shall notify affected Municipal Partners within forty-eight (48) hours of discovering a breach or suspected cyber incident. Customer data shall remain the property of the originating Municipal Partner and shall not be sold or shared without authorization. The Cybersecurity Incident Response Plan shall be completed before the launch of the Portal.
8. **Accessibility.** The Convening Partner shall ensure that the Portal Contractor commits to compliance with C.R.S. §24-85-101, et seq. and will be in substantial compliance with the following requirements ("Accessibility Requirements"): (i) all requirements related to the applicable provisions of C.R.S. §24-85-101, et seq. and the Accessibility Standards for Individuals with a Disability, as established

by the State of Colorado's Governor's Office of Information Technology (OIT), pursuant to Section §24-85-103(2.5), C.R.S; (ii) all State of Colorado technology standards related to technology accessibility; (iii) the Web Content Accessibility Guidelines (WCAG) level and version currently established in 8 CCR 1501-11 Technology Accessibility Rules, as incorporated and as defined in the State of Colorado technology standards; (iv) in the event Contractor cannot comply with the Accessibility Requirements, Contractor must work with the Convening Partner to establish a plan for Contractor to comply with these Accessibility Requirements.

9. **Third-Party Rights for Municipal Partners.** The Convening Partner shall include provisions in its contract with the Portal Contractor whereby: (a) the Portal Contractor agrees to indemnify and hold harmless the Municipal Partners, 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 the services the Portal Contractor provides, if such injury, loss, or damage, or any portion thereof, is caused by the act, omission, or other fault of the Portal Contractor or any subcontractor of the Portal Contractor, or any officer, employee, or agent of the Portal Contractor or any subcontractor, or any other person for whom the Contractor is responsible; (b) the Municipal Partners are empowered to enforce any rights protecting their monetary expenditures in relation to the Portal—for incentives or otherwise; and (c) the Municipal Partners shall be permitted to audit any of the Portal Contractor's records relating to the Portal.
10. **Use of Contract Services.** The Parties acknowledge that Northern Water has entered into a contract for services with the Project Contractor. In accordance with applicable cooperative procurement authority, any entity that has executed an agreement with Northern Water authorizing participation in the Portal may access and utilize services provided under that contract. Each Project Partner shall be responsible for its proportionate share of project costs and may be invoiced directly by the Project Contractor at the direction of Northern Water. This right is affirmed in Section 6 of the contract between Northern Water and the Portal Contractor.
11. **Audit.** The Municipal Partners shall be permitted to audit any records held by Northern Water relating to the Portal and administration thereof.
12. **Term.** This Agreement shall have an initial term of five (5) years. After the expiration of the initial term, the Agreement shall renew automatically for

successive one-year terms unless either party provides notice of nonrenewal at least ninety (90) days before the expiration of the then-current term.

13. **Termination.** Either Party may terminate this Agreement by providing thirty (30) days written notice of termination to the other Party. If _____ terminates the Agreement and termination is not for cause, _____ shall not be entitled to a refund of any funds previously paid pursuant to Paragraph 3 of this Agreement. If Northern Water terminates, _____ shall be entitled to a refund of amounts paid by _____ for the current fiscal year. If Northern Water terminates, the Parties will confer to determine whether Northern Water will assign the agreement with the Portal Contractor to _____ or another Municipal Partner so that Portal operation can continue. Unless the Portal Contractor agreement is assigned to a non-Northern Water partner, then upon termination, _____'s access to the Portal will be suspended. Following termination, neither Party will have any further rights or obligations with regard to this Agreement.

14. **Other Partners.** _____ acknowledges that Northern Water expects to sign agreements with Other Partners that contain substantially identical terms to this Agreement. As of the signing of this Agreement, the Other Partners are _____. If, at a later date, additional water providers not listed here wish to become Other Partners and join in the operation and management of the Portal, Northern Water will notify _____ and all existing Other Partners and obtain their written consent, which shall not be unreasonably withheld, prior to executing an agreement with the prospective new Other Partner. Agreements with future Other Partners shall contain substantially the same terms as this Agreement.

GENERAL CONDITIONS

15. **Effective Date.** This Agreement shall become effective upon signature of this document by both Parties.

16. **Annual Appropriation.** The respective financial obligations of both Northern Water and _____ are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available by their respective governing body. Nothing herein shall be construed to require the expenditure of any funds by either party that would violate the provisions of Article X, § 20 of the Colorado Constitution.

17. **Merger.** This Agreement represents the complete understanding between the Parties, and all prior representations and understandings, oral and written, are

merged herein. Prior or contemporaneous additions, deletions, or other amendments hereto shall not have any force or effect whatsoever, unless embodied herein.

18. Amendment by Written Agreement. This Agreement may be modified by the Parties only by an executed written instrument.

19. Controlling Law and Venue. This Agreement shall be governed by and construed under the laws of the State of Colorado. Venue for any dispute resulting in litigation shall be in the District Court in and for Larimer County.

20. Notice. All notices required to be given hereunder shall be sent by certified or registered mail to such Party's principal representative at the address set forth below. In addition to hardcopy notice, notice also may be sent by e-mail to the e-mail addresses, if any, set forth below. Either Party may from time to time designate by written notice substitute addresses or persons to whom such notices shall be sent. Unless otherwise provided herein, all notices shall be effective upon receipt. The individuals listed below are the principal representatives of the respective Parties. For the purposes of this Agreement, the official representative(s) and addresses of the Parties are:

For Northern Water:
Northern Colorado Water Conservancy District
220 Water Ave.
Berthoud, CO 80513
Attention: _____

For _____:

Attention: _____

The Parties' rights and obligations hereunder are personal and may not be transferred, assigned or subcontracted without the prior, written consent of the other Party. Any attempt at assignment, transfer, or subcontracting without such consent shall be void.

21. Unless otherwise provided herein, all provisions herein contained, including the benefits and burdens, shall extend to and be binding upon the Parties' respective legal representatives, successors, and assigns.

22. The captions and headings in this Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit the provisions of this Agreement.
23. **Counterparts.** This Agreement may be executed in two or more counterparts, including by facsimile or electronic mail, each of which shall be deemed an original and all of which shall constitute one and the same Agreement. By affixing an image of one's own signature to this Agreement in an electronic format, the person is signing the Agreement as if it were an original, wet ink signature.
24. A Party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by a cause beyond its control, provided that such nonperformance is beyond the reasonable control of and is not due to the fault or negligence of the Party not performing.
25. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties and not to any third party. Any services or benefits which third parties receive as a result of this Agreement are incidental to the Agreement, and do not create any rights for such third parties.
26. Waiver of any breach of a term, provision, or requirement of this Agreement or any right or remedy hereunder, whether explicitly or by lack of enforcement, shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement.
27. No term or condition of this Agreement shall be construed or interpreted as a waiver, expressed or implied, of any of the immunities, rights, benefits, or protections afforded the Parties under applicable law, including TABOR, Colorado Constitution, Article X, § 20; the Governmental Immunity Act, C.R.S. § 24-10-101 et seq.; or the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b) and 2671 et seq., as applicable now and hereafter amended.
28. **Authority.** The persons executing this Agreement on behalf of the Parties hereto, covenant and warrant that they are fully authorized to execute this Agreement on behalf of the Party they represent. The Parties further agree that they each have sought the advice of independent legal counsel prior to entering into this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

NORTHERN COLORADO WATER CONSERVANCY
DISTRICT

By: _____
Bradley D. Wind, General Manager

Date: _____

By: _____

Date: _____

File Attachments for Item:

24. Resolution 2026-110 Approving the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan.

The purpose of this item is to consider the Second Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (“PUD”) Master Plan (the “Public Benefits Agreement”). The amendment would extend the contingency for closing of the Development’s purchase from the Anheuser-Busch Foundation for up to two additional years.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

Resolution 2026-110 Approving the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan.

EXECUTIVE SUMMARY

The purpose of this item is to consider the Second Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (“PUD”) Master Plan (the “Public Benefits Agreement”). The amendment would extend the contingency for closing of the Development’s purchase from the Anheuser-Busch Foundation for up to two additional years.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On September 25, 2018, Council approved the Consolidated Service Plan for Montava Metropolitan District Nos. 1-7 (the “Service Plan”) to govern the Montava Metro Districts by Resolution 2018-083. Subsequently, in 2020, Council approved the Montava PUD Master Plan and the PUD Master Plan Development Agreement for the development of approximately 844 acres to be acquired from the Anheuser-Busch Foundation and an additional 108 acres to be obtained via an exchange with the Poudre School District. In connection with the approval of the PUD Master Plan, Council approved by Resolution 2020-007 the Development agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan for the purpose of securing the Developer’s delivery of certain “public benefits” described in the Service Plan as: (1) large-scale comprehensive master planning; (ii) new urbanism; (iii) agri-urban development; (iv) zero energy ready homes; (v) non-potable water system; and (vi) affordable / workforce housing. The Public Benefits Agreement meets both the spirit of the City’s metro district policy and helps the City achieve its strategic objectives.

The Public Benefits Agreement contains a contingency requiring the closing of Montava’s purchase from the Anheuser-Busch Foundation within five years, and the First Amendment to that agreement extended that contingency by two years. To date, Montava has submitted four development applications for phases within the Montava PUD Master plan, with two having received approvals – the recording of those final documents are pending closing on the property.

Montava has encountered numerous complicated issues in finalizing long-term solutions related to ditch crossings and improvements, stormwater management, and potable and non-potable water causing

significant delay and continued erosion of the contingency period stated in the original agreement and first amendment. At this time, Montava is awaiting resolution on a proposed agreement between the City of Fort Collins and the East Larimer County Water District related to the possible sale of water that may impact the Montava land closing and development schedule. (Council held a work session on August 25, 2026, to discuss said agreement.)

Because of the delays Montava has encountered trying to obtain potable and non-potable for the development, the developer is requesting that Council approve a second amendment to further extend the period in which to purchase the property. The developer is requesting that should the water agreements between the City and East Larimer County Water District be approved by or on December 29, 2026, the closing deadline would be extended until the end of day March 25, 2028, to close on the property. If the City does not approve the water agreements by or on December 29, 2026, a longer extension would be granted until the end of day March 25, 2029.

The City and Montava are authorized to amend the Development Agreement without the consent of the Anheuser-Busch Foundation or the Poudre School District, although both entities are advised of this request.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Resolution 2026-110

RESOLUTION 2026-110
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE SECOND AMENDMENT TO DEVELOPMENT
AGREEMENT TO SECURE PUBLIC BENEFITS FOR MONTAVA
PLANNED UNIT DEVELOPMENT MASTER PLAN

A. Montava is a Planned Unit Development (“PUD”) established under Transitional Land Use Code Divisions 2.15 and 4.29 for a section of rural and agricultural land next to the Anheuser-Busch facility in northeast Fort Collins, modeled after a village-style development for the wide variety of land uses planned. The development intends to include a variety of housing, amenities and public spaces. The proposal calls for a complete, connected community with new neighborhoods, parks, schools, a town center, urban agriculture, businesses, and transportation connections.

B. On September 25, 2018, City Council approved the Consolidated Service Plan for Montava Metropolitan District Nos. 1-7 (the “Service Plan”) to govern the Montava Metro Districts by Resolution 2018-083. Thereafter, on February 18, 2020, City Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020, and the PUD Master Plan Development Agreement by Ordinance No. 015, 2020, for the development of approximately 844 acres to be acquired from the Anheuser-Busch Foundation and an additional 108 acres to be obtained via an exchange with the Poudre School District.

C. In connection with the approval of the PUD Master Plan, City Council approved by Resolution 2020-007 the Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan (the “Public Benefits Agreement”) at Reception No. 20220022462, for the purpose of securing the Montava developer's (the “Developer”) delivery of certain Public Benefits described in the Service Plan as: (i) large-scale comprehensive master planning; (ii) new urbanism; (iii) agri-urban development; (iv) zero energy ready homes; (v) non-potable water system; and (vi) affordable/workforce housing.

D. The Public Benefits Agreement at Subsection II.G. contains a contingency requiring the closing of the Developer's purchase of property from the Anheuser-Busch Foundation within five years after the Public Benefits Agreement's effective date, and if the closing does not occur before the end of the five years, the Development Agreement would automatically terminate.

E. Due to complications in finalizing long-term solutions for ditch crossings, ditch modifications and stormwater management, City Council adopted Resolution 2025-004 approving the First Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan to extend the time period in which to purchase the property by two years until March 25, 2027.

F. The Developer has encountered complicated issues in finalizing long-term solutions for potable and non-potable water causing additional delay. The City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (the "Water Agreements") setting forth the terms for the provision of such water. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters.

G. Due to the continued delays, the Developer is requesting a further extension of the time to purchase the property as set forth in the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan (the "Second Amendment"), attached hereto and incorporated herein by this reference as Exhibit A. As described in the Second Amendment, should the Water Agreements be approved by or on December 29, 2026, an extension will be granted until the end of day March 25, 2028, to close on the property. If the City does not approve the Water Agreements by or on December 29, 2026, a longer extension will be granted until the end of day March 25, 2029.

H. There will not be financial impact on the City for extending the existing deadline.

I. City Council finds and determines that the adoption of this Resolution advances the public's health, safety, and welfare by ultimately facilitating the Developer's delivery of the agreed upon Public Benefits.

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

Section 1. The Second Amendment is hereby approved by City Council.

Section 2. The Mayor is authorized to execute the Second Amendment on behalf of the City in substantially the same form as Exhibit A.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026

Approving Attorney: Brad Yatabe

Exhibit: Exhibit A - Second Amendment to Development Agreement to Secure
Public Benefits for Montava Planned Unit Development Master Plan

**SECOND AMENDMENT TO
DEVELOPMENT AGREEMENT TO
SECURE PUBLIC BENEFITS FOR
MONTAVA PLANNED UNIT DEVELOPMENT MASTER PLAN**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT TO SECURE PUBLIC BENEFITS FOR MONTAVA PLANNED UNIT DEVELOPMENT MASTER PLAN (“Second Amendment”) is made and entered into this _____ day of _____, 2026, by and between the CITY OF FORT COLLINS, COLORADO, a municipal corporation of the State of Colorado (“City”); and MONTAVA PARTNERS, LLC, a Colorado limited liability company (“Montava”), as successor to HF2M, INC., a Texas corporation (“HF2M”). City and Montava may be referred to individually, each as a “Party,” or collectively, the “Parties.”

RECITALS

WHEREAS, City and HF2M entered into the Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan on December 11, 2020 (the “Original Agreement”), together with U.S. BANK NATIONAL ASSOCIATION, as successor in interest to U.S. BANK, AS CORPORATE TRUSTEE OF THE ANHEUSER-BUSCH FOUNDATION, a Missouri charitable trust (“Foundation”) and POUUDRE SCHOOL DISTRICT T-1, a political subdivision of the State of Colorado (“School District”); the Foundation and School District being collectively referred to herein as “Owners”; and

WHEREAS, HF2M assigned all of its obligations, right, title, interest in and to the Original Agreement to Montava effective March 8, 2021; and

WHEREAS, the closing of the sale and conveyance of the Foundation Property to Montava has been delayed by unforeseen complications thus creating a risk that the Foundation Contingency in Subsection II.G. of the Original Agreement could not be satisfied within the five year time frame originally envisioned;

WHEREAS, on January 21, 2025, the City approved the first amendment to the Original Agreement (the “First Amendment”) via Resolution 2025-004 to extend the Foundation Contingency deadline for the sale of the Foundation Property to Montava until March 25, 2027; and

WHEREAS, since the First Amendment was approved, the City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (“Water Agreements”) setting forth the terms for the provision of such water; and

WHEREAS, if City Council approves the Water Agreements on or before December 29, 2026, the Parties desire to further amend the Original Agreement to extend the Foundation Contingency period until the end of day on March 25, 2028. For the avoidance of doubt, the extension shall commence upon the expiration of the extension granted under the First Amendment,

thereby extending the applicable deadline from March 25, 2027, to the end of day March 25, 2028; and

WHEREAS, alternatively, if the Water Agreements are not fully executed on or by December 29, 2026, the Parties desire to amend the Original Agreement to extend the Foundation Contingency period until the end of the day on March 25, 2029. For the avoidance of doubt, this alternative extension would commence upon the expiration of the extension granted under the First Amendment, thereby extending the applicable deadline from March 25, 2027, to the end of day March 25, 2029; and

WHEREAS, the Original Agreement may be amended by the City and Montava without the consent of the Owners, and Montava has not granted the right to consent to this Second Amendment to any successor or assigns.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements of the Parties contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows.

1. Incorporation of Recitals. The foregoing Recitals are incorporated herein as material terms.

2. Capitalized Words and Terms. Capitalized words and terms not otherwise defined herein shall retain the meaning given to them in the Original Agreement or in the Service Plan.

3. Foundation Contingency. The Developer has encountered complicated issues in finalizing long-term solutions for water management causing years of delay. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters. Should the Water Agreements be approved by or on December 29, 2026, Developer will have until the end of day March 25, 2028, to close on the property described in Subsection II.G. of the Original Agreement. If the City does not approve the Water Agreements by or on December 29, 2026, the Developer shall be granted a longer extension until the end of day March 25, 2029, to effectuate the closing on the property.

4. Amendment of Foundation Contingency. The Parties therefore agree to amend Subsection II.G. of the Original Agreement to read as follows:

“Foundation Contingency. The Parties hereto expressly agree that this Agreement is contingent upon the Foundation’s fee-title conveyance of record of the Foundation Property to the Developer pursuant to the terms of the Foundation Agreement by either the end of day March 25, 2028, if Council approves the Water Agreements, as defined in the Second Amendment to this Agreement, by or on December 29, 2026; or by the end of day March 25, 2029, if Council does not approve the Water Agreements by or on December 29, 2026. Because the legal description of the Foundation Property in Exhibit A has not been surveyed, it may need to be further verified by survey before the Foundation conveys the Foundation Property to the Developer; therefore, the Parties acknowledge and agree that the

exact number of acres and boundaries of the Foundation Property to be conveyed under the Foundation Agreement may change and any such reasonable changes shall not affect the satisfaction of this contingency so long as substantially all of the Foundation Property currently described in Exhibit A is conveyed by the Foundation to the Developer. If such closing does not occur by or on the applicable date, this Agreement shall thereupon automatically terminate and thereafter be of no force or effect, and the Parties hereto shall be released from all obligations hereunder.”

5. Original Agreement. The Original Agreement remains in full force and effect, as amended by the First and this Second Amendment.

7. First Amendment Effective Date. The First Amendment became effective on January 21, 2025, the date of adoption of Resolution 2025-004.

8. Second Amendment Effective Date. This Second Amendment became effective upon the adoption of a resolution of the City Council approving the Second Amendment.

9. Counterparts. This Second Amendment may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same amendment.

10. Recordation. The City shall record this Second Amendment in the Larimer County Records with a copy of the City of Fort Collins resolution approving this Second Amendment attached, and Montava shall pay the cost of the same.

IN WITNESS WHEREOF, the Parties agree to the terms and conditions of this Second Amendment described above effective as of the Second Amendment Effective Date.

CITY:

CITY OF FORT COLLINS, COLORADO,
a Municipal Corporation

By: _____
Emily Francis, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Delynn Coldiron, City Clerk

Brad Yatabe, Deputy City Attorney

MONTAVA:

MONTAVA PARTNERS, LLC, a Colorado
Limited liability company

By: CAMERON INVESTMENTS L.C., an
Idaho limited liability company, Manager

By: _____
Richard P. Clark, Manager

Date: _____

ATTEST:

Printed name, Title

File Attachments for Item:

25. Resolution 2026-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Strauss Lakes Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Strauss Lakes Annexation, a voluntary annexation located northeast of the intersection of Horsetooth Road and Ziegler Road. The applicant has submitted a written petition requesting annexation of 147.499 acres and zoning into the Low Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood ("MMN") zone district, which is consistent with the City of Fort Collins Structure Plan Map.

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

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

Resolution 2026-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Strauss Lakes Annexation.

EXECUTIVE SUMMARY

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Strauss Lakes Annexation, a voluntary annexation located northeast of the intersection of Horsetooth Road and Ziegler Road. The applicant has submitted a written petition requesting annexation of 147.499 acres and zoning into the Low Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood ("MMN") zone district, which is consistent with the City of Fort Collins Structure Plan Map.

This annexation request is in conformance with Colorado Revised Statutes as they relate to annexations, 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.

BACKGROUND / DISCUSSION

This is a voluntary annexation of 147.499 acres located northeast of the intersection of Horsetooth Road and Ziegler Road. The site is undeveloped and was previously used for sand and gravel mining and a batch plant which has been removed; the mining permit is currently in "reclamation" status and is anticipated to be fully closed out prior to development.

As part of a separate development application for an Overall Development Plan ("ODP"), the annexation site has been identified for future residential neighborhood with a variety of housing types and densities, with a small neighborhood center incorporated.

The Strauss Lakes Annexation gains contiguity with City limits along its west edge primarily along Ziegler Road, and a small, approximately 14-acre, corner of this site annexed in 2003. The annexation site has a total perimeter of approximately 13,295 feet and a contiguous perimeter with City limits of 5,384.55 feet. The contiguous perimeter is 40.5% of the overall perimeter, exceeding the one-sixth (16%) required by State Statute.

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.

CITY FINANCIAL IMPACTS

The annexation will not result in any initial direct significant financial/economic impacts.

Annexation will trigger the transition of law enforcement from the Larimer County Sheriff’s Office to Fort Collins Police Services.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning and Zoning Commission will conduct a public hearing on the annexation and zoning request on September 17, 2026, and prepare a recommendation to Council. The Commission’s recommendation will be forwarded to Council as part of the First Reading of the annexation and zoning ordinances on October 6, 2026.

PUBLIC OUTREACH

There was no public outreach for this initiating Resolution, as this Resolution simply accepts the Annexation Petition and provides a schedule for upcoming Council hearings with a schedule and public notification requirements that comply with State Statutes.

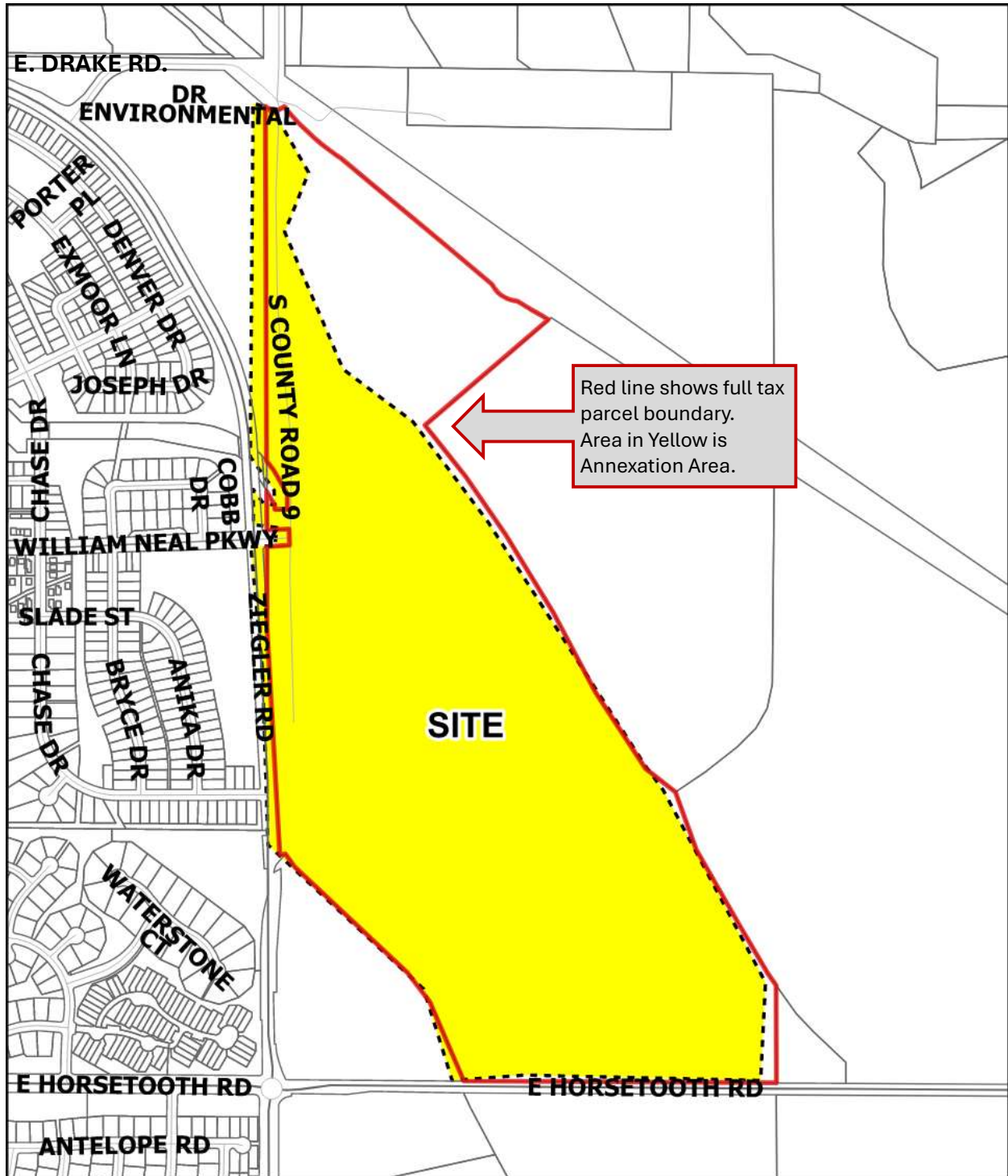
An open house style neighborhood meeting for the Annexation and proposed ODP for the site was held on May 13, 2024.

ATTACHMENTS

1. Vicinity Map
2. Annexation Petition
3. Applicant Narrative & Statement of City Plan Principles and Policies
4. Annexation Map
5. Resolution 2026-111

Strauss Lakes Annexation

Vicinity Map



Strauss Lakes, ANX240002
LOCATION MAP

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 Strauss Lakes Annexation to the City of Fort Collins. Said area, consisting of approximately One hundred forty seven point four nine nine (147.499) acres, is 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 31-12-105, 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 §37-45-136(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 LMN and MMN Zone Districts pursuant to the Land Use Code of the City of Fort Collins.

☒

(Check box if applicable). 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:

See Legal Description on Attachment "A"

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 10th day of July, 2026.

Theresa D. Zell

Petitioner's/Owner's Signature

Petitioner's/Owner's Signature

P.O. Box 229

Address

Address

Boulder

City

CO

State

80306

Zip

City

State

Zip

ATTACHMENT "A"

PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'28" West a distance of 108.13 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°25'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 198.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°45'20" East a distance of 461.31 feet;

THENCE South 30°25'11" East a distance of 283.52 feet;

THENCE South 35°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1027.15

feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 25°40'04" West a distance of 5.56 feet;

THENCE South 89°38'13" East a distance of 31.31 feet;

THENCE North 23°15'56" West a distance of 513.99 feet;

THENCE North 37°49'36" West a distance of 188.78 feet;

THENCE North 46°56'06" West a distance of 839.47 feet;

THENCE North 32°02'34" West a distance of 60.00 feet;

THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

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

Subscribed and sworn to before me this 10th day of July, 2026,
by William McDowell.

WITNESS my hand and official seal.

9-15-2027
Commission Expiration


Notary Public

ALYSSA FAVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234035436
MY COMMISSION EXPIRES SEPTEMBER 15, 2027

ATTACHMENT "C"**ATTORNEY CERTIFICATION**

I, Kristofer M. Simms, 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 Strauss Lakes 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.

Date

7/7/20

Signature



Attorney Reg. No.

33044

Brownstein Hyatt Farber Schreck, LLP

303.223.1100 main
675 Fifteenth Street, Suite 2900
Denver, Colorado 80202

December 17, 2024

Carolynne C. White
Attorney at Law
303.223.1197 direct
cwhite@bhfs.com

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Strauss Lakes PUD Overlay

Dear Planning and Zoning Commission:

We represent and are land use counsel to Cottonwood Land and Farms, LLC ("**Cottonwood**") with respect to the following applications:

- An application for the annexation (the "**Annexation**") of approximately 171.4 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**County Property**") and
- An application for the Strauss Lakes planned unit development overlay (the "**PUD Overlay**") on approximately 188.6 acres, composed of approximately 17 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**Annexed Property**") and the County Property (collectively, the "**Property**"). The PUD Overlay is depicted on the Strauss Lakes PUD Comprehensive Plan ("**PUD Comprehensive Plan**") included with the PUD Overlay application.

The purpose of this letter is to provide the Planning and Zoning Commission (the "**Commission**") with additional information that may aid the Commission in reviewing the applications for the Annexation, PUD Overlay and PUD Comprehensive Plan.

I. BACKGROUND

A. Cottonwood's long-standing relationship with the City and Fort Collins community

Cottonwood, the owner of the Property and the PUD Overlay applicant, has had a long and collaborative relationship with the City of Fort Collins (the "**City**") as well as a deep history of investment in the Fort Collins community. For example, prior to the City establishing its Natural Areas Department, Cottonwood donated more than 200 acres north of Prospect Avenue to the Southeast Poudre Greenbelt Association for the preservation of open lands. Notably, the City now owns and manages this property, which is known as the Riverbend Ponds Natural Area. Cottonwood also gifted approximately 200 acres of land south of Prospect Avenue to the City, now known as the Running Deer Natural Area. Additionally, Cottonwood donated 15 acres of land to the City in 1993 or 1994, ground which is the current home of

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the Hageman Earth Cycle business operation. Finally, in 2014, Cottonwood bargain sold approximately 59 acres to the City's Parks Department for the East Community Park. As part of that project, Cottonwood donated clean fill and top soil that had a market value of approximately \$1.86 million.

B. The Strauss Lakes Property

The Property was purchased by Cottonwood in 1977. In 1978, a concrete batch plant was constructed and a total of 515 acres were approved for sand and gravel mining by Larimer County and the State of Colorado. Larimer County approved 100 acres of industrial zoning for the northwest portion of the property, stretching both north and south of the railroad tracks. The County Property is located in unincorporated Larimer County and is zoned industrial and rural residential. The Annexed Property has been annexed to the City and is currently zoned Low Density Mixed-Use Neighborhood District ("LMN").

C. Proposed Development

Cottonwood intends to seek approval of (i) the annexation to the City of the County Property and the zoning of the County Property as LMN and Medium Density Mixed-Use Neighborhood District ("MMN") as described further in the application for the Annexation and (ii) a PUD Overlay for the entire Property. Ultimately, Cottonwood intends to develop the Property with a mix of townhomes, carriage homes, single family homes, paired homes, and multifamily homes, as demonstrated on the PUD Comprehensive Plan (the "Project"). As part of the Project, and as further demonstrated in the PUD Comprehensive Plan, Cottonwood also proposes to develop a mix of commercial uses north of William Neal Parkway. This area may include business uses and neighborhood serving commercial uses, including but not limited to retail, restaurant, daycare, and neighborhood support service uses.

Please note that Cottonwood submitted a preliminary design review application for a project for the Property in 2020 (the "Prior Project"), and a preliminary design review meeting with the City was held on May 6, 2020 for the Prior Project. Subsequently, the application for the Prior Project was withdrawn.

In 2021, Cottonwood submitted a request for a proposal review of a proposed development on the Property, and a proposal review was held before the Planning Commission on January 20, 2022. An application was never submitted in connection with the 2022 proposal review.

On December 21, 2023, a proposal review for the current PUD Overlay was held before the Planning and Zoning Commission (the "Commission"). On May 8, 2024, a preliminary design review meeting was held with City staff, and on May 13, 2024, a neighborhood meeting was held for the Project. Feedback from the proposal review, preliminary design review, and neighborhood meeting have been incorporated into the applications.

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II. ANALYSIS – ANNEXATION OF COUNTY PROPERTY

The Fort Collins Land Development Code effective as of May 17, 2024 (the “Code”) and the Colorado Municipal Annexation Act of 1965 (the “Act”) establish the processes and requirements for annexations. The City’s process is set forth in Section 6.10 of the Code, and the criteria for eligibility of a property for annexation are set forth in Section 31-12-104, C.R.S. What follows is an explanation of how the Annexation application complies with such criteria.

A. Landowner Consent

Except in limited circumstances, an annexation may only be approved with the consent of the landowners of the property subject to the annexation, which can be demonstrated through a public election or through submittal of an annexation petition that is “signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality.” *Colo. Const. Art. II, Section 30; C.R.S. § 31-12-104(1)*. Here, Cottonwood, the property owner, has signed the petition for annexation attached to the application for Annexation. Therefore, this requirement is met.

B. One-Sixth Contiguity

Further, the subject property must meet a minimum contiguity requirement. More specifically, the City must find that “not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” *C.R.S. § 31-12-104(1)(a)*. The County Property far exceeds the one-sixth contiguity requirement in the Act. The County Property is contiguous with the City along its southern and western borders. Therefore, the County Property satisfies the one-sixth contiguity requirement in the Act.

C. Community of Interest

The City must also find that “a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.” *C.R.S. § 31-12-104(1)(b)*. The fact that the subject property has satisfied the one-sixth contiguity requirement described above “shall be a basis for a finding of compliance with these requirements,” unless certain facts are demonstrated at a hearing prove at least two of the following three factors: (a) that the adult residents of the subject property will not use the services provided in the annexing municipality or work in the annexing municipality, (b) that the landowners intend to dedicate the subject property exclusively to agricultural use for at least the next five years, and (c) that it would not be physically practicable to extend municipal services to the subject property. *Id.* In other words, if the subject property is sufficiently contiguous with the annexing municipality, it is assumed that they share a community of interest unless it can be proven that they are in fact incompatible.

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Here, because the County Property satisfies the one-sixth contiguity requirement, it can be concluded that the County Property satisfies the above-mentioned requirements regarding the existence of a community of interest between the County Property, on one hand, and the City, on the other hand. Additionally, as demonstrated by the PUD Comprehensive Plan, the Property is not intended to be dedicated to agricultural uses, and is intended to provide residences and services for adults who will use the services of and work in the City. As the Property is adjacent to existing development in the City, it is physically practicable to extend municipal services to the Property. Also, the Property is located within the growth management area indicated on the City's Structure Plan. Therefore, a community of interest exists between the County Property and the City.

III. **ANALYSIS – ZONING OF COUNTY PROPERTY**

In connection with an application for Annexation, the City requires a statement of consistency of the requested zoning—in this case LMN and MMN—with the City's Structure Plan. The City's Structure Plan designates the vast majority of the property as "Mixed Neighborhood," which is characterized by the types of uses permitted in LMN and MMN, including single-family detached homes, duplexes, townhomes, small scale multifamily buildings, small-scale retail, restaurants/cafes, and similar uses. The Structure Plan also designates a small portion in the northwest corner of the County Property as "Parks and Natural/Protected Lands," which is characterized by parks and open space.

According to the Structure Plan, new neighborhoods in the "Mixed Neighborhood" place type should "provide opportunities for a variety of attached and detached housing options and amenities in a compact neighborhood setting" and should "include a mix of housing options (lot size, type, price range, etc.)" LMN and MMN zoning are compatible with this purpose because they emphasize housing variety and resident-serving amenities. According to the Code, LMN is intended to be "a setting for a variety of housing" and to encourage "complementary commercial and institutional land uses and amenities," and MMN is intended for "a diverse range of higher intensity housing and complementary services and amenities." Additionally, although LMN and MMN zoning do not contemplate parks and open space as primary uses, they facilitate development of neighborhood-serving park and open space amenities, which is compatible with the "Parks and Natural/Protect Lands" placetype. Overall, LMN and MMN zoning are overwhelmingly consistent with the Structure Plan. As described in more detail in the following section, the requested PUD Overlay will also enhance the compatibility of the Project with the City's Structure Plan.

IV. **ANALYSIS – PUD OVERLAY**

STAFF NOTE: Project no longer proposed as a PUD.

The Code requires that the criteria set forth in Section 2.6.3(D) of the Code must be met for approval of a PUD Comprehensive Plan. As described in detail throughout this section, all of these criteria are met.

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STAFF NOTE: Project no longer proposed as a PUD.

- A. Criterion 1: The PUD Comprehensive Plan achieves the purpose and objectives of Sections 2.6.3(A) and (B) of the Code.

The PUD Comprehensive Plan is required to achieve the purposes and objectives set forth in Sections 2.6.3(A) and (B) of the Code. As described below, the PUD Comprehensive Plan achieves all of these purposes and objectives.

1. *Purpose 1: Directs and guides subsequent Project Development Plans and Final Plans for large or complex developments governed by an approved PUD Comprehensive Plan. Code, § 2.6.3(A)(1).*

The approved PUD Comprehensive Plan will direct and guide subsequent project development plans and final plans for the Project, which is a large development, and which incorporates a complex layout and mix of uses. The PUD Comprehensive Plan sets forth the development standards for the Property, a plan for parks, trails, and open space, and typical street sections and lot layouts. Therefore, the PUD Comprehensive Plan achieves this purpose.

2. *Purpose 2: Substitutes a PUD Comprehensive Plan for an Overall Development Plan for real property within an approved PUD Overlay. Code, § 2.6.3(A)(2).*

Once approved, the PUD Comprehensive Plan will serve in the place of an Overall Development Plan for the Property. The Property is sizable, and the proposed PUD Overlay envisions an ambitious development project. The application of the proposed PUD Overlay would enable Cottonwood to pursue a deliberate, phased development that incrementally advances its goals for the Project while minimizing disruptions on the broader community. Therefore, the PUD Comprehensive Plan achieves this purpose.

3. *Purpose 3: Positions large areas of property for phased development. Code, § 2.6.3(A)(3).*

As noted above, the PUD Comprehensive Plan sets forth the development standards and other standards for the entire 184-acre Property, which will allow it to be developed in phases. Therefore, the PUD Comprehensive Plan achieves this purpose.

4. *Purpose 4: Encourages innovative community planning and site design to integrate natural systems, energy efficiency, aesthetics, higher design, engineering and construction standards and other community goals by enabling greater flexibility than permitted under the strict application of the Code, all in*

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STAFF NOTE: Project no longer proposed as a PUD.

furtherance of adopted and applicable City plans, policies, and standards. Code, § 2.6.3(A)(4).

Additionally, as described below, the PUD Overlay furthers the applicable policies and standards of the City Plan and the community goals described therein.

5. *Purpose 5: Allows greater flexibility in the mix and distribution of land uses, densities, and applicable development and zone district standards. Code, § 2.6.3(A)(5).*

As described in more detail in Section I.A.7 below, which discusses public benefits of the PUD Overlay, the PUD Overlay incorporates a more diverse mix and distribution of residential and commercial uses than would be possible under standard zoning. The PUD Overlay also permits more flexible development and zone district standards that allow for a comprehensively planned development, which thoughtfully and seamlessly integrates opportunities for jobs, housing, and recreation.

6. *Objective 1: Encourage conceptual level review of development for large areas. Code, § 2.6.3(B)(1).*

The process for approval of the PUD Overlay encourages conceptual level review of the Property as a whole, which creates the opportunity to create a cohesive neighborhood with a variety of housing at a variety of price points as well as neighborhood serving commercial and recreational amenities. As noted above, Cottonwood has taken advantage of several opportunities to present and receive feedback on the Project concept: a proposal review for the current PUD Overlay was held before the Planning and Zoning Commission (the “Commission”) on December 21, 2023; on May 8, 2024, a preliminary design review meeting was held with City staff; and on May 13, 2024, a neighborhood meeting was held for the Project. Feedback from the foregoing meetings been incorporated into the current application. Therefore, the PUD Overlay achieves this objective.

7. *Objective 2: In return for flexibility in site design, development under a PUD Overlay must provide public benefits significantly greater than those typically achieved through the application of a standard zone district, including one or more of the following as may be applicable to a particular PUD Comprehensive Plan (Code, § 2.6.3(B)(2)):*

The PUD Overlay provides public benefits significantly greater than what would be achievable under standard zoning by including the following elements, as described in more detail below.

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STAFF NOTE: Project no longer proposed as a PUD.

i. Diversification in the use of land;

The Project is designed to be a dynamic mixed-use development with a variety of beneficial uses, including housing, business and commercial utilizations, and open space and recreational opportunities.

With respect to housing, as demonstrated on the PUD Comprehensive Plan, the proposed PUD Overlay contemplates a variety of housing options at a variety of market rate, attainable, and affordable price points, including:

- Large, medium, and small rowhouses
- Detached urban and detached suburban single family homes
- Cottage court homes
- Multifamily housing
- Affordable housing

The vision for the Project is to provide meaningfully diverse housing options while maintaining cohesion and community feel. With a PUD Overlay, it is possible to incorporate a stronger diversity of housing types and more easily facilitate the seamless integration of affordable and attainable housing. One of the goals of the Project was to place affordable housing front and center, and this is made possible through the PUD Overlay process.

In addition to the housing options outlined above, the mixed-use development proposed in the PUD Overlay would support a diverse array of business and commercial utilizations. These may include a variety of neighborhood commercial uses, including but not limited to retail, restaurant, daycare, and neighborhood support service uses. Because Cottonwood's goal for the development is to create a neighborhood serving community where employment and housing options are harmoniously integrated, these business and commercial uses would be intentionally developed to complement the surrounding housing options. This dynamic mixed-use ecosystem would have a direct community-wide impact by increasing the number of employment opportunities available in the City, but could also have follow-on benefits such as raising the City's tax base and decreasing motor vehicle traffic as compared with the City's more traditional zoning designations, because residents can work in the same community in which they live.

Finally, as described in more detail in Section I.A.7.iv below, the PUD Overlay contemplates multiple recreational amenities, including parks, trails, and open space.

The application of the proposed PUD Overlay would enable Cottonwood to seamlessly blend housing as well as business and commercial utilizations, all while intentionally maximizing the community's access to open space and recreational opportunities on a single site. Overall, the PUD Overlay allows benefits

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STAFF NOTE: Project no longer proposed as a PUD.

significantly greater than what would be achievable in a standard zone district by facilitating this well-coordinated and diverse mix of uses.

ii. Innovation in development:

This PUD Overlay is designed to take new urbanism to the next level by finding creative ways to integrate community amenities into a cohesive, walkable site by providing public spaces, high quality building design, accessibility, density, and identity. The PUD Comprehensive Plan anticipates incorporating alley-loaded housing and emphasizing front porches to put more focus on streetscape and walkability and minimize the importance of individual yards. As demonstrated by the variety of housing options described above, the PUD Comprehensive Plan facilitates increased access to a range of housing options, while maintaining compatibility with existing neighborhoods, which have similar scale, mass, and density. The Project will emphasize public amenities such as open space, parks, and connections to trails to encourage a unique community atmosphere that is not possible without a PUD Overlay. Jobs, housing and recreation will all be within walking distance from one another, and pedestrian connectivity will be provided throughout the Project, with on-street sidewalks and a series of bike and pedestrian pathways to the future East Community Park and Poudre Trail. Internal roadway networks will be provided to connect the various neighborhoods.

Therefore, the PUD Overlay allows benefits significantly greater than what would be achievable in a standard zone district by facilitating this walkability, connectivity, diversity of housing options, and emphasis on meaningful recreation opportunities.

iii. More efficient use of land and energy:

In addition to combining types of uses, the housing, business, and recreational ecosystem that Cottonwood seeks to develop on the Property has notable built-in efficiencies. By creating a balanced community environment where one use harmoniously supports others, urban and suburban sprawl is more controlled and open space is preserved. Community members will have the opportunity to live and play in the same area in which they work, resulting in more efficient use of the localized resources and amenities in the community as well as the City's broader infrastructure.

Additionally, the PUD Overlay allows the implementation of new urbanist principles that create a more environmentally friendly development that minimizes yards and allows the implementation of water-wise strategies and alternative landscape treatments.

Finally, in connection with the approval of metropolitan districts for the Property, the Project is incorporating elements that will enhance energy conservation.

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iv. Public amenities commensurate with the scope of the development;

One of the highlights of this development is the network of parks, greenspace, and open space that is created and connected throughout the development and to and from the broader community. The following four parks are intended to be incorporated into the Project:

- Poplar Park, which is centrally located and will contain a grove of poplar trees.
- Flatiron Pond Park, which will offer active recreations, such as fishing, canoeing and paddleboarding.
- Morrison Park, which will offer more passive recreation opportunities.
- Pollinator Park, which will have special planting to attract pollinators.

Importantly, there will be ample access to and from the East Community Park. Additionally, the network of parks will work together so no resident will have to walk more than a few steps to get to a greenspace, open space, or trail, or more than a few minutes to get to a park. Also, the Fossil Creek Reservoir Inlet Ditch ("**FCRID**") and Boxelder ditches will be incorporated into the development, which will allow the natural habitat buffer to be maintained and enhanced as a green space and open space amenity for the community.

The PUD Overlay allows the development to maximize benefit by taking advantage of natural features to plan open space and enhance walkability. Through the PUD Overlay process, all of the elements of walkability and bike-ability are considered and implemented in advance. This process allows open space that is connected and distributed throughout the development, instead of what could be a checkerboard of front lawns. Additionally, improvements to the Poudre Trail are an important component of the Project.

Therefore, the PUD Overlay demonstrates purposeful design and configuration of public amenities, including parks, open spaces and opportunities for recreation.

v. Furtherance of the City's adopted plans and policies;

The City has stated core values of livability, community, and sustainability. In order to effectuate these values, the City has adopted important and longstanding goals of improving community members' access to affordable and attainable housing as well as maximizing access to recreational and open space areas. Cottonwood's concept for the Property directly furthers these goals by increasing the supply of affordable and attainable housing while also presenting a plan to connect the Project to the nearby natural amenities.

Additionally, by enhancing the wildlife corridor along the Boxelder Ditch and developing open spaces and parks, the Project furthers many policies and goals in the City Plan, including the following:

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- Policy ENV 1.6: Wildlife Corridors. Conserve and enhance wildlife movement corridors through a network of public open lands and natural habitat buffers along natural features such as streams.
- Policy LIV 3.2: Access to Outdoor Spaces. Incorporate Nature in the City principles and other outdoor amenities into the design of high-density projects, particularly in areas lacking convenient and direct access to nature.
- Policy ENV 1.5: Access to Nature. Design trail routes in open lands to limit ecological impacts. Determination of type of trail or suitability for access will be made through an analysis of potential ecological impacts and city- and region-wide recreation opportunities. Special attention will be given to environmentally sensitive and context-sensitive trail design, location and construction. Mitigation strategies will be pursued to reduce or eliminate environmental impacts if a new trail is built. Ensure that development activities provide and maintain access to public open-land areas, where appropriate.

Therefore, the PUD Overlay significantly furthers the City's adopted plans and policies.

vi. Development patterns consistent with the principles and policies of the City's Comprehensive Plan and adopted plans and policies.

Overall, the Project is also designed to enhance the vision, goals, principles and policies of the City Plan by promoting the City's stated core values of livability, community, and sustainability, and specifically by promoting goals and policies, including but not limited to the following:

- Generally:
 - Encouraging compact growth
 - Encouraging more housing options in neighborhoods.
 - Expanding housing choices
 - Recalibrating land use patterns to increase capacity.
 - Expanding workforce and affordable housing efforts
 - Increasing access to nature in the City
- Principle LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land.
- Policy LIV 3.2: Access to Outdoor Spaces. Incorporate Nature in the City principles and other outdoor amenities into the design of high-density projects, particularly in areas lacking convenient and direct access to nature.

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- Policy LIV 4.1: New Neighborhoods. Encourage creativity in the design and construction of new neighborhoods that: Provides a unifying and interconnected framework of streets, sidewalks, walkway spines and other public spaces; Expands housing options, including higher-density and mixed-use buildings; Offers opportunities to age in place; Improves access to services and amenities; and Incorporates unique site conditions.
- Policy LIV 5.1: To enhance community health and livability, encourage a variety of housing types and densities, including mixed-used developments that are well served by public transportation and close to employment centers, shopping, services and amenities.
- Policy LIV 5.2: Supply of Attainable Housing. Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.
- Policy LIV 5.3: Land for Residential Development. Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.
- Policy LIV 5.5: Integrate and Distribute Affordable Housing. Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Therefore, the PUD Overlay will facilitate development that enhances development patterns consistent with the principles and policies of the City Plan.

8. Objective 3: Ensure high-quality urban design and environmentally-sensitive development that takes advantage of site characteristics. Code, § 2.6.3(B)(3).

As noted above, the PUD Comprehensive Plan and the Project as a whole are being designed to take new urbanism to the next level by incorporating principles of livability, walkability, community, and sustainability on a Project-wide scale.

Natural features include the existing irrigation ditches that surround the site. As a result of the East Community Park and development, the Boxelder Ditch Company may require the Boxelder Ditch be put in a u-shaped concrete channel with a metal grate. In addition, the FCRID runs along and through the site, generally on the west side of the Property. Appropriate setbacks and mitigation will be provided to protect the FCRID corridor. Also as noted above, the FCRID and Boxelder ditches will be incorporated into the development, with the natural habitat buffer to be usable as a green space and open space amenity for the community. There are also significant natural features to the north and east of the Project including a large reservoir, the Cache la Poudre River, and the future East Community Park. The

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Project will work with the City to coordinate efforts in trail connections, road connections, etc. to enhance the area and provide appropriate access to these great amenities.

Also, in connection with approval of metropolitan districts for the Property, Cottonwood is committing to include various elements to enhance energy conservation, including but not limited to electric heating for the affordable homes, electric vehicle parking, and other elements as described further in Cottonwood's application for metropolitan districts.

Therefore, the PUD Overlay achieves this objective.

9. *Objective 4: Promote cooperative planning and development among real property owners within a large area. Code, § 2.6.3(B)(4).*

While Cottonwood is the sole owner of the Property, Cottonwood pledges to continue its collaborative approach to the Project with the City, CSU, and other neighborhood and community stakeholders in relation to the proposed development. Therefore, the PUD Overlay achieves this objective.

10. *Objective 5: Protect land uses and neighborhoods adjacent to a PUD Overlay from negative impacts. Code, § 2.6.3(B)(5).*

The PUD Comprehensive Plan facilitates development that is compatible with the surrounding neighborhood in terms of uses, scale, mass, and density. Therefore, the PUD Overlay achieves this objective.

- B. The PUD Comprehensive Plan provides high quality urban design within the subject property or properties;

Cottonwood is not only committed to a high-quality design for the Property overall, but is dedicated to the construction of high-quality housing as well as commercial and recreational spaces. As described in detail above, Cottonwood's vision for the Project is to incorporate principles of new urbanism to achieve a walkable and livable community with ample and easily accessible opportunities for recreation.

Furthermore, as detailed above, Cottonwood's vision for the Strauss Lakes Property is not only environmentally-sensitive by incorporating water-wise strategies and other energy efficient strategies, but wholly embraces both the natural characteristics inherent to the site and surrounding area.

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- C. The PUD Comprehensive Plan will result in development generally in compliance with the principles and policies of the City's Comprehensive Plan and adopted plans and policies;

As described in detail above, especially in Sections I.A.7.v–vi, the PUD Comprehensive Plan is generally in compliance with the principles and policies of the City Plan. Cottonwood's extensive plans to maximize access to recreational opportunities and open space, increase the supply of affordable and attainable housing, and enhance the wildlife corridor further the City's core values.

- D. The PUD Comprehensive Plan will, within the PUD Overlay, result in compatible design and use as well as public infrastructure and services, including public streets, sidewalks, drainage, trails, and utilities;

The PUD Comprehensive Plan has been designed to result in design and uses that are compatible with surrounding neighborhoods. It will also provide the public infrastructure and services necessitated by the development.

Roadway access will be via several public street connections from both Ziegler and Horsetooth Roads. It is the intent to align street access with both Percheron Road and William Neal Parkway. The intersection of William Neal and Ziegler road will be signalized. Internal roadway networks will be provided to connect the various neighborhoods. Pedestrian connectivity will be provided throughout the Project, with on-street sidewalks and a series of bike/pedestrian pathways to the future East Community Park and Poudre Trail. The intent is to make this a walkable community with multiple connections to the surrounding open spaces, community park, and trail system.

With respect to water detention and drainage, the site drains towards the southeast and utilizes the existing Boxelder Ditch corridor towards the Foothills Drainage Channel to convey flows to the Cache La Poudre River east of the Project. Because the Foothills Drainage Channel was designed with additional capacity for future development, the Project plans to discharge with limited detention as dictated based on final land use intensity, channel capacity analysis, and storm peak timing analysis.

Multiple stormwater control facilities will be incorporated into the overall landscape plan to control flows throughout the site, with a final pond in the southeast corner anticipated to provide final flow control prior to discharging to the Foothills Drainage Channel.

Additionally, the southwest corner parcel to the west of the FCRID will drain to a detention and water quality pond to be located in the north corner of said parcel. Master drainage plan analysis will be provided as part of the PUD process. Per the 1989 Agreement between the City and Cottonwood, Cottonwood has the right to utilize all excess capacity in the Foothills Drainage Channel. Offsite flows from upstream properties are directed towards the FCRID and routed through the site in the FCRID,

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with diversion into the Foothills Drainage Channel at the radial control gate north of Horsetooth Road. Historic drainage patterns are not anticipated to be modified as part of the proposed development.

In accordance with City of Fort Collins requirements, the Project will incorporate Low Impact Design (“**LID**”) measures throughout the development in order to reduce runoff rates and provide water quality treatments. As the Project will impact more than one acre, full compliance with Colorado Department of Health and Environment and National Pollutant Discharge Elimination System requirements will be provided. LID and water quality treatment measures shall be provided throughout, with each phase being required to provide the appropriate treatment. A wide variety of methods are anticipated to be utilized across the development to achieve the required goals.

- E. The PUD Comprehensive Plan satisfies all applicable Land Use Code permitted uses and standards except to the extent additional permitted uses or modified standards, including densities, have been approved pursuant to Subsections (E) or (G) of Section 2.6.3 of the Code.

The PUD Comprehensive Plan does not propose any permitted uses in addition to those permitted by the underlying zone districts, except to modify the mix of uses required in neighborhood centers. Specifically, this proposal modifies Sections 4.3.3(S)(1) and 5.3.3(c)(1) of the Code by removing the restrictions on the uses that are required in neighborhood centers. This change allows flexibility in the mix of neighborhood serving uses allowed in the commercial area of the Project, which is necessary for new urbanism and is compatible with the criteria set forth in Section 2.6.3(E) of the Code.

The modified standards proposed by the PUD Comprehensive Plan include the following modifications to lot standards:

- Reducing the minimum lot area for rowhouses in Section 3.1.4 of the Code from 1,400 square feet to 1,000 square feet;
- Reducing the minimum lot width for urban detached houses in Section 3.1.6 of the Code from 40 feet to 35 feet;
- Reducing the minimum lot width for suburban detached houses in Section 3.1.7 of the Code from 60 feet to 35 feet;

These modifications are necessary to achieve the flexibility in design and mix of residential uses integral to the new urbanist vision for the Project.

The following modifications are also proposed:

- Removing the requirement in Section 5.3.1(D)(1) of the Code for a connecting walkway spine when building entrances cannot face a public street. This change is necessary to achieve the

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flexibility required to achieve site design compatible with new urbanism in the Project and will not negatively affect the walkability and bikeability of the Project.

- Increases the maximum size of a neighborhood center in Section 5.3.3(C)(3) of the Code from five acres in size to seven acres in size. This modification allows the neighborhood center the flexibility to accommodate site constraints while serving the residents of the Project.
- Modifies Section 5.12.2(C)(1) of the Code such that a main entrance of a commercial or mixed-use building need only face a connecting walkway with pedestrian frontage “where feasible.” This modification allows the Project to utilize other techniques such as bulb-outs and raised crosswalks to enhance pedestrian visibility, reduce vehicle speeds, and fit within the context of the mixed-use neighborhood.

All of the foregoing modifications are consistent with the criteria set forth in Section 2.6.3(G) of the Code, as follows:

1. *The modified density or development standard is consistent with the applicable purposes, and advances the applicable objectives of, the PUD Overlay as described in Sections 2.6.3(A) and (B);*

The modified standards are necessary to enhance new urbanist principles, such as housing variety, walkability, and access to neighborhood centers. As described throughout this Letter, these new urbanist techniques advance the objectives set forth in Sections 2.6.3(A) and (B) of the Code.

2. *The modified density or development standard significantly advances the development objectives of the PUD Comprehensive Plan;*

The modified standards both individually and cumulatively significantly advance the development objectives of the PUD Comprehensive Plan by allowing the Project to respond to site constraints, increase the variety of housing and commercial uses, and enhance walkability and bikeability in a way that is consistent with new urbanist principles.

3. *The modified density or development standard is necessary to achieve the development objectives of the PUD Comprehensive Plan; and*

The modified development standards are necessary for effecting new urbanist principles and thereby achieving the development objectives of the PUD Comprehensive Plan because, without the modified standards, the variety of uses, reduction in yards, and emphasis on open space that create a sense of community for the Project would not be possible. More specifically, the decrease in minimum lot sizes and widths is necessary to achieve the variety of uses that differentiates this Project; the modification of uses and increase in maximum size of the neighborhood center make possible the development of a maximally accessible and resident-serving neighborhood center, given the mix of resident needs and

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site constraints; and the other modifications allow the flexibility in design necessary to achieve the new urbanist vision without compromising safety or walkability.

4. The modified density or development standard is consistent with the principles and policies of the City's Comprehensive Plan and adopted plans and policies.

The modified standards are consistent with the policies and purposes of City Plan, including those policies described herein. As noted above, City Plan includes a variety of goals and policies, including encouraging compact growth, encouraging more housing options in neighborhoods, recalibrating land use patterns to increase capacity, expanding workforce and affordable housing efforts, and increasing access to nature in the City. The modified standards directly further all of these goals and policies by enhancing new urbanism.

V. CONCLUSION

As demonstrated throughout this letter, the proposed Annexation and PUD Overlay meet all the criteria in the Code for approval. We respectfully request that you recommend approval of the Annexation and zoning of the Property in accordance with the PUD Overlay and PUD Comprehensive Plan to City Council.

Sincerely,

Carolynne C. White

Enclosures

28171849.11

STRAUSS LAKES ANNEXATION

TO THE CITY OF FORT COLLINS

Part of Section 28 and Part of The North Half of Section 33, Township 7 North, Range 68 West of the 6th P.M.
County of Larimer, State of Colorado

APPROVAL AS TO FORM

By the City Engineer, City of Fort Collins.

City Engineer _____ Date _____

APPROVED

This annexation map to be known as STRAUSS LAKES ANNEXATION to the City of Fort Collins, County of Larimer, State of Colorado, by Ordinance No. _____ passed and adopted on first reading at a regular meeting of the city council of Fort Collins this _____ day of _____, 20__.

City Clerk _____ Date _____

SURVEYOR'S STATEMENT

I, Michael Chad Dills, a Colorado Licensed Professional Land Surveyor do hereby state that this map of land proposed to be annexed to the City of Ft. Collins, 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.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Ft. Collins, County of Larimer, State of Colorado.

PRELIMINARY

Michael Chad Dills - On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°49'30"E	114.66'
L2	S19°04'40"E	229.68'
L3	S21°36'26"W	108.15'
L4	S43°02'42"E	115.89'
L5	S24°37'47"E	522.26'
L6	S46°01'34"E	284.23'
L7	S42°38'26"E	371.08'
L8	S38°28'34"E	345.50'
L9	S34°19'19"E	367.14'
L10	S31°19'46"E	461.85'
L11	S27°58'39"E	474.36'
L12	S33°07'21"E	473.54'
L13	S52°30'40"E	188.11'
L14	S19°48'54"E	318.67'
L15	S29°40'20"E	461.31'
L16	S30°20'11"E	283.52'
L17	S35°02'30"E	249.02'
L18	S44°01'29"E	131.65'
L19	S46°36'26"E	232.41'
L20	S20°05'01"E	175.07'
L21	N89°39'32"E	308.46'
L22	S00°41'11"E	8.00'
L23	N25°40'04"W	8.90'
L24	S89°36'13"E	31.31'
L25	N23°15'56"W	513.99'
L26	N37°49'36"W	188.78'
L27	N32°02'54"W	60.00'
L28	S57°57'25"W	93.99'
L29	N37°48'17"E	236.25'
L30	S77°54'16"E	236.78'

1/6 MINIMUM CONTIGUITY = 2,215.76 L.F.
CONTIGUOUS BOUNDARY = 5,384.55 L.F.
TOTAL BOUNDARY = 13,294.56 L.F.
RATIO = 1 : 2,469
AREA = 147.499 ACRES

--- DENOTES CONTIGUOUS BOUNDARY

LEGEND

- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- FLOOD ZONE LINE
- BASE FLOOD ELEVATION LINE
- ALLOT CORNER
- CALCULATED POSITION

PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (7N), Range Sixty-eight West (68W) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentized by a #6 rebar with a 2 1/2" diameter cap stamped 133493, 2008 at the South end and by a 2" pipe with a 3 1/2" diameter cap stamped 137497, 1987 at the North end, as bearing North 07°07'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2851.08 feet, with all other bearings contained herein relative thereto;

THENCE North 00°07'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Eastern line of the Western Second Annexation, recorded July 20, 1992 as Reception No. 2004-887 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 07°07'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Eastern line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North N89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 1144.66 feet;

THENCE South 19°04'40" East a distance of 229.68 feet;

THENCE South 21°36'26" West a distance of 108.15 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°38'26" East a distance of 371.08 feet;

THENCE South 38°28'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 188.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°40'20" East a distance of 461.31 feet;

THENCE South 30°20'11" East a distance of 283.52 feet;

THENCE South 35°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°07'30" East a distance of 175.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South and parallel with the South line of the Southwest Quarter (SW1/4) of said Section 28;

THENCE North N89°39'32" West along said South Right-of-way line a distance of 308.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE North 00°41'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle Shells M.L.D. 99-51466, recorded July 6, 2016 as Reception No. 2003-002381 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°39'32" West along the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South and parallel with the East line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeast line of Tract "A", 2nd Amended Plat of Morgan's Ridge, P.L.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeast line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A", said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-002381 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northerly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 27°40'54" West a distance of 5.36 feet;

THENCE North 89°38'13" East a distance of 31.31 feet;

THENCE North 23°15'56" West a distance of 513.99 feet;

THENCE North 37°49'36" West a distance of 188.78 feet;

THENCE North 46°36'26" West a distance of 232.41 feet;

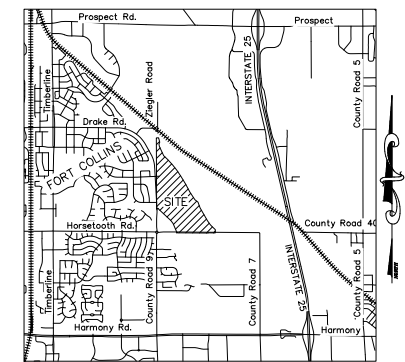
THENCE North 32°02'54" West a distance of 60.00 feet;

THENCE South 57°57'25" East a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less (±), and may be subject to any right-of-way or other easements of record or as now existing on said described parcel of land.

GENERAL NOTES:

- Base of Bearings: Assuming the West line of the Southwest Quarter (SW1/4) of Section 28, T.7N., R.68W., as bearing North 07°07'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2851.08 feet, with all other bearings contained herein relative thereto.
- The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."
- Flood Zone Designation: The subject property is in flood zone areas as follows, per FEMA flood map 0801010920 (Larimer County) and 080109920 (Fort Collins, City of) related to reflect LMR Cause No. 25-08-0006P, effective date October 16, 2025. Flood zone lines indicated herein are approximate only.
 - Flood zone "X", "Area of Minimal Flood Hazard"
 - Flood zone "X", "0.2% Annual Chance Flood Hazard: Areas of 1% annual chance flood with average depths of less than one foot or with drainage areas less than 1 square mile"
 - Flood zone "X", "Area with Reduced Flood Risk due to Levee-Area where an accredited levee, dike, or other flood control structure has reduced the flood risk from the 1% annual chance flood."
 - Flood zone "AE", "The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone"
- This map is for Annexation purposes only. This is not a Land Survey Plat and no monuments were set.
- Notwithstanding to Colorado law you must commence any legal action by which you defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in the survey be commenced more than ten years from the date of the certification shown herein. (13-80-105 C.R.S.)



VICINITY MAP

SCALE: 1"=300'

DATE: 6/9/2026
FILE NAME: 20240241ANX-R4
SCALE: 1"=300'
DRAWN BY: CSK/MCD/SAF
CHECKED BY: MCD
KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@Kingsurveyors.com



DATE: 7-16-24
REVISED: 4-22-25
REVISED: 11-6-25
REVISED: 2-28-26
REVISIONS:
REVISED: 11-6-25
REVISED: 11-6-25
REVISED: 11-6-25
REVISED: 11-6-25

STRAUSS LAKES ANNEXATION
FOR
FLATIRON COMPANIES
P.O. BOX 229
BOULDER, CO 80506

PROJECT #:

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SHEET 1 OF 1

RESOLUTION 2026-111
OF THE COUNCIL OF THE CITY OF FORT COLLINS
FINDING SUBSTANTIAL COMPLIANCE AND INITIATING
ANNEXATION PROCEEDINGS FOR THE STRAUSS LAKES
ANNEXATION

A. A written petition, together with four prints of an annexation map, have been filed with the City Clerk requesting the annexation of certain property to be known as the Strauss Lakes Annexation, as more particularly described below.

B. City Council desires to initiate annexation proceedings for the Strauss Lakes Annexation in accordance with the Municipal Annexation Act, Colorado Revised Statutes ("C.R.S.") Section 31-12-101, et seq.

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. City Council hereby accepts the annexation petition for the Strauss Lakes Annexation, located northeast of the intersection of Horsetooth Road and Ziegler Road and more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ⅜" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster

Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet; THENCE South 21°36'28" West a distance of 108.13 feet; THENCE South 10°32'42" East a distance of 115.89 feet; THENCE South 24°37'47" East a distance of 522.26 feet; THENCE South 46°01'34" East a distance of 284.23 feet; THENCE South 42°28'26" East a distance of 371.08 feet; THENCE South 38°25'34" East a distance of 345.50 feet; THENCE South 34°19'19" East a distance of 367.14 feet; THENCE South 31°19'46" East a distance of 461.85 feet; THENCE South 27°58'39" East a distance of 474.36 feet; THENCE South 33°07'21" East a distance of 473.54 feet; THENCE South 52°30'40" East a distance of 198.11 feet; THENCE South 19°48'54" East a distance of 318.67 feet; THENCE South 29°45'20" East a distance of 461.31 feet; THENCE South 30°25'11" East a distance of 283.52 feet; THENCE South 35°02'30" East a distance of 249.02 feet; THENCE South 44°01'50" East a distance of 131.65 feet; THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the

records of the Larimer County Clerk and Recorder; THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 25°40'04" West a distance of 5.56 feet; THENCE South 89°38'13" East a distance of 31.31 feet; THENCE North 23°15'56" West a distance of 513.99 feet; THENCE North 37°49'36" West a distance of 188.78 feet; THENCE North 46°56'06" West a distance of 839.47 feet; THENCE North 32°02'34" West a distance of 60.00 feet; THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Section 2. City Council hereby finds and determines that the annexation petition for the Strauss Lakes Annexation is in substantial compliance with the Municipal Annexation Act in that the annexation petition contains the following:

- (1) An allegation that it is desirable and necessary that such area be annexed to the municipality;
- (2) An allegation that the requirements of C.R.S. Sections 31-12-104 and 31-12-105 exist or have been met;
- (3) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;
- (4) The signatures of such landowners;
- (5) A request that the annexing municipality approve the annexation of the area proposed to be annexed;
- (6) The mailing address of each such signer;
- (7) The legal description of the land owned by such signer;
- (8) The date of signing of each signature; and

(9) The affidavit of the circulator of such petition that each signature therein is the signature of the person whose name it purports to be.

Section 3. City Council hereby finds and determines that the annexation map, four copies total, accompanying the annexation petition for the Strauss Lakes Annexation is in substantial compliance with the Municipal Annexation Act in that the map contains the following:

- (1) A written legal description of the boundaries of the area proposed to be annexed;
- (2) A map showing the boundary of the area proposed to be annexed;
- (3) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- (4) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

Section 4. The Notice attached hereto as Exhibit A is hereby adopted as a part of this Resolution. Said Notice establishes the date, time and place when a public hearing will be held regarding the passage of annexation and zoning ordinances pertaining to the above-described property. The City Clerk is directed to publish a copy of this Resolution and said Notice as provided in the Municipal Annexation Act.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026
Approving Attorney: Brad Yatabe

Exhibit: Exhibit A – Notice

EXHIBIT A TO RESOLUTION 2026-111

Page 1 of 5

NOTICE**TO ALL PERSONS INTERESTED:**

PLEASE TAKE NOTICE that the City Council of the City of Fort Collins has adopted Resolution 2026-111 initiating annexation proceedings for the Strauss Lakes Annexation, consisting of approximately 147.499 acres and generally located northeast of the intersection of Horsetooth Road and Ziegler Road, and said Annexation being more particularly described in Resolution 2026-111, a copy of which is available from the City Clerk's Office. The area to be annexed will be concurrently reviewed for zoning to the Low Density Mixed-Use Neighborhood and Medium Density Mixed-Use Neighborhood zone districts. The area to be annexed is more particularly described as:

LOW DENSITY MIXED-USE NEIGHBORHOOD ZONE DISTRICT

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28 and the Easterly line of said Rigden Farm Annexation, a distance of 114.66 feet;

EXHIBIT A TO RESOLUTION 2026-111

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THENCE South 15°04'45" East a distance of 229.68 feet;
 THENCE South 21°36'28" West a distance of 108.13 feet;
 THENCE South 10°32'42" East a distance of 115.89 feet;
 THENCE South 24°37'47" East a distance of 522.26 feet;
 THENCE South 46°01'34" East a distance of 284.23 feet;
 THENCE South 42°28'26" East a distance of 371.08 feet;
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 THENCE South 27°58'39" East a distance of 474.36 feet;
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 THENCE South 29°45'20" East a distance of 461.31 feet;
 THENCE South 30°25'11" East a distance of 283.52 feet;
 THENCE South 35°02'30" East a distance of 249.02 feet;
 THENCE South 44°01'29" East a distance of 131.65 feet;
 THENCE South 46°36'26" East a distance of 232.41 feet;
 THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;
 THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;
 THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;
 THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;
 THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;
 The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:
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 THENCE North 23°15'56" West a distance of 513.99 feet;
 THENCE North 37°49'36" West a distance of 188.78 feet;
 THENCE North 46°56'06" West a distance of 839.47 feet;
 THENCE North 32°02'34" West a distance of 60.00 feet;

EXHIBIT A TO RESOLUTION 2026-111

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THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being part of the West Half (W1/2) of Section Twenty-eight (28), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non-tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said resulting parcel of land contains 139.835 acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said resulting parcel of land.

MEDIUM DENSITY MIXED-USE NEIGHBORHOOD

A parcel of land being part of the West Half (W1/2) of Section Twenty-eight (28), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American

EXHIBIT A TO RESOLUTION 2026-111

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Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non-tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said parcel of land contains 7.664 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

That, on October 6, 2026, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing upon the annexation petition and zoning request for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation and for the purpose of determining the appropriate zoning for the property included in the Annexation. At such hearing, any persons may appear and present such evidence as they may desire.

The Petitioner has requested that the Property included in the Annexation be placed in the Low Density Mixed-Use Neighborhood and Medium Density Mixed-Use Neighborhood Zone Districts.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments/). Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

EXHIBIT A TO RESOLUTION 2026-111

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Dated this _____ day of _____, 2026.

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours' advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

File Attachments for Item:

26. Resolution 2026-112 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

September 1, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Rupa Venkatesh, Assistant City Manager

SUBJECT

Resolution 2026-112 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions.

EXECUTIVE SUMMARY

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

City staff have worked to comprehensively revise the Council's procedures for public comment and conduct during Council meetings, to improve the improve the clarity, functionality, and enforceability of the rules and to align the rules with existing practices and norms. The revisions to the rules include the following changes:

- The updated rules revise Section 4 (public comment) and Section 5 (public conduct) of the Council's existing meeting rules. The rules were last amended in December 2024, in Resolution 2024-148;
- Section 4 begins with Findings and the Purposes of Sections 4 and 5. This sets out that the Council meetings are a limited public forum, which means that the City can establish rules to govern the meetings, so long as the rules are reasonable and viewpoint neutral;
- The existing rules mandate public commenters use official titles and direct comments to Council during public comment. These mandates are modified to encouragements in the updated rules;
- The updated rules allow the presiding officer, if time permits, to allow speakers to provide public comment on agenda items even if they haven't signed up before the meeting;
- The updated rules provide additional specificity about what constitutes prohibited disruptive conduct;
- The updated rules prohibit unprotected speech, like obscenity and unlawful threats;
- The new rules require public commenters to follow directives of the presiding officer;
- The updated rules allow additional time to be granted to public commenters to accommodate a disability or language translation;
- The updated rules provide authority to the presiding officer to enforce these rules;

- The updated rules require signs and personal objects like bags and backpacks to always be under a meeting attendee's control. The rules revise where these objects may be placed during a meeting. The rules also maintain the existing size limitation on signs and posters at 11 by 17 inches; and
- The updated rules include a prohibition on carrying firearms and deadly weapons in the Council chambers during meetings. State law already restricts members of the public from bringing firearms into City Hall, so the firearms restriction isn't creating any new restriction, but it does improve clarity to include that prohibition in these rules. The rules would also prohibit the carrying of other deadly weapons, as defined in state law, and dangerous objects in the Council meeting room.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Council Rules of Procedure Sections 4 and 5 Redline Version
2. Resolution 2026-112

Governing the Conduct of City Council Meetings and Work Sessions

Adopted ~~December 17, 2024~~September 1, 2026
Resolution ~~2024-148~~2026-XXX

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):
 - (A) Proclamations and Presentations. (Prior to the meeting)
 - (B) Call Meeting to Order
 - (C) Pledge of Allegiance
 - (D) Roll Call

- (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
 - (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
 - (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
 - (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
 - (I) Councilmember Removal of Items from Consent Calendar for Discussion
 - (J) Adoption of Consent Calendar
 - (K) Consent Calendar Follow-up
 - (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
 - (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
 - (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
 - (O) Consideration of Items Planned for Discussion
 - (P) Resumed Public Comment (if applicable)
 - (Q) Other Business
 - (R) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):
- (A) Call Meeting to Order
 - (B) Pledge of Allegiance
 - (C) Roll Call

- (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under Chapter 7 of the City Code regarding certain election-related matters shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.
- After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.
- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.

- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. 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 scheduled 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.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. Public Comment During Regular and Special Council Meetings.

a. Introduction

- 1. **Findings and Purpose.** The City Council finds that its meetings constitute a limited public forum established for the orderly conduct of the City's business. The City Council further finds that it has significant governmental interests at its public meetings to:
 - i. Maintain a safe, orderly, and accessible environment;
 - ii. Ensure that all persons are afforded the opportunity to observe;
 - iii. Provide fair and meaningful opportunities for public participation;
 - iv. Create an atmosphere of civility that is respectful to diverse opinions;
and
 - v. Complete the City's business in an efficient and effective manner.

The City Council further finds that conduct that materially disrupts, delays, or interferes with the orderly progression of a meeting, that creates an unsafe environment, or that obstructs access to or participation in the meeting, undermines the City Council's interests and the rights of others.

The purpose of Sections 4 and 5 of these City Council Procedures is to implement reasonable regulations governing attendance and participation at City Council meetings to protect the City Council's interests and the rights of others. For purposes of these Sections 4 and 5 of these City Council Procedures, the City Council Chambers or other City Council meeting room is referred to as the "Meeting Room".

- a. **b. Public Comment during Public Participation Segment.** During the "Public Comment" segment of ~~each~~ City Council meeting, members of the public may provide comment ~~will be allowed~~ on matters of interest or concern to members of the public, including items the City Council will consider at that ~~night's~~ day's meeting.

(1) 1. Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30 ~~pm~~ on the day of the meeting.

(2) 2. Each speaker will only be allowed to speak one time during the Public Comment segment.

(3) 3. If a speaker comments on a particular agenda item during the time for ~~general public comment~~ Public Comment, that speaker will not ~~also~~ be entitled to speak during discussion of the particular agenda item.

4. Section 2-48 of the City Code allows certain interested parties to appeal development review decisions and other types of decisions to City Council for review. In considering a matter on appeal, the City Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of ~~this~~ these requirements, once the application, review, and decision-making process has been initiated, comments during Public Comment on matters that are the subject of a board or hearing ~~officer~~ decision that will be appealable to the City Council are not permitted ~~once the application, review and decision-making process has been initiated~~.

- b. **c. Comment on Agenda Items.** City Council will receive public comment during consideration of individual action items, including any item that is addressed by formal City Council action under the "Other Business" segment of the ~~meeting that may directly affect the rights or obligations of any member of the general public~~ agenda.

1. ~~(1)~~ — Each speaker ~~will be required to~~ must sign up to provide public comment on a City-provided form or system by 5:30 ~~p.m.~~ a.m. on the day of the meeting, except ~~for~~:

i. ~~If time allows, the presiding officer may allow speakers who have not signed up in advance the opportunity to provide public comment; and~~

ii. ~~For~~ comment on procedural or other items ~~that were~~ not noted on the published agenda for which City Council, the presiding officer may authorize additional public comment.

2. Each speaker will only be allowed to speak one time to comment on any particular agenda item.

3. Comments given during the comment period for an agenda item must pertain to the item under consideration.

~~(4) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.~~

4. Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during City Council's consideration of the item.

e. d. **Decorum; Scope and Type of Comments Allowed.**

~~Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember's official title.~~

~~(1)~~ — 1. **Direction of Comments.** Unless otherwise directed by the presiding officer, all comments must be made from the designated speaking area and into the microphone.

~~(2)~~ During general or through the video conferencing system, as applicable. The City Council encourages those providing public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their to direct the comments to that item; testimony that strays from the topic will be out of order the City Council as a body and not to individuals. The City Council encourages speakers to address City Councilmembers using their official titles.

2. **Prohibited Conduct; Disruption Defined.** ~~Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the~~engage in conduct that constitutes disruption of the meeting or the. For purposes of this Section 4, disruption means conduct that actually and materially interferes with, delays, or impedes the orderly conduct of the meeting or the City Council's completion of ability to complete its business. Similarly, threats of violence~~Prohibited disruptive conduct includes, but is not limited to:~~
- ~~i. Speaking out of turn or after the expiration of the allotted time;~~
 - ~~ii. Interrupting speakers or harm, City Council members;~~
 - ~~iii. Engaging in shouting, yelling, applause or abusive language, and racial other conduct that interferes with the hearing or ethnic slurs directed speaking of others at any the meeting, whether in person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption remote;~~
 - ~~iv. Engaging in dialogue with audience members or directing comments toward other speakers in a manner that interferes with the orderly conduct of the meeting; or~~
 - ~~v. Failing to comply with the direction of the presiding officer that is reasonably necessary to maintain order.~~

Public comments that express disagreement, criticism, or unpopular viewpoints, in and then steps will be taken to prevent further disruption to the meeting. If the of themselves, do not constitute disruption continues, the speaker's microphone will be muted, and further.

- (3) 3. **Unprotected Speech.** ~~Speakers must avoid speech that is not protected by law, including obscenity, true threats, incitement to imminent lawless action taken to allow the Council to continue the business of the meeting agenda, or speech integral to criminal conduct.~~
- (4) 4. **Repetitive Comments.** ~~Speakers shall~~may be asked by the presiding officer to avoid lengthy substantial repetition of comments already provided presented.
- (5) ~~Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.~~
5. **Presiding Officer Directives.** Each speaker must follow directives given by the presiding officer.

- d. e. **Process and Time Limits for Speaking.**

- (1) 1. The presiding officer may require those intending to ~~spea~~provide comment to indicate their intention by a show of hands or some other means, such as “raising a hand” using ~~remote~~video conferencing technology.
 - (2) 2. The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the City Council within a reasonable time given the scheduled agenda and, for agenda items, as necessary to facilitate City Council’s understanding of an item. The presiding officer may grant additional time to accommodate disability or language translation.
 - (3) 3. The presiding officer may ask those speakers physically present at the meeting ~~and wishing to speak to move to form one of the two or more lines of speakers before in the Meeting Room to facilitate the speaker next ahead of them on the efficient transition of speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).~~
 - (4) 4. Each speaker will be asked to provide their ~~full name and general, if they choose, their residential~~ address at the beginning of their comments.
 - (5) 5. Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- e. f. **Yielding the Lectern.** Each speaker shall promptly cease their comments and, if physically present in the Meeting Room, yield the lectern immediately upon the expiration of the time allotted by the presiding officer. ~~or when so directed by the presiding officer.~~
- f. g. **Yielding of Time.** No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. h. **Public Presentation Materials and Evidence.** The use of City projection equipment to display presentation materials to City Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
- (1) Persons wishing to display presentation materials using the City’s display equipment under the Public Comment portion of a meeting or during discussion of any City Council item must provide any such materials to the City Clerk no later than ~~two (2)~~twenty-four (24) hours prior to the beginning of the meeting at which the materials are to be presented. Only pdf format presentations will be allowed, and no embedded video or audio may be included.

~~(2).~~ As an exception to ~~subsection (Section 4.h.1),~~ parties-in-interest ~~infor~~ agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for City Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day prior to the date of the meeting at which the subject item is scheduled for consideration ~~or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 pm.~~ Any such materials must be in pdf format and readily usable on the City's display technology.

i. **Enforcement.** If a speaker violates any of the rules contained in this Section 4, the presiding officer may take reasonable and proportionate steps to end the violation and to restore order, including by issuing a warning, directing the speaker to conclude remarks, muting the microphone, requiring the speaker to yield the lectern, or requiring removal of the speaker from the Meeting Room. The presiding officer may not restrict speech based on the viewpoint expressed by the speaker. The City shall maintain records of enforcement actions when practicable.

Section 5. Public Conduct During Regular and Special City Council Meetings and Work Sessions.

a. ~~General Comment, or Expressions of Support or Opposition.~~ **a. Audience Conduct; Preservation of Order.** Members of the audience ~~are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.~~

b. ~~Signs and Props.~~

(1) ~~Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.~~

(2) ~~Such signs or props must be held directly in front of one's body so as not to impede the view of others.~~

~~(3)~~ Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, that materially disrupts, delays, or interferes with the orderly conduct of business, the meeting or the ability of others to observe or participate. To help create a civil atmosphere that

~~(4) Signs or props may not be left unattended anywhere in the Meeting Room or left~~

~~unattended on display in the City Hall lobby area.~~

~~(5) Signs or props attached to sticks, poles, or other objects are prohibited.~~

- e. ~~Distribution of Literature. Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with to diverse opinions, audible expressions of approval or disapproval, such as applause, are not permitted. Each member of the movement of persons or obstruct the passage of pedestrians or vehicles.~~
- d. ~~Video and Audio Recording. Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of audience must follow directives given by the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.~~

~~Areas Permitted for Seating~~**b. Signs and Standing.** ~~Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit~~
Objects. ~~The possession of signs or posters ("Signs"), or objects, including purses, backpacks, bags or other personal items ("Objects") is permitted in the Meeting Room except in chairs or seats provided, subject to the following requirements:~~

- ~~1. In no event may Signs exceed 11 inches by 17 inches;~~
- ~~2. Signsthe City or in wheelchairs or other assistive devices, and Objects must always be under a person's control;~~
- ~~3. Signs or no persons shall stand in the aisles or other locations in Objects may be held by a person in a seat or set under the person's seat, provided that the Sign or Object may not extend past the front edge of the seat.~~
 - ~~i. Attendees with an Object not meeting the restriction in this Section 5.b.3 may sit by the western wall of the Meeting Room except in the back of between the public entry doors with the Object if seating is available at that location, provided that the Object meets all other requirements of this Section 5.b.~~
- ~~4. Signs or Objects may not be positioned so as to obstruct the view of others;~~
- ~~5. Signs or Objects may not be positioned so as to obstruct access to or from seats, movement through aisles, or ingress to or egress from the Meeting Room, and only in accordance with;~~

6. No person may affix a Sign or Object to City property;

7. No Sign or Object may contain lighting, sound, mechanical, or other features that cause distraction;

8. No person may use a Sign or Object in a manner that materially disrupts the meeting.

Any Sign or Object that does not meet these requirements is prohibited from the Meeting Room. The presiding officer may require the repositioning or removal, as applicable limits for fire and, of any Sign or Object that violates this Section 5.b. or otherwise constitutes a disruption or obstruction.

c. **Attire.** No person shall wear attire that materially obstructs the view of any attendee or impedes access to aisles or exits.

d. **Distribution of Materials.** The distribution of written materials is permitted in designated public areas outside of the Meeting Room, provided such activity does not obstruct movement, impede ingress or egress, or otherwise interfere with access to or participation in the meeting.

e. **Recording.** Audio and video recording of City Council meetings is permitted, provided that such recording is conducted in a manner that is unobtrusive and does not disrupt the meeting, interfere with sightlines, or impede movement. The presiding officer may designate reasonable locations or impose reasonable conditions to ensure compliance with this subsection.

e. f. **Seating, Standing, and Movement.** Attendees shall remain seated in designated seating areas or stand only in permitted locations. Aisles, exits, and access points must remain clear at all times. Compliance with applicable fire, building, and safety codes is required.

f. ~~Cellphone and Pagers. The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.~~

Impacts to g. **Noise and Electronic Devices.** Meeting attendees must silence cellphones, pagers, and other electronic devices while in the Meeting Room. Audible use of such devices is prohibited if it disrupts the meeting or interferes with the hearing or speaking of others at the meeting, whether in person or remote.

g. h. **Protection of Public Property.** Meeting attendees are prohibited from altering or damaging any No person shall damage, alter, or misuse City furniture, equipment or other public property or from misusing the City's, or facilities in the course of attending any Council meeting or work session.

h. _____

i. **Entering and Leaving the Meeting.** Meeting attendees Attendees entering or leaving the meeting before it has been adjourned must leave Meeting Room shall do

~~so in a quiet and orderly manner until outside of the building, to avoid disrupting the meetings so as not to disrupt the proceedings.~~

j. Weapons and Dangerous Objects in the Meeting Room During City Council Meetings.

1. No person shall carry a firearm, whether loaded or unloaded, deadly weapon, or dangerous object within the Meeting Room during a City Council meeting. This Section 5.j.1 shall not apply to:

- i. Peace officers or other law enforcement personnel acting within the scope of their official duties; or
- ii. Security personnel authorized by the City by written contract.

2. As used in this Section:

- i. "Deadly weapon" means a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;
- ii. "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

k. Enforcement. The presiding officer may take reasonable and proportionate steps to enforce the requirements of this Section 5, including issuing warnings, directing compliance, or removing individuals whose conduct constitutes disruption as defined in these Procedures. Removal shall occur only after a warning and an opportunity to comply, unless immediate action is reasonably necessary to address disruption or safety concerns. The City shall maintain records of enforcement actions when practicable.

Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.

- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by “friendly” amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. "Calling the Question". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A "point of order" takes precedence over any pending question out of which it may arise *and does not require a second*.
- A "point of order" is not amendable.
- Technically, a "point of order" is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.

- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert's Rules of Order provides for a "point of information" or a "request for information" that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal "point of information" procedure provided in Robert's Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.

- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.

- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

RESOLUTION 2026-112
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AMENDED RULES OF PROCEDURE GOVERNING
THE CONDUCT OF CITY COUNCIL MEETINGS AND WORK
SESSIONS

A. City Council has previously adopted certain Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions (the "Rules of Procedure"), which Rules of Procedure have been amended from time to time by the Council, most recently in December 2024 with the adoption of Resolution 2024-148.

B. The Rules of Procedure are intended to promote the orderly and efficient conduct of the meetings and ensure fair treatment of members of the public wishing to comment for Council's consideration.

C. City Council wishes to comprehensively revise the Rules of Procedure relating to public comment and public conduct to improve the clarity, functionality, and enforceability of the Rules and to align the Rules with existing practices and norms.

D. The revision of the Rules of Procedure made through this Resolution will improve the conduct of City Council meetings and provide clarity for the public. City Council believes that such rules and regulations are 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 RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The revised Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions, attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted by the City Council.

Section 2. The Rules of Procedure shall supersede all previous rules of procedure that have heretofore been adopted by City Council including, but not limited to, Resolution 2024-148.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026

Approving Attorney: Ted Hewitt

Exhibit: Exhibit A – Rules of Procedure

Governing the Conduct of City Council Meetings and Work Sessions

**Adopted September 1, 2026
Resolution 2026-112**

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):
 - (A) Proclamations and Presentations. (Prior to the meeting)
 - (B) Call Meeting to Order
 - (C) Pledge of Allegiance

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- (D) Roll Call
 - (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
 - (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
 - (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
 - (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
 - (I) Councilmember Removal of Items from Consent Calendar for Discussion
 - (J) Adoption of Consent Calendar
 - (K) Consent Calendar Follow-up
 - (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
 - (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
 - (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
 - (O) Consideration of Items Planned for Discussion
 - (P) Resumed Public Comment (if applicable)
 - (Q) Other Business
 - (R) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):
- (A) Call Meeting to Order
 - (B) Pledge of Allegiance

- (C) Roll Call
 - (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under Chapter 7 of the City Code regarding certain election-related matters shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.
- After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.
- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.

- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. **Length of Regular Meetings**

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. 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 scheduled 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.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. **Public Comment During Regular and Special Council Meetings.**

a. **Introduction**

- 1. **Findings and Purpose.** The City Council finds that its meetings constitute a limited public forum established for the orderly conduct of the City's business. The City Council further finds that it has significant governmental interests at its public meetings to:
 - i. Maintain a safe, orderly, and accessible environment;
 - ii. Ensure that all persons are afforded the opportunity to observe;
 - iii. Provide fair and meaningful opportunities for public participation;
 - iv. Create an atmosphere of civility that is respectful to diverse opinions; and
 - v. Complete the City's business in an efficient and effective manner.

The City Council further finds that conduct that materially disrupts, delays, or interferes with the orderly progression of a meeting, that creates an unsafe

environment, or that obstructs access to or participation in the meeting, undermines the City Council's interests and the rights of others.

The purpose of Sections 4 and 5 of these City Council Procedures is to implement reasonable regulations governing attendance and participation at City Council meetings to protect the City Council's interests and the rights of others. For purposes of these Sections 4 and 5 of these City Council Procedures, the City Council Chambers or other City Council meeting room is referred to as the "Meeting Room".

- b. **Public Comment Segment.** During the "Public Comment" segment of a City Council meeting, members of the public may provide comment on matters of interest or concern to members of the public, including items the City Council will consider at that day's meeting.
 - 1. Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30 p.m. on the day of the meeting.
 - 2. Each speaker will only be allowed to speak one time during the Public Comment segment.
 - 3. If a speaker comments on a particular agenda item during the time for Public Comment, that speaker will not be entitled to speak during discussion of the particular agenda item.
 - 4. Section 2-48 of the City Code allows certain interested parties to appeal development review decisions and other types of decisions to City Council for review. In considering a matter on appeal, the City Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of these requirements, once the application, review, and decision-making process has been initiated, comments during Public Comment on matters that are the subject of a board or hearing-officer decision that will be appealable to the City Council are not permitted.
- c. **Comment on Agenda Items.** City Council will receive public comment during consideration of individual action items, including any item that is addressed by formal City Council action under the "Other Business" segment of the agenda.
 - 1. Each speaker must sign up to provide public comment on a City-provided form or system by 5:30 p.m. on the day of the meeting, except:
 - i. If time allows, the presiding officer may allow speakers who have not signed up in advance the opportunity to provide public comment; and
 - ii. For comment on procedural or other items not noted on the published agenda for which City Council, the presiding officer may authorize additional public comment.

2. Each speaker will only be allowed to speak one time to comment on any particular agenda item.
3. Comments given during the comment period for an agenda item must pertain to the item under consideration.
4. Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during City Council's consideration of the item.

d. **Decorum; Scope and Type of Comments Allowed.**

1. **Direction of Comments.** Unless otherwise directed by the presiding officer, all comments must be made from the designated speaking area and into the microphone or through the video conferencing system, as applicable. The City Council encourages those providing public comment to direct the comments to the City Council as a body and not to individuals. The City Council encourages speakers to address City Councilmembers using their official titles.
2. **Prohibited Conduct; Disruption Defined.** Speakers shall not engage in conduct that constitutes disruption of the meeting. For purposes of this Section 4, disruption means conduct that actually and materially interferes with, delays, or impedes the orderly conduct of the meeting or the City Council's ability to complete its business. Prohibited disruptive conduct includes, but is not limited to:
 - i. Speaking out of turn or after the expiration of the allotted time;
 - ii. Interrupting speakers or City Councilmembers;
 - iii. Engaging in shouting, yelling, applause or other conduct that interferes with the hearing or speaking of others at the meeting, whether in person or remote;
 - iv. Engaging in dialogue with audience members or directing comments toward other speakers in a manner that interferes with the orderly conduct of the meeting; or
 - v. Failing to comply with the direction of the presiding officer that is reasonably necessary to maintain order.

Public comments that express disagreement, criticism, or unpopular viewpoints, in and of themselves, do not constitute disruption.

3. **Unprotected Speech.** Speakers must avoid speech that is not protected by law, including obscenity, true threats, incitement to imminent lawless action, or speech integral to criminal conduct.
4. **Repetitive Comments.** Speakers may be asked by the presiding officer to avoid substantial repetition of comments already presented.

5. **Presiding Officer Directives.** Each speaker must follow directives given by the presiding officer.
- e. **Process and Time Limits for Speaking.**
1. The presiding officer may require those intending to provide comment to indicate their intention by a show of hands or some other means, such as “raising a hand” using video conferencing technology.
 2. The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the City Council within a reasonable time given the scheduled agenda and, for agenda items, as necessary to facilitate City Council’s understanding of an item. The presiding officer may grant additional time to accommodate disability or language translation.
 3. The presiding officer may ask those speakers physically present at the meeting to form one or more lines in the Meeting Room to facilitate the efficient transition of speakers.
 4. Each speaker will be asked to provide their name and, if they choose, their residential address at the beginning of their comments.
 5. Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- f. **Yielding the Lectern.** Each speaker shall promptly cease their comments and, if physically present in the Meeting Room, yield the lectern immediately upon the expiration of the time allotted by the presiding officer or when so directed by the presiding officer.
- g. **Yielding of Time.** No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- h. **Public Presentation Materials and Evidence.** The use of City projection equipment to display presentation materials to City Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
1. Persons wishing to display presentation materials using the City’s display equipment under the Public Comment portion of a meeting or during discussion of any City Council item must provide any such materials to the City Clerk no later than twenty-four (24) hours prior to the beginning of the meeting at which the materials are to be presented. Only pdf format

presentations will be allowed, and no embedded video or audio may be included.

2. As an exception to Section 4.h.1., parties-in-interest for agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for City Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day prior to the date of the meeting at which the subject item is scheduled for consideration. Any such materials must be in pdf format and readily usable on the City's display technology.
- i. **Enforcement.** If a speaker violates any of the rules contained in this Section 4, the presiding officer may take reasonable and proportionate steps to end the violation and to restore order, including by issuing a warning, directing the speaker to conclude remarks, muting the microphone, requiring the speaker to yield the lectern, or requiring removal of the speaker from the Meeting Room. The presiding officer may not restrict speech based on the viewpoint expressed by the speaker. The City shall maintain records of enforcement actions when practicable.

Section 5. **Public Conduct During Regular and Special City Council Meetings and Work Sessions.**

- a. **Audience Conduct; Preservation of Order.** Members of the audience shall not engage in conduct that materially disrupts, delays, or interferes with the orderly conduct of the meeting or the ability of others to observe or participate. To help create a civil atmosphere that is open to diverse opinions, audible expressions of approval or disapproval, such as applause, are not permitted. Each member of the audience must follow directives given by the presiding officer.
- b. **Signs and Objects.** The possession of signs or posters ("Signs"), or objects, including purses, backpacks, bags or other personal items ("Objects") is permitted in the Meeting Room, subject to the following requirements:
 1. In no event may Signs exceed 11 inches by 17 inches;
 2. Signs and Objects must always be under a person's control;
 3. Signs or Objects may be held by a person in a seat or set under the person's seat, provided that the Sign or Object may not extend past the front edge of the seat.
 - i. Attendees with an Object not meeting the restriction in this Section 5.b.3 may sit by the western wall of the Meeting Room between the public entry doors with the Object if seating is available at that location, provided that the Object meets all other requirements of this Section 5.b.

4. Signs or Objects may not be positioned so as to obstruct the view of others;
5. Signs or Objects may not be positioned so as to obstruct access to or from seats, movement through aisles, or ingress to or egress from the Meeting Room;
6. No person may affix a Sign or Object to City property;
7. No Sign or Object may contain lighting, sound, mechanical, or other features that cause distraction;
8. No person may use a Sign or Object in a manner that materially disrupts the meeting.

Any Sign or Object that does not meet these requirements is prohibited from the Meeting Room. The presiding officer may require the repositioning or removal, as applicable, of any Sign or Object that violates this Section 5.b. or otherwise constitutes a disruption or obstruction.

- c. **Attire.** No person shall wear attire that materially obstructs the view of any attendee or impedes access to aisles or exits.
- d. **Distribution of Materials.** The distribution of written materials is permitted in designated public areas outside of the Meeting Room, provided such activity does not obstruct movement, impede ingress or egress, or otherwise interfere with access to or participation in the meeting.
- e. **Recording.** Audio and video recording of City Council meetings is permitted, provided that such recording is conducted in a manner that is unobtrusive and does not disrupt the meeting, interfere with sightlines, or impede movement. The presiding officer may designate reasonable locations or impose reasonable conditions to ensure compliance with this subsection.
- f. **Seating, Standing, and Movement.** Attendees shall remain seated in designated seating areas or stand only in permitted locations. Aisles, exits, and access points must remain clear at all times. Compliance with applicable fire, building, and safety codes is required.
- g. **Noise and Electronic Devices.** Meeting attendees must silence cellphones, pagers, and other electronic devices while in the Meeting Room. Audible use of such devices is prohibited if it disrupts the meeting or interferes with the hearing or speaking of others at the meeting, whether in person or remote.
- h. **Protection of Public Property.** No person shall damage, alter, or misuse City furniture, equipment, or facilities.

- i. **Entering and Leaving the Meeting.** Attendees entering or leaving the Meeting Room shall do so in a quiet and orderly manner so as not to disrupt the proceedings.
- j. **Weapons and Dangerous Objects in the Meeting Room During City Council Meetings.**
 - 1. No person shall carry a firearm, whether loaded or unloaded, deadly weapon, or dangerous object within the Meeting Room during a City Council meeting. This Section 5.j.1 shall not apply to:
 - i. Peace officers or other law enforcement personnel acting within the scope of their official duties; or
 - ii. Security personnel authorized by the City by written contract.
 - 2. As used in this Section:
 - i. “Deadly weapon” means a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;
 - ii. “Firearm” means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.
- k. **Enforcement.** The presiding officer may take reasonable and proportionate steps to enforce the requirements of this Section 5, including issuing warnings, directing compliance, or removing individuals whose conduct constitutes disruption as defined in these Procedures. Removal shall occur only after a warning and an opportunity to comply, unless immediate action is reasonably necessary to address disruption or safety concerns. The City shall maintain records of enforcement actions when practicable.

Section 6. **Procedural Decisions Subject to Modification by Council.**

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 7. **Council Questions and Debate.**

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. **Basic Rules of Order for Regular and Special Council Meetings.**

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.

- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by “friendly” amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. “Calling the Question”. "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second*.
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.

- A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert's Rules of Order provides for a "point of information" or a "request for information" that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal "point of information" procedure provided in Robert's Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these

motions can be moved by any member of the Council, regardless of how that member voted on the original question.

- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.

- A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
- A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.