

# Fort Collins City Council Agenda

## Regular Meeting

6:00 p.m., Tuesday, April 2, 2024

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

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

### NOTICE:

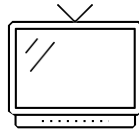
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

### How to view this Meeting:



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



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



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



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

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

*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. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.*



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

### **Comment in real time:**

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



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



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

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

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

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

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

Call in number: 720 928 9299

Meeting ID: 982 4141 6497

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

### **Submit written comments:**



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



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

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

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



# City Council Regular Meeting Agenda

**April 2, 2024 at 6:00 PM**

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

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

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Heather Walls  
Interim City Clerk

## **PROCLAMATIONS & PRESENTATIONS 5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

- [PP 1.](#) Declaring April 2 through 8, 2024 as International Dark Sky Week.
- [PP 2.](#) Declaring April 2024 as Autism Acceptance Month.
- [PP 3.](#) Declaring April 2024 as Fair Housing Month.
- [PP 4.](#) Declaring April 2024 as Sexual Assault Awareness Month.

## **REGULAR MEETING 6:00 PM**

### **B) CALL MEETING TO ORDER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

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

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

### **F) COMMUNITY REPORTS - None.**

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

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

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

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

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

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

### **CONSENT CALENDAR**

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

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

#### **1. Consideration and Approval of the Minutes of the February 27, 2024 Adjourned Meeting, March 5, 2024 Regular Meeting, and March 18, 2024 Special Meeting.**

The purpose of this item is to approve the minutes of the February 27, 2024 adjourned meeting, March 5, 2024 regular meeting, and March 18, 2024 special meeting.

**2. Second Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Avenue from Fishback Avenue to Sunset Street. If approved this item: 1) appropriates \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 2) uses \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 3) uses \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 4) appropriates as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 5) appropriates as part of the local match contribution \$222,750 from General Fund Reserves; 6) appropriates \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 7) appropriates \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; and 8) appropriates \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

**3. Second Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of this item will support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and
- Appropriating \$96,504 from Water Fund reserves.

**4. Second Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle

underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and
- Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.

Previously appropriated funds will be used for local match requirements.

**5. Second Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, appropriates \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

**6. Second Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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.

**7. Second Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests an appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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.

**8. Second Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

**9. Second Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, clarifies and makes consistent certain terminology in City Code. This item will remove “curb stop” from City Code, to be replaced by “control valve.” Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

**10. Second Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities’ Raw Water Interests for 2024 Through March 2027.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, obtains Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities’ (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

**11. Second Reading of Ordinance No. 048, 2024, Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, authorizes the conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

**12. First Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 But Not Expended and Not Encumbered in 2023.**

The purpose of this item is to reappropriate monies in 2024 that were previously authorized by Council for expenditures in 2023 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2023 because:

- There was not sufficient time to complete bidding in 2023 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or
- The project for which the dollars were originally appropriated by Council could not be completed during 2023 and reappropriation of those dollars is necessary for completion of the project in 2024.

Additionally, there may have been sufficient unspent dollars previously appropriated in 2023 to carry on programs, services, and facility improvements in 2024 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2023 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$2,498,249
Cultural Services Fund	55,000
Recreation Fund	251,064
Museum Fund	61,265
Transportation Service Fund	1,288,625
Water Fund	52,500
Date & Communications Fund	<u>390,600</u>
Total	\$4,597,303

**13. First Reading of Ordinance No. 050, 2024, Approving the Conveyance of a Temporary Construction Easement for the Construction of Permanent Stormwater Improvements on City Property to DHIC-Enclave, LLC.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of a Temporary Construction Easement (the “Easement”) on approximately 4.36 acres (189,996 sf) of City property known as the Redwood Detention Pond and the Redwood Channel (collectively, the “City Property”) to DHIC – Enclave, LLC (“Developer”), in exchange for the construction of permanent stormwater master plan improvements on the City Property.

**14. First Reading of Ordinance No. 051, 2024, Approving the Conveyance of a Permanent Easement for Stormwater Drainage, a Temporary Construction Easement for the Construction of Stormwater Drainage Improvements, and a Temporary Construction Easement for the Construction of Sewer Facilities on City Property to PS-Poudre River, LLC.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of one permanent drainage easement (the “Drainage Easement”), one temporary construction easement (the “Drainage TCE”) for the modification of current drainage facilities, and one temporary construction easement (the “Sewer TCE”) for the installation of public sewer facilities to PS-Poudre River, LLC (“PSPR”), on City Property located at 101 1st Street, which is the current location of Buckingham Park (“Buckingham Park”). Construction pursuant to the Drainage TCE will modify existing floodplain boundaries, and the Drainage Easement will allow PSPR to store additional stormwater on a portion of Buckingham Park. The Sewer TCE is for the installation of public sewer facilities required by the City so that PSPR may proceed with the development of the adjoining lands. The actual conveyance of the easements will be conditional upon PSPR, or its successors and assigns, obtaining City development approval of the contemplated work within the easements.

**15. First Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of one (1) permanent easement (the “Trail Easement”) and one (1) temporary construction easement (the “TCE”) to Colorado State University (“CSU”), for the construction, operation, and maintenance of

a public multi-modal trail (the “Phemister Trail”) on City Property located at 2145 Centre Street, which is the current location of The Gardens on Spring Creek (the “Gardens on Spring Creek”).

**16. Public Hearing and Resolution 2024-053 Approving the Programs that will Receive a Total of \$400,000 in HOME Investment Partnership Act American Rescue Plan Act Funding (HOME-ARP) for Supportive Services Funding.**

The purpose of this item is to approve the programs recommended for funding with the \$400,000 in HOME Investment Partnership Act American Rescue Plan Act funding (HOME-ARP) designated for Supportive Services.

**17. Resolution 2024-054 Ratifying the Reappointment of Corey Radman and Joshua Fudge and the Appointment of Vicki Woods to the Poudre River Public Library District Board of Trustees.**

The purpose of this item is to fill vacancies on the Poudre River Public Library District Board of Trustees.

**18. Resolution 2024-055 Appointing Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District Board of Directors.**

The purpose of this item is to consider the appointments of Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District (the “District”) Board of Directors. Amanda Cossey will serve a three-year term to fill a vacancy created by the resignation of another member. Troy Erickson will serve the remainder of a three-year term ending on September 1, 2024, due to early resignation. Casey Kittel will serve the remainder of the term ending January 17, 2026, vacated by a resignation. Danielle Lowry will serve a second term lasting three years starting as soon as appointed by Council. Aryell Mattern will serve a three-year term starting as soon as appointed by Council.

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

A. Resolution 2024-056 Making Appointments to the Historic Preservation Commission.

B. Resolution 2024-057 Making an Appointment to the Land Use Review Commission.

C. Resolution 2024-058 Making Appointments to the Planning and Zoning Commission.

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

In 2023, the Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office. Each Resolution provides that no person appointed may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

**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.*

**20. Second Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.**

This Ordinance, adopted on First Reading with amendments at the March 18, 2024, special meeting, by a vote of 6-1 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Potyondy; Nays: Councilmember Ohlson), updates Code provisions related to the conduct of Council meetings to allow Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode due to circumstances preventing a meeting from proceeding.

Council amended the Ordinance at the time of adoption on First Reading to remove a provision allowing Council to limit public comment to agenda items only and to correct an obsolete pronoun reference.

Resolution 2024-026 Adopting Amending Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions failed unanimously.

**P) OTHER BUSINESS**

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

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

## Q) 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.*



## PROCLAMATION

**WHEREAS**, the City of Fort Collins is committed to improving and maintaining our quality of life which includes reducing light pollution by minimizing glare, light trespass, and sky glow; and

**WHEREAS**, outdoor lighting best practices can preserve, protect, and enhance the night sky while mitigating negative impacts to wildlife health; and

**WHEREAS**, International Dark Sky Week is April 2 through 8, 2024; and

**WHEREAS**, night sky compliant lighting practices can be as easy as using light only where you need it, when you need it, with the minimum amount of light needed, while shielding and directing light downwards; and

**WHEREAS**, the average light pollution in Fort Collins is 20 times brighter than natural conditions; and

**WHEREAS**, the City of Fort Collins is willing to lead by example by improving, retrofitting, and pursuing standards where necessary to support night sky compliance; and

**WHEREAS**, protecting the night sky helps promote safety, livability, migratory animals and insects, urban natural areas and quality life; and

**WHEREAS**, the City of Fort Collins is acting to minimize light pollution through lighting code updates, building retrofits, improved street lighting technology, education and technical assistance, and data collection and monitoring;

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the week of April 2 through 8, 2024, as

## INTERNATIONAL DARK SKY WEEK

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of April, 2024.

---

Mayor

ATTEST:

---

Assistant City Clerk



## PROCLAMATION

**WHEREAS**, Autism Acceptance Month is recognized annually in April to promote understanding, acceptance, and inclusion of individuals on the autism spectrum; and

**WHEREAS**, today, 1 in 36 children (or 2.8 percent of the population) have been identified as autistic and overlooked populations including women and people of color, are being identified in increasing numbers. The needs of autistic people vary from low resource to high resource, understanding the ways we can support the autistic community promotes their inclusion, acceptance, well-being, and success; and

**WHEREAS**, autism is a neurological variation that enriches our community with diverse perspectives, talents, and experiences and autistic people have made enormous economic, social, and cultural contributions to our society; and

**WHEREAS**, embracing autism acceptance fosters a culture of empathy, compassion, and respect for individuals of all abilities. Every individual, regardless of neurodiversity, deserves equal opportunities, support, and recognition of their inherent worth and potential; and

**WHEREAS**, by embracing the principles of autism acceptance, we create a more inclusive and welcoming society where all individuals can thrive and contribute meaningfully. Through education, advocacy, and empowerment, we can dismantle barriers and create a more accessible and inclusive environment for autistic individuals and their families; and

**WHEREAS**, promoting autism acceptance is an ongoing commitment that requires collective effort and collaboration from all members of our community and partnership with the City's Human Relations Commission and Disability Advisory Board;

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim April 2024, as

## AUTISM ACCEPTANCE MONTH

and I call upon all residents, businesses, schools, and organizations to join us in celebrating the unique talents and contributions of individuals on the autism spectrum. Let us pledge to foster a community where diversity is celebrated, inclusion is championed, and acceptance is unconditional.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of April, 2024.

---

Mayor

ATTEST:

---

Assistant City Clerk



## PROCLAMATION

**WHEREAS**, Title VIII of the Civil Rights Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968; and

**WHEREAS**, the month of April is nationally recognized as Fair Housing Month as a time to reflect on and reaffirm our national commitment to the ideal that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability; and

**WHEREAS**, this year celebrates the 56th anniversary of the Fair Housing Act and reflects on our current efforts to foster sustainable, inclusive communities of opportunity for all; and

**WHEREAS**, on April 10, 1959, the State of Colorado was the first state in the U.S to pass fair housing laws, preceding the federal Fair Housing Act by nearly a decade; and

**WHEREAS**, the City of Fort Collins City Code prohibits discriminatory housing practices; and

**WHEREAS**, the City welcomes this opportunity to acknowledge our many community partners who are committed to addressing barriers to fair housing choice and educating all citizens concerning their rights regarding equal housing opportunity; and

**WHEREAS**, this year, those partners are represented by CARE Housing, the master developer of Heartside Hill, a housing development that will provide a diversity of housing type and choice for persons at various incomes, abilities, and life stages. Once completed, this community will include an early childhood education center, 2 homes for persons with intellectual and developmental disabilities, 72 affordable apartments and 9 single family homes that will be dedicated to long-term affordable home ownership.

**NOW THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby decree that every person should live free from the fear of housing discrimination, and I declare April 2024, as

## FAIR HOUSING MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of April, 2024.

---

Mayor

ATTEST:

---

Assistant City Clerk



## PROCLAMATION

**WHEREAS**, Sexual Assault Awareness Month (SAAM) calls attention to the fact that sexual violence is widespread and impacts every person in the community. SAAM aims to raise public awareness about sexual abuse, harassment, and assault and educate communities about how to be involved in prevention; and

**WHEREAS**, this year's SAAM campaign theme, **Building Connected Communities**, calls on each of us to work together to prevent sexual abuse, harassment, and assault. We believe when anyone experiences sexual violence, every community member is affected. We must strive to build more connected, respectful, and inclusive communities to promote our collective well-being and protect against the risk of sexual violence. We believe all of our communities will be safer and stronger by making them more equitable for people of all gender identities and sexual orientations, races and ethnic backgrounds, ages, faiths, and abilities. Statistics show that over 53% of women and over 29% of men reported experiencing contact sexual violence in their lifetime, most women and men across all sexual identities who experienced contact sexual violence reported that the person who harmed them was someone they knew, more than 1 in 4 non-Hispanic Black women in the United States were raped in their lifetime, 1 in 3 Hispanic women reported unwanted sexual contact in their lifetime, more than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime, 32.9% of adults with intellectual disabilities have experienced sexual violence, 47% of all transgender people have been sexually assaulted at some point in their lives; and

**WHEREAS**, as such, we must strive to create strong, connected communities that take care of one another and make decisions to ensure the safety and well-being of others to end sexual violence. The **Building Connected Communities** campaign is an opportunity for our community to join with others around the world in committing to prevent sexual abuse, assault, and harassment; and

**WHEREAS**, I join advocates and communities across the country in taking action to prevent sexual violence. April is Sexual Assault Awareness Month, and each day of the year is an opportunity to create change for the future.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim April 2024, as

## SEXUAL ASSAULT AWARENESS MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of April, 2024.

---

Mayor

ATTEST:

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Heather Walls, Interim City Clerk

---

### SUBJECT

**Consideration and Approval of the Minutes of the February 27, 2024 Adjourned Meeting, March 5, 2024 Regular Meeting, and March 18, 2024 Special Meeting.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the February 27, 2024 adjourned meeting, March 5, 2024 regular meeting, and March 18, 2024 special meeting.

---

### STAFF RECOMMENDATION

Staff recommends approval of the minutes.

---

### ATTACHMENTS

1. Draft Minutes, February 27, 2024
2. Draft Minutes, March 5, 2024
3. Draft Minutes, March 18, 2024

February 27, 2024

## COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

## Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

**A) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado.

**B) ROLL CALL**

## PRESENT

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Julie Pignataro  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Melanie Potyondy  
Councilmember Tricia Canonico

## STAFF PRESENT

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
Interim City Clerk Heather Walls

**C) ITEMS FOR DISCUSSION****1. Resolutions to Adopt 2024-2026 Council Priorities.**

*A. Resolution 2024-013 Adopting a 2024-2026 Council Priority to Operationalize City Resources to Build and Preserve Affordable Housing.*

*B. Resolution 2024-014 Adopting a 2024-2026 Council Priority to Improve Human and Social Health for Vulnerable Populations.*

*C. Resolution 2024-015 Adopting a 2024-2026 Council Priority to Advance a 15-Minute City by Igniting Neighborhood Centers.*

*D. Resolution 2024-016 Adopting a 2024-2026 Council Priority to Improve Animal Welfare Through Public Education and Policy.*

*E. Resolution 2024-017 Adopting a 2024-2026 Council Priority to Pursue an Integrated, Intentional Approach to Economic Health.*

*F. Resolution 2024-018 Adopting a 2024-2026 Council Priority to Create Pathways for Zero Waste Infrastructure and Policies.*

*G. Resolution 2024-019 Adopting a 2024-2026 Council Priority to Reduce Climate Pollution and Air Pollution Through Electrification.*

*H. Resolution 2024-020 Adopting a 2024-2026 Council Priority to Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.*

*I. Resolution 2024-021 Adopting a 2024-2026 Council Priority to Advance a 15-Minute City by Accelerating Our Shift to Active Modes.*

*J. Resolution 2024-022 Adopting a 2024-2026 Council Priority to Develop a Hughes Site Master Plan.*

*K. Resolution 2024-023 Adopting a 2024-2026 Council Priority to Operationalize City Resources to Make Government More Accessible, Approachable and Fun.*

*L. Resolution 2024-024 Adopting a 2024-2026 Council Priority to Continue Stewardship of Our Civic Institution.*

*The purpose of this item is to consider resolutions to adopt 2024-2026 Council priorities.*

Assistant City Manager Rupa Venkatesh stated Council priorities involve priority setting, determining how the priorities will be accomplished, and implementation, reporting, and tracking. She provided information on each priority organized by strategic outcome areas and outlined what changed since the work session in February.

#### PUBLIC COMMENT

Joe Rowan facetiously suggested Council adopt a resolution to compel the Natural Resources Department to identify the Hughes Stadium site as a location for the voter-approved grey wolf reintroduction program and outlined the ways in which this would help with other Council priorities.

Suzan Gregg spoke in support of Pet City and encouraged Council to allow pet stores to stay open.

#### COUNCIL DISCUSSION

- A. Resolution 2024-013 Adopting a 2024-2026 Council Priority to Operationalize City Resources to Build and Preserve Affordable Housing.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Resolution 2024-013. Yeas: Arndt, Francis, Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: none.***

***THE MOTION CARRIED 7-0.***

- B. Resolution 2024-014 Adopting a 2024-2026 Council Priority to Improve Human and Social Health for Vulnerable Populations.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-014. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

- C. Resolution 2024-015 Adopting a 2024-2026 Council Priority to Advance a 15-Minute City by Igniting Neighborhood Centers.

***Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Resolution 2024-015. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

D. Resolution 2024-016 Adopting a 2024-2026 Council Priority to Improve Animal Welfare Through Public Education and Policy.

Mayor Pro Tem Francis stated she would not be able to support this resolution as she believes animal welfare is outside the scope of City focus.

Councilmember Pignataro stated the language addresses wild animals and things like the wildlife rehabilitation center, Nature in the City, and other items that would be incorporated into this resolution, none of which seem to fall under 'animal welfare.'

Assistant City Manager Venkatesh outlined the input from the Council retreat which included items such as not supporting commercial breeding facilities, education that it is illegal to have cats off leash as they can be destructive to the environment and birds, and defining success as educating the public on the impact of outdoor cats, considering local breeding facilities, identifying ways to protect and impact bird population threats, hearing public opinion on the matter, and ensuring City policy reflects the City's stance on animal welfare.

City Manager DiMartino suggested the policy item around animal welfare could be accomplished as an Other Business item as it is a stand-alone policy item; however, other topics such as education live more with the Humane Society and other organizations and that could be emphasized in communication as part of ongoing operations as opposed to something separate that would be tracked as a priority.

Councilmember Pignataro stated she met with the owners of Pet City and there is agreement that puppy mills are horrible. The owners have personally visited about half of the places they get their puppies. She stated policy should not be made based on stories but on facts and data and commented on the community requesting some type of priority around this topic which would allow for resources to be allocated to acquire those facts.

Councilmember Potyondy stated this priority does not necessarily seem to fit with regard to the scope and noted the City does not have staff dedicated to animal welfare; therefore, some partnerships may make more sense. She stated she would prefer to discuss commercial breeders under Other Business in future meetings.

Councilmember Canonico concurred with Councilmember Potyondy and stated other City partners are more dedicated and have better resources. She stated she would oppose the resolution, but does want to see the issue remain an action.

Councilmember Ohlson stated he would support the resolution as he views it as a local role to look out for animals, be they domestic or wild. He commented on the impact of outdoor cats on the depletion of songbird species diversity and habitat disruption. Additionally, he stated the City funds the Humane Society which fails to address the issue. He also supported putting resources toward getting objective information dealing with pet stores and breeding facilities. He stated he would still like to see the issues be dealt with even if the resolution fails.

Councilmember Gutowsky concurred with Councilmember Ohlson and stated she would be disappointed if the issue was abandoned.

Councilmember Potyondy clarified that she does believe there is value in the resolution; however, she sees the issue as having discreet tasks that are potentially better suited to Other Business and the other priorities seem much broader in scope.

**Councilmember Pignataro moved, seconded by Councilmember Ohlson, to adopt Resolution 2024-016. Ayes: Councilmembers Pignataro, Gutowsky, and Ohlson. Nays: Councilmembers Potyondy, Canonico, Mayor Arndt, and Mayor Pro Francis.**

**THE MOTION FAILED 4-3.**

- E. Resolution 2024-017 Adopting a 2024-2026 Council Priority to Pursue an Integrated, Intentional Approach to Economic Health.

**Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-017. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.**

**THE MOTION CARRIED 7-0.**

- F. Resolution 2024-018 Adopting a 2024-2026 Council Priority to Create Pathways for Zero Waste Infrastructure and Policies.

**Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-018.**

Councilmember Ohlson stated this item and the following two do not resemble what he brought up at the Council retreat. He opposed the lack of specificity and the use of the term 'create pathways' as it does not seem to show action. He stated pathways already exist through the adopted road to zero waste and he would like to see additional action-oriented language.

Councilmember Potyondy suggested the use of 'accelerate,' 'improve,' or 'implement.'

Mayor Arndt stated she would also support a name change.

Mayor Pro Tem Francis suggested 'advance.'

Councilmember Pignataro asked staff if the wording change would change their understanding of what the priority means. Jacob Castillo, Chief Sustainability Officer, replied the language was chosen intentionally with framing based on what could be materially advanced in a two-year period. He stated the suggestions that have been made do help to clarify that action is required to make moves on the priority and he suggested using 'improve,' 'advance,' or 'accelerate' and stated staff does recognize the need to do more than create pathways.

Councilmember Canonico supported the use of 'accelerate.' Other members concurred.

City Attorney Daggett noted there are three places in the resolution that would require the wording change.

Mayor Pro Tem Francis and Councilmember Potyondy accepted the use of the word 'accelerate' in place of 'create pathways' as a friendly amendment.

**The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.**

**THE MOTION CARRIED 7-0.**

- G. Resolution 2024-019 Adopting a 2024-2026 Council Priority to Reduce Climate Pollution and Air Pollution Through Electrification.

**Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-019.**

Councilmember Ohlson expressed concern that solely addressing electrification is limited and suggested changing the wording to add 'and other policies and action' after 'electrification.'

Councilmember Canonico requested input from staff as to why the wording was chosen. Jacob Castillo, Chief Sustainability Officer, replied much of the discussion was around greenhouse gas reduction, and there is significant overlap with reducing the extraction and use of fossil resources and associated air pollution. He acknowledged they are not wholly overlapping and there are other pollutants such as volatile organic compounds, nitrogen oxide, and others, that may not be fully addressed through the way the language is presented and other strategies could be put in place that are not related to electrification, such as monitoring, enforcement opportunities, and an overall reduction in use.

Mayor Pro Tem Francis stated she appreciated the focus on electrification as it is a big move from Our Climate Future to focus on what staff presented as what can be done to make an impact. She expressed concern about broadening the focus as she is tired of monitoring air pollution and electrification can make a big impact.

Councilmember Ohlson outlined the retreat discussion and stated staff has taken too much leeway with the language and combining items. He commented on his desire to address air pollution, specifically air pollution other than ozone, and requested clarification as to whether any further action will be taken on air pollution other than electrification. Assistant City Manager Venkatesh replied all of those items will be incorporated under one of the other priorities of 'improving human and social health for vulnerable populations.' Castillo stated staff is interpreting the priorities such that there is an emphasis on these activities, but they will not replace to completely cast out other activities that are ongoing related to air quality, including monitoring and the work of the Air Quality Advisory Board.

Councilmember Ohlson stated he would not support the resolution and reiterated his concern that too much leeway was taken by staff.

Councilmember Canonico stated she introduced the idea of electrification as it is something that could be focused upon and advanced. She stated there will be opportunities for federal funding in conjunction with local funding to make a difference in the area over the next two years.

Councilmember Ohlson commented on the fact that much of the City's electricity comes from a coal-fired power plant and questioned how air quality is being positively impacted through electrification in that sense.

Councilmember Potyondy stated she would prefer the language to read 'reduce climate impacts' rather than 'reduce climate pollution.' She supported having a focus on electrification; however, she stated it may be a bit narrow if climate impact and air pollution are being considered.

Mayor Pro Tem Francis expressed support for the language but asked why 'climate pollution' was used instead of 'greenhouse gases.' Castillo replied 'climate pollution' is language that is being used more frequently at the state and national level and staff was attempting to mirror that language.

Councilmember Gutowsky requested additional information as to the meaning of 'climate pollution.' Castillo replied climate pollution is upstream from climate impacts and it references greenhouse gases, which are the emissions that are warming the planet and are oftentimes from the same source as other environmental pollutants.

Councilmember Gutowsky suggested the placement of other air quality measures under the priority addressing vulnerable populations is misplaced and stated she would like to see those various methods and strategies included in this priority, perhaps with an emphasis on electrification.

Mayor Arndt commented on the fact that 2/3 of community emissions come from buildings and stated emphasizing building electrification can have the biggest impact on meeting some of the goals of Our Climate Future.

Councilmember Potyondy stated she would be more comfortable using the wording 'through best practices, prioritizing electrification' as she would like the priority to leave some wiggle room for other strategies.

***Councilmember Potyondy made a motion, seconded by Mayor Arndt, to amend the motion to change the language of the priority to state 'reduce climate pollution and air pollution through best practices, emphasizing electrification.' Ayes: Mayor Arndt, Councilmembers Ohlson, Potyondy, Pignataro, and Gutowsky. Nays: Mayor Pro Tem Francis and Councilmember Canonico.***

***THE MOTION CARRIED 5-2.***

Mayor Pro Tem Francis stated she would support the motion but did not believe the language change was necessary and makes Council's goals more confusing. Councilmember Canonico concurred.

***The vote on the amended motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

- H. Resolution 2024-020 Adopting a 2024-2026 Council Priority to Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.

***Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-020.***

Councilmember Ohlson questioned why the language referencing ditch companies was removed. He suggested renaming the Pleasant Valley and Lake Canal Rehabilitation Project to the Wildlife Habitat and Tree Destruction Project and stated the ditch company, 79% of which is owned by the City, is demolishing many trees. He also commented on ditches being wildlife movement corridors and providing recreation opportunities. He suggested some reference language in the priority or Strategic Plan and asked Jason Graham, Water Utilities Executive Director, why he was so enthusiastic about removing the ditch company reference. Graham replied he was not enthusiastic; however, he did not see any harm in changing the language to reference regional partnerships. He stated staff intends to provide a summary of how the City interacts with the ditch companies.

Councilmember Ohlson questioned how it would be known that regional partnerships include ditch companies.

Mayor Arndt noted ditch companies are their own legal entities that have legislative protections and powers. She stated she would be uncomfortable mentioning legally owned entities in a priority.

Councilmember Pignataro asked if the language excludes having anything to do with ditch companies. Castillo replied it is not the intention that it would exclude ditch companies.

Councilmember Pignataro stated all of the previously adopted priorities have open-ended components with the outcome as the goal and some intentionally vague language. City Manager DiMartino stated the language is broader and one of the next steps identified is to identify more details regarding scoping and work plans for the priorities at a work session.

Councilmember Ohlson stated he would support the resolution given more detailed work will occur. He reiterated the fact that the City owns a large number of shares of ditch companies and commented on the importance of the triple bottom line of social, environmental, and financial goals. He stated he would like to see a Council discussion to create some policies where the City can lead by example on some of the issues related to trees, habitat, and recreation, particularly for the companies in which the City holds a majority stake.

***The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

- I. Resolution 2024-021 Adopting a 2024-2026 Council Priority to Advance a 15-Minute City by Accelerating Our Shift to Active Modes.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-020.***

Councilmember Ohlson asked why the two 15-Minute City items were not combined. Councilmember Pignataro replied the different sides of the 15-Minute City involve the mode of transportation used and the destination.

Mayor Arndt commented on the importance of prioritizing Safe Routes to School as resources become available and suggested a language change in the description of the priority to reference Safe Routes to School as a priority within the goal.

Mayor Pro Tem Francis suggested 'implement the Active Modes Vision Zero Plan and complete the Safe Routes to School network.'

Councilmember Pignataro asked if the Vision Zero Plan refers to Safe Routes to School. Caryn Champine, Planning, Development, and Transportation Director, replied the Active Modes Plan and Vision Zero Plan both tie back to Safe Routes to School and the integration of Safe Routes to School into the active modes prioritization is captured in one of the short-term goals to be executed as part of this priority.

Mayor Arndt asked if Safe Routes to School are prioritized as funds become available. Champine replied staff will work to figure out the best way to prioritize Safe Routes to School as part of this priority.

Councilmember Potyondy commented on the importance of not only completing the Safe Routes to School network but also improving some of the existing network and suggested 'emphasizing Safe Routes to School.'

Councilmember Canonico asked if prioritizing Safe Routes to School could negatively impact complete streets elsewhere. Champine replied there are different funding streams and sources.

Mayor Arndt suggested eliminating the language related to creating inefficiencies and missed opportunities. Mayor Pro Tem Francis accepted the amendment as friendly.

Members commented on the use of seemingly extra wording in the description and asked if eliminating some of the language would change the direction for staff. Champine replied in the negative and stated staff feels very clear about what Council is trying to accomplish.

Councilmember Pignataro outlined the proposed language to eliminate some of the wording and make the description one sentence. Mayor Pro Tem Francis and Councilmember Canonico accepted the amendment as friendly.

***The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

- J. Resolution 2024-022 Adopting a 2024-2026 Council Priority to Develop a Hughes Site Master Plan.

***Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-022.***

Councilmember Pignataro stated the other priorities involve broader goals that address urgent social or environmental needs and questioned how this priority fits in.

Mayor Arndt agreed this priority is more concrete and discreet; however, it was also a ballot initiative and making it a priority to develop a plan for the use of the land in the next two years is not a bad thing for Council to make a formal statement upon.

Councilmember Potyondy stated the development of a master plan will be a significant undertaking and is significantly more than a task, particularly with regard to outreach.

Councilmember Ohlson supported having the item on the work plan.

***The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, and Gutowsky. Nays: Councilmember Pignataro.***

***THE MOTION CARRIED 6-1.***

- K. Resolution 2024-023 Adopting a 2024-2026 Council Priority to Operationalize City Resources to Make Government More Accessible, Approachable and Fun.

***Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt Resolution 2024-023.***

Councilmember Canonico commended the use of the word 'fun.'

Assistant City Manager Venkatesh stated the inclusion of 'operationalize City resources' was inadvertent but could remain. It was noted that the Resolution language did not include the wording.

***The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

- L. Resolution 2024-024 Adopting a 2024-2026 Council Priority to Continue Stewardship of Our Civic Institution.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-024.***

Councilmember Ohlson suggested using ‘modernize and update the City Charter’ rather than ‘continue stewardship of our civic institution.’ Mayor Pro Tem Francis and Councilmember Canonico accepted the amendment as friendly.

***The vote on the motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, Pignataro, and Gutowsky. Nays: None.***

***THE MOTION CARRIED 7-0.***

**C) OTHER BUSINESS**

None.

**D) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:35 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

March 5, 2024

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

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. Declaring the month of March Women's History Month

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

**REGULAR MEETING**

**6:00 PM**

**B) CALL MEETING TO ORDER**

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

**C) PLEDGE OF ALLEGIANCE**

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

**D) ROLL CALL**

**PRESENT**

Mayor Jeni Arndt  
Councilmember Susan Gutowsky  
Councilmember Julie Pignataro  
Councilmember Tricia Canonico  
Councilmember Potyondy  
Councilmember Kelly Ohlson

**ABSENT**

Mayor Pro Tem Emily Francis

**STAFF PRESENT**

City Manager Kelly DiMartino  
Deputy City Attorney Jenny Lopez Filkins  
Assistant City Clerk Amani Chamberlin

**Clerk's Note: Due to disruptive behavior in the audience, Council took a recess at 6:04 p.m. Council returned to Chambers at 6:41 p.m.**

***Councilmember Pignataro moved, seconded by Councilmember Canonico, to suspend the City Council Rules of Procedure to consider an action to address disruption to the City Council meeting.***

**THE MOTION CARRIED 6-0.**

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

**Absent: Mayor Pro Tem Francis**

Meeting adjourned at 6:42 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

DRAFT

March 18, 2024

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO****Council-Manager Form of Government****Special Meeting – 5:00 PM****A) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the meeting to order at 5:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado.

**B) ROLL CALL****PRESENT**

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Julie Pignataro  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Melanie Potyondy  
Councilmember Tricia Canonico

**STAFF PRESENT**

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
Interim City Clerk Heather Walls

**C) CONSIDERATION OF ITEMS IDENTIFIED IN THE CALL OF SPECIAL MEETING****1. Items Relating to the Conduct of City Council Meetings.**

A. Resolution 2024-026 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

B. First Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.

*The purpose of this item is to update Council meeting rules to reflect and clarify desired procedures including:*

- *Expressly allot time for public comment, with options for Council to consider, such as allotting one hour unless the Mayor or Council acts to extend that or continue public comment later in the meeting;*
- *Expressly allowing the Mayor, or Council by majority vote, to relocate a Council meeting that will be or is being prevented from proceeding due to circumstances in Council Chambers, including shifting the Council to a location where all public participation is remote only, with a forty-five minute delay before resuming;*
- *Upon the adoption of the Ordinance, allowing Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode; and*

- *Expressly allowing Council to set Rules of Procedure that limit public comment to only items scheduled on the agenda, if it desires to do so at some point in the future.*

Assistant City Manager Rupa Venkatesh stated the purpose of this item is to update Council's rules and procedures to ensure that Council is able to effectively execute the business of the City as a legislative policy making body, and also hear from the public. She outlined public meeting rules of other cities noting many have updated their meeting rule since the pandemic and have allocated a certain amount of time for general public comment.

Assistant City Manager Venkatesh discussed the proposed options for changes to public comment at the beginning of Council meetings. One option is to allot a total of one hour, or another amount of time, at the beginning of the agenda and resume general public comment if additional speakers have signed up following the consideration of consent and discussion items on the agenda. She noted this would only apply to general public comment, not to comment on discussion items.

Assistant City Manager Venkatesh outlined the proposed options for Council to address any sort of disruptions to still allow Council to complete its business. She stated options here could include adjourning the meeting to a different location, which would still involve FCTV broadcasting the meeting and public participation would still be allowed, shifting all public participation to a remote option, or shifting to a fully remote meeting including Councilmembers, which would require a change in the ordinance and Councilmembers are not currently allowed to vote if they participate remotely.

Assistant City Manager Venkatesh stated a disruption or emergency could be constituted by anything weather related, a pandemic, City Hall being unusable, or a meeting disruption that does not allow for Council to conduct its business. She outlined the Code provisions that are being recommended for updating related to meeting conduct, including an update to align with a state provision regarding open meetings that was passed in 2021. City Attorney Daggett noted that provision of the Code was last updated in 2002.

Assistant City Manager Venkatesh outlined the things that are not proposed to be changed, including the allotment of time for general public comment and public comment on agenda items. Additionally, Council is still subject to Colorado open meetings rules which includes the prohibition of more than two Councilmembers to have substantive dialogue in private about City-related matters and members cannot vote via text message or e-mail.

## PUBLIC COMMENT

Nathan Wallace, American Israeli minority, expressed concern about the conduct of individuals at the last Council meeting which resulted in fearing safety. Wallace supported giving Council the ability to change meeting locations to ensure the safety of members and the public.

Cheryl Trine commented on the importance of public comment at Council meetings.

G Inguanta expressed disappointment with the proposed changes stating the voices that have been heard in Chambers represent the will of the people.

Sterling Linville read the response sent to those who sign up for public comment related to public commented being the bedrock of our democracy. Linville opposed the proposed changes.

Sabrina Herrick opposed the proposed changes and stated the will of the voters should be placed above the personal opinions of Councilmembers.

Isabella Zapata opposed the proposed changes and encouraged Council, at a minimum, to strike limiting public comment to what is already on the agenda stating that is anti-democratic.

Ash W. opposed the proposed changes.

Kevin Cross, Northern Colorado Alliance for a Livable Future, opposed the proposed changes. He stated Council's actions in the weeks preceding the disruption at the last Council meeting left much to be desired as it asked a City Commission for a recommendation on a resolution proposed by the community and then did not even engage in a discussion around that recommendation. Cross requested Council reconsider its decision not to discuss the Human Relation Commission's recommendation on a Gaza cease fire resolution prior to contemplating any changes to its rules of procedure.

Quinn Miller opposed the proposed changes stating public comment is one of the only avenues available for members of the public to have their voices heard.

Julie Rowan-Zoch opposed the proposed changes.

Cristyn Hypnar opposed the proposed changes.

Nancy York opposed the proposed changes and expressed disappointment that Council did not discuss the cease fire resolution.

Alex Scott stated public engagement is at its height and stated the protest at the last Council meeting happened because Council did not respond. Scott opposed the proposed changes.

Brian Tracy opposed the proposed changes to limit public comment but did agree that reasonable technological steps should be taken to ensure a Council meeting could continue if a disruption occurs.

Miranda Spindel opposed the proposed changes and stated it is important for Council to listen to its constituents.

Madeline Maher expressed disappointment Council did not take up the Gaza cease fire resolution and stated the language of the proposed public input resolution is insulting.

Derrin Evans commented on the increase in attacks against City officials and stated safety and the efficacy of Council business should not be forgotten. Evans stated Council's job is to do the business of the City and not respond to every emotional impulse of its constituents.

Jacqueline Zipser opposed the proposed changes and stated listening to concerns of constituents is a basic obligation of a City Council.

Jeff Wright opposed Council not bringing the cease fire resolution to the table for a conversation and opposed the proposed changes.

Brenna (no last name given) opposed the proposed changes and stated being opposed to a cease fire is being against humanity.

Madeleine Grigg opposed the proposed changes.

Dawn Cramer opposed the proposed changes.

Sarah Brooks opposed the proposed changes and stated the power of open, public, in-person government meetings is profound.

Elwi Borsum stated it is a privilege to speak, but a different privilege to be heard. Borsum opposed the proposed changes.

Jamie Rasmussen stated the value of public comment within local government cannot be overstated and the more democracy is threatened, the stronger the will of the people will grow. Rasmussen opposed the proposed changes.

Alan Braslau, Energy Board member but speaking on his own behalf, expressed support for non-violent civil disobedience stating it is part of a democracy.

Michael May opposed the proposed changes.

Joe Oberlender discussed the need for accountability and stated the public needs access to public meetings.

Adam Eggleston stated limiting public comment is a knee jerk reaction to the cease fire movement and is ignorant to current policies and politics.

Taryn Dowden expressed disappointment in Council's decision to attempt to limit free speech and stated future Council elections will reflect the will of the people.

Cori Wong opposed the proposed changes.

Kim Medina opposed the proposed changes and stated Council was elected to represent constituents in a democratic, participatory fashion. Medina stated Council needs to accept that democracy can be messy and disruptive.

Michelle Gliszinski expressed support for the proposed changes.

Deana Munoz opposed the proposed changes.

Laura (no last name given) opposed the proposed changes stating they would restrict democracy.

Jonah Salehi opposed the proposed changes.

Ross Cuniff, Land Conservation and Stewardship Board member but speaking on his own behalf, opposed the proposed changes and stated calling a special meeting at 5:00 PM on a Monday is bad governance.

Jonesy Winchell opposed the proposed changes.

Gabrielle Friesen opposed the proposed changes stating they would curtail the ability for citizens of Fort Collins to engage in democracy.

Shimrit Yacobi supported the proposed changes to ensure all voices can be heard in a safe manner.

Sharon Shabtai supported the proposed changes.

Carmen Pauna opposed the proposed changes and questioned the origin of the proposal.

Alli (no last name given) stated the March 5<sup>th</sup> meeting protest was peaceful and these proposed changes are retaliation.

Merav Tsubely expressed support for the proposed changes and stated the room was not safe at the March 5<sup>th</sup> meeting.

Greg Rosing opposed the proposed changes noting in-person public comment is the only way people can participate in meetings without making some type of financial investment.

Abbey Feuka commented on the importance of listening and on having good discourse. Feuka opposed the proposed changes.

Jeremiah (no last name given) expressed concern these changes will cause unrest and desperation. Jeremiah opposed the proposed changes.

Hanna McCaslin opposed the proposed changes.

Joshua Keen opposed the proposed changes stating individuals only get two minutes per month to speak.

August-Carter Nelson opposed the proposed changes and requested the language that allows Council to set rules of procedure that limit public comment to only items scheduled on the agenda be stricken.

Sophia D. opposed the proposed changes, stating Council interests should not be prioritized over constituents.

Rich Stave concurred with much of what has been said but noted it has been difficult to speak on agenda items when most of the public comment is taken up by non-agenda items; however, he noted freedom of speech is a very important issue.

Lindsey Garchar opposed the proposed changes.

Elliot Fladen supported the proposed changes.

Elise Mordos suggested splitting agendas between agenda and non-agenda items and stated the last Council meeting was violent.

Peter Bachand opposed the proposed changes.

Shehab thanked Mayor Arndt and Councilmember Potyondy for taking his call and expressed concern about moves to limit public comment. He stated there were protests at the Human Relations Commission meeting and yet there are no proposals to limit comments at those meetings.

Nate Berg opposed the proposed changes.

Kimberly Conner stated we are living in a time of public distrust in government and stated Council needs to actively work to gain back public trust. Conner opposed the proposed changes.

Jack (no last name given) opposed the proposed changes.

Anya Kaplan-Hartnett stated it is the year of democracy at CSU and stated more opportunity for public comment is needed, not less.

Kaori Keyser opposed the language of the resolution.

Blaine (no last name given) opposed the proposed changes.

Claire Kopp stated she was one of the people who glued their fingers to the Chamber wall at the March 5 meeting and opposed the proposed changes. Kopp stated peace is worth nothing unless it is accompanied by justice.

Lilliam Rivera opposed the proposed changes stating Council meetings are the only time for constituents to express concerns.

Lief (no last name given) opposed the proposed changes.

Martha Hedrick opposed the proposed changes.

Jennifer Goodrich opposed the proposed changes.

Beth G. opposed the proposed changes, particularly the text that would allow Council to limit comments to only items on the agenda.

Hayley (no last name given) opposed the proposed changes.

Brendon (no last name given) supported the proposed changes stating they do not limit free speech but would allow for an environment where productive dialogue can occur.

Cheryl Distaso commented on advocating for social justice for 25 years and on being one of the individuals who glued themselves to the wall on March 5<sup>th</sup>. Distaso opposed the proposed changes.

Connor Flynn opposed the proposed changes.

Robin (no last name given) opposed the proposed changes.

Steve Ramer opposed the proposed changes.

Jerry Gavaldon stated controlling public comment will create unintended consequences but stated security threats did occur at the March 5<sup>th</sup> meeting and Chambers no longer feels safe.

Judy Pappenfuss stated the United States is a republic, not a democracy, and stated rules need to be in place and be respected. Pappenfuss opposed changes to public input.

Carrie Harriman opposed the proposed changes.

Adam Hirschold stated one minute is not enough time to speak, particularly for a neurodivergent individual.

## COUNCIL DISCUSSION

Councilmember Potyondy thanked the speakers and opposed limiting public comment in time or content; however, the purpose of the resolution was to be able to ensure Council gets through its agenda items. Councilmember Potyondy stated Council is willing and able to listen to uncomfortable comments and it was unfortunate that there were many folks whose voices did not get to be heard at the March 5<sup>th</sup> meeting. Additionally, it was uncomfortable that Councilmembers' home addresses were distributed. Councilmember Potyondy stated Council is always listening but may not always agree, and in the case of the cease fire resolution, her feelings were that the potential benefits did not outweigh potential harms to the community's residents, boundaries need to be set in order to be able to do a good job with the City business, and it is inappropriate for Council to have to weigh the merits of various global humanitarian crises to determine which of them are deserving of its attention.

Councilmember Ohlson thanked the speakers and noted Council is present to serve the City's residents. He stated the use of special meetings should be very limited and should always start at the same time as regular meetings. In terms of meetings where disruptions occur, Councilmember Ohlson stated disruptors should be removed from Chambers in an appropriate manner. He stated he would not support either the resolution or ordinance and suggested an ordinance should never be considered at a special meeting.

Councilmember Ohlson stated he would like to ensure that no more than two Councilmembers are ever communicating on public policy issues. Additionally, he stated he supported adoption of a neutral, nonjudgemental cease fire resolution in concert with the Human Relations Commission

recommendation, but he has not brought that up for a vote because there is not support on Council to do so and those Councilmembers' reasons may be just as legitimate as his own.

Councilmember Ohlson stated he would consider allowing for an hour at the beginning of each meeting for public participation and unlimited at the end.

Councilmember Gutowsky opposed limiting public participation to thirty minutes and supported leaving the public participation as is stating it is the job of Council to listen to its constituents.

Mayor Pro Tem Francis commented on misinformation noting Council was never considering text message or email meetings and stated the intent is not to limit public comment, but to consider rearranging how public comment is made. She commented on complaints related to Council making decisions on items too late at night and some type of balance needs to be in place. Additionally, she supported allowing for a relocation of a meeting to a remote setting due to safety concerns and opposed limiting public comment only to agenda items.

Councilmember Pignataro thanked the speakers and also opposed limiting public comment only to agenda items. She concurred with Councilmember Potyondy's comments and stated the return on investment to adopt a cease fire resolution is not the best move for Council.

Councilmember Canonico thanked the speakers and stated this issue is about balancing hearing from members of the public and doing the work with which Council is tasked. Additionally, this was not intended to cut public comment but rather to balance agendas from a timing perspective. She also opposed limiting public comment only to agenda items and commented on safety concerns for the families of Councilmembers.

Mayor Arndt expressed appreciation for all members of the public who want to speak and stated the motivation behind these proposed changes is to ensure all voices are heard. She clarified three members does not constitute a quorum, but is the number of members that cannot be together discussing policy. Additionally, Mayor Arndt stated there was never an intent to limit public comment, have secret meetings, or make changes similar to those made by state legislators.

Councilmember Gutowsky corrected an error in her previous comments, noting her reference to thirty minutes should have been sixty minutes, to which she remained opposed.

Councilmember Pignataro asked if there would be an option for individuals to voluntarily offer public comment at the end of the meeting if the time for public comment is split between the beginning and end of the meeting. Assistant City Manager Venkatesh replied that could be considered.

(\*\*Secretary's Note: The Council took a brief recess at this point in the meeting.)

**Mayor Pro Tem Francis made a motion to adopt Resolution 2024-026. Councilmember Pignataro seconded the motion.**

Councilmember Ohlson asked if there would be any support for postponing consideration of this item for further work.

Mayor Arndt suggested her intent for the resolution was to have Council meetings begin at 5:00 PM with proclamations, regular business at 6:00 PM with an hour of public comment followed by consideration of the consent and discussion agendas, during which there is unlimited public comment allowed for each item, then a return to open public comment. In terms of the rules and procedures governing City Council meetings, Mayor Arndt supported striking the language related to allowing public comment only on agenda items. She supported postponing consideration of the resolution to correct the language.

Mayor Pro Tem Francis concurred with Mayor Arndt and agreed postponing consideration of the resolution to ensure it is correct would be appropriate.

Councilmember Potyondy stated the highest priority for her is that unlimited public comment on unlimited topics is allowed.

Councilmember Canonico concurred.

Councilmember Ohlson suggested the possibility of considering whether the Mayor could outline the initial public comment time period at the beginning of each meeting to be an hour or longer.

Mayor Pro Tem Francis stated that was an option presented by staff and suggested Council may need to have a work session to work on details.

Members all expressed support for flexibility.

***The vote on the motion was as follows: Ayes: None. Nays: Councilmember Gutowsky, Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, and Pignataro.***

***THE MOTION FAILED 7-0.***

Mayor Pro Tem Francis expressed support for having the Leadership Planning Team determine the best path forward for the resolution. Other members concurred.

***Mayor Pro Tem Francis made a motion to adopt Ordinance No. 039, 2024, on First Reading. Councilmember Gutowsky seconded the motion.***

Councilmember Ohlson and other members concurred that the language related to only allowing public comment on items on the agenda needs to be removed.

Mayor Pro Tem Francis expressed support for adopting the ordinance as it has to do with meetings that are disrupted.

Councilmember Ohlson proposed a friendly amendment to eliminate 'but shall not be required to include time for public comment on items not related to the meeting agenda' in Section 2-30. Mayor Pro Tem Francis and Councilmember Gutowsky accepted the amendment.

Councilmember Ohlson stated he would reserve the right to support the ordinance on second reading and asked why the entire open meetings state law could not be incorporated into the Code. City Attorney Daggett replied this reference was suggested because the open meetings law has changed multiple times since the state law was originally changed several years ago; therefore, repeated Code updates would be required, though it could be done.

Councilmember Potyondy clarified for the public that, if it is determined a meeting needs to be shifted to remote, ample time to do so would occur and public comment would still be allowed.

Councilmember Ohlson reiterated extenuating circumstances would be the only reason for a shift to a remote meeting.

Councilmember Canonico stated these changes would allow for the anticipation of future needs to allow the business of the City to continue.

Councilmember Gutowsky suggested the inclusion of some options for those who cannot participate remotely should a meeting be required to shift to remote.

Councilmember Potyondy suggested a friendly amendment to use gender inclusive language throughout the document. Mayor Pro Tem Francis and Councilmember Gutowsky accepted the amendment.

***The vote on the amended motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Potyondy, Canonico, Pignataro, and Gutowsky. Nays: Councilmember Ohlson.***

***THE MOTION CARRIED 6-1.***

**C) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:35 p.m.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Gunnar Hale, Project Manager  
Dana Hornkohl, Capital Projects Manager

---

### SUBJECT

**Second Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Avenue from Fishback Avenue to Sunset Street. If approved this item: 1) appropriates \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 2) uses \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 3) uses \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 4) appropriates as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 5) appropriates as part of the local match contribution \$222,750 from General Fund Reserves; 6) appropriates \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 7) appropriates \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; and 8) appropriates \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. Most of the roadway within the Laporte Project limits lacks adequate bicycle and pedestrian facilities including sidewalk, bike lanes, curb and gutter. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School, and many residential neighborhoods and businesses being located adjacent to the Laporte Project limits. Several near misses and at least one serious vehicle-pedestrian accident have occurred in 2015 within the Laporte Project limits. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure. Laporte Avenue is master planned to be on the City's low-stress bicycle network. The Laporte Project will address the safety concerns and lack of multimodal infrastructure.

In 2019, the City applied for two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Transportation and Mitigation Options Fund (MMOF) grant. In 2020 the TAP and MMOF funds were awarded to the City through the North Front Range Metropolitan Planning Organization (NFRMPO) and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City applied for and was awarded the Revitalizing Mainstreet (RMS) Grant. These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2022 via Resolution 2022-027. These funds were used to fund design, right-of-way acquisition, and partial construction.

In 2023, the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, CCIP Bike Program, CCIP Pedestrian Program, and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds. This local funding scenario was brought before the Council Finance Committee on February 23, 2024, and approved.

Per Chapter 23 of the City Code, Article XII (addressing Art in Public Places), Section 23-304, all appropriations for construction projects estimated to cost over \$250,000 shall include an amount equal to one percent of the estimated cost for works of art. Funds from all three grants are ineligible for use toward public art. Community Capital Improvement Program (CCIP) funds have already satisfied the required contribution to public art for the initial appropriation. For the proposed appropriation the total Art in Public Places funds to be appropriated is \$4,500. This item will transfer \$1,750 of the TCEF appropriations and \$2,250 of the General Fund appropriations to the Art in Public Places Program. Staff has identified the Transportation Services Fund Reserves as a means to provide the additional \$750 needed to provide long-term maintenance for the art.

## **CITY FINANCIAL IMPACTS**

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Laporte Avenue Multimodal Improvement Project:

<b>Prior Appropriated Funds</b>	
Community Capital Improvement Program (CCIP) Local Funds (2017-2018 BFO Offer 1.7)	\$300,000
Transportation Alternative Program (TAP) Grant Funds	\$750,000
Multimodal Options Funds (MMOF) Grant Funds	\$250,000
Revitalizing Mainstreet (RMS) Grant Funds	\$1,437,500
Transportation Capital Expansion Fee (TCEF) Funds	\$388,830
Transportation Services Fund Reserves	\$1,170
<b>Total Prior Appropriation</b>	<b>\$3,127,500</b>

<b>Funds to be Appropriated with this Action</b>	
Transportation Alternative Program (TAP) Grant Funds	\$2,500,000
<i>Community Capital Improvement Program (CCIP) Bike Program*</i>	<i>\$122,727</i>
<i>Community Capital Improvement Program (CCIP) Pedestrian Program*</i>	<i>\$102,273</i>
Transportation Capital Expansion Fee (TCEF) Funds Reserves	\$225,000
General Fund Reserves	\$225,000

Transportation Services Fund Reserves (for Art in Public Places contribution)	\$495
<b>Total Funds to be Appropriated per this Action</b>	<b>\$3,175,495</b>
<b>Transfer to Art in Public Places</b>	<b>\$4,500</b>
<b>Total Project Funds</b>	<b>\$6,302,995</b>

*\*These funds were previously appropriated through the 23-24 BFO Cycle and were transferred to the Capital Projects Fund and appropriated therein but are noted in this action as they will be used as part of the TAP grant's local match.*

The total fund amount projected for this Laporte Project is \$6,302,995 composed of funds appropriated with prior actions and with this action.

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

---

Staff presented this Laporte Project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the Transportation Alternative Program local match to fund construction for the Laporte Project.

### **PUBLIC OUTREACH**

---

Staff has developed a comprehensive Public Engagement Plan for the Laporte Project. Staff has discussed and presented conceptual level drawings at several public outreach events with an open house in October of 2019, two public meetings held on May 1, 2023, and May 23, 2023, and the Transportation Fair in February of 2023 and February 2024. A project website is regularly updated with project information and upcoming milestones.

### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 038, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATING  
PRIOR YEAR RESERVES AND AUTHORIZING TRANSFERS OF  
APPROPRIATIONS FOR THE LAPORTE AVENUE MULTIMODAL  
IMPROVEMENT PROJECT AND RELATED ART IN PUBLIC PLACES

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure.

B. The Laporte Avenue corridor between Fishback Avenue and Sunset Street currently has several gaps in bicycle and pedestrian facilities. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined. The corridor also provides access to Poudre High School and has significant bicycle and pedestrian activity with the proximity of the school and residential neighborhoods.

C. There have been several near misses in recent years involving bicyclists and pedestrians and at least one serious vehicle-pedestrian accident in 2015 in this Laporte Avenue corridor.

D. A precursor project, the Laporte Bridges Project, has begun to address safety issues in this corridor by replacing and widening two previously deficient bridges on Laporte Avenue over the New Mercer Canal, just north of Grandview Cemetery.

E. The Laporte Avenue Multimodal Improvement Project (Laporte Project) has been developed to improve vehicular, bicycle, and pedestrian safety along the Laporte Avenue corridor by addressing deficient sidewalks, adding bicycle lanes, and adding a center reversible turn lane, upgrading the roadway with curb and gutter, improving drainage along the corridor, and installing other traffic improvements.

F. The Laporte Project will install improvements from Fishback Avenue to Sunset Street and will also include improvements to the intersection at Taft Hill and Laporte.

G. Laporte Avenue is identified in the City's 2014 Bicycle Master Plan as part of the City's Low Stress Bicycle Network and is recognized by the North Front Range Metropolitan Planning Organization (NFRMPO) as a high priority for bicycle and pedestrian improvements.

H. In 2020, the City was awarded two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Options Fund (MMOF) grant. The funds were awarded to the City through the NFRMPO and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City was awarded the Revitalizing Mainstreet (RMS) Grant. These grant funds along with Transportation Capital Expansion Fee (TCEF) Program

funds and Transportation Services funds used as the required matching funds were appropriated in 2021 via Ordinance No. 155, 2021. These funds were used to fund design, right-of-way acquisition, and partial construction.

I. In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program), Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program), and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds.

J. City staff presented this Laporte Project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the TAP local match to fund construction for the Laporte Project.

K. CDOT administers the grant funds for the Laporte Project. In 2022, via Resolution 2022-027, the City Council authorized execution of an intergovernmental agreement (IGA) with CDOT.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue to address the safety concerns and lack of multimodal infrastructure.

M. These appropriations benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

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

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

P. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may

be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

Q. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transportation Capital Expansion Fee Fund, the General Fund, and the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund, the General 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.

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

S. The City Manager has recommended the transfer of \$122,727 from the CCIP Bike Program in the Capital Projects Fund and \$102,273 from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

U. The City Council wishes to designate the appropriation herein for the TAP 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.

V. The City Council wishes to designate the appropriations herein for the Laporte Avenue Multimodal Improvement Project as appropriations that shall not lapse until the completion of the Laporte Project.

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

X. A portion of the funds appropriated in this Ordinance for the Laporte Project are ineligible for use in the APP Program due to restrictions placed on them by the Colorado Department of Transportation, the source of these funds.

Y. A portion of the funds appropriated in this Ordinance for the Laporte Project have already been used for contribution to the APP Program.

Z. The project cost of \$450,000 has been used to calculate the contribution to the APP program.

AA. The amount to be contributed in this Ordinance will be \$4,500.

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 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to be expended in the Capital Projects Fund for the Laporte Avenue Multimodal Improvement Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS (\$122,727) is authorized for transfer from the CCIP Bike Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for the bicycle network.

Section 3. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWO THOUSAND TWO HUNDRED SEVENTY-THREE DOLLARS (\$102,273) is authorized for transfer from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for improvements to the pedestrian facilities.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 5. There is hereby appropriated from prior year reserves in the General Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the General Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 6. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of FOUR HUNDRED NINETY-FIVE DOLLARS (\$495) to be expended in the Transportation Services Fund for transfer to the Capital

Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 7. The unexpended and unencumbered appropriated amount of THREE THOUSAND FIVE HUNDRED TEN DOLLARS (\$3,510) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 8. The unexpended and unencumbered appropriated amount of NINE HUNDRED DOLLARS (\$900) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 9. The unexpended and unencumbered appropriated amount of NINETY DOLLARS (\$90) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 10. The appropriation herein for the Transportation Alternatives Program grant is an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 11. The appropriations herein for the Laporte Avenue Multimodal Improvement Project are appropriations that shall not lapse until the completion of the Laporte Project.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Heather N. Jarvis

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Tracy Ochsner, Director, Operation Services  
Kerri Ishmael, Grants Administration

---

### SUBJECT

**Second Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of this item will support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and
- Appropriating \$96,504 from Water Fund reserves.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

Through Colorado Senate Bill 21-260 (Sustainability of the Transportation System) the Clean Fleet Enterprise was created within the Colorado Department of Public Health and Environment (CDPHE) for the purpose of incentivizing and supporting the use of light, medium, and heavy-duty electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets.

Operation Services was successful in the request for \$910,000 to purchase, in part, clean energy light, medium and heavy-duty vehicles that will support operations of City departments within Utilities and Operation Services. These electric and renewable natural gas vehicles will assist in helping the City accomplish “Our Climate Future” goals and directly aligns with “Big move #13 – electric cars and fleets” in the City’s [Our Climate Future Plan](#).

The grant award provides upwards of \$910,000 for approved vehicle purchases. The CFVT grant program provides funding up to a certain dollar amount or cost share, depending on vehicle type. Approved vehicles to be purchased include one (1) electric street sweeper, five (5) electric light duty pickups, and four (4) renewable natural gas dump trucks. Each approved vehicle type for which the \$910,000 will fund in part requires the City covering the remaining purchase price. Estimates based on current vendor quotes for the ten (10) approved vehicle types provide the City contributing an estimated \$1.1 million. The estimated \$1.1 million will be funded from (1) existing 2024 appropriated funds in the General Fund, Light and Power Fund, Water Fund and Stormwater Fund and (2) from Water Fund reserves, which is based on needs of departments within these funds for such vehicles.

Based on recommendation of the City’s Attorney Office, the City asked CDPHE to make some minor changes to some provisions of the grant agreement (Attachment 2) to reduce confusion around their application to local governments. CDPHE advised that they are unable to negotiate the terms and conditions of the CFVT grant template. Notwithstanding the grant agreement not incorporating the City’s recommended changes, City staff recommends that Council authorize the Mayor to execute the grant agreement with the City and the State of Colorado in support of purchases of the approved clean energy vehicles, and City staff will attempt to work with the State to revise language for future intergovernmental agreements.

### **CITY FINANCIAL IMPACTS**

---

This item appropriates \$910,000 in unanticipated revenue in the General Fund from the State’s CFVT grant program in support of replacing City fossil fuel vehicles with clean energy vehicles.

This item also appropriates \$96,504 in Water Fund reserves to be spent in the Water Fund to be used toward purchase of an approved CFVT grant program vehicle. These funds were appropriated in 2023 and have lapsed due to a delay in finalizing the grant agreement.

The award from the State is a reimbursement type award, meaning General Fund expenses will be reimbursed up to \$910,000.

The remaining amount needed for purchases of the approved vehicle types through the CFVT grant program will come from existing 2024 appropriations in the Light and Power Fund, Water Fund, Stormwater Fund, and General Fund.

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

---

None.

### **PUBLIC OUTREACH**

---

None.

### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 040, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING A SUPPLEMENTAL APPROPRIATION IN THE  
GENERAL FUND OF GRANT FUNDS FROM THE COLORADO  
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND  
APPROPRIATING PRIOR YEAR RESERVES IN THE WATER  
FUND TO SUPPORT TRANSITIONING CITY FOSSIL FUEL  
VEHICLES TO CLEAN ENERGY VEHICLES

A. The City's Operation Services Department applied for, and has been awarded, a \$910,000 Clean Fleet Enterprise Grant from the Colorado Department of Public Health and Environment (the "Grant").

B. The City can request the Grant funds through February 14, 2029, as reimbursement for a portion of the cost of purchasing clean energy vehicles. The vehicles the City intends to purchase include one electric street sweeper, five electric light duty pickups, and four renewable natural gas dump trucks at a total estimated cost of \$2,010,000.

C. The City would cover the remaining \$1.1 million of the purchase price for the vehicles from existing 2024 appropriated funds in the General Fund, Light and Power Fund, Water Fund, and Stormwater Fund, plus \$96,504 to be appropriated from Water Fund reserves, based on which departments would be using the vehicles.

D. These appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve the public purpose of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

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

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

G. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the General Fund and the Water Fund and will not cause the total amount appropriated in either 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.

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

I. The City Council wishes to designate the appropriation herein from the Clean Fleet Vehicle and Technology ("CFVT") 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 NINE HUNDRED TEN THOUSAND DOLLARS (\$910,000) to be expended in the General Fund for the purchase of clean energy vehicles.

Section 2. There is hereby appropriated from prior year reserves in the Water Fund the sum of NINETY-SIX THOUSAND FIVE HUNDRED FOUR DOLLARS (\$96,504) to be expended in the Water Fund for the purchase of a clean energy vehicle.

Section 3. The appropriation herein for the CFVT 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 March 19, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Ingrid Decker

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

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

---

### SUBJECT

**Second Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and
- Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.

Previously appropriated funds will be used for local match requirements.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

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

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

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

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

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

In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO (Attachment 5). These funds are required to complete construction of the Project planned for 2025.

As demonstrated in the CMAQ Grant Award Letter (Attachment 5), an additional \$3,239,300 in CMAQ funds are programmed for FY2026. These CMAQ funds will be requested for appropriation along with additional City funds required to complete the project as part of the City's 2025-2026 Budget.

## CITY FINANCIAL IMPACTS

This item appropriates \$3.5 million in costs to support the Power Trail and Harmony Grade Separated Crossing Project from:

- \$2.7 million in unanticipated CMAQ funds (17.21% local match to be met with previously appropriated CCIP funds)
- \$800,000 in unanticipated TAP funds (20% local match to be met with previously appropriated CCIP funds)

Both the CMAQ and TAP funds apply on a reimbursement basis, meaning Capital Project Funds expenses will be reimbursed up to \$3.5 million.

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

Prior Appropriated Funds	
Transportation Capital Expansion Fee (TCEF) Funds	\$399,120
Transportation Fund	\$880
CCIP – Ped/Bike Grade Separated Crossing	\$2,900,000
<b>Total Prior Appropriation</b>	<b>\$3,700,000</b>
Funds to be Appropriated with this Action	
Transportation Alternative Program (TAP) Grant Funds	\$800,000
Congestion Mitigation and Air Quality (CMAQ) Grant	\$2,700,000
<b>Total Funds to be Appropriated per this Action</b>	<b>\$3,500,000</b>

Based upon appropriations under this Ordinance combined with previously appropriated funds, as noted above, a total of \$7,200,000 is available to support completion of the Project.

As demonstrated in the CMAQ Grant Award Letter (Attachment 5), an additional \$3,239,300 in CMAQ funds are programmed for FY2026. These CMAQ funds will be requested for appropriation along with additional City funds required to complete the Project as part of the City's 2025-2026 Budget.

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

---

Bicycle Advisory Committee

Commission on Disabilities

Transportation Board

Parks and Recreation Advisory Board

#### **PUBLIC OUTREACH**

---

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

#### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 041, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE CAPITAL  
PROJECTS FUND OF COLORADO DEPARTMENT OF  
TRANSPORTATION ALTERNATIVE PROGRAM GRANT FUNDS  
AND THE CONGESTION MITIGATION AND AIR QUALITY  
GRANT FUNDS, FOR THE POWER TRAIL AND HARMONY  
GRADE SEPARATED CROSSING PROJECT

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

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

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

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

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the "NFRMPO") Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The

grade separated crossing is identified in the City's 2014 Bicycle Master Plan as a bicycle network priority.

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

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

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

J. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. The additional \$3,239,300 in CMAQ funds are programmed for FY2026 and will be requested for appropriation along with additional City funds required to complete the Project as part of the City's 2025-2026 Budget.

K. CDOT administers the grant funds for the Project and has proposed an intergovernmental agreement (the "IGA") to enable the City to receive and expend the grant funds to continue to address safety concerns and to further develop the City's transportation infrastructure and interconnected trail network. The proposed IGA requires the City to provide matching funds in the amount of \$1,434,635.

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

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

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

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

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

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

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

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

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) to be expended in the Capital Projects Fund for the Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) to be expended in the Capital Projects Fund for the Project.

Section 3. The appropriations herein for the CDOT TAP grant and CMAQ grant 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 grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Heather N. Jarvis

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Amanda King, Communications/Public Involvement Director  
Dean Klingner, Community Services Director  
Chris Martinez, IES Financial Planning and Analysis Manager

---

### SUBJECT

**Second Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, appropriates \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

Section 25-44 of the City Code requires that 75% of the total lodging tax receipts be used for the promotion of convention and visitor activities in the City and 25% of receipts be used for cultural development and programming activities in the City. Actual revenue collected is appropriated based on this allocation formula and any excess revenue and budget savings are reserved for these activities in the General Fund.

Pursuant to a contract with the Fort Collins Convention and Visitors Bureau (FCCVB), the City has paid a portion of lodging tax receipts to the FCCVB since 2011 for delivery of convention and visitors programming services in furtherance of the City Code requirement. The amount due for convention and visitors programming is appropriated based on prior year receipts and paid annually to FCCVB after the close of the prior tax year.

When actual lodging tax receipts exceed the anticipated amount appropriated for cultural development and programming activities, the City also appropriates additional funds and adjusts the amount allocated for those activities in the year following the year in which the tax is collected. Appropriated lodging tax revenues remaining unspent at the end of the tax year lapse into the General Fund and may be appropriated the following year for the same purposes as they were originally appropriated.

The actual tax revenue collected during the 2023 tax year, as determined March 2024, was \$560,178 more than the Lodging tax revenue anticipated and appropriated for expenditure in 2024. Accordingly, upward adjustments to the 2024 appropriations under Section 25-44 of the City Code are required. These appropriation adjustments are described below.

### CITY FINANCIAL IMPACTS

2024 LODGING TAX CLARIFICATION				
Section 25-44 of the City Code:	75%		25%	
	Promote Convention		Promote Cultural Development	
	& Visitor Activities		& Programming	
	503200	503202	503201	
	Convention & Visitors Bureau 70%	Fort Fund (Tourism Programming) 5%	Fort Fund (Cultural Development & Programming) 25%	Total
Lodging Tax				
Unanticipated Lodging Tax	\$ 392,125	\$ 28,009	\$ 140,044	\$ 560,178
Total of Unanticipated Lodging Tax Appropriations Available for 2024	\$ 392,125	\$ 28,009	\$ 140,044	\$ 560,178

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

### PUBLIC OUTREACH

None.

### ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 042, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL  
FUND FOR CULTURAL DEVELOPMENT AND PROGRAMMING  
ACTIVITIES, TOURISM PROGRAMMING AND CONVENTION  
AND VISITOR PROGRAM SERVICES

A. Section 25-244 of the Code of the City of Fort Collins requires allocation of lodging tax revenue as follows: 75% for the promotion of convention and visitor activities and 25% for cultural development and programming activities.

B. Lodging Tax revenue was estimated at \$1,900,000 for 2023 and appropriated; however, actual Lodging Tax receipts were greater than projected.

C. At the end of 2023, a total of \$2,460,178 in Lodging Tax revenues had been collected and the unspent portions lapsed into the General Fund Reserves for Lodging Tax programs and activities.

D. Unanticipated Lodging Tax revenue in the amount of \$560,178 held in the General Fund Reserves is to be appropriated for each of the Lodging Tax programs and activities as follows:

- |   |           |
|---|-----------|
| • Cultural Development and Programming        | \$140,044 |
| • Tourism Programming                         | \$28,009  |
| • Fort Collins Convention and Visitors Bureau | \$392,125 |

E. These additional funds will help support a future Fort Fund grant process.

F. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of promoting visitor activity and cultural development and programming activities.

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

H. 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.

I. The City wishes to appropriate funds allocated for Cultural Development and Programming and Tourism Programming.

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

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of ONE HUNDRED FORTY THOUSAND FORTY-FOUR DOLLARS (\$140,044) to be expended in the General Fund for Cultural Development and Programming activities.

Section 2. There is hereby appropriated from prior year reserves in the General Fund the sum of TWENTY-EIGHT THOUSAND NINE DOLLARS (\$28,009) to be expended in the General Fund for the Tourism Programming.

Section 3. There is hereby appropriated from prior year reserves in the General Fund the sum of THREE HUNDRED NINETY-TWO THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$392,125) to be expended in the General Fund for the Convention and Visitors Bureau.

Introduced, considered favorably on first reading on the March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Jenny Lopez Filkins

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Nina Bodenhamer, Director, City Give

---

### SUBJECT

**Second Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024. This three-day-event will bring law enforcement leaders together from across the country to cast a vision for the future of community policing.

The purpose of this item is to request appropriation of two gifts: \$25,000 received from the Daniels Fund and \$5,000 received from Angel Armor designated for the 2024 Police Leaders' Summit by the donors.

The Daniels Fund, located in Denver, Colorado, is a private charitable foundation dedicated to making life better for the people of Colorado, New Mexico, Utah, and Wyoming through its grants program, scholarship program, and ethics initiatives. Fort Collins-based Angel Armor is an industry leader in proactive law enforcement solutions and personal safety equipment. The charitable support represents a valued investment in Fort Collins Police Services' national leadership.

The Police Leadership Summit will serve as a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century. Early in the planning stages, the Fort Collins-based summit will address topics such as Community Policing, Recruiting & Retention, Retail Theft, the Science behind Crime Prevention, and Homelessness Response. Invitees will represent municipalities, federal law agencies, sheriffs, representatives from The Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern).

The purpose of this item is to request appropriation of \$30,000 philanthropic revenue received by City Give for Fort Collins Police Services from the Daniels Fund and Angel Armor.

### **CITY FINANCIAL IMPACTS**

---

This Ordinance will appropriate \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services. The funds have been received and accepted per the City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2024.

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

---

None.

### **PUBLIC OUTREACH**

---

None.

### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 043, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES RECEIVED IN THE  
GENERAL FUND BY CITY GIVE FOR FORT COLLINS POLICE  
SERVICES FOR THE 2024 POLICE LEADERS' SUMMIT

A. Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024 in a three-day event that will bring law enforcement leaders together from across the country to cast a vision for the future of community policing.

B. Attendees at the Police Leadership Summit will represent municipalities, federal law agencies, sheriffs, representatives from the Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern).

C. The Fort Collins-based summit will address topics such as community policing, recruiting and retention, innovations in technology, the science behind crime prevention, and homelessness response.

D. The Police Leadership Summit ensures a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century.

E. City Give received two donations totaling \$30,000 in philanthropic revenue to be used for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donors.

F. One donor gift was for \$25,000 and the second gift was for \$5,000.

G. The purpose of this item is to appropriate the \$30,000 of supplemental revenue to enhance the local investment in Fort Collins Police Services' national leadership.

H. This appropriation benefits the public health, safety, and welfare of the citizens of Fort Collins and serves the public purpose of collaborating with agencies across the country to discuss and develop innovative ideas to support our police department and enhance community safety; and

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

J. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund

to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the General Fund the sum of THIRTY THOUSAND DOLLARS (\$30,000) to be expended in the General Fund for the 2024 Police Leaders' Summit.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Nina Bodenhamer, Director, City Give

---

### SUBJECT

**Second Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests an appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

Like many law enforcement agencies across the nation, Fort Collins Police Services (FCPS) is adopting new industry practices for victim-centered services by hiring civilian professionals for forensics, fraud, and criminal investigations.

Traditionally served by uniformed police officers, this new approach offers a proactive, comprehensive victim-centered approach to public safety and leverages candidates from accounting, criminal justice, and forensic disciplines, who desire to serve their community. The Fort Collins Safe Futures Fund is a designated charitable fund to support the operational needs for innovative, victim-centered police services to address the impact crime has on victims, their families, and witnesses; leverage technology-based skilled investigative resources; and, assist in the identification of victims of human trafficking and prevent the sexual exploitation of the most vulnerable members of our community.

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative. The charitable support represents a generous local giving: \$50,000 from the Blue Ocean Foundation, and \$30,000 from UCount, Timberline Church. All gifts are designated for the sole purpose of the Safe Futures initiative.

**CITY FINANCIAL IMPACTS**

---

This Ordinance will appropriate \$80,000.00 in philanthropic revenue received in 2023 being appropriated from prior year reserves. The funds have been received and accepted per the City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from the designated funds and will not cause the total amount appropriated in these funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during fiscal year 2024.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

None.

**PUBLIC OUTREACH**

---

None.

**ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 044, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES RECEIVED  
BY CITY GIVE FOR FORT COLLINS POLICE SERVICES  
FOR THE SAFE FUTURES INITIATIVE

A. Like many law enforcement agencies across the nation, Fort Collins Police Services (“FCPS”) is adopting new industry practices for victim-centered services by hiring civilian professionals for forensics, fraud, and criminal investigations.

B. Traditionally served by uniformed police officers, this new approach offers a proactive, comprehensive victim-centered approach to public safety and leverages candidates from accounting, criminal justice, and forensic disciplines, who desire to serve their community.

C. The Fort Collins Safe Futures Fund is a designated charitable fund to support the operational needs for innovative, victim-centered police services to address the impact crime has on victims, their families, and witnesses; leverage technology-based skilled investigative resources; assist in the identification of victims of human trafficking; and prevent the sexual exploitation of the most vulnerable members of our community.

D. The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures Initiative.

E. The charitable support represents a range of generous local giving: \$50,000 from one donor, and \$30,000 from the second donor, with all gifts designated for the sole purpose of the Safe Futures Initiative.

F. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves a public purpose of protecting our most vulnerable population of citizens by investigating crimes and holding perpetrators of those crimes accountable.

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

H. 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.

I. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant

or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

J. The City Council wishes to designate the appropriation herein for Safe Futures Initiative donation as an appropriation that shall not lapse until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or donation.

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

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of EIGHTY THOUSAND DOLLARS (\$80,000) to be expended in the General Fund for the Safe Futures Initiative.

Section 2. The appropriation herein for The Safe Futures Initiative 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 donation or the City's expenditure of all funds received from such grant or donation.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Carly Garner, Police Services  
Kerri Ishmael, Grants Administration

---

### SUBJECT

**Second Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

In December 2023 the Colorado Springs Police Department awarded the City of Fort Collins \$6,585 in capacity as a subrecipient under the Department of Justice's (DOJ) Internet Crimes Against Children (ICAC) grant program (Attachment 2). The Colorado Springs Police Department is one of 61 national ICAC task forces that serves to administer DOJ grant program funds. The awarded federal pass-through funds will support personnel from Fort Collins Police Services' Cyber Crimes Unit to attend training conferences to combat technology-facilitated crimes against children.

Appropriation of these funds will allow members of the FCPS Cyber Crimes Unit to attend training relevant to the investigation of crimes involving CSAM (Child Sexual Abuse Material), Internet Luring, Child Exploitation, and other criminal matters related to the online exploitation of children. The scope of this training may include basic investigations, undercover investigations, proactive investigations, peer-2-peer networking investigations, and other relevant topics. Attending such training will allow Cyber Crimes investigators to better serve the Fort Collins community by providing enhanced skills and knowledge of the best practices in this field. Cyber Crimes is an ever-evolving field, and it is crucial for investigators to stay abreast of the most up-to-date techniques, resources, and equipment available for the successful investigation of these challenging crimes. These funds will be used to provide transportation, lodging, registration, and other necessary expenses for the travel of Cyber Crimes investigators to training classes and conferences. These funds were awarded through an annual grant offered by the DOJ ICAC, a task force with which the FCPS Cyber Crimes Unit collaborates on a regular basis.

## **CITY FINANCIAL IMPACTS**

---

This item appropriates \$6,585 in unanticipated revenue from the DOJ's ICAC grant program in support of Police Services Cyber Crimes Unit.

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

This grant is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$6,585.

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

---

None.

## **PUBLIC OUTREACH**

---

None.

## **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 045, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING A SUPPLEMENTAL APPROPRIATION IN THE  
GENERAL FUND OF THE INTERNET CRIMES AGAINST  
CHILDREN GRANT IN SUPPORT OF FORT COLLINS  
POLICE SERVICES CYBER CRIME UNIT

A. Fort Collins Police Services (“FCPS”) Cyber Crimes unit investigates and combats technology-facilitated crimes against children, our community’s most vulnerable population.

B. Cyber Crimes is an ever-evolving field, and it is crucial for investigators to stay abreast of the most up-to-date techniques, resources, and equipment available for the successful investigation of these challenging crimes.

C. In December 2023, the Colorado Springs Police Department awarded the City of Fort Collins \$6,585 in capacity as a subrecipient under the Department of Justice’s (DOJ) Internet Crimes Against Children (“ICAC”) grant program.

D. The awarded federal pass-through funds will support personnel from FCPS Cyber Crimes Unit to attend training conferences to combat technology-facilitated crimes against children.

E. The purpose of this item is to request appropriation of \$6,585 in unanticipated grant funding revenue from Colorado Springs Police Department pass-through from the DOJ ICAC grant program.

F. Appropriation of these funds will allow members of the FCPS Cyber Crimes Unit to attend training relevant to the investigation of crimes involving CSAM (“Child Sexual Abuse Material”), internet luring, child exploitation, and other criminal matters related to the online exploitation of children.

G. Attending such training will allow Cyber Crimes investigators to better serve the Fort Collins community by providing enhanced skills and knowledge of the best practices in this field.

H. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves a public purpose of protecting our most vulnerable population of citizens by investigating crimes and holding perpetrators of those crimes accountable.

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

J. 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.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant 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.

L. The City Council wishes to designate the appropriation herein for the Internet Crimes Against Children 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 SIX THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$6,585) to be expended in the General Fund for the Fort Collins Police Services Cyber Crimes Unit.

Section 2. The appropriation herein for the Internet Crimes Against Children 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 the March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Jeremy Woolf, Senior Director of Water Operations  
Andrew Gingerich, Director Water Field Operations

---

### SUBJECT

**Second Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, clarifies and makes consistent certain terminology in City Code. This item will remove “curb stop” from City Code, to be replaced by “control valve.” Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

---

### STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

The City (through Utilities) owns and is responsible for water mains that convey treated water. These water mains have service and fire lines that branch off to convey water to customers' properties. The service and fire lines have control valves on them that are owned by the City and intended to control the flow of water to the customers' structures and property. The service or fire line between the control valve and the property or structure is owned by and the responsibility of the property or structure owner. Ownership of the control valve and the service line is independent of the valve's proximity to a “curb.” However, City Code currently uses both the terms “curb stop” and “control valve” to refer to these control valves. Removal of the term “curb stop” eliminates potential misinterpretation of ownership as being dependent on a control valve's proximity to a street or sidewalk curb. The term “curb stop” will be replaced with the term “control valve,” which will now be defined.

---

### CITY FINANCIAL IMPACTS

None.

---

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Water Commission recommended adoption of the proposed Code revisions at its February 15, 2024, meeting.

## **PUBLIC OUTREACH**

---

None.

## **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 046, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF  
FORT COLLINS TO CLARIFY TERMINOLOGY REGARDING  
CONTROL VALVES AND WATER SERVICE AND FIRE LINES

A. The City owns and operates a water utility that, among other things, provides treated water service to customers in its service area.

B. The City owns and is responsible for water mains that convey treated water, and these water mains have service and fire lines that branch off to convey water to customers' properties.

C. It is and has been the policy of the City that the initial portion of service and fire lines adjacent to the water main belong to and are the responsibility of the City, and the latter, "downstream" portions of service lines belong to and are the responsibility of customers.

D. On a given service line, as provided in City Code Sections 26-41, 26-44, 26-48, 26-94, 26-95, 26-96, 26-97, 26-116, and 26-117, the location where the City's ownership and responsibility for the service line end, and where customer's ownership and responsibility begin, is the location on the service line just downstream of the City's curb stop, which is not a defined term in City Code.

E. The City's understanding and intent of City Code and the City's water utility system has always been that the curb stop is a City-owned control valve on the service line that allows the City to control the flow of water in the service line, and this understanding and intent have historically guided administration of the water utility.

F. The term curb stop has periodically caused some confusion because it is a term used in the water distribution industry term that is not necessarily intuitive; for instance, curb stops may or may not be located beneath a street curb, and may instead be located on the customer's property or in City-owned right-of-way, particularly as the specific locations of curbs may change over time without necessarily changing the location of the curb stop; and the essential function of curb stops is not dependent on their location relative to the curb.

G. The term curb stop has also periodically caused some confusion because it is a term used in the water distribution industry that is not always used consistently; for instance, a curb stop for one water provider may be understood to be slightly different than a curb stop for another water provider.

H. On a given fire line, as provided in City Code Sections 26-100, the location where the City's ownership and responsibility for the fire line ends, and where customer's ownership and responsibility begins, is the location on the service line just downstream of the City's control valve, which is not a defined term in City Code.

I. City staff has therefore proposed to clarify the use of the definitions of control valves and curb stops in City Code related to service and fire lines to clarify their definition consistent with the City's historical and current understanding and intent and administration.

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. That Section 26-41 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-41. - Definitions.**

...

*Control valve* shall mean a City-owned control valve on the service or fire line that allows the City to control the flow of water in the service or fire line. *Control valves* may or may not be included in other structures, including those commonly known as curb stops.

...

*Service line (water, public and private)* shall mean the water delivery pipeline running from the City water main to the building or property to be served consisting of a publicly owned and maintained portion from the main to the control valve and a privately owned and maintained portion from the control valve including the outlet coupling to the building or other point of use or distribution on the lot or premises served. The terms *water service pipe* and *building supply* as used in the plumbing code have the same meaning. The public portion of a service line is also referred to as a service line stub or as a public service line as distinguished from the term private service line which refers to the privately owned and maintained portion of the service line.

...

Section 2. That Section 26-44 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-44. - Composition of the water utility.**

Except for private mains and that portion of the service line considered privately owned between the control valve and the structure served, all water and water rights, waterworks and their appurtenances, fire hydrants, machinery, equipment and supplies used by the City to supply its water users with water, shall constitute the water utility.

Section 3. That Section 26-48 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-48. - Authority to turn on water.**

No person other than a duly authorized employee of the City shall open or turn on any control valve or any other City water valve regulating the flow of water from the City water mains to any premises, lot, building or house for any reason.

Section 4. That Section 26-94 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-94. - Individual service lines for each building required.**

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:

...

- (4) The line must include a separate branch line to each single-family attached property, and each branch line must include a control valve that meets the requirements of the City Development Construction Standards. These private service control valves must be exterior to the dwellings, within a utility easement that has been conveyed to the City and readily accessible and operable by City personnel. The private service control valves shall be the City's control point for that single-family attached dwelling.
- (5) The line beyond the City control valve and all branch service lines including the private service control valves must be owned, operated, maintained, repaired and replaced, as needed, by a legal entity representing all of the owners of the properties served by the line.

...

Section 5. That Section 26-95 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-95. - Installation and maintenance of service lines; user responsibilities; liability.**

- (a) *Installation.* All costs and expenses incidental to the installation and connection of a water service line, including, but not limited to, a common private water service line, shall be borne by the applicant for a water service permit who shall retain or employ a licensed contractor or plumber to install a service line. For the installation of that portion of any service line within the public right-of-way or street, the contractor or plumber shall also be licensed by the City under Article XI of this Chapter. The utility may install the portion of the service line from the main to the control valve upon payment of a tap charge by the applicant. The applicant is responsible for restoring streets, sidewalks, parkways and other property disturbed in the course of the work to acceptable City standards after the connection is made.
- (b) *Maintenance.* The owner of any property connecting to the water utility is responsible for the installation and maintenance at the owner's own expense and risk of the water service line from the control valve to the structure being served and all other water pipes, machinery and apparatus which may be required for applying and utilizing City water on the property. The owner shall keep the private service line in good and safe condition and, at the owner's expense, shall keep all pipes, fixtures and appliances on the property tight and in good working order to prevent waste of water. The owner is responsible for all leaks or damages on account of leaks from the private service line and other apparatus within the property served.

...

Section 6. That Section 26-96 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-96. - Maintenance responsibility of utility.**

The utility shall maintain all public water facilities and mains, public service lines, fire hydrants, other public system appurtenances and water meters. However, if the portion of the service line in use between the water main and the control valve is made of materials other than copper or ductile iron, then the entire service line will be deemed to be a private main of the premises serviced by the line, and the City will not be responsible for any part of its maintenance until such time as the line is replaced with conforming materials pursuant to Subsection 26-97(a) below and any regulations promulgated thereunder. The utility is not responsible for maintenance of common private water service lines.

Section 7. That Section 26-97 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-97. - Water service lines; general regulations.**

...

- (c) *Materials.* In the case where the service line between the water main and the premises has been deemed a private main because it is made of materials other than ductile iron or copper, it shall be replaced by copper or ductile iron lines at the expense of the user when, in the opinion of the Utilities Executive Director, such line has become so disintegrated as to be unfit for further use. Once such a line has been replaced with the required materials, it becomes part of the water utility, and the utility will assume the maintenance of the service line between the water main and the control valve the same as for any public service line. This provision shall not apply to a common private water service line.

Section 8. That Section 26-116 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-116. - Permissible fees and charges.**

The utility may adopt fees and charges which may include, but need not be limited to, the following:

- (1) Fees for turning water on or off at the control valve;

...

Section 9. That Section 26-117 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 26-117. - Turn on/off fee.**

The charge for turning the water service to a premises on or off at the control valve shall be as prescribed in § 26-129.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Eric Potyondy

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Michael Neale, Water Resources Engineer  
Jen Dial, Water Resources Division Manager  
Donnie Dustin, Water Resources Engineer

---

### SUBJECT

**Second Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, obtains Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities' (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

---

### STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

The City is a shareholder in several local ditch and reservoir companies and holds allotment contracts for the delivery of Colorado Big-Thompson (CBT) Project water. Utilities is responsible for most of these supplies. The main use for raw water sources is the treatment and delivery of potable water for the Utilities' ratepayers. In addition, there are delivery obligations under existing agreements to provide raw water shares to certain homeowners associations (HOA's), the Poudre School District (PSD), and other City Departments. In wet and average years, there are surplus water supplies that can be rented first to other City departments (if needed) and to agricultural users in respective irrigation company systems that Utilities' holds shares in.

This proposed ordinance defines the formulas and rates for annual water rentals and delivery agreements, not the availability of surplus water. It is staff's discretion to determine the availability of surplus water from different sources on an annual basis. There are many variables which can impact this availability, including snowpack in both the Poudre and Upper Colorado River basins, water quality in both river basins, available water in storage, and infrastructure and maintenance considerations. In addition, potential drought conditions or continued runoff impacts to water quality from the Cameron Peak and East Troublesome fires, will be considered when determining surplus water for 2024 through March 2027.

There are two categories for pricing raw water, as in past years:

- **Category 1 – Raw Water Rental Rates**

- Sets the price for surplus water for use by water users outside of the City organization.
- There are rental markets for many of Utilities' surplus water sources. Principally, for Utilities' supplies in North Poudre Irrigation Company and Water Supply and Storage Company.
- Typical customers are local agricultural producers, both large and small.

- **Category 2 – Raw Water Delivery Charges**

- Sets the price for sources where Utilities has an on-going obligation to provide raw water for irrigation or augmentation plans.
- Customers include specific HOAs, PSD, Fort Collins Parks Department, and Fort Collins Natural Areas Department.

A formula-based approach to setting rental rates and delivery charges for Utilities' raw water sources, except for fully consumable sources, has been used since 2015. The formulas are a function of the annual assessment for each ditch and reservoir company plus an administrative fee. Staff continues to receive positive feedback from the rental community regarding this formula-based approach to rate setting.

Starting in 2018, this formula-based approach to setting rental rates and delivery charges for Utilities' raw water supplies has been updated every three years. This was a change from the historical practice of having rates and charges approved for only one year at a time. This process change reduced the administrative burden of the rental program and increased the planning certainty for the water rental community. Staff is again recommending City Council adopt the proposed formulas for calculating rental rates and delivery charges for Utilities' raw water supplies for three years.

## **CATEGORY 1 - RAW WATER RENTAL RATES**

Raw water rental sources include:

- North Poudre Irrigation Company
- Water Supply and Storage Company
- Colorado-Big Thompson Project
- Pleasant Valley and Lake Canal Company
- Southside Ditches (Arthur Irrigation Company, Larimer County Canal No. 2 Irrigating Ditch Company, New Mercer Ditch Company, and Warren Lake Reservoir Company)
- Fully Consumable Sources

The recommended changes to the proposed formulas and fixed rates for raw water rentals from the 2021 approved ordinance (Ordinance No. 38, 2021) is for Fully Consumable Sources and Water Supply and Storage Company water.

## North Poudre Irrigation Company (NPIC)

In wet and average years, Utilities can expect to have surplus NPIC water available for rent. Each NPIC share has an agricultural (AG) component and a multiple use (MU) component. The volume of water for each component varies annually and is set in April by the NPIC Board of Directors based on the company's water supply availability. Due to current legal constraints, the AG component can only be used for irrigation purposes on land served by the NPIC system and is rented to shareholders under that system. The MU portion of each NPIC share is available for Utilities' use and is largely comprised of NPIC-owned CBT water. When users in the NPIC system rent either AG or MU water, both components are delivered through the system in the same manner. Therefore, for rentals made into the NPIC system, it is proposed both types of water be rented at the same rate per acre-foot (AF).

**Rental Rate** – Beginning in 2015, a formula was defined to set the raw water rental rate, incorporating the NPIC assessment and share allocation to ensure the cost of the NPIC assessment was fully paid by the renter. At that time, a \$2.00 per acre-foot (ac-ft) administration fee was assessed as City staff spent considerable time receiving, billing, and tracking individual rentals. Starting in 2022, NPIC has administered our rentals which has been very helpful to City staff, and thus the fee is not included when NPIC administers our rentals. This has been accomplished by the City renting water to NPIC by an agreement, and then NPIC renting the water to shareholders. This same method is proposed for the 2024 – 2026 irrigation seasons and is defined below. The calculated rate is rounded up to the nearest dollar and is defined by the NPIC allocation made annually in mid-April. The rental rate will remain fixed until the assessment rate and allocation are defined for the next irrigation season. If administration of the City's NPIC rentals revert to City Staff, a \$2.00 per ac-ft fee will be added.

$$NPIC \text{ rental rate } \left( \frac{\$}{ac - ft} \right) = \frac{\text{assessment rate } (\$)}{MU (ac - ft) + AG(ac - ft)}$$

In some years there is a special class of NPIC water available for agricultural users for a very limited time early in the growing season. This Early AG water has a limited rental market and thus warrants a significantly lower rate. If Early AG water is available in the 2024 – 2026 irrigation seasons, staff proposes a rental rate of \$15 per ac-ft to reflect its limited use.

**Procedures** – Whether it be Utilities or NPIC administering the rentals, if the total volume of rental requests is greater than the available surplus water, a proportionate allocation method based on the requester's acreage will be used. This allocation method uses information provided by renters about their total land holdings served under the NPIC system. These requesting acreages are then added together and divided into the total volume of City-owned NPIC water available for rent in a given year. This ac-ft per acre ratio is then applied to each of the requesters' land holdings to determine the maximum amount of rental water available for each requester. This allocation method was developed and has been used since 2008 at the request of NPIC renters to provide some water to all requesters each year.

### CBT through NPIC Multiple Use Component

**Rental Rate** – Utilities does not typically rent CBT water from its own allotment contracts with Northern Water, but when available, Utilities can rent CBT water through its ownership of NPIC shares. Utilities retains its NPIC MU water for potentially high summer demands and can rent it to NPIC system renters or other (non-NPIC) renters later in the year if it was not needed.

For Utilities to rent CBT water from its NPIC shares to non-NPIC system users, the MU portion of the share is transferred as CBT water into the Utilities' CBT account. Northern Water institutes a transfer fee to the water user or entity receiving the transfer if the user has a higher open-rate assessment than the transferor. This is the case if NPIC MU water is transferred to Utilities' or another municipal entity's account.

Staff recommends the rental rate of CBT water through NPIC shares be calculated as the NPIC rental rate plus the cost of applicable Northern Water transfer fees, rounded up to the nearest dollar (Attachment 2).

**Procedures** – Utilities will first meet the CBT delivery obligations to City departments and other entities with delivery agreements. If Utilities deems there is surplus CBT water available, it will then be offered to water users on ditches that run through town. These ditches, known collectively as the “Southside Ditches,” comprise the Arthur, New Mercer, and Larimer No. 2 Ditches, and Warren Lake Reservoir. The Pleasant Valley Lake and Canal Company (PVLC) is also included in this tier. Surplus CBT water will next be made available to other Poudre Basin water users. Finally, in the event any surplus CBT water remains, it will be offered to others within the entire Northern Water district.

### **Water Supply and Storage Company (WSSC)**

WSSC shares can only be rented to water users under that system. WSSC shares come with a both trans-basin and a native component. Utilities generally uses the trans-basin component and rents the native portion of its WSSC shares. In February of each year, Utilities’ staff determines how WSSC shares will be used for the year in its WSSC Annual Operating Plan. In 2023, Utilities exercised an agreement with WSSC to use Utilities’ shares to meet a CBT obligation with WSSC. This arrangement retained more CBT water in Utilities’ account and the remaining WSSC shares were rented and administered by WSSC for a \$250 administrative fee. Staff may pursue similar operations with WSSC in the future.

**Rental Rate** - Previously, the rental rate was set at assessment plus \$1,000 administration fee. For the next three irrigation seasons (2024-2026), Staff proposes a rate calculated as 130% of assessment. This is a similar methodology to many of our other sources and is in line with the market rental rate. Utilities staff administers WSSC water rentals and this rate will cover staff time costs. If the Utilities exercises its agreement with WSSC as described above, then any remaining shares available for rental may be administered by WSSC which would exclude the additional 30% over assessment as an administration fee.

**Procedures** – WSSC system users are to make rental requests through the online form on the City’s rental website. Rental requests are accepted for a month-long period around February and March. There are typically more requests than available supplies, so Utilities’ staff administer a lottery to determine recipients and allocate available WSSC rental water.

### **Pleasant Valley and Lake Canal Company (PVLC) and the Southside Ditches**

**Rental Rates** – The rental market for raw water from the Southside Ditches and PVLC is very limited, however Utilities can occasionally rent surplus water from these systems. Staff recommends the rate for these supplies be set at 120% of the assessment rate, rounded up to the nearest dollar, for each ditch company.

**Procedures** – PVLC and Southside Ditch shares can only be rented to water users under each specific system. As the market for these supplies is limited, availability of shares to rent will be determined by Staff at the time the request is made.

### **Fully Consumable Sources**

Utilities has occasional rental demand for fully consumable water to satisfy State requirements for substitute water supply and augmentation plans. Historically, Utilities has only leased this type of water under short-term arrangements of 1-year leases. Staff proposes setting the rental rate for these sources at \$800 per ac-ft for three years. Based on inquiries with entities renting and/or leasing water with similar characteristics in Northern Colorado, this rate is well within market range for short term agreements for augmentation water on the Cache la Poudre River.

**Procedures** – Utilities Staff will monitor reusable sources and determine availability for rental at the time the request is made.

## CATEGORY 2 - RAW WATER DELIVERY CHARGES

Sources utilized for obligated raw water deliveries include:

1. Pleasant Valley and Lake Canal Company
2. Southside Ditches
3. Colorado-Big Thompson Project
4. Fully Consumable Sources

The only recommended change to the proposed formulas and fixed rates for raw water delivery charges from the previous rental rate and delivery charge ordinance is for Fully Consumable Sources.

### **Pleasant Valley and Lake Canal Company (PVLC) and the Southside Ditches**

This category sets charges for water delivered for use on City facilities, such as parks and golf courses, or water delivered for use by other entities having met the Utilities' raw water requirement. Non-City organization entities with raw water delivery agreements are typically HOAs and the Poudre School District. It is proposed the delivery charges be set at 110% of each ditch and reservoir company per share annual assessment, rounded up to the nearest dollar to help offset administrative costs.

### **Colorado-Big Thompson Water (CBT)**

If necessary, Utilities can deliver CBT water to Parks or other City departments, typically for irrigation purposes. In those instances, Utilities utilizes its available supplies through its allotment contracts with Northern Water. Staff recommends setting the rate for delivery of this CBT water equal to the Northern Water assessment rate plus any applicable Northern Water transfer fees, rounded up to the nearest dollar.

### **Fully Consumable Sources**

Utilities has a limited number of delivery obligations for fully consumable water where the Utilities' raw water requirement has been met. For these obligations it is proposed to charge a fee of \$200 per ac-ft to help offset operational and administrative costs.

## **CITY FINANCIAL IMPACTS**

---

The rental rate methods set forth in this item ensure that rental payments cover the cost of owning such rented supplies (assessments) plus the staff time to coordinate and administer the rentals. Revenue from the rental and delivery of raw water has been \$475,000, on average, over the last three years (Attachment 4).

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

---

On February 15, 2024, Water Commission unanimously recommended Council adopt the proposed formulas for calculating rental rates and delivery charges for Utilities' raw water supplies.

## **PUBLIC OUTREACH**

---

The City has conducted water rentals for several decades and eligible renters are generally aware of the City's rental practices. Staff has historically provided outreach to specific audiences with announcements made at the NPIC and WSSC company annual meetings.

The public is encouraged to check the status and availability of rental water from Utilities on the Raw Water Rental Program website (<https://fcgov.com/water-rental>). If applicable, the site gives instructions on how

and when to make rental requests from available sources. Staff can be reached at a dedicated email ([waterrental@fcgov.com](mailto:waterrental@fcgov.com)) for water rental inquiries.

## QUESTIONS RAISED AT FIRST READING

---

### 1. Is Utilities' charging appropriate rates for rental water?

Rental rates and charges are set to appropriately cover water assessments and costs of staff time to administer the rental. Utilities' surplus supplies in irrigation companies can generally only be rented to users within those respective companies which warrants a lower rental rate. Thus, Fort Collins Utilities rates are similar to other municipal provider's rental rates of supplies in the same company. The fully consumable, or reusable water, rental rate reflects the market value for this type of water in our region, which is significantly higher (per acre-foot) than rental rates for irrigation company supplies. Reusable water is more valuable because it can be used for multiple purposes including augmentation plans.

### 2. What percentage of Utilities' supplies is rented each year?

The amount of surplus water available to rent each year depends on supply yields from different sources and projected demands. There are many variables which can impact this availability, including snowpack in both the Poudre and Upper Colorado River basins, Poudre River water quality, Colorado Big-Thompson (CBT) Quota, available water in storage, and infrastructure and maintenance considerations. In severe drought conditions when these sources yield much less, Utilities needs all its treatable supplies and there is little water that can be rented.

Utilities' total supplies can yield about 50,000 acre-feet per year on average. Utilities rented about 17,000 acre-feet per year or 34% of this average yield from 2014-2023. Total treated water demands average about 23,400 acre-feet per year for the same period.

North Poudre Irrigation Company (NPIC) shares come with an agricultural (AG) component and a multiple-use (MU) component. The MU component is CBT water and can be treated for municipal use. The AG component of Utilities' NPIC shares are rented every year as these supplies are not yet decreed for municipal use. NPIC rentals accounted for 58% of rented supplies from 2014-2023. Utilities must plan to retain supplies for higher demands through a potentially hot, dry summer. If weather conditions allow there is often a portion of NPIC MU supplies that can be rented in the late summer months if they are not needed for treatment. For Water Supply and Storage Company (WSSC) supplies, Utilities will rent its shares that are not projected to be used each year. Utilities rental of its WSSC shares account for 12% of rented supplies from 2014-2023.

### 3. Are there mechanisms to keep water in the river?

Currently, there are not meaningful mechanisms available to protect water rights that Fort Collins might leave in the river from being taken by other water rights. Fort Collins is a co-applicant in a water court case known as the "Poudre Flows Plan" which will protect water rights used in the plan that augment the river for the purpose of increasing stream flows from the mouth of the canyon to the confluence with the South Platte River. The water rights Fort Collins proposes to contribute to this plan are shares in local ditch companies that were changed in water court and have a limited rental potential since Fort Collins has grown over the farms the ditches used to supply.

## ATTACHMENTS

---

First Reading attachments not included.

### 1. Ordinance for Consideration

ORDINANCE NO. 047, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ESTABLISHING RENTAL RATES AND DELIVERY CHARGES  
FOR USE OF WATER AVAILABLE UNDER FORT COLLINS UTILITIES'  
RAW WATER INTERESTS FOR 2024 THROUGH MARCH 2027

A. The City holds title to or otherwise has ownership interests in various water rights, water right decrees, shares in ditch and reservoir companies ("shares"), and contractual rights to the delivery of water that are sources of supply of raw and untreated water (together, "Raw Water Interests"), many of which pertain to Fort Collins Utilities ("Utilities").

B. The amount of water available under Utilities' Raw Water Interests, at certain times, may be greater than the immediate needs of Utilities and its ratepayers, and is thus potentially available for use by persons outside of Utilities as a rental.

C. The City, through Utilities, has various agreements and understandings pursuant to which Utilities allows persons outside the City and certain City departments to use water available under Utilities' Raw Water Interests, provided that a charge for the delivery of such water is paid.

D. Pursuant to Article XII, Section 4 of the City Charter, if at any time the water supply is greater than the immediate needs of the City and its inhabitants, the City Council may authorize the City Manager to permit the use of such surplus water by consumers outside the City at such rates as the City Council may prescribe, provided that no vested right shall accrue under such permits.

E. Pursuant to Article XII, Section 6 of the City Charter, the City Council shall by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water furnished by the City as will produce revenues sufficient to pay the cost of operation and maintenance of the City's utilities in good repair and working order and to provide and maintain an adequate working capital fund for the day-to-day business operations of the utilities.

F. On February 15, 2024, Utilities staff presented recommendations for rental rates and delivery charges for the use of water available under Utilities' Raw Water Interests for a period of approximately three years, through March 2027, to the Water Commission, and the Water Commission recommended City Council approve the rates and charges as recommended by staff.

G. City Council finds that the rental rates and delivery charges set forth herein are appropriate and will provide revenues that offset the cost of operation and maintenance of Utilities' Raw Water Interests and associated infrastructures and to keep the City's utilities in good repair and working order, and to provide and maintain an adequate working capital fund for the day-to-day business operations of the utilities.

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

Section 1. The City Manager and the Utilities Executive Director are authorized to make water available under Utilities Raw Water Interests available for use by persons outside of the City and certain City departments, provided that:

- such rentals shall not exceed one year in duration;
- such water can be rented or delivered without adversely affecting the City or Utilities and its ratepayers;
- no vested right shall accrue under such use;
- the appropriate rental rate or delivery charge set forth herein is applied, which may be adjusted as the City Manager or the Utilities Executive Director determine necessary to reflect the remaining yield for the prevalent market price of the water or shares being rented in order to prevent undue economic loss to the City; and
- the final price may be rounded up to the nearest dollar.

Section 2. The City Manager and the Utilities Executive Director are authorized:

- to impose on such rentals and deliveries such additional terms and conditions as they deem appropriate to protect the interests of the City and Utilities in and to Utilities' Raw Water Interests; and
- to deny any request for a rental or delivery, to the extent allowed by law, as they deem appropriate to further the interests, policies, and values of the City.

Section 3. All previous authorizations to make water available under Utilities' Raw Water Interests are repealed in their entirety.

Section 4. The rental rates set forth in the table below are hereby approved as the City's rental rates for 2024 through March 2027 for Utilities' Raw Water Interests, provided that the rental rate for fully consumable water shall apply through March 2027.

<b>RATES FOR RENTALS OF SURPLUS RAW WATER</b>	
<b>Type of Water</b>	<b>Rate Per Acre Foot</b>
Arthur Irrigation Company	120% of Annual Assessment
Colorado-Big Thompson Water from the Northern Colorado Water Conservancy District (Northern) associated with Shares in the North Poudre Irrigation Company	Rental Rate for North Poudre Irrigation Company (Seasonal Agricultural and Multiple Use Water) + any Northern transfer fees calculated at the time of transfer
Larimer County Canal No. 2 Irrigating Company	120% of Annual Assessment

New Mercer Ditch Company	120% of Annual Assessment
North Poudre Irrigation Company: Early Agricultural Use Water	\$15.00 per acre foot
North Poudre Irrigation Company: Seasonal Agricultural and Multiple Use Water	(Annual Assessment / (Sum of Allocation of Seasonal Agricultural Use and Multiple Use Water per share)) + \$2.00 per acre foot*
Pleasant Valley and Lake Canal Company	120% of Annual Assessment
Fully Consumable Sources	\$800.00 per acre foot
Sherwood Reservoir Company	120% of Annual Assessment
Sherwood Irrigation Company	120% of Annual Assessment
Warren Lake Reservoir Company	120% of Annual Assessment
<b>Type of Water</b>	<b>Rate Per Share</b>
Water Supply and Storage Company	130% of Annual Assessment **

\* The City Manager and the Utilities Executive Director may reduce this \$2.00 per acre-foot fee to reflect actual administrative burdens on Utilities staff.

\*\* The City Manager and the Utilities Executive Director may reduce this fee to no less than 100% of Annual Assessment to reflect actual administrative burdens on Utilities staff.

Section 5. The delivery charges set forth in the table below are hereby approved as the City's delivery charges for 2024 through March 2027 for Utilities' Raw Water Interests.

<b>RAW WATER DELIVERY CHARGES</b>	
<b>Type of Water</b>	<b>Rate Per Share</b>
Arthur Irrigation Company	110% of Annual Assessment
Colorado-Big Thompson Water from the Northern Colorado Water Conservancy District	Rental Rate for North Poudre Irrigation Company (Seasonal Agricultural and Multiple Use Water) + any Northern transfer fees calculated at the time of transfer
Larimer County Canal No. 2 Irrigating Company	110% of Annual Assessment
New Mercer Ditch Company	110% of Annual Assessment
Pleasant Valley and Lake Canal Company	110% of Annual Assessment
Sherwood Reservoir Company	110% of Annual Assessment

Sherwood Irrigation Company	110% of Annual Assessment
Warren Lake Reservoir Company	110% of Annual Assessment
<b>Type of Water</b>	<b>Rate Per Acre Foot</b>
Fully Consumable Sources	\$200.00 per acre foot

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Eric Potyondy

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Aaron Ehle, Airport Planning & Development Specialist

---

### SUBJECT

**Second Reading of Ordinance No. 048, 2024, Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 19, 2024, authorizes the conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

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

In connection with the construction of the new terminal, Fort Collins-Loveland Water District ("Water District") requires the City of Fort Collins, the City of Loveland, and the Water District execute a Memorandum of Agreement for Purchase of Water Tap ("MOA"). Because the MOA is an agreement between the Cities and the Water District, it is an intergovernmental agreement. The price for the water tap is \$586,088, which is based on the Water District allowing the Cities to take advantage of 2023 rates. The dollar amount exceeds the threshold set by City Code Section 1-22 that would allow the City Manager to sign the MOA, therefore, City Council approval is required. Section 1-22 allows that intergovernmental agreements may be approved by Council by either ordinance or resolution. A resolution is presented here to expedite execution of the MOA because the Water District is offering 2023 rates. The MOA presented with the Resolution is the Water District's form MOA as revised by the Cities' attorneys. The parties continue to work on mutually agreeable language.

Along with the MOA, the Water District requires that the Cities grant a permanent, non-exclusive easement across Airport property to allow for the installation and maintenance of a water line to the terminal. The total

area of the associated water easement is 18,673 square feet. The Easement Agreement included with the Ordinance is the Water District's form easement as revised by the Cities' attorneys. The parties continue to work on mutually agreeable language.

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

- (1) *The use to which the property will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins;*

The Airport is a public use facility jointly owned by Fort Collins and Loveland. The easement will allow for public investment and development that will bring improvements to the Airport and the users it serves.

- (2) *The use to which the property will be put supports one (1) or more of the City Council's goals, adopted policies, projects or plans;*

The easement will allow for public development of the site in alignment with the Airport Master Plan, which was approved by City Council.

- (3) *The financial support provided by the City through the below-market disposition of the property will be leveraged with other funding or assistance;*

The City would benefit from granting the easement because doing so will allow the Water District to install and maintain utility infrastructure necessary for the terminal project. In addition to federal grant funding and Airport revenue being used for the terminal, both Cities individually contributed \$1,000,000 towards the project.

- (4) *The sale or lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and*

The easement will simply allow the Water District to provide service to the new public terminal. The Airport and two Cities benefit from utilities running to the public terminal, which add value to the Airport.

- (5) *Selling or leasing the property for less than fair market rent will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.*

Authorizing the conveyance of the easement will not interfere with City projects or work programs, workload schedules, or resources needed for primary City functions or responsibilities.

As the conveyance of the easement meets the above criteria, Airport staff and the Airport Commission recommend approval because the easement allow for the Water Districts to install and maintain the water infrastructure required to serve the new public facility. The new terminal is in alignment with the Airport Master Plan, which has been approved by Council.

**CITY FINANCIAL IMPACTS**

---

The MOA authorizes the Cities to purchase a water tap from the Water District for \$586,088. This cost has been budgeted for as part of the terminal project. There are no material financial impacts to the City.

The cost of the legal description and exhibit for the easement is \$500, to be paid from the terminal project budget. There are no material financial impacts to the City.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

The Northern Colorado Regional Airport Commission and the City Councils of Fort Collins and Loveland have approved the 2020 Airport Master Plan, which prominently features plans for the new terminal facility.

The Fort Collins and Loveland City Councils have each appropriated \$1.0 million in support of the new terminal.

The Airport Commission unanimously voted at its January 18, 2024, meeting to recommend the City Council approve the MOA and easements.

**PUBLIC OUTREACH**

---

The development of the 2020 Airport Master Plan, which took more than two years to complete, included numerous public meetings and significant outreach by the Airport, far exceeding what is recommended by the Federal Aviation Administration (FAA).

**ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance (Water Easement Agreement)

ORDINANCE NO. 048, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-  
EXCLUSIVE DOMESTIC WATERLINE EASEMENT ON PROPERTY  
JOINTLY OWNED BY THE CITY OF FORT COLLINS AND THE CITY  
OF LOVELAND AT THE NORTHERN COLORADO REGIONAL  
AIRPORT FOR THE NEW AIRPORT TERMINAL FACILITY

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

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

C. In connection with the ongoing construction of the new airport terminal facility, the Fort Collins-Loveland Water District (the "District") has requested a permanent, non-exclusive easement for installation of one or more domestic waterlines for transmission and distribution of domestic water to serve the terminal (the "Easement") over and across that portion of the Airport property legally described and depicted in the Easement Agreement, attached hereto and incorporated herein by this reference as Exhibit "A."

D. The Cities desire to grant the Easement on the terms and conditions as substantially set forth in the Easement Agreement, which includes that the District will not pay a specific purchase price for the easement but will instead provide water service necessary for the terminal.

E. City Code Section 23-111(a) authorizes the City Council to sell, convey, or otherwise dispose of any interest in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City.

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

Section 1. The City Council hereby finds that the City's conveyance of the Easement subject to terms and conditions substantially set forth in the Easement Agreement for less than fair market value serves a bona fide public purpose and is in the best interests of the City as required by City Code Section 23-114 because:

- a. The use to which the Easement will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by facilitating public investment in and improvement of the Airport and the users it

serves, and will allow domestic water service for the new public terminal facility currently being constructed;

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

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

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 12, 2024  
Approving Attorney: Ryan Malarky

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, with an address of 500 E. Third Street, Loveland, CO 80537, and the CITY OF FORT COLLINS, COLORADO, a municipal corporation, with an address of 300 Laporte Ave, Fort Collins, CO 80521, hereinafter referred to jointly as “the Grantors” and Fort Collins-Loveland Water District, a Political Subdivision of the State of Colorado, hereinafter referred to as “the District”. This Grant of Utility Easement is effective as of the date of the City’s Official Acceptance in the City’s signature block below

WHEREAS, the Grantors jointly own and operate the Northern Colorado Regional Airport (the “Airport”) located in Loveland, Colorado on a parcel of property legally described below; and

WHEREAS, the District desires to install, and obtain an easement for, a waterline necessary to serve the Airport’s terminal facility that is under construction as of the date of this Agreement.

## WITNESSETH:

For and in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby confessed and acknowledged, the Grantors have granted and conveyed and by these presents does grant and convey unto the District, its successors and assigns, a permanent non-exclusive easement for the installation, construction, maintenance, inspection, operation, replacement, or removal of one (1) or more domestic waterlines for the transmission and distribution of domestic water, and all underground and surface appurtenances thereto, including metering stations and other fixtures, in, over, across, and upon:

A 20 foot easement, the centerline of which is described in the attached Easement Exhibit.

The parties hereto acknowledge that said easement (hereinafter referred to as “the Easement”) is located on a parcel of property owned by the Grantors legally described as follows and hereinafter referred to as “the Grantors’ Property”:

A parcel of land, being part Larimer County Parcel No. 8633006902, situate in the Southeast Quarter (SE1/4) of Section Twenty-eight (28), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado

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

A. The right to grade the Easement for the full width thereof in such manner as the District may reasonably determine to be necessary or advisable. The District will coordinate with Airport staff to perform such grading at a time that does not unduly interfere with Airport operations. For purposes of this Agreement, “Airport staff” shall mean the individual(s) designated and authorized by Grantors to make the decisions and take the actions described and directed herein. The District may rely on information and direction given by Airport staff and shall have no obligation to verify if that particular individual has been duly authorized by the Grantors to provide such information and/or direction.

B. Subject to Airport security requirements and prior written consent of Airport staff, which shall not be unreasonably withheld, the right of ingress and egress in, to, through, over and across the Easement by means of existing roads (whether public or private) located on the Grantors’ Property.

C. The right to grade, construct, maintain, and use any access roads upon the Grantors’ Property for such purposes of initial construction and ongoing maintenance with prior written consent of the Airport staff in the exercise of its right of ingress and egress to and from the Easement. For any construction or alteration on the Easement or Grantors’ Property, the District will be required to complete and submit to the Federal Aviation Administration a Form 760-1 “Notice of Proposed Construction or Alteration.”

D. To mark the location of the Easement with markers set in the ground provided that any such markers remaining after the period of construction of the domestic waterline and appurtenances shall be placed in locations which will minimize interference with any reasonable use of the Easement area by the Grantor.

E. For all the District's access needs, such access is subject to the prior written consent of Airport staff pursuant to the Northern Colorado Regional Airport's security requirements and other applicable laws, plans, policies, and rules and regulations. It is the parties' intent to provide the District as much reasonable access as possible to the Easement while complying with the rules and regulations associated with operating the Airport.

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

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

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

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

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

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

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

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

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

D. To the extent allowed by law, the District shall be liable for loss and damage which shall be caused by any wrongful exercise of the rights or ingress or egress to or from the Easement or by wrongful or negligent acts or omission of its agents or employees during the course of their employment on the Grantors' Property. To the extent allowed by law, District agrees to indemnify and hold harmless the Grantors, their officers, employees, and agents, from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with District's use of the Easement, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the District or any officer, employee, agent, or contractor of the District, or any other person for whom the District is responsible. The District shall notify Grantors and provide a copy of any and all written claims or demands within two business days of receipt. The District's indemnification obligation shall not be construed to extend to any injury, loss, or damage caused by the negligent act or omission of the Grantors.

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

If to Grantors:

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

With a copy to:

City Attorney  
City of Fort Collins  
City Hall West  
300 LaPorte Avenue  
Fort Collins, CO 80521

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

With a copy to:

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

If to District:

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

It is mutually agreed between the parties hereto that:

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

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

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

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

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

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

G. The District shall at its sole expense record this Agreement in the real property records of the Clerk and Recorder of Larimer County, Colorado.

GRANTORS:

By:\_\_\_\_\_

Interim City Clerk \_\_\_\_\_ Date \_\_\_\_\_

Assistant City Attorney

By: \_\_\_\_\_

City Clerk Date

Senior Assistant City Attorney

By: \_\_\_\_\_  
District Engineer

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

By: \_\_\_\_\_  
Chris Pletcher, General Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

Witness my hand and official seal.

My Commission Expires:

Notary Public

EXHIBIT A  
PARCEL DESCRIPTION

A parcel of land, being part Larimer County Parcel No. 8633006902, situate in the Southeast Quarter (SE1/4) of Section Twenty-eight (28), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

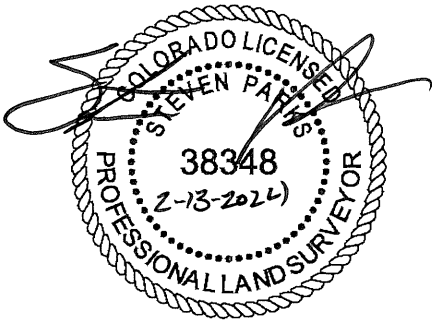
COMMENCING at the Center Quarter corner of said Section 28 and assuming the North line of said Se1/4 as bearing South 87°33'44" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2635.84 feet, monumented by a 2" iron pipe with 2 1/2" aluminum cap stamped LS 12936 at the Center Quarter corner and a #6 rebar with 3.25" aluminum cap stamped LS 38209 1.0' Witness Corner at the East Quarter corner and with all other bearings contained herein relative thereto;

THENCE South 15°31'50" East a distance of 2180.47 feet to the POINT OF BEGINNING;  
THENCE North 70°09'46" East a distance of 20.00 feet;  
THENCE South 19°50'14" East a distance of 309.11 feet;  
THENCE North 70°13'20" East a distance of 130.58 feet;  
THENCE North 19°46'40" West a distance of 10.00 feet;  
THENCE North 70°13'20" East a distance of 33.74 feet;  
THENCE South 19°46'40" East a distance of 136.91 feet;  
THENCE North 70°00'19" East a distance of 17.43 feet;  
THENCE North 20°00'00" West a distance of 4.61 feet;  
THENCE North 70°00'00" East a distance of 20.00 feet;  
THENCE South 20°00'00" East a distance of 4.61 feet;  
THENCE North 70°00'19" East a distance of 93.53 feet;  
THENCE South 19°59'41" East a distance of 20.00 feet;  
THENCE South 70°00'19" West a distance of 151.04 feet;  
THENCE North 19°46'40" West a distance of 126.98 feet;  
THENCE South 70°13'20" West a distance of 144.30 feet;  
THENCE South 19°50'14" East a distance of 4.14 feet;  
THENCE South 25°13'20" West a distance of 14.13 feet;  
THENCE South 19°50'14" East a distance of 114.14 feet;  
THENCE North 70°09'46" East a distance of 8.38 feet;  
THENCE South 19°50'14" East a distance of 20.00 feet;  
THENCE South 70°09'46" West a distance of 28.38 feet;  
THENCE North 19°50'14" West a distance of 142.44 feet;  
THENCE North 25°13'20" East a distance of 14.13 feet;  
THENCE North 19°50'14" West a distance of 324.96 feet to the POINT OF BEGINNING.

Said described parcel of land contains 18,673 Square Feet or 0.429 Acres, more or less (±).

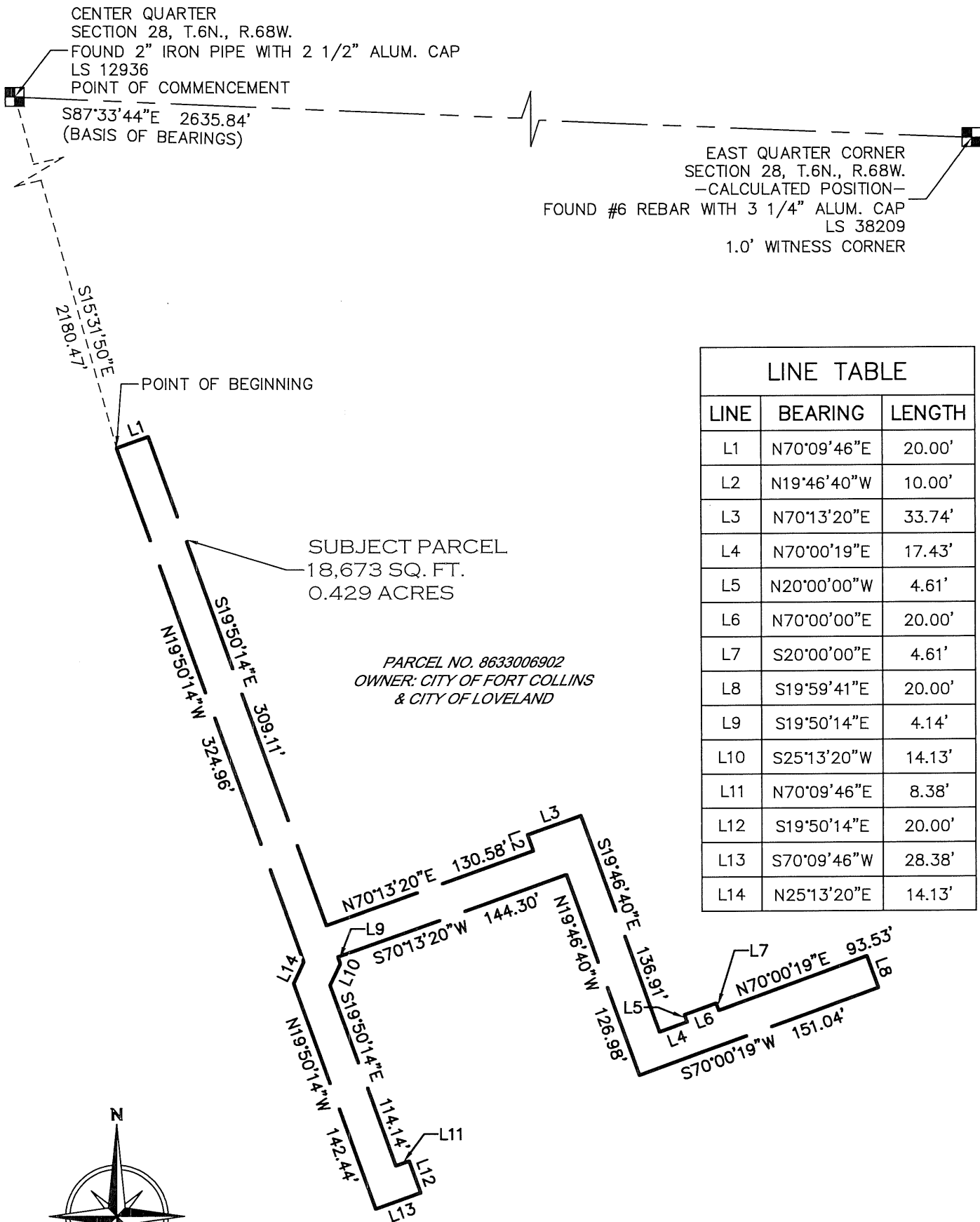
SURVEYORS STATEMENT

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.



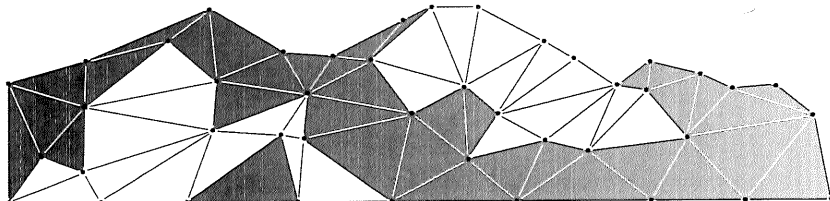
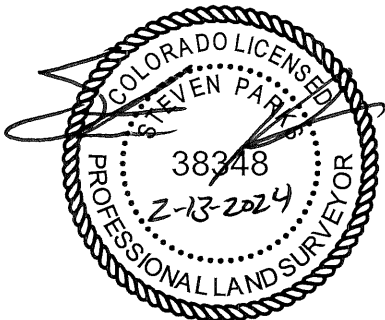
Steven Parks - on behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38348  
1111 Diamond Valley Drive, Suite 104  
Windsor, Colorado 80550

EXHIBIT B



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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

April 2, 2024

# AGENDA ITEM SUMMARY

City Council



## STAFF

Lawrence Pollack, Budget Director

## SUBJECT

**First Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 But Not Expended and Not Encumbered in 2023.**

## EXECUTIVE SUMMARY

The purpose of this item is to reappropriate monies in 2024 that were previously authorized by Council for expenditures in 2023 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2023 because:

- There was not sufficient time to complete bidding in 2023 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or
- The project for which the dollars were originally appropriated by Council could not be completed during 2023 and reappropriation of those dollars is necessary for completion of the project in 2024.

Additionally, there may have been sufficient unspent dollars previously appropriated in 2023 to carry on programs, services, and facility improvements in 2024 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2023 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$2,498,249
Cultural Services Fund	55,000
Recreation Fund	251,064
Museum Fund	61,265
Transportation Service Fund	1,288,625
Water Fund	52,500
Date & Communications Fund	<u>390,600</u>
Total	\$4,597,303

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

The Executive Team has reviewed the Reappropriation requests to ensure alignment with organization priorities and the Budget staff reviewed the requests to verify that all met qualification requirements. The 2024 Reappropriation requests are as follows, by fund:

### GENERAL FUND

#### City Clerk's Office

##### 1) City Clerk Elections - \$188,375

Purpose for funds: This offer was developed to fund the 2023 regular municipal election on the presumption that a regular municipal election would occur in April of 2023 and would be conducted by the City Clerk's Office. Council put a ballot question before the voters in November 2022 which changed the regular municipal election date to November in odd numbered years.

Reason funds not expensed in 2023: The 2023 election expenditures resulted in cost savings due to the election being coordinated with Larimer County in a November election and not conducted by the City.

The remaining funds are requested to be reappropriated to support the 2024 coordinated election, which will include the City's anticipated sales tax renewal ballot questions. A 2024 election was not fully budgeted in the 23-24 BFO cycle.

##### 2) Legislative Management System Implementation - \$27,945

Purpose for funds: A legislative management system provides the backbone for how information about policy decisions gets to and from the Council. Currently, the City uses an agenda management system that is past its useful life for receiving ongoing support and updates from the vendor, and is not as robust as newer solutions on the market. Implementation of a new legislative management system will provide the public with greater access to City legislative information, provide time savings for staff and the Clerk's Office, and decrease demands on IT for setup and support.

Reason funds not expensed in 2023: The City's competitive selection process took place in the second half of 2023, resulting in a vendor engagement and the start of software implementation in first quarter of 2024. Now with a vendor under contract, first-year costs have been priced at \$127,945, as compared to the original first-year project estimate of \$150,000 in 2023. No expenditures occurred in the first year of the project budget. This request is to reappropriate \$27,945 of the unspent \$150,000 to increase the 2024 budget to meet the new first-year software implementation cost. Year-two and annual ongoing costs of the Legislative Management System have been priced at \$89,600, as compared to the original project estimate budget of \$100,000 ongoing.

#### Community Development and Neighborhood Services

##### 3) Administration of 1041 Regulations - \$320,000

Purpose for funds: Ordinance 2023-076 was adopted in June 2023 to ensure the City had adequate oversight of 1041 regulations by retaining the services of a third-party consultant to assist in the review of proposals and permit applications to conduct designated activities or develop within a designated area, and to conduct follow up inspections and monitoring related to issued permits.

Reason funds not expensed in 2023: Although several Request For Proposals (RFP) were initiated, followed by local vendor interviews, an RFP re-scoping exercise, direct outreach to out-of-state companies, and timeline extensions to the RFP, staff did not receive any proposals to contract services for this program. On January 4, 2024, the City Manager approved a hiring exception for a Classified FTE (1) for the purpose of administering 1041 regulations.

#### **4) Rental Housing Services - \$65,000**

Purpose for funds: Last year, Council passed an ordinance that will require most housing providers to register their rental properties annually (exceptions are mobile home parks and owner-occupied rentals). They also approved staffing to develop educational opportunities and provide resources for both housing providers and tenants. This is an exciting opportunity for the City to be a partner to housing providers and tenants, and an active supporter of quality affordable rental housing in the community. This budget was designed to cover the startup costs of the program, including materials for new staff, for community consultants to build equity and inclusivity into the program, and to create communication materials for both housing providers and tenants.

Reason funds not expensed in 2023: Funding appropriation was delayed and hiring of the Rental Housing Manager was not complete until October of 2023, which left little time for expenditure of funds. These startup funds are critical for ensuring that the rental housing program is a success. If these funds are not appropriated, we will have reduced capacity for education and engagement with the thousands of community members who are part of the rental market. These funds are pivotal to the start-up phase of the program which was built to have higher hourly and consultant needs.

#### **5) Digital Transformation (Licensing, Permitting, and Code Enforcement) - \$757,000**

Purpose for funds: This project represents a vital opportunity to simplify, standardize, and improve processes in preparation for a dramatic and sustained increase in community demand for licensing and permitting. The current licensing and permitting environment relies on a patchwork of Accela-based systems, spreadsheets, paper applications, and online forms. This means that customers must navigate multiple different systems and requirements depending on the specific license/permit they are seeking. In addition, process improvements and system changes within Accela currently require the investment of significant funding and rely on extensive IT support and use of third-party contractors. This initiative will include simplifying and standardizing business processes alongside the evaluation of optimal digital solutions to build a more holistic, customer-centered software ecosystem that incorporates a wider range of internal users. The result will be implementation of a more holistic, customer-centered software ecosystem to increase efficiency, advance accessibility, and improve the overall customer experience.

Reason funds not expensed in 2023: Project funds were partially encumbered (\$170,000) and spent (\$22,500) in 2023 to procure an additional contractor at the strong recommendation of the City's IT department, since the scope of the desired software functionality expanded significantly to include the needs of Utilities, Clerk, IT, and Community Development within this "digital transformation" priority. This contractor was utilized to synthesize needs from these multiple parties, to better ensure that the future software solution meets the project's vision, guiding principles, and key success factors, ultimately providing a more consistent user experience, and better internal coordination and efficiencies. With the expansion of the project scope, the selection contractors helped assemble a 600-page RFP which was released on January 12, 2024; and closed February 16, 2024. Initial vendor evaluation phase is in progress with procurement anticipated in May. The funds requested for reappropriation in 2024 are expected to be encumbered in 2024 with the selected vendor, and the work is expected to extend into 2025. The team anticipates that the remaining budget will be fully utilized for this phase of configuration and implementation. Future budget appropriations are anticipated for any expansion of the scope, additional implementation phases, necessary change management tasks, and ongoing maintenance and subscriptions for user and administrator accounts.

## Economic Health Office

### 6) Placer AI Software - \$32,750

Purpose for funds: Placer AI is a location-based analytics company. Charting both foot and vehicular traffic, Placer data provides insight into how people move through the City. This data will be used to better understand and mitigate capital project construction impacts on local business, as well as assist in other economic development efforts like site selection and business retention.

Reason funds not expensed in 2023: This reappropriation is necessary because contract negotiations between Placer AI, City Purchasing, and CAO were not completed before the end of 2023.

### 7) Small Business Revolving Loan Fund - \$25,000

Purpose for funds: The accumulated economic development fund was set aside to create the City of Fort Collins Revolving Loan Fund for Small Businesses and Startup companies operating in Fort Collins. The City will use the funds to support program access to capital for small businesses in Fort Collins city limits, including those that have historically not had access to traditional financial capital markets.

Reason funds not expensed in 2023: \$25,000 is set aside each year to cover administrative and marketing costs of the third-party and City Economic Health Office. The Revolving Loan Fund was not launched at the end of Q4, 2023, so these funds need to be reappropriated and held for a Q1/Q2 2024 launch of the fund.

## Emergency Preparedness and Security (EPS)

### 8) Security Technology for Emergency Preparedness - \$13,456

Purpose for funds: This offer provides funding for security technology upgrades to Community Services public facilities, with priorities being set by Community Services staff in conjunction with EPS. Specifically, this reappropriation request is to finish security camera infrastructure projects at Northside Aztlan, Museum of Discovery, and the Lincoln Center.

Reason funds not expensed in 2023: Security cable installation at the three forementioned public facilities was planned and contracted in 2023. However, the projects were not completed until late 2023 and early 2024 due to schedule coordination with contractors. Three invoices for the completed work have been received and are scheduled to be paid in 2024, totaling \$13,456.

## Environmental Services

### 9) CivicSpark Fellowship for Our Climate Future - \$22,800

Purpose for funds: This Fellowship provides an opportunity for an early-career professional to work full-time in local government, partially subsidized by the federal AmeriCorps program, through a nonprofit called CivicWell. The City's contribution is roughly the same as what has been historically allocated for a part-time program assistant, thanks to the partnership with CivicWell. Typically, the 11-month Fellowship runs from September to August of the following year and there is a slight discount if the funds are paid in full at the start of the contract period.

Reason funds not expensed in 2023: This cycle, the placement was shortened to a three-quarter placement, beginning in January 2024. This resulted in a timing issue for funding held in 2023 for the 2023-24 cohort. We are requesting the 2023 funds be reappropriated to support the original request that historically would have been funded in full beginning in Q4, 2023.

## **Municipal Court**

### **10) Larimer County Jail Contract - \$18,260**

Purpose for funds: Through an annual contract with Larimer County, the City of Fort Collins is provided joint use of the Jail and Larimer County Sheriff services. Instead of paying per bed space used, per bond issued at the jail, and per in-custody hearing held, the City pays a set price for the use of these services. In 2023, City reserved two bed spaces per day to ensure there was space available if a Municipal Court defendant upon conviction of an applicable municipal ordinances or a finding of contempt of court by a Judge was sentenced to serve jail. The Court held approximately 140 in-custody hearings involving over 800 cases and used approximately 900 jail bed spaces in 2023. Accordingly, the City's reserved bed spaces for 2024 has increased from two to three bed spaces per day, as it had been prior to 2023.

Reason funds not expensed in 2023: The 2023 Annual Jail Services contract with Larimer County totaled \$106,500, while the Municipal Court budgeted \$125,000 in 2023 for this service. For 2024, the contract was raised to \$195,000 while our budget is only \$130,000. To offset this difference, we are requesting the 2023 savings to be reappropriated to the 2024 budget.

### **11) Opioid Relief Fund - \$75,000**

Purpose for funds: To date, the City has received a total of \$170,169 as part of a national opioid settlement. The Council Finance Committee and City Council supported an appropriation of \$75,000 in August 2023 to establish a municipal drug court program that would provide evidence based problem-solving court practices. No expenditure occurred in 2023 as part of the new Drug Court program.

Reason funds not expensed in 2023: Municipal Court is in the process of hiring 1 FTE Probation Officer. Because this program is one of the first in its kind for a Municipal Court in Colorado, the Court is carefully vetting potential candidates and their qualifications to make sure that the creation of this program is considered a best practice from the start. The position was originally planned to start in 2023 but is now anticipated to start in the second quarter of 2024.

## **Police Information Systems**

### **12) Northern Colorado Regional Communication Network (NCRCN) Radio Redundancy- \$30,000**

Purpose for funds: This reappropriation is for additional needed radio infrastructure to create redundancy to the communication system within the Northern Colorado Radio Communication Network.

Reason funds not expensed in 2023: In 2023, ORD 41 was approved to fund needed repairs on the radio towers on top of Poudre Valley Hospital and just north of Horsetooth Mountain, however, there is a final phase of this project that is necessary to close weaknesses in the communication system. This last phase will create redundancy between the 911 call center and Platte River Power Authority so that communication could continue if the existing fiber node was not functioning. This will be completed by Q3 of 2024.

## **Police Office of the Chief**

### **13) City Give - Rifle Plates - \$102,563**

Purpose for funds: This reappropriation is for the remaining portion of a charitable gift designated by the donor as a demonstration of appreciation for Police Services to be used toward personal protection equipment.

Reason funds not expensed in 2023: In 2022 and 2023 Police Services purchased personal protection equipment for all applicable officers. The Chief of Police continues to explore ways to spend the remaining amount that will meet the current needs of Police Services and also honor the donor's designated intent.

**14) Santa Cops Donation - \$500**

Purpose for funds: In 2023 ORD 093 was approved by Council as a part of the City Give program. This donation was made by Santa Cops to help purchase gifts for kids in need during the holidays.

Reason funds not expensed in 2023: Changes in programming resulted in the donation not being deployed in 2023. The funds will be used in 2024 per the designated intent.

**Police Patrol****15) Police Handheld Radios - \$620,000**

Purpose for funds: In 2023 ORD 108 was approved by Council in September to purchase handheld radios for Police Services as a critical piece of equipment to be effective in providing safety for the community.

Reason funds not expensed in 2023: Because of the size of the order that was placed in the later part of 2023 and the extensive process to get all of the radios ready for use, the payment will not be made until the early part of 2024.

**Social Sustainability****16) Electrical Vehicle (EV) Infrastructure Offset Credits - \$199,600**

Purpose for funds: These funds address the cost differential between current Colorado Housing and Finance Authority requirements and the updated Building Code requirements for Electric Vehicle (EV) infrastructure for affordable developments. The program provides cost-sharing of these additional infrastructure requirements by providing credits of flat fees calculated per project based on eligible parking spaces.

Reason funds not expensed in 2023: Two developments were awarded these EV credits in 2023. All future affordable housing developments will be built to the standards in the 2021 Building Code and will therefore qualify for this incentive. Amounts will vary depending on the number of parking spaces per development.

**CULTURAL SERVICES & FACILITIES FUND****Cultural Services – Gardens on Spring Creek****17) The Gardens on Spring Creek Nutrien Donation - \$55,000**

Purpose for funds: Nutrien donated \$100,000 to The Gardens on Spring Creek in 2023 which is designated for supporting healthy eating programs, including exterior capital improvements of the Outdoor Teaching Kitchen at The Gardens.

Reason funds not expensed in 2023: The donation from Nutrien was appropriated in April 2023. The donor did not place a deadline for expending the funds. In some cases, in 2023, purchases were held up trying to get pricing quotes from vendors. Gardens staff have been looking at best uses for the funds going forward.

In 2023 The Gardens used the donation funds to hold cooking classes for adults and for summer camp, purchased supplies for the outdoor kitchen, and completed minor capital work including new locks, concrete and engraving work, and water heater and weather-stripping repairs. The Gardens is working with City Give so that the next time a donation of this type is received the funds will be put into a non-lapsing business unit.

## RECREATION FUND

### Recreation

#### 18) EPIC Asset Repair & Replacement - \$251,064

Purpose for funds: 2023 Offer 43.16 proposed three projects to address severe facility maintenance issues at EPIC. The offer was then scaled down to include only one of the projects to address drainage of the EPIC Pool deck. Low spots and inadequate slopes cause water to create puddles and not drain properly. To improve the safety and comfort of pool users it is necessary to rework the deck tile so water that splashes onto the deck will flow to one of the existing deck drains. EPIC was designed to be a competitive pool, but because of this issue some outside groups no longer want to use EPIC for swim meets as it does not meet their standards.

While the pool deck remains a high priority, further assessment is needed to capture the full scope of repairs that are necessary along with budgeting for the total repair. We would like to shift these funds in 2024 to the second priority listed in Offer 43.16 of replacing the flooring that surrounds the ice rinks.

Reason funds not expensed in 2023: Project became underfunded due to escalated costs in 2023. \$13,316 had been spent on Project Management fees assessing the deck in 2023.

## MUSEUM FUND

### Cultural Services – FC Museum of Discovery

#### 19) The Museum of Discovery Artifact Housing Furniture - \$61,265

Purpose for funds: This offer will provide funds to purchase and install a collections storage system and special archival quality equipment and supplies at the Fort Collins Museum of Discovery (FCMoD). This enhancement includes a one-time expense for the purchase, delivery and installation of shelving and cabinetry custom designed for specific types of artifacts and contract staff to move and rehouse artifacts using specialized supplies including general conservation materials such as ethafoam, buffered tissue, and acid free archival boxes.

As the artifact collection continues to grow the need to complete the buildout of the storage furniture is reaching critical mass. Approximately half of the collection's storage furniture is installed and is safely housing historical collections owned by the City of Fort Collins. It is important to properly house historic collections like the one held at FCMoD to industry standards to preserve history and to help the community to tell stories of all and our place in time. The Archive & Collections are a valuable community resource, they are accessible and free for any member of the public.

Reason funds not expensed in 2023: The furniture was received in late 2023 and the Museum needs to use the remaining funds for staffing to set up the new furniture and make sure that all artifacts are properly handled and stored.

## TRANSPORTATION FUND

### Streets

#### 20) Roof Replacement for Salt Barn - \$185,000

Purpose for funds: The purpose of this request is to reappropriate \$185,000 for the Streets Department Salt Barn roof replacement. The existing EPDM (ethylene propylene diene terpolymer) roof has been leaking, the membrane has become de-laminated from the substrate, and the roof is well past its life. Additionally, the interior leaks of the roof at the perimeter; the scuppers and downspout collector heads are

also leaking. These leaks and the freeze/thaw cycling during the winter months are causing damage to the interior and exterior of the brick structure of the historic building.

Reason funds not expensed in 2023: The Streets Department and Operation Services conducted a thorough review of concerns arising from the roof of the Salt Barn due to the severe weather events during the Spring and Summer of 2023. The structural age of the facility required an asbestos test prior to obtaining a quote, adding additional time to the project. Once the quotes were received the total cost of the roof exceeded the RFP work order on-call max of \$120,000. As a result, an RFP or bidding process needs to be completed for the roof which could not be completed by the end of 2023.

## **21) Centre Avenue Paving Project - \$657,000**

Purpose for funds: The purpose of this request is to reappropriate \$657,000 from the 2023 Street Maintenance Program (SMP) budget to cover the costs of the Centre Avenue project which was scheduled to be completed in 2023. This project includes an asphalt overlay of three streets: Centre Avenue between Prospect Road and Worthington Circle, Worthington Avenue between Centre Avenue and Drake Road, and Research Boulevard between Centre Avenue and Drake Road.

Reason funds not expensed in 2023: The Centre Avenue project was scheduled to be repaved in 2023 during the summer when Colorado State University (CSU) was on break to minimize the impact to the students and faculty since this project is adjacent to the CSU campus. The project was postponed to 2024 to coordinate with the pedestrian and bicycle underpass project that goes under Prospect Road (just west of Centre Avenue). The Prospect Road underpass project was delayed and completed as CSU returned to school in August. To minimize the traffic impact to CSU, the Centre Avenue project was postponed to the following year.

## **22) MAX/BRT Bus Line Pavement Upgrade - \$366,625**

Purpose for funds: The purpose of this request is to reappropriate \$366,625 from the 2023 Street Maintenance Program (SMP) budget to cover the costs of the Mason BRT/ MAX project which was scheduled to be completed in 2023. The work was not completed north of Mountain Avenue to Maple Street in 2023.

Reason funds not expensed in 2023: This project was delayed due to contract negotiations with BNSF. Work ceased as the winter and colder temperatures shut down the project towards the end of the 2023 construction season. This final phase of the project includes an asphalt overlay and concrete improvements on Mason Street between Mountain Avenue and Maple Street. These last two blocks of work will complete the approved 2023 Asset Management Enhancement Offer 7.12 – Street Maintenance Program – MAX/ BRT Bus Line – Downtown Concrete Pavement Upgrade project.

## **Traffic**

## **23) Neighborhood Traffic Mitigation Program Project Construction - \$80,000**

Purpose for funds: Traffic in neighborhoods can affect the quality of life for residents, bicycles, pedestrians, as well as drivers. The Neighborhood Traffic Mitigation Program is a collaborative effort between neighborhoods and staff to implement traffic calming options. In 2023, Traffic received \$150,000 funding for traffic calming devices and an additional \$65,000 funding for medians and/or pedestrian refuge islands, sidewalk curb extensions and traffic diverters in order to achieve a more "complete streets" approach to traffic calming. The offer included funding for professional (consulting) services and funding for the construction of traffic mitigation devices on neighborhood streets. Traffic is requesting \$80,000 to be reappropriated from the 2023 budget to construct these mitigation improvements.

Reason funds not expensed in 2023: Due to staffing changes and consultant availability, design of the mitigation improvements for Stuart and Stover was not started until fall. Survey and design will be completed in the Spring of 2024, and the construction will start in the summer/fall.

## **WATER FUND**

### **Utilities Water Resources**

#### **24) Northern Integrated Supply Project (NISP) Response & Engagement - \$52,500**

Purpose for funds: Since 2008, the City has developed and contributed science-based input to the various planning stages of the Northern Integrated Supply Project (NISP) project with the goal of minimizing adverse impacts on the Poudre River and the Fort Collins community. The City's efforts have resulted in positive changes to this project which are reflected in the NISP operations and mitigation plan. Funding from this 2022 offer is intended to provide technical consulting and engineering support to inform the City's engagement in future NISP planning efforts. Specifically, staff will engage in NISP adaptive management and master planning stakeholder processes; however, additional technical and consulting support will be needed to achieve the desired outcomes. Funds from this offer would support: 1) Water resources engineering and analysis to advise the NISP flow operations and ensure the proposed flow mitigation program is realized; 2) Advisement for the development of NISP's proposed Master Plan and Adaptive Management Program; and 3) Additional discipline-specific representation on technical advisory groups and input for project infrastructure proposed within the City limits.

Reason funds not expensed in 2023: The NISP project Record of Decision (ROD) was released in late 2022, and Northern Water's Adaptive Management and River master Planning discussions with Poudre basin stakeholders did not commence until Q3 of 2023. To date, however, there has only been one meeting to restart the planning process. More active engagement is expected in 2024, per communication from Northern Water. Staff will continue to respond to the project timeline and engagement process that Northern Water develops for their project. Funds from this budget offer will be used for the original intended purpose of developing science-based input with the assistance from technical and engineering consultants, on how the NISP project impacts should be managed, mitigated and monitored.

## **DATA AND COMMUNICATIONS FUND**

### **Information Technology**

#### **25) GIS Cloud Modernization - \$90,600**

Purpose for funds: The GIS Cloud Modernization support efforts to modernize the existing ArcGIS Enterprise Portal implementation. This work will simplify and stabilize the existing platform in order to reduce the support required from IT to maintain this system. This also frees resources to focus on higher value work. The modernization will reduce the support needed for the GIS infrastructure while ensuring the stability, availability, and security of the environment for its 1121 users. Migrating existing solutions onto ArcGIS Online where appropriate, establishing GIS Governance, implementing advanced monitoring, deprecating outdated applications, and upgrading to current versions of software will allow for reduced confusion and application fatigue. There is a need to work with other teams, including IT Security, to make sure this solution meets all requirements.

Reason funds not expensed in 2023: These funds were not fully expended in 2023, as the team spent the beginning of the year focusing on procuring an Esri Advantage Program that provides guidance and assistance with accomplishing the identified modernization efforts. Efforts in 2023 were focused on the first stage of upgrading the ArcGIS Enterprise platform to the current version. As this is a planned multi-year project, activities in 2024 will be focused on establishing governance for GIS, implementing advanced monitoring of the system, deprecating the use of applications that are no longer supported by Esri, and continuing the process to upgrading to the current versions of all applications on the platform.

## 207 ERP System Replacement - \$300,000

Purpose for funds: This offer will identify the components necessary for the City to implement a modernized ERP ecosystem, accounting for all readiness components, and will focus on the first two phases necessary to transform our business processes into a modern solution while minimizing customizations that exponentially increase implementation and support costs. To succeed this must become a business-led, technology-enabled transformation and we must plan this modernization in six key phases: 1) discovery and planning, 2) business process transformation, 3) design and development, 4) change management and training, 5) testing and implementation, and 6) operational support. Maintaining our current platform amplifies the need for high-touch, manual support. A new ERP solution will implement industry best practices necessary to standardize and streamline processes, reduce costly customization, address talent resiliency while improving our risk management, and disaster recovery practices, and ensure compliance with our pending end-of-life support. Also, implementing a standard solution will reduce the 32+ interfaces necessary to support today.

Reason funds not expensed in 2023: These funds were not expended in 2023, as the team was focusing efforts on aligning with the following statement from the original offer: "To succeed, this must become a business-led, technology-enabled transformation..." Efforts in 2023 were focused on transforming this into a business-led plan by coordinating with outside vendors and multiple counties and municipalities, such as Alight, Denver, Boulder, and Kitsap County, who walked Finance, HR, and IT staff through their unique experiences with previous implementations to help the City prepare for ERP preparation and replacement, before the City spends any of the allocated and future funds.

For 2024, continuation of this work includes hiring a consultant to facilitate a collaboration effort between the key City departments to provide strategic planning, readiness, change management planning, business process review, data considerations, and other key initiatives required to develop and support the business processes to be served by a future ERP system.

### **CITY FINANCIAL IMPACTS**

---

This Ordinance increases 2024 appropriations by \$4,597,303. A total of \$2,498,249 is requested for reappropriation from the General Fund, \$1,288,625 is requested from the Transportation Fund, and \$810,429 from other funds. Reappropriation requests represent amounts budgeted in 2023 that could not be encumbered at year-end. The appropriations are from prior year reserves.

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

---

None.

### **PUBLIC OUTREACH**

---

None.

### **ATTACHMENTS**

---

1. Ordinance for Consideration

ORDINANCE NO. 049, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REAPPROPRIATING FUNDS PREVIOUSLY APPROPRIATED IN  
2023 BUT NOT EXPENDED AND NOT ENCUMBERED IN 2023

A. City Council authorized expenditures in 2023 for various purposes in the General Fund, the Cultural Services Fund, the Recreation Fund, the Museum Fund, the Transportation Services Fund, the Water Fund, and the Data and Communications Fund, portions of which were not spent or encumbered in 2023.

B. Article V, Section 11 of the City Charter provides that all appropriations unexpended or unencumbered at the end of the fiscal year lapse to the applicable general or special fund, unless it is an appropriation for capital projects or for federal, state, or private grants or donations that has been previously designated by City Council as a non-lapsing appropriation.

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

D. The City Manager has recommended the appropriations described herein and has determined that the amounts to be appropriated as described herein are available and currently unappropriated and will not cause the total amount appropriated in the Funds as described herein to exceed the current estimate of actual and anticipated revenues and all other funds to be received in those Funds during this fiscal year.

E. It is in the best interests of the City and its residents to re-appropriate funds for the expenditures below, in furtherance of these expenditures and their respective public purposes authorized in 2023 for which such appropriated funds were not expended and not encumbered during 2023.

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

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of TWO MILLION FOUR HUNDRED NINETY-EIGHT THOUSAND TWO HUNDRED FORTY-NINE DOLLARS (\$2,498,249) to be expended in the General Fund for the following purposes:

City Clerk Elections	\$188,375
Legislative Management System Implementation	\$27,945
Administration of 1041 Regulations	\$320,000
Rental Housing Services	\$65,000

Digital Transformation (Licensing, Permitting, and Code Enforcement)	\$757,000
Placer AI SaaS for EHO	\$32,750
Small Business Revolving Loan Administrative Fund	\$25,000
Security Technology	\$13,456
CivicSpark Fellowship for Our Climate Future	\$22,800
Larimer County Jail Contract	\$18,260
Opioid Relief Fund	\$75,000
NCRCN radio redundancy	\$30,000
City Give Rifle Plates	\$102,563
Santa Cops Donation	\$500
Police Handheld Radios	\$620,000
EV Infrastructure Offset Credits	\$199,600
GENERAL FUND TOTAL	<u>\$2,498,249</u>

Section 2. There is hereby appropriated from prior year reserves in the Cultural Services Fund the sum of FIFTY-FIVE THOUSAND DOLLARS (\$55,000) to be expended in the Cultural Services Fund for the following purposes:

The Gardens on Spring Creek Nutrien Donation	\$55,000
CULTURAL SERVICES FUND TOTAL	<u>\$55,000</u>

Section 3. There is hereby appropriated from prior year reserves in the Recreation Fund the sum of TWO HUNDRED FIFTY-ONE THOUSAND SIXTY-FOUR DOLLARS (\$251,064) to be expended in the Recreation Fund for the following purposes:

EPIC Asset Repair & Replacement	\$251,064
RECREATION FUND TOTAL	<u>\$251,064</u>

Section 4. There is hereby appropriated from prior year reserves in the Museum Fund the sum of SIXTY-ONE THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$61,265) to be expended in the Museum Fund for the following purposes:

The Museum of Discovery Artifact Housing Furniture	\$61,265
MUSEUM FUND TOTAL	<u>\$61,265</u>

Section 5. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of ONE MILLION TWO HUNDRED EIGHTY-EIGHT THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$1,288,625) to be expended in the Transportation Services Fund for the following purposes:

Roof Replacement for Salt Barn	\$185,000
Centre Avenue Paving Project	\$657,000
MAX/BRT Bus Line Pavement Upgrade	\$366,625

Neighborhood Traffic Mitigation Program Project Construction	\$80,000
TRANSPORTATION SERVICES FUND TOTAL	<u>\$1,288,625</u>

Section 6. There is hereby appropriated from prior year reserves in the Water Fund the sum of FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$52,500) to be expended in the Water Fund for the following purposes:

Northern Integrated Supply Project (NISP) Response & Engagement	\$52,500
WATER FUND TOTAL	<u>\$52,500</u>

Section 7. There is hereby appropriated from prior year reserves in the Data & Communications Fund the sum of THREE HUNDRED NINETY THOUSAND SIX HUNDRED DOLLARS (\$390,600) to be expended in the Data & Communications Fund for the following purposes:

GIS Cloud Modernization	\$90,600
ERP System Replacement	\$300,000
DATA & COMMUNICATIONS FUND TOTAL	<u>\$390,600</u>

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 26, 2024

Approving Attorney: Ryan Malarky

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Jonathan Piefer, Senior Real Estate Specialist  
Ralph Campano, Real Estate Services Manager  
Matt Simpson, Civil Engineer III

---

### SUBJECT

**First Reading of Ordinance No. 050, 2024, Approving the Conveyance of a Temporary Construction Easement for the Construction of Permanent Stormwater Improvements on City Property to DHIC-Enclave, LLC.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would permit the conveyance of a Temporary Construction Easement (the "Easement") on approximately 4.36 acres (189,996 sf) of City property known as the Redwood Detention Pond and the Redwood Channel (collectively, the "City Property") to DHIC – Enclave, LLC ("Developer"), in exchange for the construction of permanent stormwater master plan improvements on the City Property.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

---

### BACKGROUND / DISCUSSION

#### **Redwood Detention Pond and Redwood Channel**

A portion of the City Property was dedicated to the City for public use on June 7, 1977, as part of the Replat of Evergreen Park Second Filing (the "Redwood Detention Pond"). Redwood Detention Pond is a regional detention pond currently serving various properties in the Dry Creek Basin. Redwood Detention Pond currently provides stormwater runoff detention, water quality treatment, and a stormwater outfall for new and existing developments in the area. Approximately 54 acres of existing developed area within the City drain to the existing Redwood Detention Pond. The enlargement of the existing Redwood Detention Pond is specified in the Northeast College Corridor Outfall plan (NECCO) and will provide important flood protection to existing residences immediately south of the existing Redwood Detention Pond as well as flood protection to southern portions of the Dry Creek Basin.

The other portion of the City Property was purchased by the City on July 20, 1990, from Century Bank, and is 2.064 acres, more or less (the "Redwood Channel"). The Redwood Channel was originally constructed to provide stormwater drainage from northern properties into the City Evergreen Detention Pond, located to the east of Redwood Detention Pond.

## **Development Project**

The Easement is required as part of the development review process for the Developer's adjoining development known as the Enclave at Redwood, being a 238 unit residential development (the "Development") of approximately 30.178 acres originally purchased by the Developer on December 16, 2021, (the "Developer Property"). The Developer has submitted plans to the City for the Development, which is currently in the final stages of the development review process. A portion of the Development, being approximately 1/5th of the Developer Property, will also use Redwood Detention Pond as an off-site stormwater detention facility.

Under the terms of the Easement, the Developer will enlarge Redwood Detention Pond to provide an additional 6 acre-feet of stormwater storage, but only approximately 1.5 acre-feet are needed for the Development.

### **The Easement**

The Easement is required for the Developer to access the City Property to construct the master drainage plan improvements (the "Stormwater Improvements") to the existing Redwood Detention Pond, which include the removal of existing stormwater infrastructure, significant regrading, increased storage capacity, improved functionality, enhanced natural habitat, trees, and vegetation. The estimated total cost of the Stormwater Improvements, excluding revegetation and restoration, is \$408,846, which shall be borne solely by the Developer. However, the City will be providing a repayment to the Developer for "enhanced vegetation" and the costs of the storm main(s), and such costs would normally be expenses incurred by the City. The Easement will provide that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

Staff have relied primarily on the Developer and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Easement.

### **Easement Valuation**

The City Property is presently valued at approximately \$189,996, being \$1.00/sf because Redwood Detention Pond is restricted for public use and Redwood Channel is irregularly shaped and non-buildable as a stand-alone parcel. The Easement is valued at \$75,998, being 40% of the value of the City Property, or 10% per year of Developer's occupancy for a total of four (4) years. There are no other improvements that will be negatively impacted as part of the Easement because all existing stormwater improvements and landscaping will be replaced according to the Final Development Plans.

## **CITY FINANCIAL IMPACTS**

Other than staff time and related expenses, the only additional cost to the City associated with the Easement is the waiver of the \$75,998 in potential revenue for the Easement, which is offset by the \$408,846 estimated total cost of the Stormwater Improvements. The City will reimburse the Developer for the enhanced vegetation and costs of storm mains, which would ordinarily be City expenses.

Staff recommends that the Easement be granted for no monetary consideration because the Fort Collins Utilities ratepayers will be adequately compensated as summarized above.

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

This Water Commission does not need to consider or approve of this Ordinance.

## **PUBLIC OUTREACH**

---

None.

## **ATTACHMENTS**

---

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance
4. Vicinity Map

ORDINANCE NO. 050, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONVEYANCE OF A TEMPORARY  
CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF  
PERMANENT STORMWATER IMPROVEMENTS ON CITY  
PROPERTY TO DHIC-ENCLAVE, LLC

A. The City owns a parcel of real property located southeast and adjacent to the intersection of Conifer Street and Redwood Street as shown and described on Exhibit “A”, attached and incorporated herein by reference (the “City Property”).

B. DHIC-Enclave, LLC (the “Developer”) intends to develop vacant land near the City Property for a 238-unit residential development known as the Enclave at Redwood (the “Development”), and a portion of the Development will use the Redwood Detention Pond as an off-site stormwater detention facility.

C. The Developer has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff and are in the final stages of the development review process. As part of that process City staff asked the Developer to acquire a temporary construction easement for the Development to allow for certain work within the City Property to improve the Redwood Detention Pond.

D. The temporary construction easement to the Developer covers 189,996 square feet of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “TCE”). The TCE will allow Developer to enlarge the Redwood Detention Pond to provide approximately 6 acre-feet of additional stormwater storage, while the Development would only require approximately 1.5 acre-feet of storage.

E. The TCE will allow the Developer to access the City Property to construct improvements to the existing Redwood Detention Pond consistent with the City’s master drainage plan improvements, including the removal of existing stormwater infrastructure, significant re-grading, increased storage capacity, improved functionality, enhanced natural habitat, trees, and vegetation.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

G. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

H. City staff estimates the value of the TCE at \$75,998; however, staff also estimates that the work the Developer will do on the City Property in the TCE has a value

of approximately \$408,846. While City staff anticipates reimbursing the Developer for a portion of that work for enhanced vegetation and storm mains as part of ordinary City expenses for stormwater, staff has recommended that the City convey the Easements to the Developer for no additional monetary compensation.

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

Section 1. The City Council finds that granting the TCE to the Developer on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the TCE to Developer on terms and conditions consistent with this Ordinance, together with such 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, including, but not limited to, any necessary changes to the legal description of the TCE, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 26, 2024

Approving Attorney: Ryan Malarky



**SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO**

A PARCEL OF LAND BEING TRACT A OF THE REPLAT OF EVERGREEN PARK SECOND FILING RECORDED IN BOOK 1775 AT PAGE 584 AND A PORTION OF THAT UNPLATTED LAND AS DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 19900039473 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTH HALF OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, MONUMENTED AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER BY A 3.25-INCH ALUMINUM CAP DOWN 0.6 FEET BELOW THE ROAD SURFACE OF REDWOOD STREET, AND AT THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER BY A 3.25-INCH ALUMINUM CAP DOWN 0.5' IN A RANGE BOX IN NORTH LEMAY AVENUE, AS BEARING SOUTH 89°06'12"EAST, WITH ALL BEARINGS HEREIN RELATIVE;

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 1; THENCE SOUTH 59°07'33" WEST, A DISTANCE OF 114.26 FEET TO THE NORTHWEST CORNER OF SAID TRACT A AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF REDWOOD STREET AND THE SOUTH RIGHT-OF-WAY OF CONIFER STREET, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY OF CONIFER STREET THE FOLLOWING TWO (2) COURSES:

1. THENCE SOUTH 89°08'18" EAST, A DISTANCE OF 365.52 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 39.30 FEET, SAID CURVE HAVING A RADIUS OF 89.17 FEET, A CENTRAL ANGLE OF 25°15'08", AND A CHORD WHICH BEARS NORTH 75°37'20" EAST A CHORD DISTANCE OF 38.98 FEET TO THE NORTHEAST CORNER OF SAID TRACT A;

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY AND ALONG THE EAST BOUNDARY OF SAID TRACT A NON-TANGENT TO SAID CURVE, SOUTH 30°15'39" EAST, A DISTANCE OF 12.17 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 19900039473;

THENCE DEPARTING SAID EAST BOUNDARY OF TRACT A AND ALONG THE NORTH BOUNDARY OF SAID PARCEL OF LAND SOUTH 89°05'57" EAST, A DISTANCE OF 281.93 FEET;

THENCE DEPARTING SAID NORTH BOUNDARY SOUTH 00°54'03" WEST, A DISTANCE OF 55.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID PARCEL OF LAND;

THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°05'57" WEST, A DISTANCE OF 248.68 FEET TO A POINT ON SAID EAST BOUNDARY OF TRACT A;

CONTINUED ON SHEET 2



Plotted: WED 03/06/24 6:04:58P By: Shawn Clarke Filepath: p:\2020\201013\survey\excl\_201013\_1ce.dwg Layout: dlist

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH



1601 N. Lincoln Street, Suite 1000  
Fort Collins, Colorado 80503  
P: 970.630.6300 F: 970.623.6311  
hskochersmith.com

ENCLAVE AT REDWOOD

TEMPORARY CONSTRUCTION EASEMENT  
DESCRIPTION

PROJECT #:	201013
CHECKED BY:	SDC
DRAWN BY:	JOC
SHEET NUMBER	1
	1 OF 3

SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

CONTINUED FROM SHEET 1

THENCE ALONG SAID EAST BOUNDARY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 30°15'00" EAST, A DISTANCE OF 3.20 FEET;
2. THENCE SOUTH 44°03'21" EAST, A DISTANCE OF 263.54 FEET;
3. THENCE SOUTH 25°49'04" WEST, A DISTANCE OF 127.25 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A;

THENCE ALONG THE SOUTH BOUNDARY OF SAID TRACT A NORTH 88°32'10" WEST, A DISTANCE OF 451.23 FEET TO A POINT OF NON-TANGENT CURVATURE ON THE AFORESAID EAST RIGHT-OF-WAY OF REDWOOD STREET AND THE SOUTHWEST CORNER OF SAID TRACT A;

THENCE ALONG THE WEST BOUNDARY OF SAID TRACT A AND THE EAST RIGHT-OF-WAY OF REDWOOD STREET THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 116.30 FEET, SAID CURVE HAVING A RADIUS OF 438.61 FEET, A CENTRAL ANGLE OF 15°11'31", AND A CHORD WHICH BEARS NORTH 21°49'44" WEST A CHORD DISTANCE OF 115.96 FEET;
2. ALONG A LINE NON-TANGENT TO SAID CURVE, NORTH 29°25'22" WEST, A DISTANCE OF 62.81 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 188.13 FEET, SAID CURVE HAVING A RADIUS OF 359.09 FEET, A CENTRAL ANGLE OF 30°01'03", AND A CHORD WHICH BEARS NORTH 14°24'51" WEST A CHORD DISTANCE OF 185.98 FEET;
4. NORTH 00°35'41" EAST, A DISTANCE OF 14.55 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 189,996 SQUARE FEET OR 4.36 ACRES, MORE OR LESS.

PREPARED BY: SHAWN D. CLARKE, PLS  
CO # 38061  
SCLARKE@HKSENG.COM

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) 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 (10) YEARS FROM THE DATE OF THIS CERTIFICATE SHOWN HEREON.

**HKS** HARRIS  
KOCHER  
SMITH

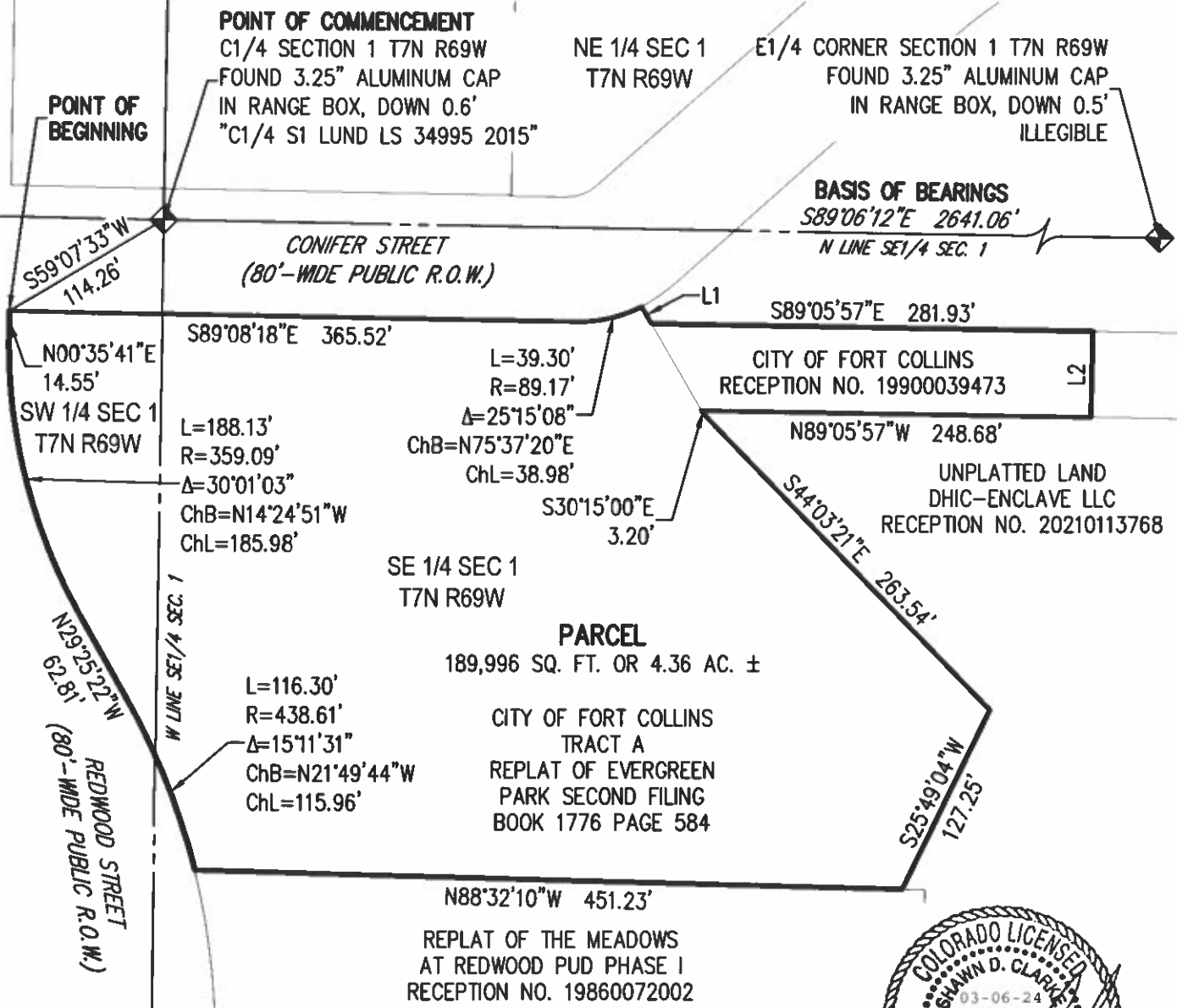
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
shk@hksmith.com

ENCLAVE AT REDWOOD

TEMPORARY CONSTRUCTION EASEMENT  
DESCRIPTION

PROJECT #	201013
CHECKED BY:	SDC
DRAWN BY:	JOC
SHEET NUMBER	2
	2 OF 3

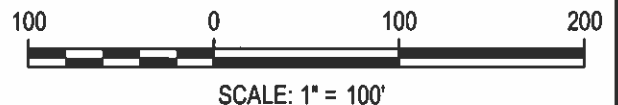
SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S30°15'39\"E	12.17'	L2	S00°54'03\"W	55.00'

**NOTE:**

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.



**HKS** HARRIS  
KOCHER  
SMITH

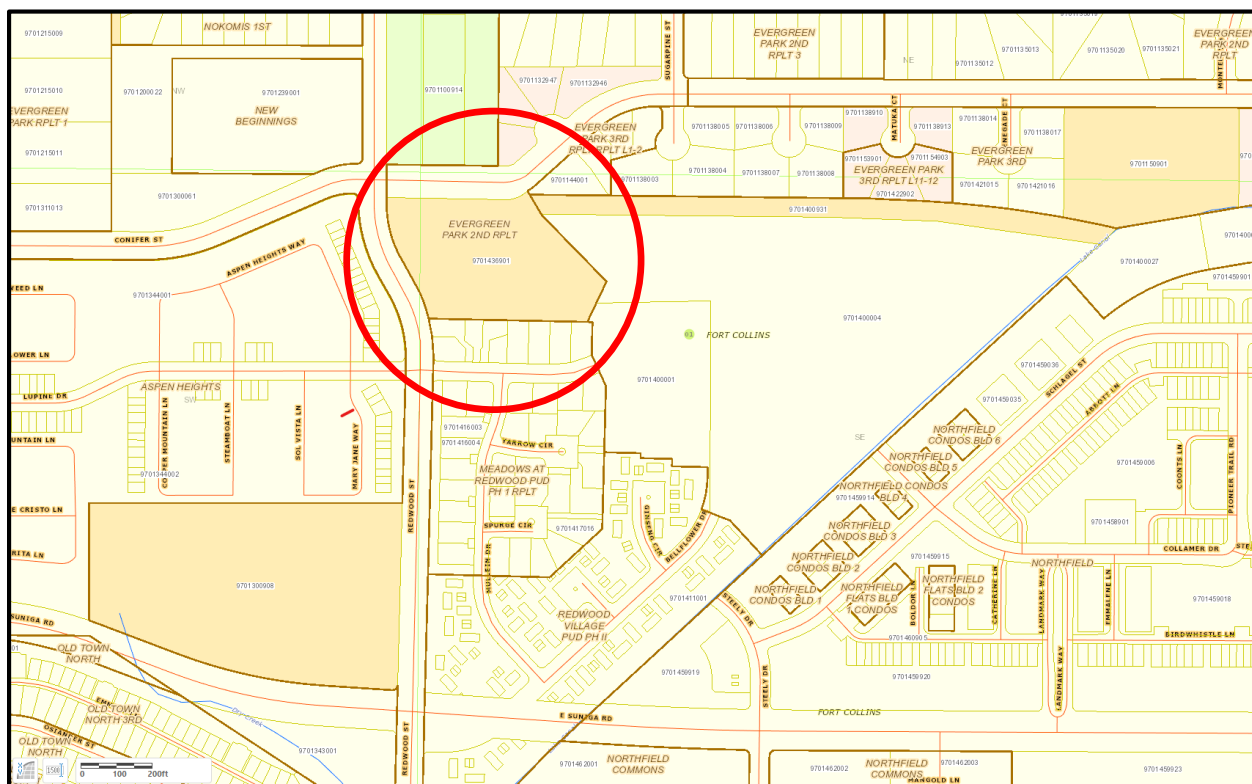
1000  
Suite 1000  
Denver, Colorado 80203  
P: 303.623.6311  
F: 303.623.6311  
h@KocherSmith.com

ENCLAVE AT REDWOOD  
TEMPORARY CONSTRUCTION EASEMENT  
ILLUSTRATION

PROJECT #: 201013  
CHECKED BY: SDC  
DRAWN BY: JOC  
SHEET NUMBER  
**3**  
3 OF 3

Plotted: WED 03/06/24 6:05:04P By: Shawn Clarke Filepath: p:\2020\201013\survey\text\201013\_1ca.dwg Layout: illus

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.



## AGENDA ITEM SUMMARY

### City Council



---

#### STAFF

Jonathan Piefer, Senior Real Estate Specialist  
Ralph Campano, Real Estate Services Manager  
Matt Simpson, Water Utility Engineer  
Missy Nelson, Parks Senior Technical Project Manager  
Mike Calhoon, Parks Director

---

#### SUBJECT

**First Reading of Ordinance No. 051, 2024, Approving the Conveyance of a Permanent Easement for Stormwater Drainage, a Temporary Construction Easement for the Construction of Stormwater Drainage Improvements, and a Temporary Construction Easement for the Construction of Sewer Facilities on City Property to PS-Poudre River, LLC.**

---

#### EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would permit the conveyance of one permanent drainage easement (the "Drainage Easement"), one temporary construction easement (the "Drainage TCE") for the modification of current drainage facilities, and one temporary construction easement (the "Sewer TCE") for the installation of public sewer facilities to PS-Poudre River, LLC ("PSPR"), on City Property located at 101 1st Street, which is the current location of Buckingham Park ("Buckingham Park"). Construction pursuant to the Drainage TCE will modify existing floodplain boundaries, and the Drainage Easement will allow PSPR to store additional stormwater on a portion of Buckingham Park. The Sewer TCE is for the installation of public sewer facilities required by the City so that PSPR may proceed with the development of the adjoining lands. The actual conveyance of the easements will be conditional upon PSPR, or its successors and assigns, obtaining City development approval of the contemplated work within the easements.

---

#### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

---

#### BACKGROUND / DISCUSSION

##### The Project

The Drainage Easement, the Drainage TCE, and the Sewer TCE (the "Conveyance Documents" and the "Easements") are part of a PSPR development of lands adjacent to Buckingham Park (the "Development"), and staff has requested the Conveyance Documents from PSPR as part of the development review process for the Development.

PSPR has submitted plans (the "Construction Plans") to the City for the Development, which have been reviewed by staff. Work within the Drainage TCE – the majority of which is within the Drainage Easement

- will include grading and regrading to modify the stormwater storage capacity. Additional improvements to be installed within the Easements are the sanitary sewer pipe, which will be located below the surface of Buckingham Park. There are no foreseeable construction impacts to access, use, and parking at Buckingham Park. The Conveyance Documents will provide that any damaged surface areas, including any trees, will be restored in accordance with City plans, specifications, and requirements.

The grading and re-grading on Buckingham Park will include \$68,558 of work that benefits the City, including importing topsoil, irrigation system modifications, and removal of man-made debris (including concrete debris) that is undesirable for park operations. Park staff has concluded that the \$68,558 of work is dollar-for-dollar beneficial to Buckingham Park.

Staff have relied primarily on PSPR and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Conveyance Documents.

### **The Drainage Easement**

The Drainage Easement is comprised of 62,419 square feet of City Property adjoining the eastern boundary of the Development. The Drainage Easement is for the perpetual right to store 100-year flood water and the Development's stormwater runoff on Buckingham Park and will not include the right to install any permanent improvements or alter the Drainage Easement area after completion of the initial grading and regrading construction pursuant to the Drainage TCE, as discussed below.

### **The Drainage TCE**

The Drainage TCE is comprised of 40,648 square feet of City Property adjoining the eastern boundary of the Development. Although the Drainage TCE includes lands outside of the Drainage Easement, most of the Drainage TCE is located within the boundaries of the Drainage Easement. All construction for the Drainage Easement will be conducted during the term of the Drainage TCE. The Drainage TCE will allow PSPR the right of temporary access to regrade the surface of said area so that the storage and capacity of the Drainage Easement area will be able to accommodate stormwater runoff from the Development. Work under the TCE will also include the removal of unwanted concrete and debris from the City's prior levy construction on and near Buckingham Park. This re-grading and debris removal substantially benefits the drainage and future development of Buckingham Park.

### **The Sewer TCE**

The Sewer TCE is comprised of 4,562 square feet of City Property adjoining the eastern boundary of the Development and is located entirely within the boundaries of the Drainage Easement. The Sewer TCE is for the installation of an underground sanitary sewer connecting the Development sewer line to the City system. Subsequent to installation of the sewer, the City will assume ownership and maintenance responsibilities for all improvements installed pursuant to the Sewer TCE.

## **CITY FINANCIAL IMPACTS**

Other than staff time and other expenses reimbursable to the City by PSPR, there is no cost to the City associated with Conveyance Documents or the Easements. However, staff estimates the fair market value of the Easements to total \$18,615, being itemized as follows (the "Property Values"):

1. Drainage Easement-\$8,225;
2. Drainage TCE-\$10,162; and
3. Sewer TCE-\$228.

Staff recommends that the Easements should be conveyed to PSPR for no monetary consideration as the Parks Department will be benefitting from the removal of concrete and debris, importing topsoil, and irrigation system modifications, the value of which is estimated at \$68,558 which substantially exceeds the Property Values.

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

---

The City's Planning Department and Parks Department have reviewed and approved the Construction Plans and the Conveyance Documents.

#### **PUBLIC OUTREACH**

---

None.

#### **ATTACHMENTS**

---

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance
4. Exhibit C to Ordinance
5. Exhibit D to Ordinance
6. Vicinity Map

ORDINANCE NO. 051, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONVEYANCE OF A PERMANENT EASEMENT FOR  
STORMWATER DRAINAGE, A TEMPORARY CONSTRUCTION EASEMENT  
FOR THE CONSTRUCTION OF STORMWATER DRAINAGE  
IMPROVEMENTS, AND A TEMPORARY CONSTRUCTION EASEMENT FOR  
THE CONSTRUCTION OF SEWER FACILITIES TO PS-POUDRE RIVER, LLC.

A. The City owns a parcel of real property located north of East Lincoln Avenue and adjacent to the Poudre River as shown and described on Exhibit “A”, attached and incorporated herein by reference, upon which is located the City’s Buckingham Park (the “City Property”).

B. PS-Poudre River, LLC (“PSPR”) intends to develop a vacant parcel of land (the “Development”) to the north of adjacent to the City Property (the “PSPR Property”).

C. PSPR has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff. As part of the development review process City staff asked PSPR to acquire necessary easements for the Development, including three easements on the City Property.

D. These easements (collectively, “the Easements”) include:

1. A perpetual drainage easement to PSPR over 62,419 square feet of the City Property to allow for the right to store 100-year flood water and stormwater drainage from the Development as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “Drainage Easement”). After the completion of grading and re-grading to allow for such storage pursuant to the Drainage TCE identified below, the Drainage Easement will not allow for any further alteration of the easement area or the installation of any permanent improvements.
2. A temporary construction easement to PSPR for a period of up to four years over 40,648 square feet of the City Property as shown and described on Exhibit “C”, attached and incorporated herein by reference (the “Drainage TCE”). The majority of the Drainage TCE area lies within the boundaries of the Drainage Easement and will allow PSPR the temporary ability to perform work to re-grade the surface to accommodate stormwater runoff from the Development. Work under the Drainage TCE will also include PSPR’s removal of unwanted concrete and other debris from the City’s prior levy construction for Buckingham Park. The re-grading and debris removal substantially benefits the drainage and future development of the park.
3. A temporary construction easement to PSPR for a period of up to four years over 4,562 square feet of the City Property as shown and described on Exhibit “D”, attached and incorporated herein by reference (the “Sewer

TCE”). The Sewer TCE is located entirely within the Drainage Easement and will allow PSPR to install an underground sanitary sewer line connecting the Development sewer line to the City’s sanitary sewer system. After installation, PSPR will convey the sewer line to the City.

E. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

F. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

G. City staff estimates the value of the Easements at \$18,615; however, staff also estimates that the work PSPR will do on the City Property in the Easements – including grading and re-grading, importing topsoil, removal of concrete and debris, modifications to the city’s irrigation system, and installation of a sewer line – has a value of approximately \$68,558 and substantially benefits the drainage and future development of Buckingham Park. Therefore, staff has recommended that the City convey the Easements to PSPR for no additional monetary compensation.

H. Because the work contemplated in the Easements must still obtain development review approval from the City, City staff recommends the actual conveyance of the Easements be conditional upon PSPR, or its successors and assigns, obtaining such 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 as follows:

Section 1. The City Council finds that granting the Easements to PSPR on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easements to PSPR on terms and conditions consistent with this Ordinance, together with such 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, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 26, 2024

Approving Attorney: Ryan Malarky

## The City Property



**The Drainage Easement****PARCEL DESCRIPTION**

A parcel of land situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), 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 Center Quarter corner of said Section 12, as monumented by a #6 rebar with a 2 1/2" Aluminum Cap stamped LS 31169, 2020 and assuming the East line of said SE1/4NW1/4, as monumented at the Center-North Sixteenth corner by a #6 rebar with a 2" Aluminum Cap stamped LS 7481, 1995 as bearing North 00°26'40" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.95 feet with all other bearings contained herein relative thereto;

THENCE North 00°26'40" East along said East line a distance of 545.62 feet;

THENCE North 89°33'20" West a distance of 20.00 feet to the Southeast corner of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

THENCE South 45°41'53" West along the Southeasterly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 175.00 feet to the **POINT OF BEGINNING**;

THENCE South 05°48'34" East a distance of 9.54 feet;

THENCE South 40°52'40" West a distance of 61.18 feet;

THENCE South 73°16'46" West a distance of 74.12 feet;

THENCE South 44°45'07" West a distance of 44.93 feet;

THENCE South 80°52'12" West a distance of 29.29 feet;

THENCE South 21°32'39" West a distance of 45.30 feet;

THENCE South 41°37'16" West a distance of 38.14 feet;

THENCE South 70°08'19" West a distance of 20.32 feet;

THENCE South 30°55'45" West a distance of 58.21 feet;

THENCE South 06°19'14" West a distance of 102.97 feet;

THENCE South 22°15'23" West a distance of 53.43 feet;

THENCE North 75°34'08" West a distance of 37.05 feet;

THENCE South 26°28'28" West a distance of 38.90 feet;

THENCE South 79°54'13" West a distance of 20.01 feet;

THENCE North 30°43'19" West a distance of 140.10 feet;

THENCE North 06°56'38" West a distance of 70.19 feet;

THENCE North 01°29'42" East a distance of 68.82 feet to the Southerly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

The following Four (4) courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:

THENCE South 60°55'34" East a distance of 39.74 feet;

THENCE North 49°42'53" East a distance of 121.67 feet;

THENCE North 66°49'53" East a distance of 110.60 feet;

THENCE North 74°21'53" East a distance of 223.40 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 62,419 Square Feet or 1.433 Acres, more or less (±).

**SURVEYORS STATEMENT**

I, Ronnie L. Edwards, 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.

Ronnie L. Edwards - on behalf of Majestic Surveying  
Colorado Licensed Professional Land Surveyor #38480

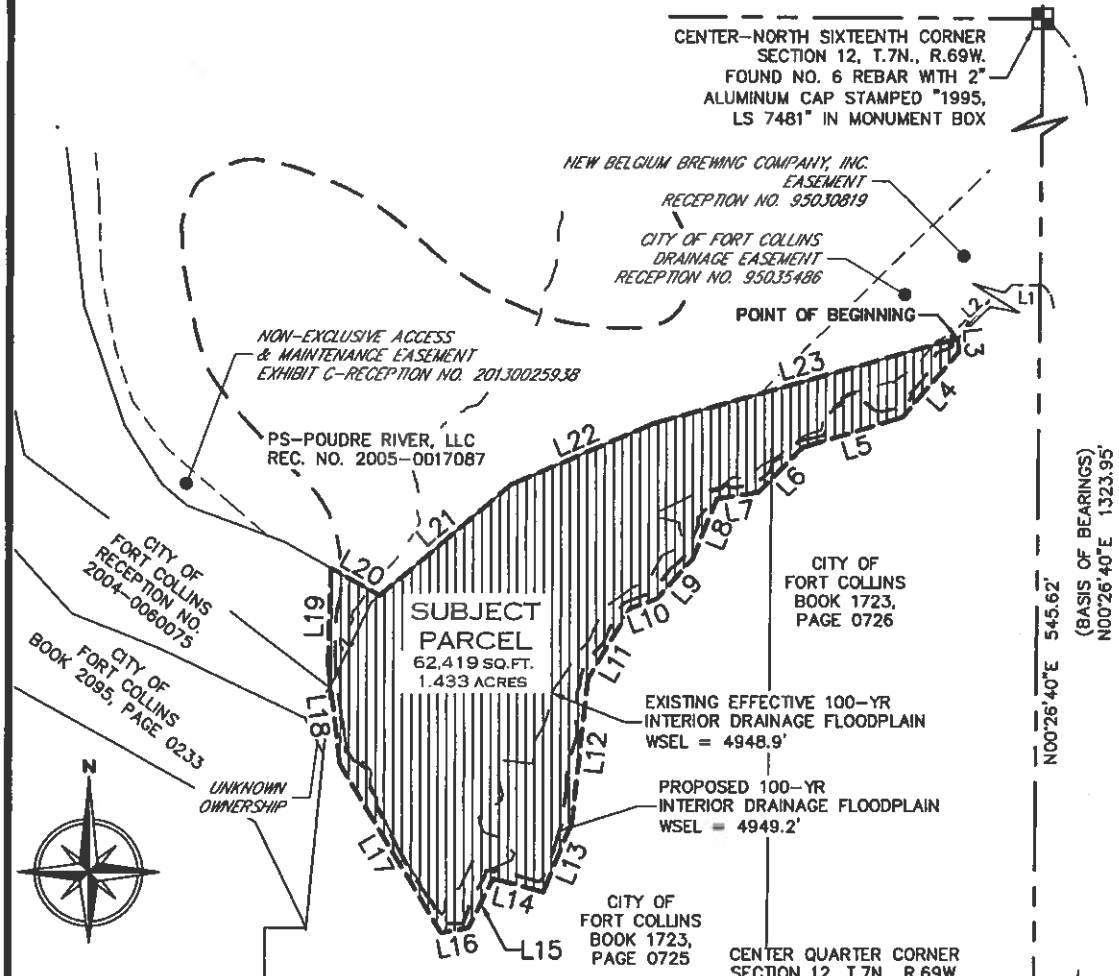


**MAJESTIC SURVEYING**  
1111 Diamond Valley Drive, Suite 104  
Windsor, Colorado 80550



SE1/4NW1/4 Section 12, T.7N., R.69W.

Page 2 of 2

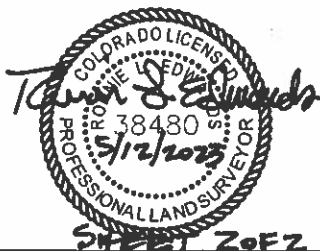


LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°33'20\"W	20.00'
L2	S45°41'53\"W	175.00'
L3	S05°48'34\"E	9.54'
L4	S40°52'40\"W	61.18'
L5	S73°16'46\"W	74.12'
L6	S44°45'07\"W	44.93'
L7	S80°52'12\"W	29.29'
L8	S21°32'39\"W	45.30'
L9	S41°37'16\"W	38.14'
L10	S70°08'19\"W	20.32'
L11	S30°55'45\"W	58.21'
L12	S06°19'14\"W	102.97'

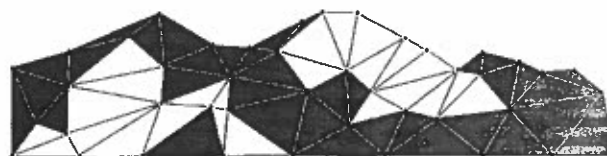
LINE TABLE		
LINE	BEARING	LENGTH
L13	S22°15'23\"W	53.43'
L14	N75°34'08\"W	37.05'
L15	S26°28'28\"W	38.90'
L16	S79°54'13\"W	20.01'
L17	N30°43'19\"W	140.10'
L18	N06°56'38\"W	70.19'
L19	N01°29'42\"E	68.82'
L20	S60°55'34\"E	39.74'
L21	N49°42'53\"E	121.67'
L22	N66°49'53\"E	110.60'
L23	N74°21'53\"E	223.40'

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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)



Ronnie L. Edwards, PLS 38480  
On behalf of Majestic Surveying, LLC



# MAJESTIC SURVEYING

PROJECT NO: 2019340  
DATE: 3/23/2023

CLIENT: A.C.E.  
SCALE: 1"=100'

The Drainage TCEPARCEL DESCRIPTION

A parcel of land for easement purposes, situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), 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 Center Quarter corner of said Section 12, as monumented by a #6 rebar with a 2 1/2" Aluminum Cap stamped LS 31169, 2020 and assuming the East line of said SE1/4NW1/4, as monumented at the Center-North Sixteenth corner by a #6 rebar with a 2" Aluminum Cap stamped I.S 7481, 1995 as bearing North 00°26'40" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.95 feet with all other bearings contained herein relative thereto;

THENCE North 00°26'40" East along said East line a distance of 545.62 feet;  
 THENCE North 89°33'20" West a distance of 20.00 feet to the Southeast corner of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;  
 THENCE South 45°41'53" West along the Southeasterly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 175.00 feet to the **POINT OF BEGINNING**;  
 THENCE South 55°36'30" West a distance of 132.00 feet;  
 THENCE South 67°49'30" West a distance of 95.00 feet;  
 THENCE South 43°21'30" West a distance of 202.50 feet;  
 THENCE South 39°58'30" West a distance of 81.00 feet;  
 THENCE South 52°03'00" West a distance of 25.00 feet;  
 THENCE North 33°05'30" West a distance of 67.00 feet;  
 THENCE North 24°43'00" West a distance of 36.00 feet;  
 THENCE North 21°25'31" West a distance of 82.00 feet;  
 THENCE North 48°22'28" West a distance of 76.00 feet to the Southerly line of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

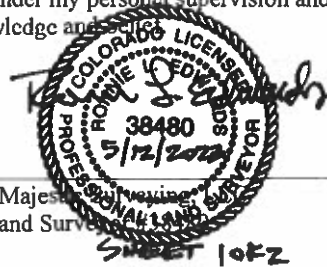
The following Five (5) courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:

THENCE South 69°41'00" East a distance of 74.14 feet;  
 THENCE South 60°55'34" East a distance of 76.57 feet;  
 THENCE North 49°42'53" East a distance of 121.67 feet;  
 THENCE North 66°49'53" East a distance of 110.60 feet;  
 THENCE North 74°21'53" East a distance of 223.40 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 40,648 Square Feet or 0.933 Acres, more or less (±).

SURVEYORS STATEMENT

I, Ronnie L. Edwards, 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.

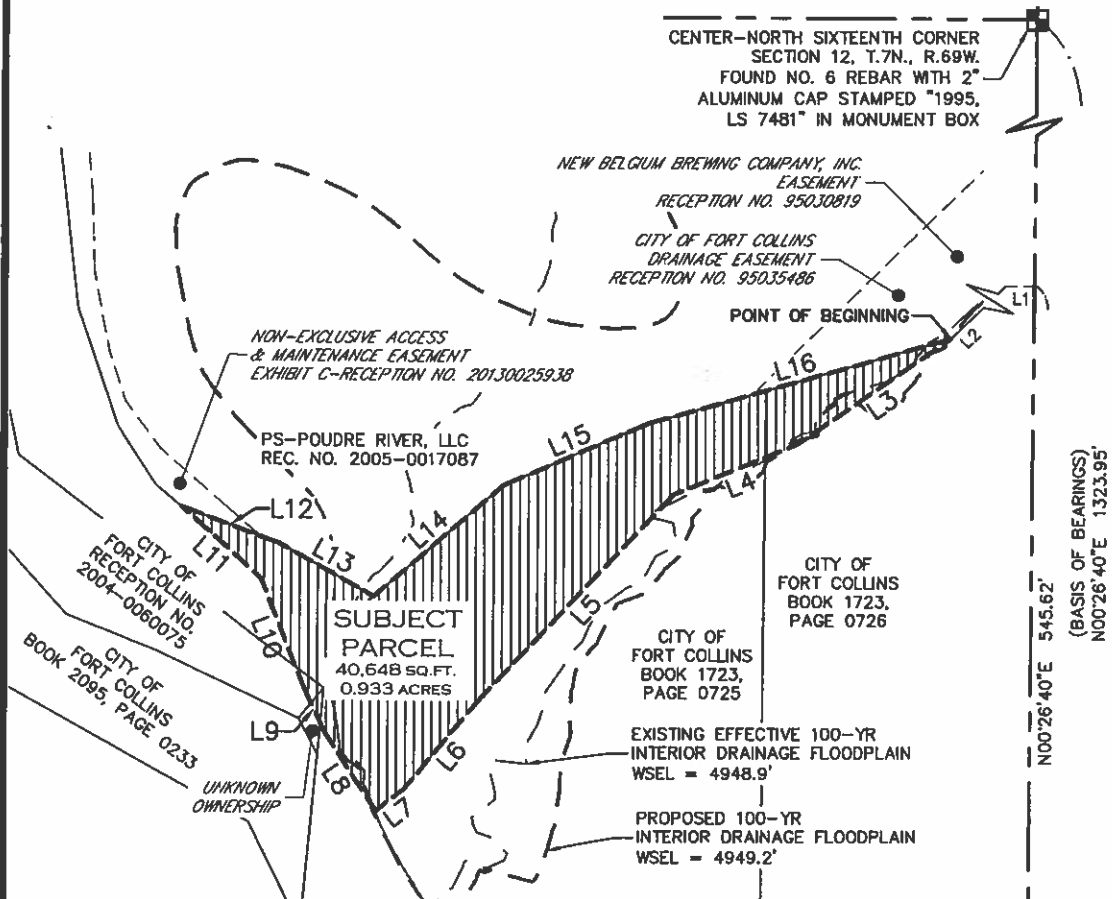


Ronnie L. Edwards - on behalf of Majestic Surveying  
 Colorado Licensed Professional Land Surveyor



SE1/4NW1/4 Section 12, T.7N., R.69W.

Page 2 of 2



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°33'20\"W	20.00'
L2	S45°41'53\"W	175.00'
L3	S55°36'30\"W	132.00'
L4	S67°49'30\"W	95.00'
L5	S43°21'30\"W	202.50'
L6	S39°58'30\"W	81.00'
L7	S52°03'00\"W	25.00'
L8	N33°05'30\"W	67.00'

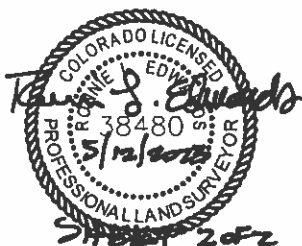
LINE TABLE		
LINE	BEARING	LENGTH
L9	N24°43'00\"W	36.00'
L10	N21°25'31\"W	82.00'
L11	N48°22'28\"W	76.00'
L12	S69°41'00\"E	74.14'
L13	S60°55'34\"E	76.57'
L14	N49°42'53\"E	121.67'
L15	N66°49'53\"E	110.60'
L16	N74°21'53\"E	223.40'

CENTER QUARTER CORNER  
SECTION 12, T.7N., R.69W.  
FOUND NO.6 REBAR WITH  
2 1/2\" ALUMINUM CAP  
STAMPED \"LS 31169, 2020\"  
IN MONUMENT BOX  
POINT OF COMMENCEMENT

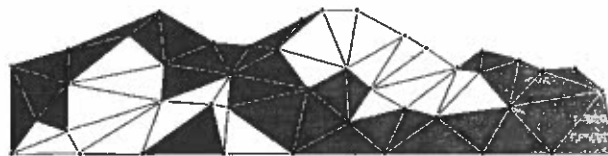


Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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)



Ronnie L. Edwards, PLS 38480  
On behalf of Majestic Surveying, LLC



**MAJESTIC SURVEYING**

PROJECT NO: 2019340 CLIENT: A.C.E.  
DATE: 4/7/2022 SCALE: 1\"=100'

**The Sewer TCE****PARCEL DESCRIPTION**

A strip of land, 30.00 feet in width situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), 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 Center Quarter corner of said Section 12, as monumented by a #6 rebar with a 2 1/2" Aluminum Cap stamped LS 31169, 2020 and assuming the East line of said SE1/4NW1/4, as monumented at the Center-North Sixteenth corner by a #6 rebar with a 2" Aluminum Cap stamped LS 7481, 1995 as bearing North 00°26'40" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.95 feet with all other bearings contained herein relative thereto;

THENCE North 00°26'40" East along said East line a distance of 545.62 feet;  
THENCE North 89°33'20" West a distance of 20.00 feet to the Southeast corner of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

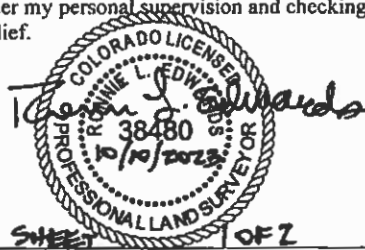
The following Four (4) Courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:

THENCE South 45°41'53" West a distance of 175.00 feet;  
THENCE South 74°21'53" West a distance of 223.40 feet;  
THENCE South 66°49'53" West a distance of 110.60 feet;  
THENCE South 49°42'53" West a distance of 82.34 feet to the **POINT OF BEGINNING**;  
THENCE South 00°00'10" East a distance of 164.79 feet;  
THENCE South 89°59'50" West a distance of 30.00 feet;  
THENCE North 00°00'10" West a distance of 139.36 feet to the Southerly most corner of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;  
THENCE North 49°42'53" East along the Southerly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 39.33 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 4,562 Square Feet or 0.105 Acres, more or less (±).

**SURVEYORS STATEMENT**

I, Ronnie L. Edwards, 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.

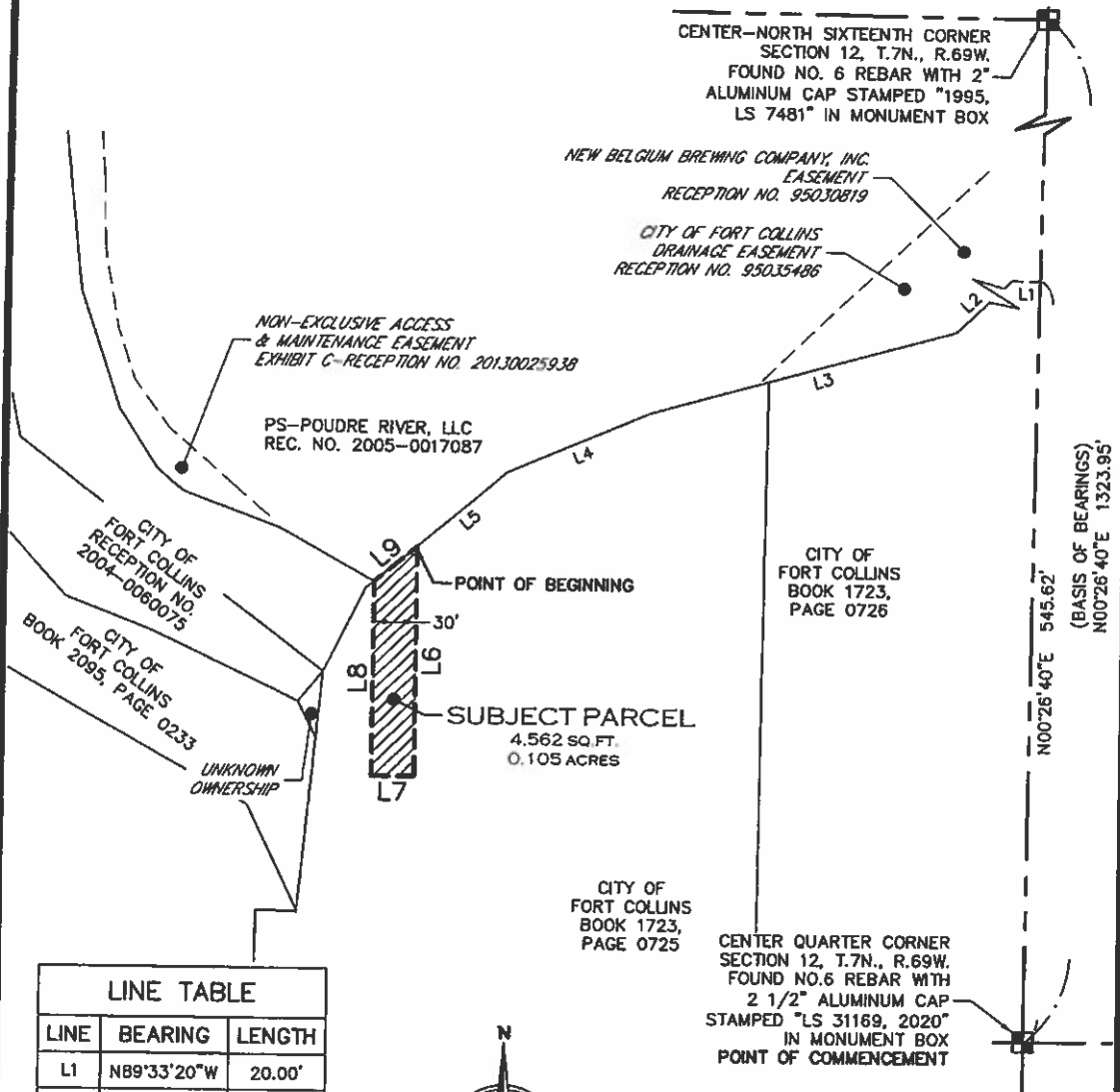


Ronnie L. Edwards - on behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38480



SE1/4NW1/4 Section 12, T.7N., R.69W.

Page 2 of 2

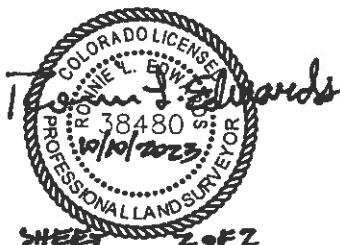


LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°33'20"W	20.00'
L2	S45°41'53"W	175.00'
L3	S74°21'53"W	223.40'
L4	S66°49'53"W	110.60'
L5	S49°42'53"W	82.34'
L6	S00°00'10"E	164.79'
L7	S89°59'50"W	30.00'
L8	N00°00'10"W	139.36'
L9	N49°42'53"E	39.33'



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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)

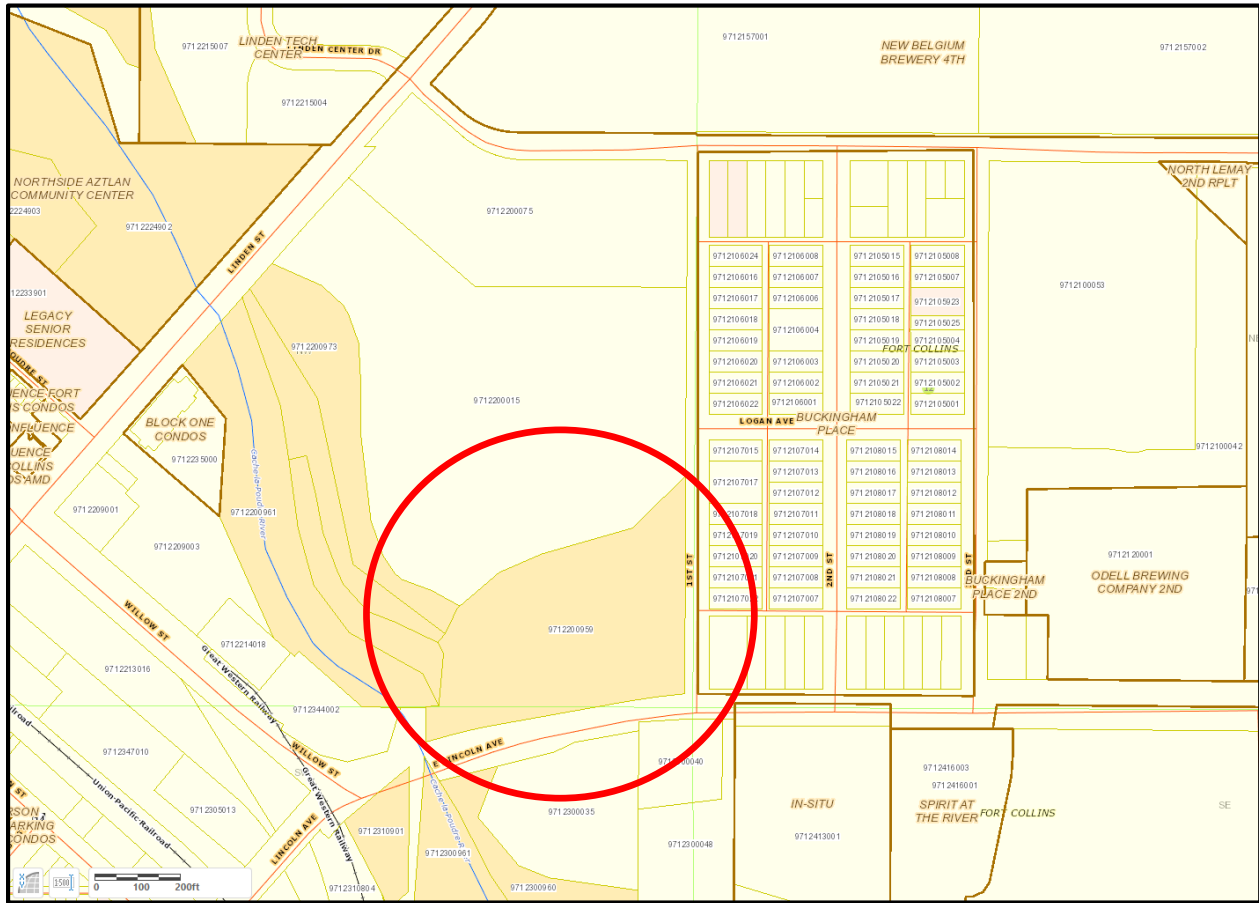


Ronnie L. Edwards, PLS 38480  
On behalf of Majestic Surveying, LLC



PROJECT NO: 2019340 CLIENT: A.C.E.  
DATE: 10/10/2023 SCALE: 1"=100'

## Vicinity Map



April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Jonathan Piefer, Senior Real Estate Specialist  
Ralph Campano, Real Estate Services Manager  
Dave Kemp, Parks Senior Trails Planner

---

### SUBJECT

**First Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to approve an Ordinance that would permit the conveyance of one (1) permanent easement (the "Trail Easement") and one (1) temporary construction easement (the "TCE") to Colorado State University ("CSU"), for the construction, operation, and maintenance of a public multi-modal trail (the "Phemister Trail") on City Property located at 2145 Centre Street, which is the current location of The Gardens on Spring Creek (the "Gardens on Spring Creek").

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

---

### BACKGROUND / DISCUSSION

#### **The Property**

The Gardens on Spring Creek is comprised of 18.050 acres, more or less, being all of Tract A of the Centre for Advanced Technology 22nd Filing, Community Horticulture Center, as depicted in that certain Plat recorded April 2, 2003, at Reception No. 20030039524, Clerk and Recorder's Records, Larimer County, Colorado. The land was originally conveyed to the City by Colorado State University Research Foundation in that certain Special Warranty Deed dated February 29, 2000, recorded April 2, 2003, at Reception No. 20030039524, Clerk and Recorder's Records, Larimer County, Colorado. The City subsequently constructed The Gardens on Spring Creek on the land, which opened in 2004. The land is currently managed by the City's Cultural Services Department.

#### **The Project**

The Trail Easement and the TCE (the "Conveyance Documents" and the "Easements") are part of the Phemister Trail Project of CSU, located on the west side of Centre Avenue between The Gardens on Spring Creek and the underpass at Prospect Road. The trail will connect to Spring Creek Trail at the Gardens on Spring Creek and will run north along the east side of the CSU Horticulture Center before reaching the underpass at Prospect Road. Phemister Trail will improve access and safety for pedestrians

and cyclists heading toward CSU's main campus by circumventing the need to use and cross Centre Avenue. The trail will also include a new bridge over Spring Creek (the "Bridge"), which will provide a potential detour route if the Spring Creek Trail tunnel under Centre Avenue is blocked by seasonal flooding.

CSU has submitted plans (the "Construction Plans") for Phemister Trail to the City for review, which has undergone the Site Plan Advisory Review process. CSU has also submitted CDOT Right of Way plans to the Colorado Department of Transportation, which are currently under review. Construction on the Phemister Trail is expected to start this year.

There are no foreseeable construction impacts to access, use, and parking at The Gardens on Spring Creek. The Conveyance Documents will provide that any damaged surface areas, including any trees, will be restored in accordance with City plans, specifications, and requirements.

Staff have relied primarily on CSU and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Conveyance Documents.

### **The Trail Easement**

The Trail Easement consists of 13,120 square feet of City property on the northern portion of the Gardens on Spring Creek, being comprised of two separate areas (7,323 square feet and 5,797 square feet) separated by property owned by CSU. The Trail Easement will permit CSU to construct, operate, and maintain a 10' wide public multi-modal trail on City property. The Trail Easement will also provide that CSU will own and maintain the improvements installed pursuant thereto, being Phemister Trail and the Bridge. The Trail Easement will ensure that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

### **The TCE**

The TCE consists of 26,944 square feet of City property adjoining the Bridge, being comprised of three separate areas (10,981 square feet, 8,715 square feet, and 7,248 square feet). Work within the TCE will mainly include grading, regrading, and construction activities to support the trail and the Bridge. The TCE will provide that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

## **CITY FINANCIAL IMPACTS**

Other than staff time and other expenses reimbursable to City by CSU, there is no cost to the City associated with Conveyance Documents or the Easements. However, staff estimates the fair market value of the Easements to total \$15,159, being itemized as follows (the "Property Values"):

1. Trail Easement-\$12,464; and
2. TCE-\$2,695.

Staff recommends that the Easements should be conveyed to CSU for no monetary consideration because such transactions serve a bona fide public purpose and satisfy the requirements of Section 23-114 of the City Code.

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

The City's Parks Department has reviewed and approved the Construction Plans and the conveyance of the Easement. The City's Cultural Resources Department has also approved the conveyance of the Easement.

## **PUBLIC OUTREACH**

---

None.

## **ATTACHMENTS**

---

1. Ordinance for Consideration
2. Easements
3. Vicinity Map

ORDINANCE NO. 052, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONVEYANCE OF ONE PERMANENT EASEMENT  
AND ONE TEMPORARY CONSTRUCTION EASEMENT FOR THE  
CONSTRUCTION OF A PORTION OF PHEMISTER TRAIL ON CITY  
PROPERTY TO COLORADO STATE UNIVERSITY

A. The City's Gardens on Spring Creek property is comprised of 18.050 acres and contains a portion of the City's Spring Creek Trail, a multi-modal trail.

B. Colorado State University ("CSU") seeks two easements ("the Easements") from the City on a portion of the Gardens on Spring Creek property, including one temporary construction easement and one permanent easement to allow for the construction, operation, and maintenance of a portion of the multi-modal Phemister Trail, which allows for the connection of the Phemister Trail and the Spring Creek Trail.

C. The permanent easement consists of 13,120 square feet of City property on the northern portion of the Gardens on Spring Creek, being comprised of two separate areas (7,323 square feet and 5,797 square feet) separated by property owned by CSU.

D. The temporary construction easement consists of 26,944 square feet of City property, being comprised of three separate areas (10,981 square feet, 8,715 square feet, and 7,248 square feet). Work within the temporary construction easement will mainly include grading, regrading, and construction activities to support the trail and a bridge over Spring Creek.

E. City staff estimates that the fair market value of the Easements to total \$15,159.

F. Section 23-111 of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. City staff has recommended that the City grant the Easements at no cost to CSU. The City Council concurs and determines that the disposition of this property interest serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

- a. The Easements promote health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins because it allows for expanded use of multi-modal trails available to the public;

- b. The expansion of multi-modal trails supports City active modes goals;
- c. The financial support provided through the grant of the Easements to CSU can be leveraged through benefits to the City's cooperative relationship with CSU;
- d. The financial benefit to CSU is not substantial relative to the public purpose of expanding the multi-modal trail system in the city; and
- e. The grant of the Easements will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

I. The City Council finds that granting the Easements to CSU as described above is in the best interests of the City.

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

Section 1. The City Council finds that granting the Easements to CSU on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easements to CSU on terms and conditions consistent with this Ordinance, together with such 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, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 26, 2024  
Approving Attorney: Ted Hewitt

**Trail Easement**

(Page 1 of 3)

**EXHIBIT A****PROJECT NUMBER: MTF M455-147****PROJECT CODE: 25298****DATE: January 2, 2024****DESCRIPTION**

A parcel of land for the Department of Transportation, State of Colorado, Project No. MTF M455-147, containing 13,120 sq. ft (0.301 acres), more or less, being part of Tract A, Centre for Advanced Technology 22<sup>nd</sup> Filing, Community Horticulture Center, as recorded April 2, 2003 as Reception No. 20030039524 of the Records of the Larimer County Clerk and Recorder, situate in the Northeast Quarter (NE1/4) of Section Twenty-three (23), 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:

**PARCEL A:**

COMMENCING at the Northeast corner of said Tract A, whence the North Quarter Corner of said Section 23 bears North 38°42'21" West a distance of 1,246.74 feet;

1. THENCE along the northwesterly line of Tract A the following two courses;
2. THENCE South 47°23'53" West a distance of 89.30 feet to a Point of Curvature (PC);
3. THENCE along the arc of a curve concave to the southeast a distance of 58.68 feet, having a Radius of 300.00 feet, a Delta of 11°12'28" and is subtended by a Chord that bears South 41°47'40" West a distance of 58.59 feet to a Point of Tangency (PT) and the POINT OF BEGINNING;
4. THENCE South 10°21'27" West a distance of 168.08 feet to a PC;
5. THENCE along the arc of a curve concave to the northwest a distance of 52.81 feet, having a Radius of 114.00 feet, a Delta of 26°32'29" and is subtended by a Chord that bears South 23°37'41" West a distance of 52.34 feet to a PT;
6. THENCE South 36°53'55" West a distance of 78.36 feet to the west line of Tract A and the beginning point of a curve, non-tangent to the aforesaid line, which point is herein referred to as **POINT A**;
7. THENCE along the arc of a curve concave to the east a distance of 38.82 feet, having a Radius of 150.00 feet, a Delta of 14°49'35" and is subtended by a Chord that bears North 13°54'40" West a distance of 38.71 feet;
8. THENCE departing the west line of Tract A, North 36°53'55" East, along a line non-tangent to the aforesaid curve, a distance of 53.90 feet to a PC;
9. THENCE along the arc of a curve concave to the northwest a distance of 38.91 feet, having a Radius of 84.00 feet, a Delta of 26°32'29" and is subtended by a Chord that bears North 23°37'41" East a distance of 38.56 feet to a PT;
10. THENCE North 10°21'27" East a distance of 91.03 feet to the northwesterly line of Tract A;
11. THENCE along said northwesterly line the following two courses;
12. THENCE North 30°39'49" East a distance of 53.78 feet to a PC;
13. THENCE along the arc of a curve concave to the southeast a distance of 28.94 feet, having a Radius of 300.00 feet, a Delta of 05°31'37" and is subtended by a Chord that bears North 33°25'37" East a distance of 28.93 feet to the POINT OF BEGINNING;

TOGETHER WITH

**PARCEL B**

COMMENCING at the aforementioned **POINT A**;

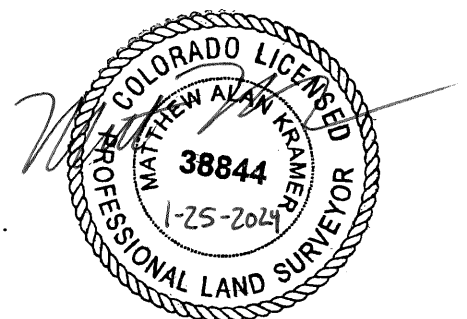
1. THENCE along the westerly line of Tract A the following four courses;
2. THENCE along the arc of a curve concave to the east a distance of 11.14 feet, having a Radius of 150.00 feet, a Delta of 04°15'16" and is subtended by a Chord that bears South 23°27'06" East a distance of 11.14 feet to a Point of Tangency (PT);
3. THENCE South 25°34'44" East a distance of 22.84 feet;
4. THENCE South 55°09'28" West a distance of 20.69 feet;
5. THENCE North 85°17'24" West a distance of 21.36 feet to a PC;
6. THENCE along the arc of a curve concave to the south a distance of 5.77 feet, having a Radius of 300.00 feet, a Delta of 01°06'10" and is subtended by a Chord that bears North 85°50'30" West a distance of 5.77 feet to the POINT OF BEGINNING;

7. THENCE along the arc of a curve concave to the east a distance of 20.61 feet, having a Radius of 76.00 feet, a Delta of  $15^{\circ}32'11''$  and is subtended by a Chord that bears South  $22^{\circ}26'34''$  West a distance of 20.55 feet to a PT;
8. THENCE South  $14^{\circ}40'29''$  West a distance of 145.15 feet to a PC;
9. THENCE along the arc of a curve concave to the west a distance of 13.22 feet, having a Radius of 104.00 feet, a Delta of  $07^{\circ}16'52''$  and is subtended by a Chord that bears South  $18^{\circ}18'55''$  West a distance of 13.21 feet to a PT;
10. THENCE South  $82^{\circ}37'54''$  East a distance of 4.50 feet;
11. THENCE South  $05^{\circ}00'38''$  West a distance of 9.79 feet;
12. THENCE South  $89^{\circ}46'52''$  West a distance of 38.94 feet;
13. THENCE North  $06^{\circ}55'23''$  West a distance of 11.38 feet;
14. THENCE North  $85^{\circ}44'54''$  East a distance of 4.50 feet;
15. THENCE North  $23^{\circ}46'08''$  East a distance of 8.64 feet to the beginning point of a curve, non-tangent to the aforesaid line;
16. THENCE along the arc of a curve concave to the west a distance of 11.75 feet, having a Radius of 74.00 feet, a Delta of  $09^{\circ}05'39''$  and is subtended by a Chord that bears North  $19^{\circ}13'18''$  East a distance of 11.73 feet to a PT;
17. THENCE North  $14^{\circ}40'29''$  East a distance of 145.15 feet to a PC;
18. THENCE along the arc of a curve concave to the east a distance of 106.00 feet, having a Radius of 106.00 feet, a Delta of  $06^{\circ}37'21''$  and is subtended by a Chord that bears North  $17^{\circ}59'09''$  East a distance of 12.25 feet to the northerly line of Tract A;
19. THENCE along the arc of a curve concave to the south a distance of 33.10 feet, having a Radius of 300.00 feet, a Delta of  $06^{\circ}19'19''$  and is subtended by a Chord that bears South  $89^{\circ}33'14''$  East a distance of 33.08 feet to the POINT OF BEGINNING.

Said described Permanent Easement contains 13,120 Square Feet (0.301 acres), more or less ( $\pm$ ).

The justification of the above-described Permanent Easement is for construction, use and maintenance of Public Access Sidewalk, Electrical Service Lines, and all related activities.

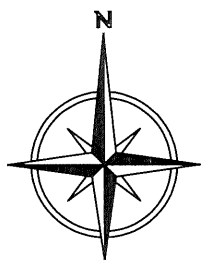
Basis of Bearings: Assuming the west line of the NE1/4 of Section 23, Township 7 North, Range 69 West, as bearing North  $00^{\circ}01'13''$  West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,647.41 feet, being monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 17497 at the North Quarter Corner and monumented by a 3.25" aluminum cap stamped LS 38480 at the Center Quarter Corner, and with all other bearings contained herein relative thereto.



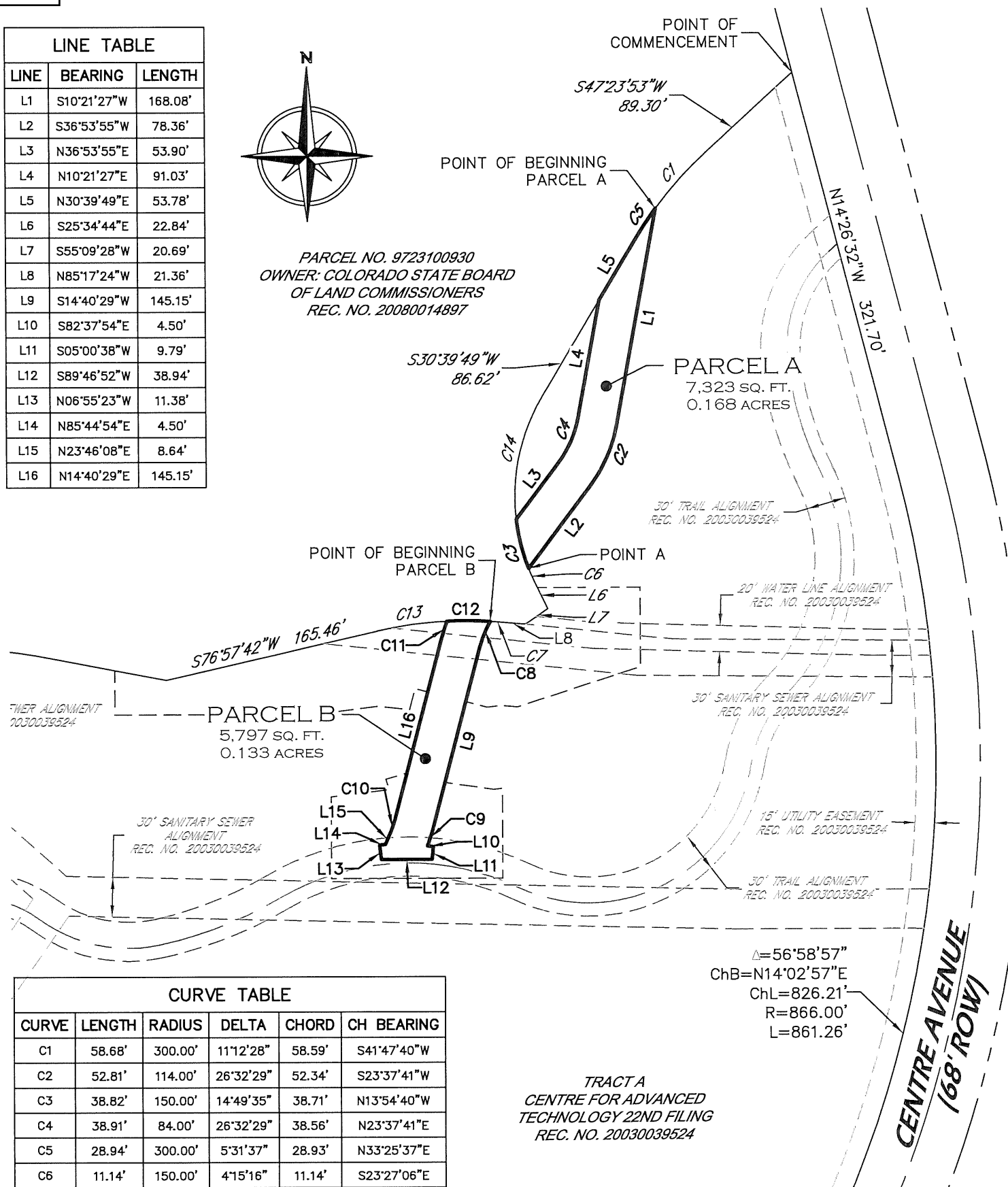
For and on behalf of Colorado State University, Fort Collins, Colorado.

Matthew A. Kramer - on behalf of Majestic Surveying, LLC  
 Colorado Licensed Professional Land Surveyor #38844  
 Majestic Surveying, LLC  
 1111 Diamond Valley Drive, Suite 104  
 Windsor, Colorado 80550

LINE TABLE		
LINE	BEARING	LENGTH
L1	S10°21'27"W	168.08'
L2	S36°53'55"W	78.36'
L3	N36°53'55"E	53.90'
L4	N10°21'27"E	91.03'
L5	N30°39'49"E	53.78'
L6	S25°34'44"E	22.84'
L7	S55°09'28"W	20.69'
L8	N85°17'24"W	21.36'
L9	S14°40'29"W	145.15'
L10	S82°37'54"E	4.50'
L11	S05°00'38"W	9.79'
L12	S89°46'52"W	38.94'
L13	N06°55'23"W	11.38'
L14	N85°44'54"E	4.50'
L15	N23°46'08"E	8.64'
L16	N14°40'29"E	145.15'



*PARCEL NO. 9723100930  
OWNER: COLORADO STATE BOARD  
OF LAND COMMISSIONERS  
REC. NO. 20080014897*

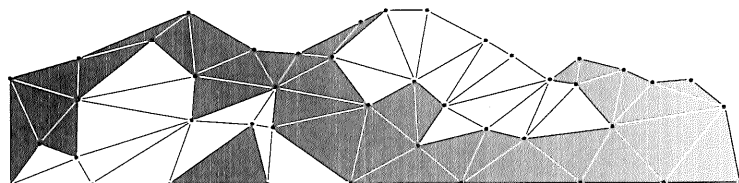


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	58.68'	300.00'	11°12'28"	58.59'	S41°47'40"W
C2	52.81'	114.00'	26°32'29"	52.34'	S23°37'41"W
C3	38.82'	150.00'	14°49'35"	38.71'	N13°54'40"W
C4	38.91'	84.00'	26°32'29"	38.56'	N23°37'41"E
C5	28.94'	300.00'	5°31'37"	28.93'	N33°25'37"E
C6	11.14'	150.00'	4°15'16"	11.14'	S23°27'06"E
C7	5.77'	300.00'	1°06'10"	5.77'	N85°50'30"W
C8	20.61'	76.00'	15°32'11"	20.55'	S22°26'34"W
C9	13.22'	104.00'	7°16'52"	13.21'	S18°18'55"W
C10	11.75'	74.00'	9°05'39"	11.73'	N19°13'18"E
C11	12.25'	106.00'	6°37'21"	12.25'	N17°59'09"E
C12	33.10'	300.00'	6°19'19"	33.08'	S89°33'14"E
C13	54.05'	300.00'	10°19'24"	53.98'	S82°07'24"W
C14	97.29'	150.00'	37°09'42"	95.59'	S12°04'58"W



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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

PROJECT NO: 2023256  
DATE: 1-25-2024

CLIENT: CSU  
SCALE: 1"=100'

**TCE**  
(Page 1 of 6)

**EXHIBIT A**

**PROJECT NUMBER: MTF M455-147**

**PROJECT CODE: 25298**

**DATE: January 2, 2024**

**DESCRIPTION**

A parcel of land for the Department of Transportation, State of Colorado, Project No. MTF M455-147, containing 10,981 sq. ft (0.252 acres), more or less, being part of Tract A, Centre for Advanced Technology 22<sup>nd</sup> Filing, Community Horticulture Center, as recorded April 2, 2003 as Reception No. 20030039524 of the Records of the Larimer County Clerk and Recorder, situate in the Northeast Quarter (NE1/4) of Section Twenty-three (23), 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:

BEGINNING at a point on the northwesterly line of said Tract A, whence the North Quarter Corner of said Section 23 bears North 20°14'32" West a distance of 1,484.92 feet;

1. THENCE along the arc of a curve concave to the east a distance of 12.25 feet, having a Radius of 106.00 feet, a Delta of 06°37'21" and is subtended by a Chord that bears South 17°59'09" West a distance of 12.25 feet;
2. THENCE South 14°40'29" West a distance of 44.05 feet;
3. THENCE North 75°19'31" West a distance of 10.00 feet;
4. THENCE South 14°40'29" West a distance of 16.47 feet;
5. THENCE North 84°33'47" West a distance of 24.89 feet;
6. THENCE South 82°57'04" West a distance of 40.00 feet;
7. THENCE South 79°43'54" West a distance of 6.07 feet;
8. THENCE North 90°00'00" West a distance of 154.96 feet;
9. THENCE North 00°00'00" East a distance of 34.10 feet to the northerly line of Tract A;
10. THENCE along the northerly line of Tract A the following three courses;
11. THENCE South 79°11'44" East a distance of 40.24 feet;
12. THENCE North 76°57'42" East a distance of 165.46 feet to a Point of Curvature (PC);
13. THENCE along the arc of a curve concave to the south a distance of 54.05 feet, having a Radius of 300.00 feet, a Delta of 10°19'24" and is subtended by a Chord that bears North 82°07'24" East a distance of 53.98 feet to the POINT OF BEGINNING.

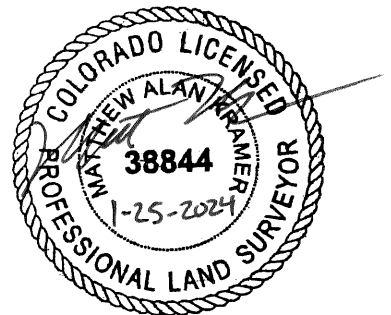
Said described Temporary Construction Easement contains 10,981 Square Feet (0.252 acres), more or less (±).

The justification of the above-described Temporary Construction Easement is for construction of Public Access Sidewalk and all related activities.

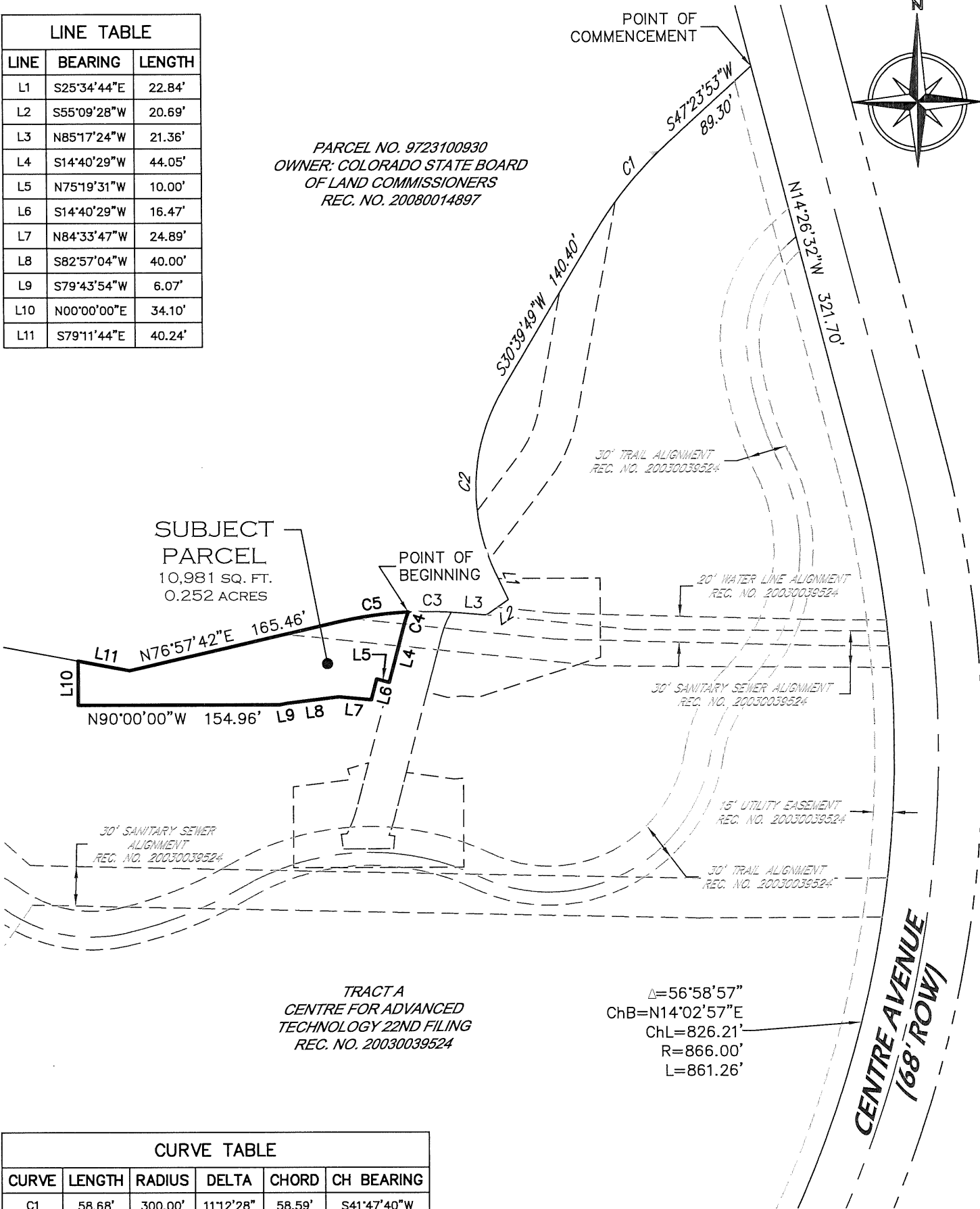
Basis of Bearings: Assuming the west line of the NE1/4 of Section 23, Township 7 North, Range 69 West, as bearing North 00°01'13" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,647.41 feet, being monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 17497 at the North Quarter Corner and monumented by a 3.25" aluminum cap stamped LS 38480 at the Center Quarter Corner, and with all other bearings contained herein relative thereto.

For and on behalf of Colorado State University, Fort Collins, Colorado.

Matthew A. Kramer - on behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844  
Majestic Surveying, LLC  
1111 Diamond Valley Drive, Suite 104  
Windsor, Colorado 80550



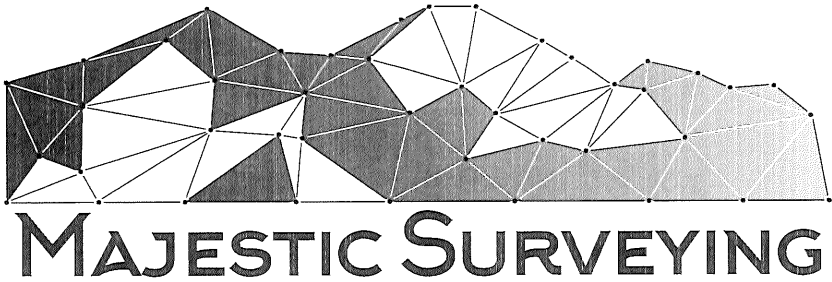
LINE TABLE		
LINE	BEARING	LENGTH
L1	S25°34'44"E	22.84'
L2	S55°09'28"W	20.69'
L3	N85°17'24"W	21.36'
L4	S14°40'29"W	44.05'
L5	N75°19'31"W	10.00'
L6	S14°40'29"W	16.47'
L7	N84°33'47"W	24.89'
L8	S82°57'04"W	40.00'
L9	S79°43'54"W	6.07'
L10	N00°00'00"E	34.10'
L11	S79°11'44"E	40.24'



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	58.68'	300.00'	11°12'28"	58.59'	S41°47'40"W
C2	147.24'	150.00'	56°14'33"	141.40'	S02°32'33"W
C3	5.77'	300.00'	1°06'10"	5.77'	N85°50'30"W
C4	20.61'	76.00'	15°32'11"	20.55'	S22°26'34"W
C5	11.75'	74.00'	9°05'39"	11.73'	S19°13'18"W
C6	13.22'	104.00'	7°16'52"	13.21'	N18°18'55"E

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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)



**EXHIBIT A**  
**PROJECT NUMBER: MTF M455-147**  
**PROJECT CODE: 25298**  
**DATE: January 2, 2024**  
**DESCRIPTION**

A parcel of land for the Department of Transportation, State of Colorado, Project No. MTF M455-147, containing 8,715 sq. ft (0.200 acres), more or less, being part of Tract A, Centre for Advanced Technology 22<sup>nd</sup> Filing, Community Horticulture Center, as recorded April 2, 2003 as Reception No. 20030039524 of the Records of the Larimer County Clerk and Recorder, situate in the Northeast Quarter (NE1/4) of Section Twenty-three (23), 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:

BEGINNING at a point on the northwesterly line of said Tract A, whence the North Quarter Corner of said Section 23 bears North 23°05'33" West a distance of 1,486.76 feet;

1. THENCE North 90°00'00" East a distance of 78.43 feet;
2. THENCE South 00°00'00" East a distance of 61.00 feet;
3. THENCE South 72°00'05" West a distance of 98.92 feet;
4. THENCE North 85°07'23" West a distance of 12.59 feet;
5. THENCE South 83°52'16" West a distance of 10.98 feet;
6. THENCE North 75°19'31" West a distance of 16.71 feet;
7. THENCE North 14°40'29" East a distance of 44.05 feet to a Point of Curvature (PC);
8. THENCE along the arc of a curve concave to the east a distance of 20.61 feet, having a Radius of 76.00 feet, a Delta of 15°32'11" and is subtended by a Chord that bears North 22°26'34" East a distance of 20.55 feet to the northerly line of Tract A;
9. THENCE along the northwesterly line of Tract A the following four courses;
10. THENCE along the arc of a curve concave to the south a distance of 5.77 feet, having a Radius of 300.00 feet, a Delta of 01°06'10" and is subtended by a Chord that bears South 85°50'30" East a distance of 5.77 feet to a Point of Tangency (PT);
11. THENCE South 85°17'24" East a distance of 21.36 feet;
12. THENCE North 55°09'28" East a distance of 20.69 feet;
13. THENCE North 25°34'44" West a distance of 17.95 feet to the POINT OF BEGINNING.

Said described Temporary Construction Easement contains 8,715 Square Feet (0.200 acres), more or less (±).

The justification of the above-described Temporary Construction Easement is for construction of Public Access Sidewalk and all related activities.

Basis of Bearings: Assuming the west line of the NE1/4 of Section 23, Township 7 North, Range 69 West, as bearing North 00°01'13" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,647.41 feet, being monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 17497 at the North Quarter Corner and monumented by a 3.25" aluminum cap stamped LS 38480 at the Center Quarter Corner, and with all other bearings contained herein relative thereto.

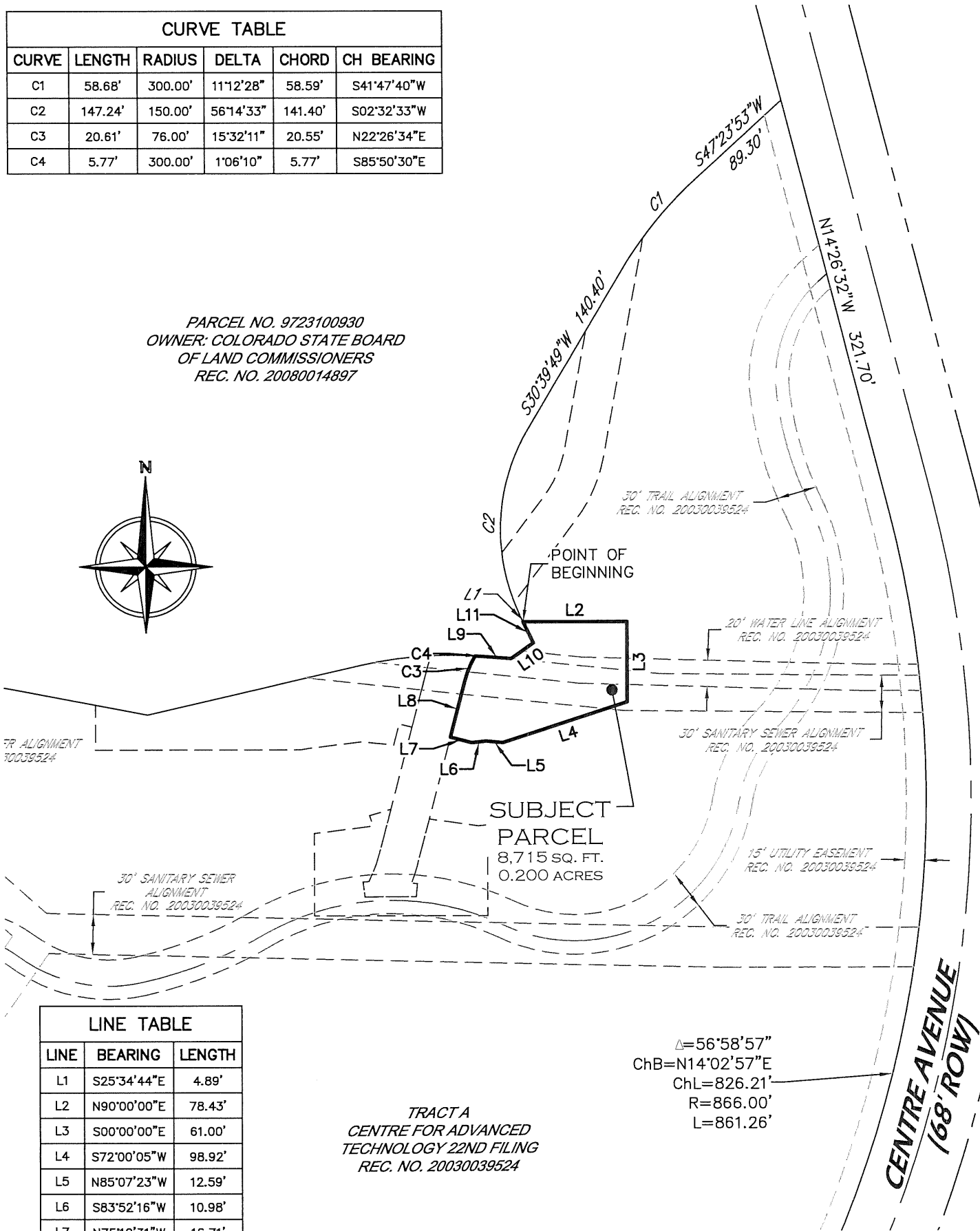
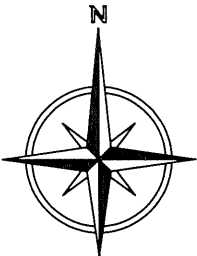
For and on behalf of Colorado State University, Fort Collins, Colorado.

Matthew A. Kramer - on behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844  
Majestic Surveying, LLC  
1111 Diamond Valley Drive, Suite 104  
Windsor, Colorado 80550



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	58.68'	300.00'	11°12'28"	58.59'	S41°47'40"W
C2	147.24'	150.00'	56°14'33"	141.40'	S02°32'33"W
C3	20.61'	76.00'	15°32'11"	20.55'	N22°26'34"E
C4	5.77'	300.00'	1°06'10"	5.77'	S85°50'30"E

PARCEL NO. 9723100930  
OWNER: COLORADO STATE BOARD  
OF LAND COMMISSIONERS  
REC. NO. 20080014897



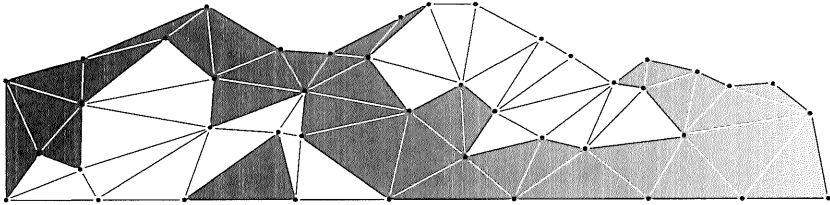
LINE TABLE		
LINE	BEARING	LENGTH
L1	S25°34'44"E	4.89'
L2	N90°00'00"E	78.43'
L3	S00°00'00"E	61.00'
L4	S72°00'05"W	98.92'
L5	N85°07'23"W	12.59'
L6	S83°52'16"W	10.98'
L7	N75°19'31"W	16.71'
L8	N14°40'29"E	44.05'
L9	S85°17'24"E	21.36'
L10	N55°09'28"E	20.69'
L11	N25°34'44"W	17.95'

TRACT A  
CENTRE FOR ADVANCED  
TECHNOLOGY 22ND FILING  
REC. NO. 20030039524

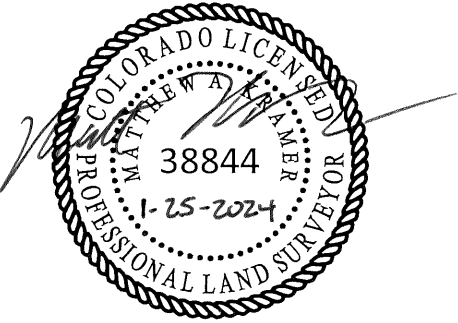
Δ=56°58'57"  
ChB=N14°02'57"E  
ChL=826.21'  
R=866.00'  
L=861.26'

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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



**EXHIBIT A**  
**PROJECT NUMBER: MTF M455-147**  
**PROJECT CODE: 25298**  
**DATE: January 2, 2024**  
**DESCRIPTION**

A parcel of land for the Department of Transportation, State of Colorado, Project No. MTF M455-147, containing 7,248 sq. ft (0.166 acres), more or less, being part of Tract A, Centre for Advanced Technology 22<sup>nd</sup> Filing, Community Horticulture Center, as recorded April 2, 2003 as Reception No. 20030039524 of the Records of the Larimer County Clerk and Recorder, situate in the Northeast Quarter (NE1/4) of Section Twenty-three (23), 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 a point on the northwesterly line of said Tract A, whence the North Quarter Corner of said Section 23 bears North 21°25'37" West a distance of 1,496.93 feet;

1. THENCE along the arc of a curve concave to the east a distance of 20.61 feet, having a Radius of 76.00 feet, a Delta of 15°32'11" and is subtended by a Chord that bears South 22°26'34" West a distance of 20.55 feet;
2. THENCE South 14°40'29" West a distance of 108.02 feet to the POINT OF BEGINNING;
3. THENCE South 81°54'02" East a distance of 37.54 feet;
4. THENCE North 84°18'14" East a distance of 6.82 feet;
5. THENCE South 00°00'00" East a distance of 68.67 feet;
6. THENCE North 90°00'00" West a distance of 131.00 feet;
7. THENCE North 00°00'00" East a distance of 62.41 feet;
8. THENCE North 82°56'41" East a distance of 44.62 feet;
9. THENCE North 16°29'16" West a distance of 8.42 feet;
10. THENCE North 73°30'44" East a distance of 16.78 feet;
11. THENCE South 14°40'29" West a distance of 36.98 feet to a Point of Curvature (PC);
12. THENCE along the arc of a curve concave to the west a distance of 11.75 feet, having a Radius of 74.00 feet, a Delta of 09°05'39" and is subtended by a Chord that bears South 19°13'18" West a distance of 11.73 feet to a Point of Tangency (PT);
13. THENCE South 23°46'08" West a distance of 8.64 feet;
14. THENCE South 85°44'54" West a distance of 4.50 feet;
15. THENCE South 06°55'23" East a distance of 11.38 feet;
16. THENCE North 89°46'52" East a distance of 38.94 feet;
17. THENCE North 05°00'38" East a distance of 9.79 feet;
18. THENCE North 82°37'54" West a distance of 4.50 feet to the beginning point of a curve, non-tangent to the aforesaid line;
19. THENCE along the arc of a curve concave to the west a distance of 13.22 feet, having a Radius of 104.00 feet, a Delta of 07°16'52" and is subtended by a Chord that bears North 18°18'55" East a distance of 13.21 feet;
20. THENCE North 14°40'29" East a distance of 37.12 feet to the POINT OF BEGINNING.

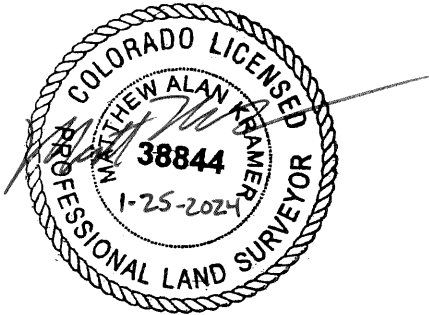
Said described Temporary Construction Easement contains 7,248 Square Feet (0.166 acres), more or less (±).

The justification of the above-described Temporary Construction Easement is for construction of Public Access Sidewalk and all related activities.

Basis of Bearings: Assuming the west line of the NE1/4 of Section 23, Township 7 North, Range 69 West, as bearing North 00°01'13" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,647.41 feet, being monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 17497 at the North Quarter Corner and monumented by a 3.25" aluminum cap stamped LS 38480 at the Center Quarter Corner, and with all other bearings contained herein relative thereto.

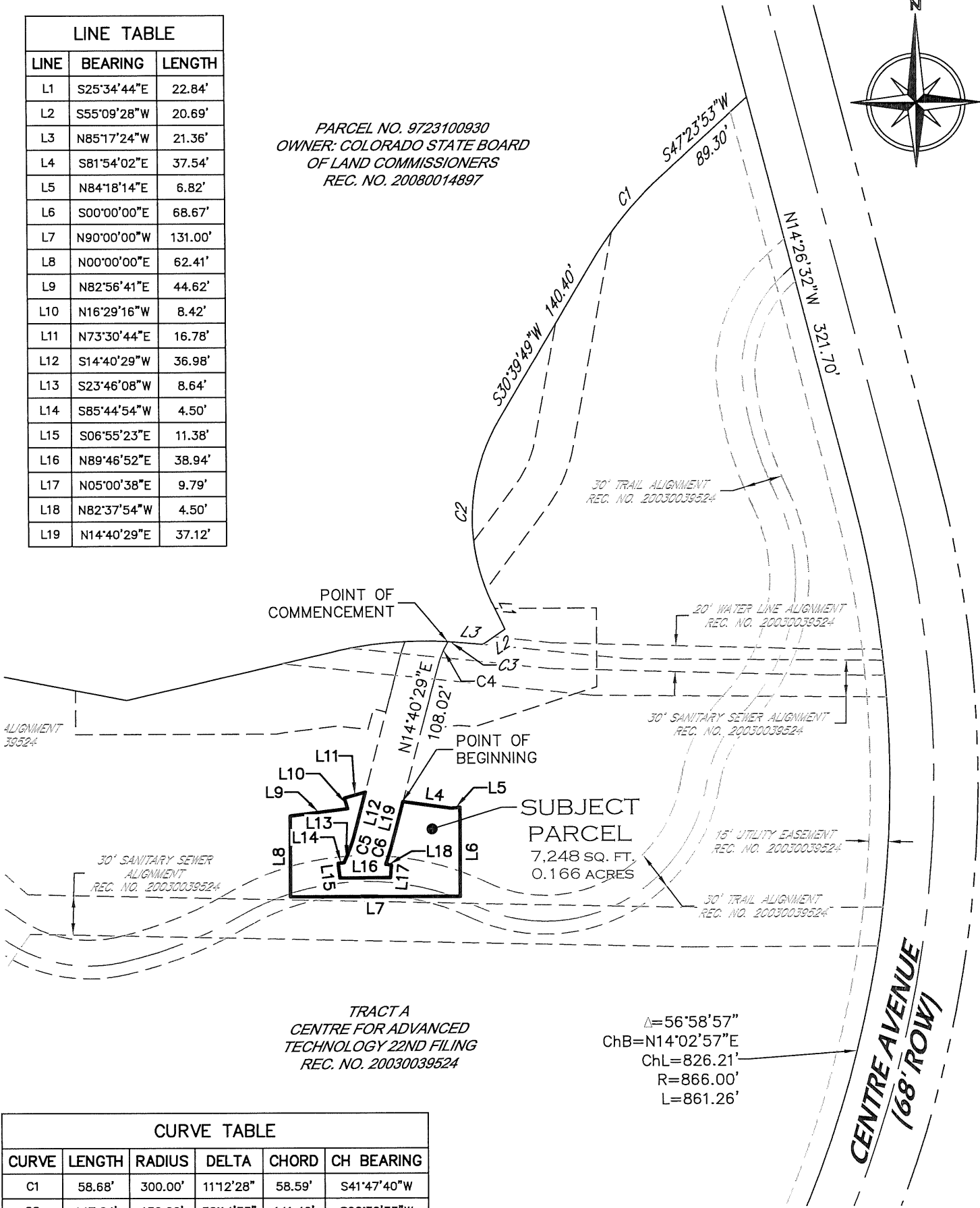
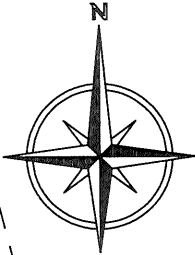
For and on behalf of Colorado State University, Fort Collins, Colorado.

Matthew A. Kramer - on behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844  
Majestic Surveying, LLC  
1111 Diamond Valley Drive, Suite 104  
Windsor, Colorado 80550



LINE TABLE		
LINE	BEARING	LENGTH
L1	S25°34'44"E	22.84'
L2	S55°09'28"W	20.69'
L3	N85°17'24"W	21.36'
L4	S81°54'02"E	37.54'
L5	N84°18'14"E	6.82'
L6	S00°00'00"E	68.67'
L7	N90°00'00"W	131.00'
L8	N00°00'00"E	62.41'
L9	N82°56'41"E	44.62'
L10	N16°29'16"W	8.42'
L11	N73°30'44"E	16.78'
L12	S14°40'29"W	36.98'
L13	S23°46'08"W	8.64'
L14	S85°44'54"W	4.50'
L15	S06°55'23"E	11.38'
L16	N89°46'52"E	38.94'
L17	N05°00'38"E	9.79'
L18	N82°37'54"W	4.50'
L19	N14°40'29"E	37.12'

PARCEL NO. 9723100930  
OWNER: COLORADO STATE BOARD  
OF LAND COMMISSIONERS  
REC. NO. 20080014897



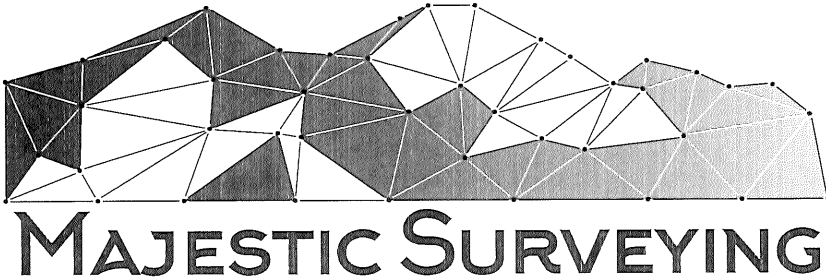
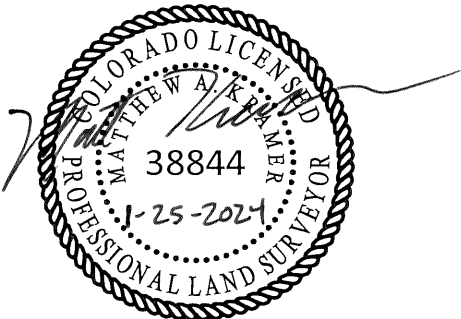
TRACT A  
CENTRE FOR ADVANCED  
TECHNOLOGY 22ND FILING  
REC. NO. 20030039524

Δ=56°58'57"  
ChB=N14°02'57"E  
ChL=826.21'  
R=866.00'  
L=861.26'

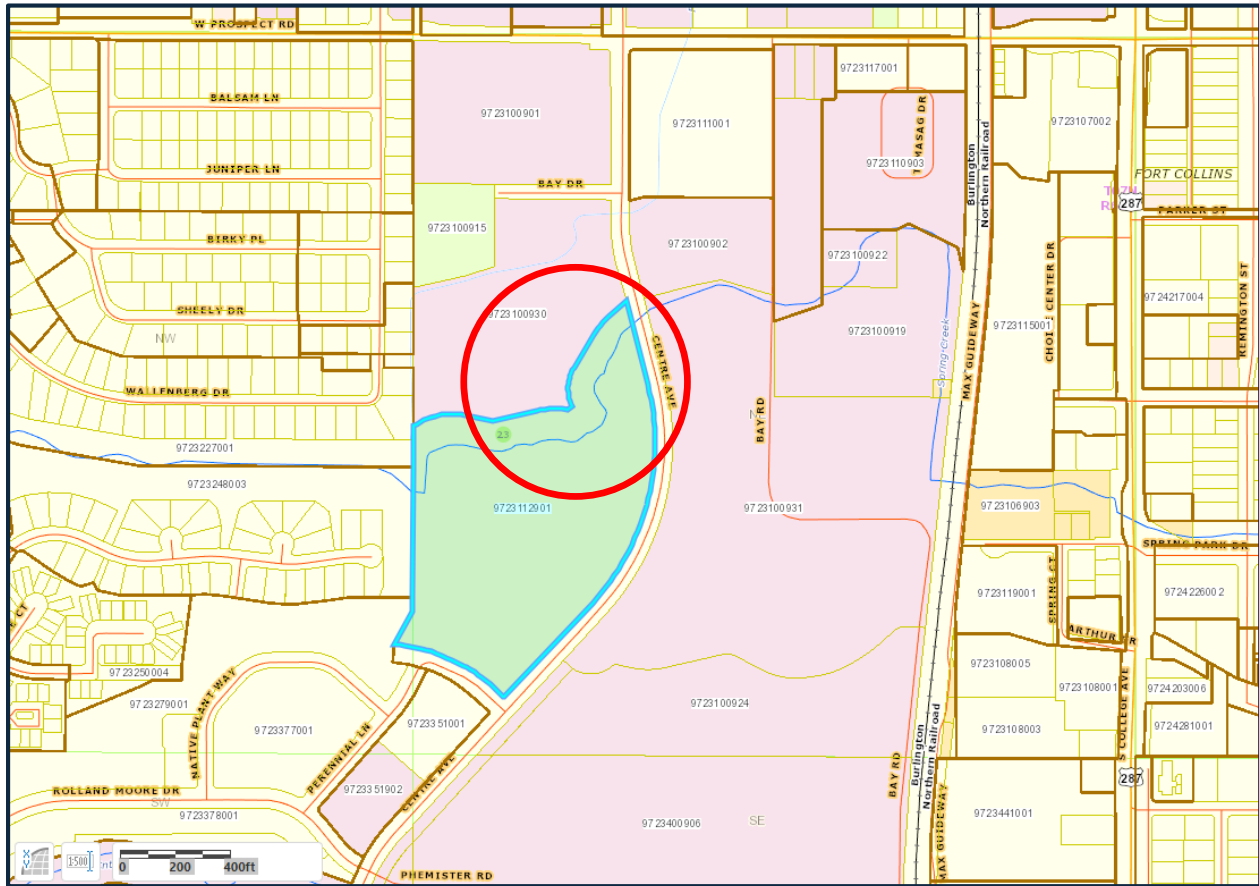
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	58.68'	300.00'	11°12'28"	58.59'	S41°47'40"W
C2	147.24'	150.00'	56°14'33"	141.40'	S02°32'33"W
C3	5.77'	300.00'	1°06'10"	5.77'	N85°50'30"W
C4	20.61'	76.00'	15°32'11"	20.55'	S22°26'34"W
C5	11.75'	74.00'	9°05'39"	11.73'	S19°13'18"W
C6	13.22'	104.00'	7°16'52"	13.21'	N18°18'55"E

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

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)



## Vicinity Map



April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Beth Rosen, Grants Compliance and Policy Manager

---

### SUBJECT

**Public Hearing and Resolution 2024-053 Approving the Programs that will Receive a Total of \$400,000 in HOME Investment Partnership Act American Rescue Plan Act Funding (HOME-ARP) for Supportive Services Funding.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to approve the programs recommended for funding with the \$400,000 in HOME Investment Partnership Act American Rescue Plan Act funding (HOME-ARP) designated for Supportive Services.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

---

### BACKGROUND / DISCUSSION

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) into law, enabling over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals and businesses.

The American Rescue Plan Act appropriated \$5.0 billion to help communities provide housing, shelter and services for people experiencing homelessness and other qualifying populations. These funds are administered by the Department of Housing and Urban Development (HUD) through the HOME Investment Partnership Program – American Rescue Plan (HOME-ARP) to be used by HOME participating jurisdictions to address housing instability and homelessness.

As a HOME program participating jurisdiction, the City of Fort Collins received a HOME-ARP Award of \$2,628,410 to benefit qualifying populations in our community, including:

- Homeless and those at-risk of homelessness;
- fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking; and
- other populations where provision of assistance would prevent homelessness or would serve those with the greatest risk of housing instability.

On November 15, 2022, Council passed Ordinance No. 126, 2022, which appropriated the funds to the City budget and allowed staff to begin the work needed to successfully deploy and administer the funding accordance with HOME-ARP Allocation Plan approved by HUD. This allocation plan outlined the distribution of funds as follows:

Development of Rental Housing	\$2,000,000 – allocated to Heartside Hill Apartments
Supportive Services	\$ 400,000
Administration & Planning	\$ 228,410
<b>TOTAL</b>	<b>\$2,628,410</b>

Social Sustainability staff spent 2023 establishing program guidelines and deploying the \$2.0 million allocation for the Development of Rental Housing. Those funds have all been contracted to the Heartside Hill development. The 72 rental units supported with that funding are currently under construction.

On December 1, 2023, the Social Sustainability Department published the online application for HOME-ARP Supportive Services and notified our community partners of the funding opportunity.

The application criteria for these funds were as follows: funding will be awarded to eligible organizations whose primary mission and services focus on homeless prevention and long-term housing stabilization.

#### HUD Targeted Populations:

- Homeless
- At-risk of homelessness (McKinney-Vento definition).
- Fleeing/attempting to flee domestic violence, dating violence, sexual violence, trafficking.
- Other populations for whom supportive services would prevent homelessness to serve those at greatest risk of housing instability.
- Veterans and families with a veteran member that meets one of the above criteria.

#### Eligible Supportive Services:

- McKinney Vento Supportive Services
  - Costs of assisting eligible participants to obtain and retain housing
  - Financial assistance costs (including rental applications and deposits)
  - Other eligible costs (childcare, legal, meal assistance, etc.)
- Homeless Prevention Services
  - Financial assistance costs to prevent homelessness
- Housing Counseling Services
  - Staff salaries and overhead for HUD-Certified Housing Counseling agencies
  - Development of Housing Action Plans

Recognizing the requests could exceed the available funding, applications were further prioritized in the following order:

1. Applications from organizations that work collaboratively across the Fort Collins community to provide supportive services to *all HUD-targeted qualifying populations*.

- z. Applications from organizations with supportive services that limit funding to specific targeted populations and/or households enrolled in programs with limited capacity.

Applications were due by January 5, 2024, and provided to the Human Services and Housing Funding (HSHF) Board for scoring, review and recommendations. The Human Services and Housing Funding Board made recommendations at the regular public meeting on February 14, 2024. Those applications are recommendations are as follows:

<b>Priority 1: Supportive Services for ALL HUD-Target populations</b>	<b><i>Amount Requested</i></b>	<b>Funding Recommendation</b>
Homeward Alliance: Housing Navigation	\$200,000	\$200,000
Neighbor to Neighbor: Housing Navigation	\$200,000	\$200,000
<b>Priority 2: Limited Services Applications</b>		
Catholic Charities: Shelter Case Management	\$103,233.35	\$0
Crossroads Safehouse: Road to Home	\$115,000	\$0
<b>Total</b>	<b>\$618,233.35</b>	<b>\$400,000</b>

This proposed funding award is estimated to provide case-management and direct assistance to support 60 individual households in obtaining housing stability.

### **CITY FINANCIAL IMPACTS**

---

The HOME-ARP funding represents one-time funding of \$2.6 million from HUD to the City of Fort Collins which can be used to address some of our most critical housing needs, thereby reducing the demand on the City's General Fund budget to address such needs.

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

---

The Human Services and Housing Funding Board unanimously voted to recommend this request for funding on February 14, 2024.

### **PUBLIC OUTREACH**

---

The Human Services and Housing Funding Board reviewed the proposal and deliberated the request at its regular meeting held on February 14, 2024. The meeting was open to the public and added to the City calendar.

The City of Fort Collins Citizen Participation Plan for HUD funds requires a 30-day public comment period on the proposed allocation of all HUD funds prior to Council's final decision. Staff placed an ad in the Coloradoan newspaper on March 1, 2024, detailing the proposed funding and that the public comment period would start on March 1, 2024, and end on April 2, 2024. The Council meeting on April 2, 2024, will serve as a Public Hearing and comments will be recorded and reported to HUD.

The public notice of funding recommendation was placed on the Social Sustainability Department's website.

### **ATTACHMENTS**

---

1. Resolution for Consideration
2. Staff Summary of All Applications Received
3. HSHF Board Minutes, February 14, 2024

RESOLUTION 2024-053  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE PROGRAMS THAT WILL RECEIVE A TOTAL OF \$400,000  
IN HOME INVESTMENT PARTNERSHIP ACT AMERICAN RESCUE PLAN ACT  
FUNDING (HOME-ARP) FOR SUPPORTIVE SERVICES

A. The federal government, through the 2021 American Rescue Plan Act, appropriated \$5 billion to help communities provide housing, shelter and services for people experiencing homelessness and other qualifying populations. These funds are administered by the Department of Housing and Urban Development through the HOME Investment Partnership Program – American Rescue Plan (HOME-ARP) to be used by HOME participating jurisdictions to address housing instability and homelessness.

B. As a HOME program participating jurisdiction, the City received a HOME-ARP Award of \$2,628,410 to benefit qualifying populations, which include individuals and families experiencing homelessness and housing instability and those fleeing domestic and other kinds of violence.

C. On November 15, 2022, City Council adopted Ordinance No. 126, 2022, which appropriated the \$2,628,410 in HOME-ARP funding. Of that funding, \$2,000,000 has been allocated for the Heartside Hill affordable housing project and \$228,410 has been allocated for Administrative Expenses. That leaves \$400,000 in funding available for Supportive Services.

D. In December 2023, the Social Sustainability Department published an online application for HOME-ARP Supportive Services. After review of the applications received, the Social Sustainability Department recommends awarding Supportive Services funds to two organizations whose primary mission and services focus on homeless prevention and long-term housing stabilization. The recommended awards are \$200,000 to Homeward Alliance and \$200,000 to Neighbor to Neighbor. The proposed funding awards are estimated to provide case-management and direct assistance to support 60 individual households in obtaining housing stability.

E. The Human Services and Housing Funding Board unanimously voted to recommend these allocations for funding at its February 14, 2024, meeting.

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

Section 1. The City Council hereby authorizes City staff to submit an application to HUD based on the following recommended funding allocations:

<b>Applicant Project/Program</b>	<b>Funding Request</b>	<b>Recommended Funding</b>	<b>Unfunded Balance</b>	<b>Percent of Request Funded</b>
Homeward Alliance: Housing Navigation	\$200,000	\$200,000	\$0	100%
Neighbor to Neighbor: Housing Navigation	\$200,000	\$200,000	\$0	100%

Section 2. Subject to the appropriation of funds by the City Council, the City Council hereby authorizes the City Manager to execute any agreements necessary to implement the funding allocation described herein on terms and conditions consistent with this Resolution, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Section 3. This Resolution 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.

Passed and adopted on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 2, 2024  
Approving Attorney: Ted Hewitt

# HOME-ARP:

## Supportive Services | Staff Summary

**Funding Focus & Fit:** HOME-ARP Supportive Services funding will be awarded to eligible organizations whose primary mission and services focus on homeless prevention and long-term housing stabilization. The HOME-ARP Allocation Plan submitted to HUD states “Priority will be given to organizations that work collaboratively across the Fort Collins community to provide supportive services to all HUD-targeted qualifying populations.”

**Evaluation Method & Priorities (per Application Guide):** In the event there are more requests than available funds, priority will be given to applications in the following order:

1. Tier 1: First consideration to applicants that work collaboratively across the Fort Collins community to provide supportive services to all qualifying populations.
2. Tier 2: Applications that limit funding to specific targeted populations and/or households enrolled in programs with limited capacity.

Request #	Agency	Request Title	Total Request	Priority Tier
SS-3	Homeward Alliance	Housing Navigation	\$200,000	1
SS-4	Neighbor to Neighbor	Housing Navigation	\$200,000	1
<b>Total Priority Tier 1 Response Costs</b>			<b>\$400,000</b>	
SS-1	Catholic Charities	Samaritan House FC Homelessness Assistance	\$103,233.35	2
SS-2	Crossroads Safehouse	Road to Home	\$115,000	2
<b>Total Priority Tier 2 Response Costs</b>			<b>\$218,233.35</b>	
<b>Total Request Costs</b>			<b>\$618,233.35</b>	
HUD Allocation:			\$400,000	

SS-1 Priority Tier 2	<b>Catholic Charities</b> Samaritan House FC Homelessness Assistance	\$103,233.35 Requested
-------------------------	--	---------------------------

Funding is for Catholic Charities Samaritan House Fort Collins which provides emergency shelter for individuals and households experiencing homelessness. Within the shelter, clients may be selected to participate in the 24/7 extended stay shelter program where they receive resource navigation and work with a case manager to identify barriers to stable housing. Over a 120-day period, clients will work on resolving those barriers, including obtaining income, supportive services, and housing search assistance to allow them to move into housing upon program completion. Clients are selected to enter the extended stay program based on the availability of a case manager, space in the shelter, and client needs.

	<u>Request</u>	<u>Eligible</u>
<ul style="list-style-type: none"> <li>Shelter staff (90% for caseworker salary and benefits, 10% indirect costs)</li> </ul>	\$103,233.35	\$103,233.35

#### **Staff Evaluation & HOME-ARP Allocation Plan Alignment:**

- Does not meet the stated priority preference for organizations that work collaboratively across the community to provide supportive services to all qualifying populations.
- Program provides services to one of the specific targeted populations – Homeless (McKinney-Vento definition). *Note: applicant selected that they serve all qualifying populations in the application, however, agency clarified that while clients may fit under another qualifying population, they must be homeless or unhoused to receive shelter services.*
- 100 unduplicated individuals/households will receive the services of a shelter case-manager. Applicant expects that 50-60% of those served will move into housing.
- This funding would provide no direct financial assistance to clients. Applicant has indicated that through other grant funding, some clients may be eligible (must meet the grant's eligibility requirements) to receive financial assistance to cover the costs of some expenses such as application fees, deposits, and first-month's rental costs.
- Organization works collaboratively across the community to receive referrals from other entities; however, clients must currently be experiencing homelessness to receive services. Program will not serve unhoused clients who are not staying in the shelter.
- Shelter clients can be referred to either of the Priority 1 applicants to receive assistance.
- Organization has previous experience managing federal CDBG- or HOME-funded activities.
- Staff have mild concerns related to performance if applicant were to receive funding from this grant. Prior history has included returned/unexpended funds of special funding awarded for Covid Relief with the CDBG-CV funding.

SS-2 Priority Tier 2	<b>Crossroads Safehouse</b> Road to Home	\$115,000 Requested
-------------------------	---	------------------------

Funding is for Crossroads Safehouse's Road to Home (RTH), a rapid re-housing program, serving individuals and families who are victims of domestic violence, sexual assault, and stalking who are experiencing homelessness or face housing instability as a result of abuse. RTH participants occupy a wing within the shelter where they receive a broad spectrum of financial and supportive services that are aimed at shepherding victims through their transition from homelessness to permanent housing. Participants benefit from intensive and extended case management services from the beginning of the housing search process, through lease up, and for 24 months after becoming housed (program duration is typically 18 months up to 3 years). Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) is used to prioritize clients based on their level of vulnerability and housing needs.

	<u>Request</u>	<u>Eligible</u>
<ul style="list-style-type: none"> <li>Direct client assistance: primarily housing related expenses crucial for maintaining stable housing</li> </ul>	\$100,000	\$100,00
<ul style="list-style-type: none"> <li>Partial salary for part-time bilingual housing advocate</li> </ul>	\$15,000	\$15,000

**Staff Evaluation & HOME-ARP Allocation Plan Alignment:**

- Does not meet the stated priority preference for organizations that work collaboratively across the community to provide supportive services to all qualifying populations.
- Program provides services to one of the specific targeted populations – fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by HUD.
- Funds will directly support housing stabilization for 6 new unduplicated individuals/households.
- This is a longer-term housing assistance program than is being proposed by either of the Priority 1 applications.
- Organization works collaboratively across the community to receive referrals from other entities. Only those persons fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking would be served by this program.
- Road to Home participants can be referred to either of the Priority 1 applicants to receive assistance.
- Organization has previous experience managing federal CDBG- or HOME-funded activities.
- Staff have no concerns related to organization, this request, or prior performance.

SS-3	<b>Homeward Alliance</b>	\$200,000
Priority Tier 1	Housing Navigation	Requested

Funding will expand existing services, enabling Homeward Alliance (HWA) to provide more comprehensive support and follow-up to assist participating households experiencing homelessness move into permanent housing and, for those who are precariously housed and at high-risk of homelessness, regain stability in their permanent housing. All participating individuals/households will receive case management, work with staff to create a housing action plan, and receive direct assistance for unmet financial needs to address barriers that prevent them from obtaining housing. While clients can be served by the organization indefinitely, service length from this request may vary from 3 months to 1 year (monthly check-ins may continue longer). For this funding opportunity, Homeward Alliance has collaborated with Neighbor to Neighbor to prevent duplication of housing navigation services with HWA focusing activities on households with higher vulnerabilities/barriers.

	<b><u>Request</u></b>	<b><u>Eligible</u></b>
• Direct client assistance: housing related expenses need to obtain housing or stabilize in existing housing	\$140,000	\$140,000
• Salary and benefits for two 0.5 FT (1 FTE total) Housing Specialists	\$60,000	\$60,000

**Staff Evaluation & HOME-ARP Allocation Plan Alignment:**

- Meets the stated priority preference for organizations that work collaboratively across the community to provide supportive services to all qualifying populations.
- Funds will directly support housing stabilization for 30 new unduplicated individuals/households.
- Organization works collaboratively across the community to receive referrals from other entities.
- Organization has previous experience managing federal CDBG- or HOME-funded activities.
- Staff have no concerns related to organization, this request, or prior performance.

SS-4	<b>Neighbor to Neighbor</b>	\$200,000
Priority Tier 1	Housing Navigation	Requested

Funding is for Neighbor to Neighbor's (N2N) Housing Search Assistant Case Management program, a sub-program of N2N's Housing Solutions Program and will allow N2N to make a one-time investment to stabilize vulnerable clients with move-in assistance and secure stable housing. N2N's Housing Search Assistance (HSA) case manager works alongside their caseload of families to secure stable housing, specifically for individuals/households experiencing homelessness and housing instability. Most clients who receive HSA case management are moved into housing within 6 weeks of starting the process and will receive ongoing support for up to 3 months after securing housing. For this funding opportunity, Neighbor to Neighbor has collaborated with Homeward Alliance to prevent duplication of housing navigation services with N2N focusing activities on households with fewer vulnerabilities/barriers. N2N's HSA program receives move-in assistance referrals through a coordinated process between Homeward Alliance, Housing Catalyst, Catholic Charities, Crossroads Safehouse, and N2N, as well as other housing providers.

	<u><b>Request</b></u>	<u><b>Eligible</b></u>
• Direct client assistance: housing related expenses needed to obtain housing or stabilize in existing housing	\$145,000	\$145,000
• 60% of salary for Housing Navigation Case Worker	\$55,000	\$55,000

**Staff Evaluation & HOME-ARP Allocation Plan Alignment:**

- Meets the stated priority preference for organizations that work collaboratively across the community to provide supportive services to all qualifying populations.
- Funds will directly support housing stabilization for 30 new unduplicated individuals/households.
- Organization works collaboratively across the community to receive referrals from other entities.
- Organization has previous experience managing federal CDBG- or HOME-funded activities.
- Staff have no concerns related to organization, this request, or prior performance.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### REGULAR MEETING

February 14, 2024 at 5:30 PM

222 Laporte Ave, Fort Collins – Colorado River Room

[Additional viewing option via Zoom](#)

#### 1. CALL TO ORDER

- At 5:40 PM the meeting was called to order by Pat Hastings.

#### 2. ROLL CALL

- Board Members Present
  - Pat Hastings, Chair
  - Christine Koepnick
  - Erma Woodfin
  - Lori Kempter
  - Michaela Ruppert
  - Mike Kulisheck
  - Mike Nielsen
- Board Members Excused
  - Olga Duvall, Vice Chair
- Staff Members Present
  - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
  - Beth Rosen, Social Sustainability – City of Fort Collins
  - Hannah Tinklenberg, Social Sustainability – City of Fort Collins
  - Tamra Leavenworth, Social Sustainability – City of Fort Collins
- Guests Present
  - Francis Pfohl
  - Tim Peers, Program Director of Catholic Charities for Larimer County

For further information, details and insight, and audio recording, resources are available by contacting the HSHF-Board staff liaison.

#### 3. AGENDA REVIEW

Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

#### 4. COMMUNITY PARTICIPATION

Francis Pfohl is a Front Range Community College student that is attending the board meeting as part of a community engagement opportunity for a class. Tim Peers is the Program Director of Catholic Charities for Larimer County.

#### 5. APPROVAL OF MINUTES – January 10, 2024 Regular Meeting

Erma Woodfin motioned to approve the January 10, 2024 meeting minutes as presented. Mike Nielsen seconded. Approved 7-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### REGULAR BOARD MEETING

#### 6. UNFINISHED BUSINESS

None.

#### 7. NEW BUSINESS

- a. Crossroads Safehouse Bringing Justice Home Updates – Lori Kempter
  - In 2023, the Board approved funding for Crossroads Safehouse's Bringing Justice Home program, which offered legal assistance to victims of domestic violence. Lori Kempter, the Executive Director of Crossroads Safehouse and member of the HSHF Board, informed the Board that this program unfortunately ended in January 2024 due to a lack of funding. After discussion with Adam Molzer, Crossroads went through a spend-down and de-obligation process of the remaining grant funds. Crossroads' contract will be amended and the approximately \$2,000 of unobligated funds will be recovered and applied toward the 2024 competitive grant process.
  - The Board asked Lori if there were any alternatives to this service available in the community. Lori explained that there are not many options. There is Rocky Mountain Law, but they only offer one-time meetings where they provide legal advice, rather than representing an individual in their civil legal services. They also do not have the domestic violence expertise that Crossroad's staff had.
- b. HOME-ARP Supportive Services Funding Deliberations – Hannah Tinklenberg & Beth Rosen
  - Beth Rosen provided a brief overview of the HOME-ARP Supportive Services funding, explaining that the City received a total of \$2.6 million through the Home Investment Partnerships American Rescue Plan Program from the US Department of Housing and Urban Development (HUD). \$400,000 remains to be allocated for Supportive Services. The purpose of supportive service funds is to assist persons currently experiencing homelessness and to prevent those precariously housed from becoming homeless.
  - Beth explained that in the event there are more requests than available funds, priority will be given to applications based on a tier-ranking system. Tier 1 applicants work collaboratively across the Fort Collins community to provide supportive services to all qualifying populations. Tier 2 applicants limit funding to specific targeted populations and/or households enrolled in a program with limited capacity.
  - The City received applications from Catholic Charities, Crossroads Safehouse, Homeward Alliance, and Neighbor to Neighbor. Homeward Alliance and Neighbor to Neighbor are Tier 1 applicants, while Catholic Charities and Crossroads Safehouse are Tier 2 applicants. Beth explained that the Tier 1 applicants coordinated with one another to ask for the full amount of available funding, which City staff did not anticipate.

Erma Woodfin motioned to fund SS-3 Homeward Alliance at \$200,000. Lori Kempter seconded. Approved 7-0.

Lori Kempter motioned to fund SS-4 Neighbor to Neighbor at \$200,000. Michaela Ruppert seconded. Approved 7-0.

Pat Hastings motioned to fund SS-1 Catholic Charities at \$0. Mike Nielsen seconded. Approved 7-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### REGULAR BOARD MEETING

Pat Hastings motioned to fund SS-2 Crossroads Safehouse at \$0. Michaela Ruppert seconded. Lori Kempter recused herself. Approved 6-0.

- City staff will take the funding recommendation to City Council in April and the contract will be effective May 1.

#### 8. BOARD MEMBER REPORTS

On Olga Duvall's behalf, Adam Molzer shared information about a 21-day racial equity habit-building challenge that occurs in April.

#### 9. STAFF REPORTS

##### a. Competitive Process Update

- Adam Molzer shared that the grant application closed at 11:59pm on Tuesday, February 13. 8 housing applications and 46 human service applications were received. The housing application requests totaled approximately \$4.8 million with approximately \$2.9 million in available funding. The human service requests totaled approximately \$2 million with approximately \$900,000 in available funding.
- Adam reminded the Board that they will be asked to vote on renewal applications for the 4 programs that receive funding from the 3-year Community Development Block Grant (CDBG). This will be the last year of the renewal process and new proposals will be received in 2025.
- On March 27, the Board will host a joint work session with the Affordable Housing Board where the housing applicants will offer live presentations of their funding proposals and engage in a Q&A. The Board asked Adam if the applicants could record their presentations for the Board to review prior to the live work session due to the increased number of applications. The Board expressed that they would still like to utilize the work session for a live Q&A. Adam will discuss the idea with Sue Beck-Ferkiss, the staff liaison for the Affordable Housing Board.
- On April 10, the Board will meet to evaluate and discuss human service proposals, but not funding.

##### b. Human Services Priorities Platform Update

- Adam Molzer shared that a graduate student from UC Denver in the MPA Program is helping with interviews of local funders.
- The team will also be working with focus groups, getting input from nonprofit leaders, and gathering demographic information for the project.

#### 10. OTHER BUSINESS

Grantee Client Story: Adam Molzer shared a brief impact story submitted by Volunteers of America's Meals on Wheels program in a recent report.

#### 11. NEXT MEETING

Wednesday, March 13, 2024 | 5:30pm | Location: Zoom/Online

#### 13. ADJOURNMENT

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### REGULAR BOARD MEETING

---

Pat Hastings adjourned meeting at 6:40 PM.

Minutes were finalized and approved by the Human Services & Housing Funding Board on March 13, 2024.

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Davina Lau, Public Engagement Specialist

---

### SUBJECT

**Resolution 2024-054 Ratifying the Reappointment of Corey Radman and Joshua Fudge and the Appointment of Vicki Woods to the Poudre River Public Library District Board of Trustees.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to fill vacancies on the Poudre River Public Library District Board of Trustees.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

---

### BACKGROUND / DISCUSSION

In November 2006, voters approved the formation of the Poudre River Public Library District. The City Council and County Commissioners established the initial seven-member Board of Trustees for the District.

The intergovernmental agreement between the City, County and District sets out the process for appointing Trustees. It provides that a committee comprised of two members of Council and two Commissioners will recommend a candidate for appointment who must be ratified by a two-thirds majority of both the full Council and the Commissioners.

The Committee, comprised of Mayor Pro Tem Emily Francis and Councilmember Julie Pignataro and Larimer County Commissioners John Kefalas and Kristin Stephens, met on March 4, 2024, and agreed to appoint Vicki Woods to a full four-year term to replace outgoing Trustee Fred Colby, who is term-limited.

The Committee also agreed to reappoint Corey Radman to her second and final term and to reappoint Joshua Fudge to his first full term after serving the remainder of Joe Wise's term last year.

By adopting this Resolution, City Council confirms and approves the reappointment of Corey Radman and Joshua Fudge and the appointment of Vicki Woods to the Poudre River Public Library District Board of Trustees with terms to begin on April 8, 2024, and expire March 31, 2028.

---

### CITY FINANCIAL IMPACTS

None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

None.

**PUBLIC OUTREACH**

---

None.

**ATTACHMENTS**

---

1. Resolution for Consideration

RESOLUTION 2024-054  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
RATIFYING THE REAPPOINTMENT OF COREY RADMAN AND JOSHUA  
FUDGE AND THE APPOINTMENT OF VICKI WOODS TO THE POUDRE  
RIVER PUBLIC LIBRARY DISTRICT BOARD OF TRUSTEES

A. On November 7, 2006, the voters approved a citizen initiative to establish and fund the Fort Collins Regional Library District, now called the Poudre River Public Library District (the "Library District"), pursuant to Colorado Revised Statutes Sections 24-90-101 to 606 (the "Library Law").

B. The Library District is governed by a board of seven trustees appointed by the City Council and Larimer County Commissioners.

C. Pursuant to the Library Law, the City Council and Larimer County Commissioners have each appointed two of their members to a committee (the "Committee") to fill open seats on the board of trustees of the Library District (the "Board").

D. Pursuant to the Bylaws of the Board, a trustee may serve no more than two consecutive four-year-terms, which are staggered so that typically one or two trustees are appointed or reappointed every year, but any appointment to fill a vacancy with a remaining unexpired term shall be considered a completed term only if the unexpired term exceeds 24 full months from the date the trustee takes their oath of office.

E. On January 7, 2020, the City Council adopted Resolution 2020-002 appointing Corey Radman to the Board for a four-year term expiring in March 2024. Corey Radman is seeking reappointment and has submitted a letter indicating her interest. She meets the qualifications of a Board of Trustees member. Her second term will expire in March 2028.

F. On March 21, 2023, the City Council adopted Resolution 2023-029 appointing Joshua Fudge to the Board as a midterm appointment to fill a vacancy, for a term that expired March 11, 2024. Per the Board's Bylaws, Joshua Fudge is eligible to fill two four-year terms. This reappointment is for the first four-year term to expire in March 2028. He has submitted a letter indicating his interest and meets the qualification of a Board of Trustees member.

G. Trustee Fred Colby's current term on the Board expired in March 2024, and he cannot be reappointed because he is term-limited.

H. On March 4, 2024, the Committee met to interview candidates and unanimously agreed to appoint Vicki Woods to fill this vacancy on the Board. The Committee also agreed to reappoint Corey Radman to her second and final term and to reappoint Joshua Fudge to his first full term.

I. Section 24-90-108(2)(c) of the Library Law requires that the Committee's trustee appointments be ratified by a two-thirds majority vote of the legislative body of each governmental unit participating in the District.

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 pursuant to the requirements of the Colorado Library Law, the City Council, by a two-thirds majority vote of its members, hereby ratifies the Committee's reappointment of Corey Radman and Joshua Fudge, and the Committee's appointment of Vicki Woods, to fill the vacancies on the Board of Trustees of the Poudre River Public Library District for terms beginning on April 8, 2024, and expiring March 31, 2028; provided, however, that such action is contingent upon the Larimer County Commissioners taking similar action.

Passed and adopted on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 2, 2024

Approving Attorney: Ingrid Decker

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Josh Birks, Deputy Director, Sustainability Services

---

### SUBJECT

**Resolution 2024-055 Appointing Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District Board of Directors.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to consider the appointments of Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District (the "District") Board of Directors. Amanda Cossey will serve a three-year term to fill a vacancy created by the resignation of another member. Troy Erickson will serve the remainder of a three-year term ending on September 1, 2024, due to early resignation. Casey Kittel will serve the remainder of the term ending January 17, 2026, vacated by a resignation. Danielle Lowry will serve a second term lasting three years starting as soon as appointed by Council. Aryell Mattern will serve a three-year term starting as soon as appointed by Council.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

---

### BACKGROUND / DISCUSSION

On August 4, 2021, Council adopted Ordinance No. 097, 2021, establishing the District. The District's purpose is "...to operate as a [tourism improvement district] charging fees to the lodging businesses included within the District to fund and provide specific tourism services and improvements for the benefit of the feepayers' lodging businesses. These services and improvements will be primarily used to increase room night sales for those lodging businesses."

Council adopted the District's Initial Plan as part of establishing the District and authorized the appointment of five directors to the Board. On June 7, 2022, Council adopted Ordinance No. 061, 2022, expanding the number of directors on the District Board to seven members.

This Resolution would appoint Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the District Board. The Board adopted resolutions nominating all five proposed directors in 2023. These resolutions are attached. Additional details about the term length and reason for appointment are noted below:

- Amanda Cossey will serve a three-year term to fill the vacancy created by resigned Board member, Sandra Frederickson. Sandra resigned her position in July 2022 and the seat has remained vacant since. This seat is for an individual to represent large, full-service lodging businesses.

- Troy Erickson will serve the remainder of the three-year term of resigned Board member, George Prine. George resigned his position on December 1, 2023, before the end of his term, which was originally intended to end on September 1, 2024. Troy will serve as one of the directors representing boutique/specialty lodging businesses.
- Casey Kittel will serve for the remainder of the term of resigned Board member, Daniel Benton. Daniel resigned on September 1, 2023, well ahead of the end of his term – January 17, 2026. Casey will serve as one of the directors representing large, full-service lodging businesses.
- Danielle Lowry served an initial two-year term ending on September 1, 2023. The Board would like Danielle to serve another three-year term on the Board to begin on January 1, 2024, or when appointed by the Council to serve a Successor Term. Danielle will serve as a director representing small, limited-service lodging businesses.
- Aryell Mattern served the remainder of a two-year term vacated by the resignation of another director. That initial term expired on September 1, 2023. The Board would like Aryell to serve another three-year term on the Board to begin on January 1, 2024, or when appointed by the Council to serve a Successor Term. Aryell will serve as a director representing large, full-service lodging businesses.

#### **CITY FINANCIAL IMPACTS**

---

None.

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

---

None.

#### **PUBLIC OUTREACH**

---

None.

#### **ATTACHMENTS**

---

1. Resolution for Consideration
2. District Board Nominating Resolution for Aryell Mattern
3. District Board Nominating Resolution for Danielle Lowry
4. District Board Nominating Resolution for Troy Erickson
5. District Board Nominating Resolution for Amanda Cossey
6. District Board Nominating Resolution for Casey Kittel

RESOLUTION 2024-055  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPOINTING AMANDA COSSEY, TROY ERICKSON, CASEY KITTEL,  
DANIELLE LOWRY AND ARYELL MATTERN TO THE FORT COLLINS  
TOURISM IMPROVEMENT BOARD OF DIRECTORS

A. The Fort Collins Tourism Improvement District (the “District”) was established by City Council’s adoption of Ordinance No. 097, 2021, on August 4, 2021, as amended by Council’s adoption of Ordinance No. 161, 2021, on December 7, 2021 (jointly, the “Establishment Ordinance”) to fund and provide certain tourism services and improvements for the benefit of lodging businesses within the District.

B. As provided in City Code Section 22-163(b)(5), the City Council appointed in Section 7 of the Establishment Ordinance (“Section 7”) the District’s initial five directors of the District’s Board of Directors (the “Board”) to staggered terms.

C. The Establishment Ordinance requires three of the directors to be affiliated with a large full-service lodging business (“Large Provider”), two of the directors to be affiliated with a small limited-service lodging business (“Small Provider”), and one director to be affiliated with a boutique or specialty lodging business (“Boutique Provider”).

D. On June 7, 2022, the City Council adopted Ordinance No. 061, 2022, (“Ordinance No. 061”) amending the Establishment Ordinance to increase the number of directors on the Board from five directors to seven directors and to provide that the two new directors could be affiliated with any type of lodging business (“Any Provider”).

E. Code Section 22-164(a) requires the District’s directors to be “electors” of the District.

F. Code Section 22-153 defines “elector” to mean a natural person who is a resident of the State of Colorado, is eighteen (18) years of age or older, registered to vote in general elections in the State of Colorado, and who maintains a lodging tax license with the City and is obligated to pay the City’s lodging tax by virtue of ownership and operation of a lodging business in the District or is a natural person designated to vote for an entity that is not a natural person and maintains a lodging tax license with the City and is obligated to pay the lodging tax by virtue of ownership of a lodging business in the District.

G. Section 7 provides that when a director resigns from the Board before the expiration of their term, the City Council shall appoint by resolution an elector of the District to replace them to finish the remainder of their term.

H. Five director seats are currently vacant on the Board.

I. One vacancy is a Large Provider seat previously held by Sandra Frederickson who was appointed to serve a one-year term beginning September 1, 2021,

and ending September 1, 2022. Ms. Frederickson resigned her position as of July 2022 and the seat remains vacant.

J. On December 5, 2023, the Board adopted a resolution nominating Amanda Cossey to be appointed by City Council to the vacant Large Provider seat to serve a three-year term. Ms. Cossey is affiliated with the Fort Collins Marriott, a large full-service lodging business in the District that has a City lodging tax license and is obligated to pay the City's lodging tax. Ms. Cossey has been designated by the Fort Collins Marriott to vote on its behalf.

K. One vacancy is the Boutique Provider seat previously held by George Prine who was appointed for a three-year term beginning September 1, 2021, and ending September 1, 2024. Mr. Prine resigned his position as of December 1, 2023.

L. On December 5, 2023, the Board adopted a resolution nominating Troy Erickson to be appointed by City Council to the vacant Boutique Provider seat to serve the remainder of Mr. Prine's three-year term ending on September 1, 2024. Mr. Erickson is affiliated with the Armstrong Hotel, a boutique/specialty lodging business in the District that has a City lodging tax license and is obligated to pay the City's lodging tax. He has been designated by the Armstrong Hotel to vote on its behalf.

M. One vacancy is a Large Provider seat previously held by Daniel Benton who was appointed for a three-year term beginning January 17, 2023, and ending January 17, 2026. Mr. Benton resigned his position as of September 1, 2023.

N. On December 5, 2023, the Board adopted a resolution nominating Casey Kittel to be appointed by City Council to the vacant Large Provider seat to serve the remainder of Mr. Benton's three-year term ending on January 17, 2026. Mr. Kittel is affiliated with the Hilton Fort Collins, a large full-service lodging business in the District that has a City lodging tax license and is obligated to pay the City's lodging tax. Mr. Kittel has been designated by the Hilton Fort Collins to vote on its behalf.

O. One vacancy is a Small Provider seat previously held by Danielle Lowry who was appointed for a two-year term beginning September 1, 2021, that ended September 1, 2023.

P. On December 5, 2023, the Board adopted a resolution nominating Ms. Lowry to be appointed by City Council to the vacant Small Provider seat to serve a three-year term. Ms. Lowry is affiliated with Hampton Inn, a small limited-service lodging businesses in the District that has a City lodging tax license and is obligated to pay the City's lodging tax. Ms. Lowry has been designated by Hampton Inn to vote on its behalf.

Q. One vacancy is a Large Provider seat previously held by Aryell Mattern who was appointed on April 19, 2022, to serve the remainder of a vacated two-year term that ended on September 1, 2023.

R. On December 5, 2023, the Board adopted a resolution nominating Ms. Mattern to be appointed by City Council to the vacant Large Provider seat to serve a three-year term. Ms. Mattern is affiliated with Spirit Hospitality, LLC, which is the owner of Fairfield Inn and Candlewood Suites, both of which are large full-service lodging businesses in the District that have City lodging tax licenses and are obligated to pay the City's lodging tax. Ms. Mattern has been designated by Spirit Hospitality, LLC to vote on its behalf.

S. For Danielle Lowry and Aryell Mattern, the Board's nominating resolutions expressed the desire that their terms begin on January 1, 2024, or such other time as determined by the City (the "Preferred Term Start Date"), and that in the absence of Council's approval of a Preferred Term Start Date, the Board's desire is that their terms begin on the date Council appoints them to the Board.

T. The City Council determines that it is appropriate for the terms of Danielle Lowry and Aryell Mattern to begin as of the date of Council appointment.

U. All the above-listed nominees are residents of the State of Colorado, at least 18 years of age, registered to vote in general elections in the State of Colorado, qualified electors of the District, and, therefore, are qualified to serve as directors on the Board.

V. City Council has determined that the appointment of the above-listed nominees to serve as directors on the Board is in the best interests of the City and the District.

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

Section 1. The City Council hereby appoints Amanda Cossey as a director on the Board to serve in a Large Provider seat for a three-year term beginning April 2, 2024, and ending April 2, 2027.

Section 2. The City Council hereby appoints Troy Erickson as a director on the Board to serve in a Boutique Provider seat for the remainder of a three-year term beginning April 2, 2024, and ending September 1, 2024.

Section 3. The City Council hereby appoints Casey Kittel as a director on the Board to serve in a Large Provider seat for the remainder of a three-year term beginning April 2, 2024, and ending January 17, 2026.

Section 4. The City Council hereby appoints Danielle Lowry as a director on the Board to serve in a Small Provider seat for a three-year term beginning April 2, 2024, and ending April 2, 2027.

Section 5. The City Council hereby appoints Aryell Mattern as a director on the Board to serve in a Large Provider seat for a three-year term beginning April 2, 2024, and ending April 2, 2027.

Passed and adopted on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 2, 2024

Approving Attorney: Ryan Malarky

**RESOLUTION 2023-11**  
**FORT COLLINS TOURISM IMPROVEMENT DISTRICT**  
**NOMINATING ARYELL MATTERN TO THE BOARD OF DIRECTORS**

WHEREAS, the Fort Collins Tourism Improvement District (the "**District**") was created by the City of Fort Collins (the "**City**") Ordinance No. 097, dated August 4, 2021, as subsequently amended by City Council's adoption of Ordinance No. 161, 2021 dated December 7, 2021 (referred to together as the "**Establishing Ordinance**"), to fund and provide certain tourism services and improvements for the benefit of Lodging Businesses within the District; and

WHEREAS, in the Establishing Ordinance, the City appointed five (5) individuals to serve as the Board of Directors of the District, with the requirement that three (3) directors be affiliated with a large full-service Lodging Business; one (1) director be affiliated with a small limited service Lodging Business; and one (1) director affiliated with a boutique/specialty Lodging Business; and

WHEREAS, since the time of the Establishing Ordinance, the City, by subsequent Ordinance (No. 061, 2021) dated June 7, 2022 (the "**Amending Resolution**") amended Section 7 of the Establishing Ordinance to increase the number of the Board of Directors of the District from five (5) to seven (7) directors, with the two added directors each serving a three-year term (until June 17, 2025) and being an elector of the District who is affiliated with any type of Lodging Business within the District; and

WHEREAS, in Section 7 of the Establishing Ordinance, Dragan Andrejic was appointed to a two-year term on the Board of Directors of the District, beginning September 1, 2021, as one of the directors of a large, full-service Lodging Business in the District; and

WHEREAS, pursuant to City Council Resolution 2022-052, dated April 19, 2022, the City appointed Aryell Mattern to replace and serve out the remainder of the two-year term of Dragan Andrejic ("**Director Mattern**");

WHEREAS, pursuant to Section 7 of the Establishing Ordinance, the initial two-year term of Dragan Andrejic filled by Director Mattern expired at 11:59 p.m. on September 1, 2023 (the "**Initial Term**");

WHEREAS, Section 7 of the Establishing Ordinance provides that successor directors of the Board of Directors of the District shall be appointed by City Council for terms of three (3) years;

WHEREAS, the District desires that Director Mattern serve another term on the Board of Directors of the District, and therefore desires that Director Mattern be appointed by the City Council as a member of the Board of Directors of the District as a successor director for a term of three (3) years ("**Successor Term**"); and

WHEREAS, the District desires that, contingent on City Council's approval, Director Mattern's Successor Term begin at 12:00 a.m. on January 1, 2024, or such other time as determined by the City ("**Preferred Successor Term Start Date**"), provided, however, that in the absence of City Council's approval of the Preferred Successor Term Start Date, the District desires that Director Mattern's Successor Term begin on the date Director Mattern is appointed by City Council to serve a Successor Term;

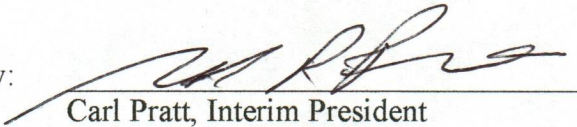
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Collins Tourism Improvement District, within the City of Fort Collins, Larimer County, Colorado, as follows:

1. The Board Directors of the District desires to nominate a director for a large, full-service Lodging Business in the District, as a successor director to Director Mattern after expiration of the Initial Term ("Director Mattern Board Seat"), and further desires to nominate Aryell Mattern as said successor director to serve another term on the Board of Directors of the District for the Successor Term.
2. Filling the Director Mattern Board Seat with a successor director is in the best interest of the public and the District.
3. Aryell Mattern is a resident of the State of Colorado, at least 18 years of age, and registered to vote in general elections in the State of Colorado.
4. Aryell Mattern (as Vice President of Operations, Sales and Marketing of Spirit Hospitality, which is the owner of Fairfield Inn and Candlewood Suites in Fort Collins, both of which are large full-service Lodging Businesses) is affiliated with a Lodging Business.
5. Aryell Mattern is a qualified elector of the District, and thus fully qualified to serve as a member of the Board of Directors of the District, who has indicated a willingness to continue to serve on the Board of Directors of the District for the Successor Term.
5. The Board desires that Aryell Mattern's appointment to the Board of Directors of the District for the Successor Term begin on the Preferred Successor Term Start Date, or such date Aryell Mattern is appointed by City Council.
6. The Board therefore desires and does hereby nominate for appointment by the City, Aryell Mattern as a successor director to fill the Director Mattern Board Seat serve as a member of the Board of Directors of the District for the Successor Term, beginning on the Preferred Successor Term Start Date; provided, however, that in the absence of City Council's approval of the Preferred Successor Term Start Date, the District desires that Aryell Mattern's Successor Term begin on the date Aryell Mattern is appointed by City Council to serve a Successor Term.

ADOPTED AND APPROVED this 5<sup>th</sup> day of December, 2023.

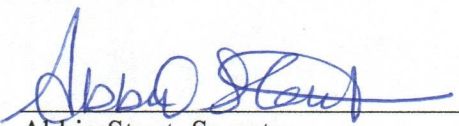
FORT COLLINS TOURISM IMPROVEMENT  
DISTRICT

By:

  
Carl Pratt, Interim President

ATTEST:

By:

  
Abbie Stout, Secretary

**RESOLUTION 2023-12**  
**FORT COLLINS TOURISM IMPROVEMENT DISTRICT**  
**NOMINATING DANIELLE LOWRY TO THE BOARD OF DIRECTORS**

WHEREAS, the Fort Collins Tourism Improvement District (the "**District**") was created by the City of Fort Collins (the "**City**") Ordinance No. 097, dated August 4, 2021, as subsequently amended by City Council's adoption of Ordinance No. 161, 2021 dated December 7, 2021 (referred to together as the "**Establishing Ordinance**"), to fund and provide certain tourism services and improvements for the benefit of Lodging Businesses within the District; and

WHEREAS, in the Establishing Ordinance, the City appointed five (5) individuals to serve as the Board of Directors of the District, with the requirement that three (3) directors be affiliated with a large full-service Lodging Business; one (1) director be affiliated with a small limited service Lodging Business; and one (1) director affiliated with a boutique/specialty Lodging Business; and

WHEREAS, since the time of the Establishing Ordinance, the City, by subsequent Ordinance (No. 061, 2021) dated June 7, 2022 (the "**Amending Resolution**") amended Section 7 of the Establishing Ordinance to increase the number of the Board of Directors of the District from five (5) to seven (7) directors, with the two added directors each serving a three-year term (until June 17, 2025) and being an elector of the District who is affiliated with any type of Lodging Business within the District; and

WHEREAS, in Section 7 of the Establishing Ordinance, Danielle Lowry was appointed to a two-year term on the Board of Directors of the District, beginning September 1, 2021, as one of the directors of a small, limited-service Lodging Business in the District; and

WHEREAS, pursuant to Section 7 of the Establishing Ordinance, the initial two-year term of Danielle Lowry ("**Director Lowry**") expired at 11:59 p.m. on September 1, 2023 (the "**Initial Term**"); and

WHEREAS, Section 7 of the Establishing Ordinance provides that successor directors of the Board of Directors of the District shall be appointed by City Council for terms of three (3) years; and

WHEREAS, the District desires that Danielle Lowry serve another term on the Board of Directors of the District, and therefore desires that Danielle Lowry be appointed by the City Council as a member of the Board of Directors of the District as a successor director for a term of three (3) years ("**Successor Term**"); and

WHEREAS, the District desires that, contingent on City Council's approval, Danielle Lowry's Successor Term begin at 12:00 a.m. on January 1, 2024, or such other time as determined by the City ("**Preferred Successor Term Start Date**"), provided, however, that in the absence of City Council's approval of the Preferred Successor Term Start Date, the District desires that Danielle Lowry's Successor Term begin on the date Danielle Lowry is appointed by City Council to serve a Successor Term;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Collins Tourism Improvement District, within the City of Fort Collins, Larimer County, Colorado, as follows:

1. The Board Directors of the District desires to nominate a director for a large, full-service Lodging Business in the District, as a successor director to Director Lowry after expiration of the Initial Term ("**Director Lowry Board Seat**"), and further desires to nominate Danielle Lowry as said successor director to serve another term on the Board of Directors of the District for the Successor Term.

2. Filling the Director Lowry Board Seat with a successor director is in the best interest of the public and the District.

3. Danielle Lowry is a resident of the State of Colorado, at least 18 years of age, and registered to vote in general elections in the State of Colorado.

4. Danielle Lowry (affiliated with the Hampton Inn, which is a small, limited-service Lodging Businesses) is affiliated with a Lodging Business.

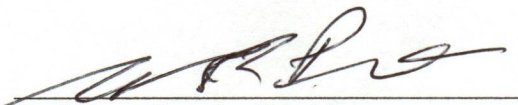
5. Danielle Lowry is a qualified elector of the District, and thus fully qualified to serve as a member of the Board of Directors of the District, who has indicated a willingness to continue to serve on the Board of Directors of the District for the Successor Term.

5. The Board desires that Danielle Lowry's appointment to the Board of Directors of the District for the Successor Term begin on the Preferred Successor Term Start Date, or such date Danielle Lowry is appointed by City Council.


6. The Board therefore desires and does hereby nominate for appointment by the City, Danielle Lowry as a successor director to fill the Director Lowry Board Seat serve as a member of the Board of Directors of the District for the Successor Term, beginning on the Preferred Successor Term Start Date; provided, however, that in the absence of City Council's approval of the Preferred Successor Term Start Date, the District desires that Danielle Lowry's Successor Term begin on the date Danielle Lowry is appointed by City Council to serve a Successor Term.

ADOPTED AND APPROVED this 5<sup>th</sup> day of December, 2023.

FORT COLLINS TOURISM IMPROVEMENT  
DISTRICT

By:   
Carl Pratt, Interim President

ATTEST:

By:   
Abbie Stout, Secretary

**RESOLUTION 2023-13**  
**FORT COLLINS TOURISM IMPROVEMENT DISTRICT**  
**NOMINATING TROY ERICKSON TO THE BOARD OF DIRECTORS**

WHEREAS, the Fort Collins Tourism Improvement District (the "**District**") was created by the City of Fort Collins (the "**City**") Ordinance No. 097, dated August 4, 2021, as subsequently amended by City Council's adoption of Ordinance No. 161, 2021 dated December 7, 2021 (referred to together as the "**Establishing Ordinance**"), to fund and provide certain tourism services and improvements for the benefit of Lodging Businesses within the District; and

WHEREAS, in the Establishing Ordinance, the City appointed five (5) individuals to serve as the Board of Directors of the District, with the requirement that three (3) directors be affiliated with a large full-service Lodging Business; one (1) director be affiliated with a small limited service Lodging Business; and one (1) director affiliated with a boutique/specialty Lodging Business; and

WHEREAS, since the time of the Establishing Ordinance, the City, by subsequent Ordinance (No. 061, 2021) dated June 7, 2022 (the "**Amending Resolution**") amended Section 7 of the Establishing Ordinance to increase the number of the Board of Directors of the District from five (5) to seven (7) directors, with the two added directors each serving a three-year term (until June 17, 2025) and being an elector of the District who is affiliated with any type of Lodging Business within the District; and

WHEREAS, in Section 7 of the Establishing Ordinance, George Prine was appointed to a three-year term on the Board of Directors of the District, beginning September 1, 2021, and expiring at 11:59 p.m. on September 1, 2024, as one of the directors of a boutique/specialty Lodging Business in the District; and

WHEREAS, George Prine has resigned his position on the Board of Directors of the District as of December 1, 2023; and

WHEREAS, the District wishes to have the vacancy on the Board of Directors of the District filled by a qualified elector of the District; and

WHEREAS, Section 7 of the Establishing Ordinance provides that successor directors of the Board of Directors of the District shall be appointed by City Council for terms of three (3) years, unless the appointee is being appointed to finish the term of a Director who has left the Board for any reason before the expiration of their term and, in such case, the appointee shall only be appointed to finish the term of the departed Director; and

WHEREAS, the District has identified an elector who is qualified and interested in serving on the Board of Directors of the District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Collins Tourism Improvement District, within the City of Fort Collins, Larimer County, Colorado, as follows:

1. Filling the vacancy on the Board of Directors of the District is in the best interest of the public and the District.

2. The following individual is a resident of the State of Colorado, at least 18 years of age, and registered to vote in general elections in the State of Colorado; and (affiliated with the Armstrong, which is a boutique/specialty Lodging Businesses) is affiliated with a Lodging Business:

a. Troy Erickson (General Manager of the Armstrong Hotel, Fort Collins, CO).


5. Troy Erickson is a qualified elector of the District, and thus fully qualified to serve as a member of the Board of Directors of the District, and has indicated a willingness to continue to serve on the Board of Directors of the District.

6. The Board therefore desires and does hereby nominate for appointment to the District Board of Directors by the City, Troy Erickson, for the remainder of the three-year term of resigned Board member, George Prine.

ADOPTED AND APPROVED this 5<sup>th</sup> day of December, 2023.

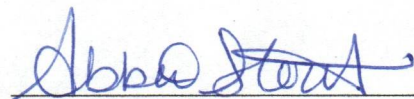
FORT COLLINS TOURISM IMPROVEMENT  
DISTRICT

By:

  
Carl Pratt, Interim President

ATTEST:

By:

  
Abbie Stout, Secretary

**RESOLUTION 2023-14**  
**FORT COLLINS TOURISM IMPROVEMENT DISTRICT**  
**NOMINATING AMANDA COSSEY TO THE BOARD OF DIRECTORS**

WHEREAS, the Fort Collins Tourism Improvement District (the "**District**") was created by the City of Fort Collins (the "**City**") Ordinance No. 097, dated August 4, 2021, as subsequently amended by City Council's adoption of Ordinance No. 161, 2021 dated December 7, 2021 (referred to together as the "**Establishing Ordinance**"), to fund and provide certain tourism services and improvements for the benefit of Lodging Businesses within the District; and

WHEREAS, in the Establishing Ordinance, the City appointed five (5) individuals to serve as the Board of Directors of the District, with the requirement that three (3) directors be affiliated with a large full-service Lodging Business; one (1) director be affiliated with a small limited service Lodging Business; and one (1) director affiliated with a boutique/specialty Lodging Business; and

WHEREAS, since the time of the Establishing Ordinance, the City, by subsequent Ordinance (No. 061, 2021) dated June 7, 2022 (the "**Amending Resolution**") amended Section 7 of the Establishing Ordinance to increase the number of the Board of Directors of the District from five (5) to seven (7) directors, with the two added directors each serving a three-year term (until June 17, 2025) and being an elector of the District who is affiliated with any type of Lodging Business within the District; and

WHEREAS, in Section 7 of the Establishing Ordinance, Sandra Frederickson was appointed to a one-year term on the Board of Directors of the District, which began on September 1, 2021, and expired at 11:59 p.m. on September 1, 2022, as one of the directors of a large, full-service Lodging Business in the District; and

WHEREAS, Sandra Frederickson resigned her position on the Board of Directors of the District in July of 2022, and Ms. Frederickson's seat on the Board of Directors of the District has remained vacant since said resignation; and

WHEREAS, the District wishes to have the vacancy on the Board of Directors of the District filled by a qualified elector of the District; and

WHEREAS, Section 7 of the Establishing Ordinance provides that successor directors of the Board of Directors of the District shall be appointed by City Council for terms of three (3) years; and

WHEREAS, the District has identified an elector who is qualified and interested in serving on the Board of Directors of the District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Collins Tourism Improvement District, within the City of Fort Collins, Larimer County, Colorado, as follows:

1. Filling the vacancy on the Board of Directors of the District is in the best interest of the public and the District.

2. The following individual is a resident of the State of Colorado, at least 18 years of age, and registered to vote in general elections in the State of Colorado; and (affiliated with the Marriott, which is a large, full-service Lodging Businesses) is affiliated with a Lodging Business:

a. Amanda Cossey (Manager of the Fort Collins Marriott, Fort Collins, CO).

5. Amanda Cossey is a qualified elector of the District, and thus fully qualified to serve as a member of the Board of Directors of the District, and has indicated a willingness to continue to serve on the Board of Directors of the District.

6. The Board therefore desires and does hereby nominate for appointment by the City, Amanda Cossey, for a three-year term on the Board of Directors of the District to fill the vacancy created by resigned Board member, Sandra Frederickson.

ADOPTED AND APPROVED this 5<sup>th</sup> day of December, 2023.


FORT COLLINS TOURISM IMPROVEMENT  
DISTRICT

By:

  
Carl Pratt, Interim President

ATTEST:

By:



Abbie Stout, Secretary

**RESOLUTION 2023-15**  
**FORT COLLINS TOURISM IMPROVEMENT DISTRICT**  
**NOMINATING CASEY KITTEL TO THE BOARD OF DIRECTORS**

WHEREAS, the Fort Collins Tourism Improvement District (the "**District**") was created by the City of Fort Collins (the "**City**") Ordinance No. 097, dated August 4, 2021, as subsequently amended by City Council's adoption of Ordinance No. 161, 2021 dated December 7, 2021 (referred to together as the "**Establishing Ordinance**"), to fund and provide certain tourism services and improvements for the benefit of Lodging Businesses within the District; and

WHEREAS, in the Establishing Ordinance, the City appointed five (5) individuals to serve as the Board of Directors of the District, with the requirement that three (3) directors be affiliated with a large full-service Lodging Business; one (1) director be affiliated with a small limited service Lodging Business; and one (1) director affiliated with a boutique/specialty Lodging Business; and

WHEREAS, since the time of the Establishing Ordinance, the City, by subsequent Ordinance (No. 061, 2021) dated June 7, 2022 (the "**Amending Resolution**") amended Section 7 of the Establishing Ordinance to increase the number of the Board of Directors of the District from five (5) to seven (7) directors, with the two added directors each serving a three-year term (until June 17, 2025) and being an elector of the District who is affiliated with any type of Lodging Business within the District; and

WHEREAS, in Section 7 of the Establishing Ordinance, Daniel Benton was appointed to a one-year term on the Board of Directors of the District, which began on September 1, 2021, and expired September 1, 2022, as one of the directors of a large, full-service Lodging Business in the District ("**Initial Benton Term**"); and

WHEREAS, on January 17, 2023, the City appointed Daniel Benton as a director on the Board of Directors of the District for an additional three-year term, beginning January 17, 2023, and ending January 17, 2026 ("**Successor Term**")

WHEREAS, Daniel Benton resigned his position on the Board of Directors of the District as of September 1, 2023, and Mr. Benton's seat on the Board of Directors of the District has remained vacant since said resignation; and

WHEREAS, the District wishes to have the vacancy on the Board of Directors of the District filled by a qualified elector of the District; and

WHEREAS, Section 7 of the Establishing Ordinance provides that successor directors of the Board of Directors of the District shall be appointed by City Council for terms of three (3) years, unless the appointee is being appointed to finish the term of a Director who has left the Board for any reason before the expiration of their term and, in such case, the appointee shall only be appointed to finish the term of the departed Director; and

WHEREAS, the District has identified an elector who is qualified and interested in serving on the Board of Directors of the District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Collins Tourism Improvement District, within the City of Fort Collins, Larimer County, Colorado, as follows:

1. Filling the vacancy on the Board of Directors of the District is in the best interest of the public and the District.

2. The following individual is a resident of the State of Colorado, at least 18 years of age, and registered to vote in general elections in the State of Colorado; and (affiliated with the Hilton, which is a large, full-service Lodging Businesses) is affiliated with a Lodging Business:

a. Casey Kittel (General Manager of the Fort Collins Hilton, Fort Collins, CO).

5. Casey Kittel is a qualified elector of the District, and thus fully qualified to serve as a member of the Board of Directors of the District, and has indicated a willingness to continue to serve on the Board of Directors of the District.

6. The Board therefore desires and does hereby nominate for appointment to the Board of Directors of the District by the City, Casey Kittel, for the remainder of the Successor Term of resigned Board member, Daniel Benton.

ADOPTED AND APPROVED this 5<sup>th</sup> day of December, 2023.


FORT COLLINS TOURISM IMPROVEMENT  
DISTRICT

By:

  
Carl Pratt, Interim President

ATTEST:

By:

  
Abbie Stout, Secretary

April 2, 2024

# AGENDA ITEM SUMMARY

City Council



## STAFF

Davina Lau, Public Engagement Specialist

## SUBJECT

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

## EXECUTIVE SUMMARY

- A. Resolution 2024-056 Making Appointments to the Historic Preservation Commission.
- B. Resolution 2024-057 Making an Appointment to the Land Use Review Commission.
- C. Resolution 2024-058 Making Appointments to the Planning and Zoning Commission.

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

In 2023, the Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office. Each Resolution provides that no person appointed may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

## STAFF RECOMMENDATION

Staff recommends adoption of these Resolutions.

## BACKGROUND / DISCUSSION

These Resolutions appoint individuals to fill vacancies left from previous commission members. These appointments will begin and expire as noted next to each recommended name shown below and in each of the individual resolutions.

### Historic Preservation Commission

Appointments	Term Effective Date	Expiration of Term
Aaron Hull (Seat A)	April 2, 2024	March 31, 2028
Jeff Gaines (Seat D)	April 2, 2024	March 31, 2028
Chris Conway (Seat E)	April 2, 2024	March 31, 2028
Bonnie Gibson (Seat H)	April 2, 2024	March 31, 2028

### Land Use Review Commission

Appointments	Term Effective Date	Expiration of Term
David Lawton (Seat E)	April 2, 2024	March 31, 2028

### Planning and Zoning Commission

Appointments	Term Effective Date	Expiration of Term
Russell Connelly (Seat E)	April 2, 2024	March 31, 2028
Adam Sass (Seat G)	April 2, 2024	March 31, 2028

### CITY FINANCIAL IMPACTS

---

None.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

---

None.

### PUBLIC OUTREACH

---

Public outreach to seek applicants for boards and commissions included a spotlight and press release on the City of Fort Collins website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

### ATTACHMENTS

---

1. Resolution A for Consideration
2. Resolution B for Consideration
3. Resolution C for Consideration
4. Applications (In Order by Board)

RESOLUTION 2024-056  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION

A. The Historic Preservation Commission has vacancies due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for these appointments on February 13, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Historic Preservation Commission.

D. In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office.

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 following named persons are hereby appointed to fill the open vacancies on the Historic Preservation Commission with terms to begin and expire as noted below next to each appointee's name:

**Historic Preservation Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Aaron Hull (Seat A)	April 2, 2024	March 31, 2028
Jeff Gaines (Seat D)	April 2, 2024	March 31, 2028
Chris Conway (Seat E)	April 2, 2024	March 31, 2028
Bonnie Gibson (Seat H)	April 2, 2024	March 31, 2028

Section 2. No person appointed in this Resolution may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Passed and adopted on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 2, 2024

Approving Attorney: Carrie Daggett

RESOLUTION 2024-057  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING AN APPOINTMENT TO THE LAND USE REVIEW COMMISSION

A. The Land Use Review Commission has a vacancy due to the expiration of the term of David Lawton.

B. Councilmembers interviewed candidates for this appointment on February 29, 2024.

C. The City Council desires to make an appointment to fill this vacancy on the Land Use Review Commission.

D. In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office.

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 following named person is hereby appointed to fill the open vacancy on the Land Use Review Commission with a term to begin and expire as noted below next to the appointee's name:

**Land Use Review Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
David Lawton (Seat E)	April 2, 2024	March 31, 2028

Section 2. No person appointed in this Resolution may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Passed and adopted on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 2, 2024

Approving Attorney: Carrie Daggett

**RESOLUTION 2024-058  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION**

A. The Planning and Zoning Commission has vacancies due to the expiration of the term of Adam Sass and the resignation of Michelle Haefele.

B. Councilmembers interviewed candidates for these appointments on March 25, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Planning and Zoning Commission.

D. In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office.

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 following named persons are hereby appointed to fill the open vacancies on the Planning and Zoning Commission with terms to begin and expire as noted below next to each appointee's name:

**Planning and Zoning Commission**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Russell Connelly (Seat E)	April 2, 2024	March 31, 2028
Adam Sass (Seat G)	April 2, 2024	March 31, 2028

Section 2. No person appointed in this Resolution may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Passed and adopted on April 2, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Effective Date: April 2, 2024

Approving Attorney: Carrie Daggett

# VOLUNTEER APPLICATION

**AARON HULL**

12/13/2023 12:18 PM

Application: **HPC - Historic Preservation Commission**

## Applicant Information

Birthdate: [REDACTED] Gender: Male Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Historic Preservation Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge I am available when the Historic Preservation Commission meets: YES

Regular meetings are held on the 3rd Wednesday of each month.

Work Sessions are conducted on the 2nd Wednesday of each month.

All meetings are held at 5:30 p.m.

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 40

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. Planning & Zoning Board, Historic Preservation Board, and Transportation Board

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 2

Current Occupation: Planning Analyst

Current Employer: Kimley Horn

Prior work experience (please include dates):  
 City of Winter Park Winter Park, Florida  
 Planning Technician 2021-2023  
 • Assisted the public in completing the application process for various plans, permits, or certificates.  
 • Researched and compiled information on various planning issues for the City of Winter Park.  
 • Assisted with Board and Committee meetings and taking meeting minutes.  
 • Helped with projects in the Planning Department, including rewriting the City's single-family code in 2021.  
 Wiley Education Services Maitland, Florida  
 Enrollment Counselor 2019-2021

Enrollment Counselor 2019-2021

- Facilitated prospective students through their graduate-level educational selection process.
- Presented 15 different graduate-level American University programs to potential students.

- Managed student applications for qualifying students and helped them complete the application process.

Chipotle Mexican Grill Orlando, Florida

Service Manager 2016 - 2019

- Managed an efficient and clean kitchen daily while supervising thirteen staff members.

- Established a customer satisfaction rating of 86%.

Orange County Utilities Department  
Orlando, Florida

Student Intern 2015 - 2016

- Surveyed over 500 properties for irrigation systems in Orange County, Florida.

- Maintained a Geographic Informational System of those irrigation systems.

Nationwide Title Clearing Palm Harbor, Florida

Data Entry Specialist 2013 - 2015

- Reviewed and entered correct data from over 200 mortgage documents an hour into databases.

- Separated, sorted, organized, mailed, and scanned over 200 mortgage documents an hour.

#### PROJECTS

Eagle Scout Project 2014

- Led a group of 22 Boy Scouts to build a Veterans Memorial Garden.

- Fundraised over \$2000 through donations from door-to-door, mail-in, and sponsorship.

American Planning Association Member,  
Colorado Chapter

Florida APA Orlando Metro Section Board  
Member, 2021 - 2023

2022 Florida APA Planning Conference  
Volunteer Chair

UCF Urban Knights, President from 2022 -  
2023 and Secretary from 2021 - 2022

Boy Scouts of America, Eagle Scout Award  
Golden Key International Honor Club

Member

No

No

I have worked as a city planner at Winter Park, FL, and was the staff liaison for the historic preservation board at the City. I also wrote Staff Reports and helped with cases brought to the historic preservation board. I enjoyed my time as a staff member on the Board and would love to

Volunteer experience (please include dates):

Have you applied for this commission before If yes, please explain.

Are you currently serving on a City board or Commission If so, which one

What is your personal interest and/or professional background in local history and historic preservation

What individual perspectives and community interests would you bring to the HPC that might be missing or underrepresented on the existing Commission

get involved in the City with historic preservation, as it is a crucial topic in city planning.

Specify any activities which might create a serious conflict of interest if you are appointed:

I have worked as a city planner at Winter Park, FL, and was the staff liaison for the city's historic preservation board. I have also worked for a local civil engineering firm that works on public and private development. These experiences and backgrounds provide me with a city government side of historic preservation and a development side of preservation that allows me to bring a well-minded perspective to a board that holds a lot of importance within cities.

Are you willing to complete the required training if appointed

I work for a local engineering firm, so there could be a chance for me to work on a development project. However, if a project is brought up to the Board, I will recuse myself from any cases as necessary.

How did you learn of a vacancy on this board or commission

YES

Website

# VOLUNTEER APPLICATION

Jeff Gaines

1/13/2024 6:02 PM

Application: **HPC - Historic Preservation Commission**

## Applicant Information

Birthdate: [REDACTED] Gender: Male Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Historic Preservation Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge I am available when the Historic Preservation Commission meets: YES

Regular meetings are held on the 3rd Wednesday of each month.  
Work Sessions are conducted on the 2nd Wednesday of each month.  
All meetings are held at 5:30 p.m.

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 15

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. N/A

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 6

Current Occupation: Architect

Current Employer: RB+B Architects

Prior work experience (please include dates):  
May 2005-Jan 2006 Architect Mostue and Assoc Architects Boston  
Feb 2006-Aug 2008 Architect LLTA Tokyo  
Sep 2008-April 2011 Graduate Instructor/ Research Assistant positions UC Berkeley Arch School/Lawrence Berkeley Nat. Lab  
May 2011-Dec 2012 Architect Robin Chang Architects San Francisco  
Jan 2013-Jan 2020 Architect HighCraft Builders Fort Collins  
Feb 2020-Present Architect RB+B Architects Fort Collins

Volunteer experience (please include dates):  
1996-2000 Santa Fe Animal Shelter  
2023-present Youth Soccer Coach

Have you applied for this commission before If yes, please explain.

No

Are you currently serving on a City board or Commission If so, which one

No

What is your personal interest and/or professional background in local history and historic preservation

During my time at HighCraft Builders I worked on a number of renovations/ additions to historic homes in Fort Collins. I interacted with historic preservation staff frequently during this time, and worked on one project that required HPC review. My wife has served on the HPC since 2016 and is an outgoing member. We both have a strong interest in seeing the richness and character of our community's historic architectural resources preserved.

What individual perspectives and community interests would you bring to the HPC that might be missing or underrepresented on the existing Commission

I would bring the knowledge and experience of a working architect to the Commission. This includes experience working with owners of historic properties and working for a contractor doing work on historic properties, allowing me to see things from the eyes of owners, designers, and contractors.

Specify any activities which might create a serious conflict of interest if you are appointed:

My wife is an architect at AU Workshop, a firm that will potentially engage in work that would appear before the Commission. As mentioned, I worked at HighCraft Builders for 7 years, and would expect to recuse myself from a project they were involved in. My current employer, RB B Architects is unlikely to be involved in projects that would appear before the Commission.

Are you willing to complete the required training if appointed

YES

How did you learn of a vacancy on this board or commission

Other (please specify);  
My wife

# VOLUNTEER APPLICATION

**Christopher Conway**

1/13/2024 3:11 PM

Application: **HPC - Historic Preservation Commission****Applicant Information**

Birthday: [REDACTED] Gender: Male Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] &lt;&lt;

**Volunteer Groups Applied For**

Historic Preservation Commission

**Job Description**☒ I have read the job description**Questions**

I acknowledge I am available when the Historic Preservation Commission meets: YES

Regular meetings are held on the 3rd Wednesday of each month.  
Work Sessions are conducted on the 2nd Wednesday of each month.  
All meetings are held at 5:30 p.m.

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 20

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. Planning and Zoning, Historic Preservation Commission

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 1

Current Occupation: Teacher

Current Employer: Ridgeview Classical School

Prior work experience (please include dates): Clint Luken's Realty, Los Angeles, California  
Executive Assistant, 2014-2016Denver City Council, Denver, Colorado  
Field and Communication Aide, 2013Volunteer experience (please include dates): YIMBY Fort Collins  
Co-founder & Co-lead, 2022-presentHUD Denver Point-in-Time Count, Denver, Colorado  
Volunteer, 2012

Have you applied for this commission before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one?

No

What is your personal interest and/or professional background in local history and historic preservation?

I have had a longstanding interest in the built environment, largely inspired by my grandmother, a city planner in Denver. Her guided walks around the city where she described her efforts to save Larimer Square from demolition, profoundly influenced my perspective. She had rallied local businesses and communities to preserve vital parts of the city. This passion followed me home to Fort Collins, where I grew up. Her approach to urban spaces led me to appreciate the historical architecture of Old Town, fostering an admiration for urban forms pre-dating the automobile era and their reflection of a different way of life.

After graduating from college, I contemplated a career in urban planning, inspired by her legacy. My internship with a Denver City Councilperson further cemented my interest in urban development and history. Though I ultimately pursued a degree in history to become a teacher, my fascination with urban landscapes remained a constant companion.

At the University of Chicago for graduate studies, I found a unique opportunity to meld my love for history with my intrigue for urban studies. My academic journey here taught me that cities are melting pots of diverse ideas, cultures, and histories, serving as crucibles for innovative lifestyles and social structures. I delved into urban history, focusing on how historical buildings and designs influence current urban landscapes and community identities. This exploration included examining the socio-economic impacts of historical preservation and the role it plays in maintaining a city's character and heritage.

What individual perspectives and community interests would you bring to the HPC that might be missing or underrepresented on the existing Commission?

As a younger member of the community and an active participant in YIMBY Fort Collins, I bring a fresh and nuanced perspective to the Historic Preservation Commission. My work with YIMBY Fort Collins has equipped me with a deep understanding of the intricate balance between historical preservation and the pressing issue of housing shortages. This experience has honed my ability to view historic preservation through a lens that also considers the critical need for accessible housing.

My involvement in advocating for responsible development gives me a unique insight into how we can harmoniously integrate modern housing

harmoniously integrate modern housing needs with the preservation of our city's rich historical heritage. I believe that this perspective, which may currently be underrepresented on the Commission, is essential in an era where cities are rapidly evolving. My aim is to contribute towards solutions that honor our past while responsibly addressing the present and future housing needs of our community

Specify any activities which might create a serious conflict of interest if you are appointed:

I own a home in a historic district in Old Town.

Are you willing to complete the required training if appointed

YES

How did you learn of a vacancy on this board or commission

Newspaper

## CHRISTOPHER CONWAY

---

### EDUCATION

---

#### **University of Chicago, Chicago, Illinois**

*Master of Arts in the Social Sciences: History, Spring 2018*

#### **Latin/Greek Institute at CUNY, New York, New York**

*Basic Greek Program, Summer 2015*

#### **St. John's College, Santa Fe, New Mexico**

*Bachelor of Arts in Liberal Arts, 2012*

### TEACHING & RESEARCH EXPERIENCE

---

#### **Ridgeview Classical Schools, Fort Collins, Colorado**

*High School Literature Teacher, Fall 2018-Present*

- Design and execute lesson plans
- Run seminar-style classroom and lead writing projects

#### **University of Chicago, Chicago, Illinois**

*Graduate Student Researcher, MA Thesis Project, Fall 2016 - Spring 2018*

- Examined the relationship of Thomas Hobbes and Francis Bacon to 17th-century legal reform
- Managed all phases of the research project including research design, proposal, data collection, and analysis

### LEADERSHIP AND VOLUNTEER EXPERIENCE

---

#### **YIMBY Fort Collins**

*Co-founder & Co-lead, 2021-present*

- Organized community members around zoning code
- Coordinated between progressive housing groups on issues at the state and local level

#### **Clint Luken's Realty, Los Angeles, California**

*Executive Assistant, 2014-2016*

- Managed investment properties; provided executive-level support on multiple projects simultaneously
- Facilitated client relations; built long-term relationships; handled conflict resolution

#### **Denver City Council, Denver, Colorado**

*Field and Communication Aide, 2013*

- Communicated and responded to community concerns and resolved any problems
- Wrote op-ed pieces; edited press releases; facilitated social media, digital and print publications
- Maintained high levels of confidentiality; assisted with standard office practices and procedures

#### **HUD Denver Point-in-Time Count, Denver, Colorado**

*Volunteer, 2012*

- Interviewed individuals experiencing homelessness
- Located and counted individuals experiencing unsheltered homelessness

# VOLUNTEER APPLICATION

**Bonnie Gibson**

12/1/2023 1:55 PM

Application: **HPC - Historic Preservation Commission**

## Applicant Information

Birthdate: [REDACTED] Gender: Female Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Historic Preservation Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge I am available when the Historic Preservation Commission meets: YES

Regular meetings are held on the 3rd Wednesday of each month.  
Work Sessions are conducted on the 2nd Wednesday of each month.  
All meetings are held at 5:30 p.m.

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 20

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. N/A

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 4

Current Occupation: Archaeologist

Current Employer: Statistical Research, Inc.

Prior work experience (please include dates): Cultural resources 2000 - present

Volunteer experience (please include dates): Current vice chair of Historic Preservation Commission (2022-present)

Have you applied for this commission before? If yes, please explain. Current vice chair of Historic Preservation Commission (2022-present)

Are you currently serving on a City board or Commission? If so, which one? Yes;  
Current vice chair of Historic Preservation Commission (2022-present)

What is your personal interest and/or professional background in local history and historic preservation? Serve as a professional in the preservation industry

What individual perspectives and community interests would you bring to the HPC that might be missing or underrepresented on the existing Archaeology

---

**Commission**

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Are you willing to complete the required training if appointed

YES

How did you learn of a vacancy on this board or commission

Other (please specify);  
Currently on the commission and term expires in March.

# VOLUNTEER APPLICATION

David Lawton

12/19/2023 2:41 PM

Application: **LURC - Land Use Review Commission**

## Applicant Information

Birthdate: [REDACTED] Gender: Male Education Level: Bachelors degree

Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Land Use Review Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Planning and Zoning Commission, Land Use Review Commission
I acknowledge I am available when the Land Use Review Commission meets: 2nd Thursday of the month at 8:30 a.m	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member?	40
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts">https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts</a>	2
Current Occupation:	Retired
Current Employer:	N/A
Prior work experience (please include dates):	Please note attached resume.
Volunteer experience (please include dates):	Fort Collins Zoning Board of Appeals - 1990's Fort Collins Land Use Review Commission - 2020's
Have you applied for this commission before? If yes, please explain.	Yes - Applied in late 2019 after moving back to Fort Collins
Are you currently serving on a City board or Commission? If so, which one?	Yes; Land Use Review Commission
Why do you want to become a member of this particular board or commission?	Continue my contribution to Fort Collins' growth and development.
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	Yes; Am serving on the board now.

---

Do you have any experience in development review or applying code to a construction project	Yes. Remodeling project to current residence in 2012 and Construction/Remodeling project for Advanced Energy property in 2022 - current.
Have you ever helped mitigate a solution to a complex problem Please explain.	Was involved in recovery project for Semiconductor operations in Japan after Fukushima earthquake in 2011.
Specify any activities which might create a serious conflict of interest if you are appointed:	None
Are you willing to complete the required training if appointed	YES
How did you learn of a vacancy on this board or commission	Other (please specify); Noah Beals

## Dave Lawton

Fort Collins, CO 80525

### Summary

An accomplished technology executive experienced in optimizing business solutions through streamlined operations and maximized efficiencies. Forward thinker able to set strategic course and drive for measurable results. Profit-focused multi-cultural team leader in areas of human capital management, corporate governance, strategic planning, operations, quality and asset allocation.

### Professional Experience

#### **Advanced Energy Industries, Inc., Fort Collins, Colorado**

\$2B Global leader in engineering and manufacturing the world's most advanced power delivery solutions for semiconductor, medical and industrial manufacturers.

#### **Vice President and General Manager – AE Global Services – Fort Collins, Colorado**

Lead Advanced Energy's worldwide Services organization comprising of operations in 10 countries servicing 200+ customers. Develop strategy for continual growth and diverse offerings in target markets in support of Sales and Product groups within AE. Additional responsibility as Site Leader for Fort Collins campus overseeing expansion and modernization for 600+ employees.

#### **Amkor Technology, Tempe, Arizona**

\$5B industry leader in Semiconductor Subcontract Packaging, Test and Wafer Bump Services with 30,000 employees in the US, China, Taiwan, Japan, Singapore, South Korea, Portugal, Malaysia and the Philippines.

#### **Corporate Vice President - Business Planning and Corporate Development - Tempe, Arizona**

Direct Amkor's M&A activities worldwide. Most recent projects include formation of J Devices in Japan via JV's with Toshiba, Renesas and Fujitsu along with Amkor's acquisition of Toshiba's Malaysia backend facility (TEM) to facilitate entry into the discrete and power packaging and test market.

#### **Managing Director - Amkor Technology, Japan KK - Tokyo, Japan**

Expatriate assignment as Japan Country Manager with overall responsibility for manufacturing, business activities, executive representation, P&L and governance of Amkor's operations in Japan. Sitting board member for J Devices, Japan's largest OSAT where Amkor has a 100% ownership position.

#### **Senior Vice President – ATI US Corporate Group / HR - Chandler, Arizona**

Manage top-level corporate functions including Human Resources, US procurement, Central Planning, Facilities and WW Quality. Lead corporate Human Resource group in overall policy and practice implementation including benefits, compensation, training, employee relations and WW HR systems development/deployment. Liaison between Sales and Manufacturing for customer forecast commitments. Lead Facilities team in acquisition integration, greenfield design and existing factory expansions.

**Lucent Technologies, Utrecht, The Netherlands**

\$13B Communications equipment manufacturer with 100,000+ employees world-wide.

**Director of Operations**

Expatriate assignment to oversee all activities related to the production and global delivery of RF wireless network data terminals for Lucent's WaveLAN product line.

**Accomplishments:**

- Achieved 68% reduction in product cost through qualification and primary use of Asia-based suppliers for product materials, sub-circuit assembly, test and drop shipment.
- Opened new international markets through product re-design for modularity and upgrade of supply chain for regional configuration.
- Developed supply assurance programs with product distribution networks as well as key customers.
- Improved all key operational metrics and controls while tripling product sales.
- Established aggressive continuous improvement goals with electronics manufacturing service providers. Insured compliance through regular reviews and shared incentive programs.
- Led transformation of a development engineering organization into a high volume manufacturing support group.
- Transferred custom RF test equipment and programs offshore while protecting IP.
- Selected and trained a local Dutch candidate to successfully assume job duties after completion of two-year contract.

**NCR Microelectronic Products Division, Fort Collins, Colorado**

\$500M Semiconductor Products Division for NCR Corporation.

**Director of Operations, SRAM Program Manager, QA Manager, Product Engineering Manager, Product Engineer, Test Engineer.** Direct semiconductor test, assembly, process engineering and production groups. Accountable for local plant P&L through to gross margin. Formulate manufacturing standards and long range plans. Capital expense planning and authorization. Personnel training, resource allocation and budgeting.

**Accomplishments:**

- Successful 4 year double-digit expansion of internal and outsourced operations in response to rapid product growth.
- Created 8 new product offerings through negotiation of technology and product exchanges with multi-national firms.
- Exceeded donations target by 35% as NCR Coordinator for annual Fort Collins United Way campaign.
- 5x improvement in product reliability and yields through focused drive towards defect reduction.
- Standardized ASIC design process through creation and use of design traveler.

**Education**

**BS Electrical Engineering / Circuit Design, University of California, Davis**

**Zenger Miller Supervision - Train the Trainer, Minneapolis, MN**

**Financial Management for Non-Financial Managers, Colorado**

**USC IBEAR: Doing Business with Taiwan, Los Angeles, CA**

**USC IBEAR: Doing Business with China and Hong Kong, Los Angeles, CA**

**Human Resource Management – George Washington School of Business**

**Applications:** MS Excel, Power Point, Word, Outlook, SAP, Success Factors, Salesforce.com

**Affiliations:** SHRM, ESCA, APICS, MEPTEC

# VOLUNTEER APPLICATION

**Russell Connelly**

1/14/2024 7:58 PM

Application: **PZC - Planning and Zoning Commission**

## Applicant Information

Birthday: [REDACTED] Gender: [REDACTED] Education Level: Doctoral degree  
 Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Planning & Zoning Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	Planning and Zoning, Historic Preservation
I acknowledge I am available when the Planning & Zoning Commission meets: Hearings are held on the third Thursday of Each Month at 6:00 p.m. and work sessions are held the Friday prior to 3rd Thursday Hearing at 12 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member?	20
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts">https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts</a>	2
Current Occupation:	Deputy District Attorney
Current Employer:	Office of the 8th Judicial District Attorney
Prior work experience (please include dates):	Burnham Law Firm, 2022-23 Ring & Associates, P.C., 2020-21 Office of the 6th Judicial District Attorney, 2017-19 Office of the 10th Judicial District Attorney, 2016-17
Volunteer experience (please include dates):	Secretary, Larimer County Democratic Party, 2023-Present Chair, Senate District 14, 2023-Present Larimer County Bar Association - Young Lawyers Division, 2020-Present
Have you applied for this commission before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No

What is your level of familiarity with the City's adopted plans, policies and land use regulations

I have a basic understanding of the city's land use code.

Please describe your understanding of how the City's adopted plans, policies and land use regulations impact the built environment.

My understanding is that the City's adopted plans, policies, and land use regulations impact the built environment by determining what can and cannot be built in any particular part of the City with regard to size, density, use, etc.

Specify any activities which might create a serious conflict of interest if you are appointed:

I'm not aware of any.

Are you willing to complete the required training if appointed

YES

How did you learn of a vacancy on this board or commission

Website

## Russell B. Connelly

### EDUCATION

---

#### University of Michigan Law School – Ann Arbor, MI

*J.D., Dec. 2015*

- President, Frank Murphy Society
- Secretary, Michigan Election Law Project

#### Guilford College – Greensboro, NC

*B.A., Political Science, May 2013*

### EXPERIENCE

---

#### Office of the 8<sup>th</sup> Judicial District Attorney

*Deputy District Attorney – Special Victims Unit*

Fort Collins, CO  
October 2023-Present

- Responsible for handling the prosecution of felony-level sex offenses and crimes against children.
- I conduct jury trials and motions hearings, and manage a full caseload.

#### The Burnham Law Firm, P.C.

*Associate Attorney*

Fort Collins, CO  
March 2022 – September 2023

- Handled a full caseload consisting primarily of personal injury cases.
- Assisted firm with marketing and generating business as it sought to expand into Northern Colorado from the Denver area.

#### The Connelly Law Firm, L.L.C.

*Attorney*

Fort Collins, CO  
January 2022 – March 2022

- Started a solo practice primarily handling personal injury matters after the unexpected dissolution of my prior firm.
- Managed solo practice until joining an established firm.

#### Ring & Associates, P.C.

*Associate Attorney*

Fort Collins, CO  
January 2020 – December 2021

- Responsible for majority of the personal injury practice for a well-established Northern Colorado law firm.
- Handled other types of cases on an as-needed basis.
- Left the firm because it was dissolved due to the unexpected death of the owner/managing attorney.

#### Office of the 6<sup>th</sup> Judicial District Attorney

*Deputy District Attorney*

Durango, CO  
October 2017-December 2019

- Responsible for prosecuting felony-level domestic violence offenses.
- Managed the Sixth Judicial District Behavioral Health Court program.
- Conducted over 30 jury trials in both county and district court.

#### Office of the 10<sup>th</sup> Judicial District Attorney

*Deputy District Attorney*

Pueblo, CO  
June 2016- June 2017

- Handled a docket of several hundred cases.

- Conducted jury trials and hearings.

## COMMUNITY & POLITICAL INVOLVEMENT

---

### **Larimer County Bar Association – Young Lawyers Division**

*President*

February 2023 – Present

*Treasurer*

February 2021 – February 2023

*Vice President of Communications*

February 2020 – February 2021

### **Larimer County Democratic Party**

*Secretary*

June 2023 - Present

*Chair, Senate District 14*

February 2023 - Present

### **Sal Pace for Congress**

*Field Fellow*

June – August 2012

### **Office of U.S. Senator Mark Udall**

*Intern*

June – August 2011

# VOLUNTEER APPLICATION

Adam Sass

12/1/2023 1:21 PM

Application: **PZC - Planning and Zoning Commission**

## Applicant Information

Birthdate: [REDACTED] Gender: Male Education Level: Bachelors degree

Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Planning & Zoning Commission

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. N/A

I acknowledge I am available when the Planning & Zoning Commission meets: Hearings are held on the third Thursday of Each Month at 6:00 p.m. and work sessions are held the Friday prior to 3rd Thursday Hearing at 12 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 20+

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> GMA

Current Occupation: Project Manager

Current Employer: Adolfson & Peterson

Prior work experience (please include dates): 2014-2020 - Project Manager - Heath Construction (Saunders Heath Construction)

2020 - Present - Project Manager - Adolfson and Peterson Construction

Volunteer experience (please include dates): I have been volunteering for multiple organizations throughout my entire life. I have served as chair of the USGBC (United States Green Building Council) Illinois Branch from 2008-2010. I volunteer with the boy scouts as often as possible every year. I currently serve on the Planning and Zoning Board here in Fort

Have you applied for this commission before If yes, please explain.

Are you currently serving on a City board or Commission If so, which one

What is your level of familiarity with the City's adopted plans, policies and land use regulations

Please describe your understanding of how the City's adopted plans, policies and land use regulations impact the built environment.

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed

How did you learn of a vacancy on this board or commission

Collins. I love to volunteer and help make things better. Furthermore, volunteering for the Realities For Children group has been an eye opening experience for me and while i don t directly volunteer for them any longer, I do continue to support their mission every year.

Yes, and was selected to fill a vacancy.

Yes;  
Planning and Zoning

Very Familiar with the City s adopted plans, policies, and land use regulations.

The City s adopted plans, policies, and land use regulations directly impact the built environment by putting guardrails in place for the aforementioned built environment. They are guiding principles for the overall growth of the city as well as specific codified guidelines for the built environment and aspire to bring forth the city that is envisioned by the policy makers.

N/A.

YES

Other (please specify);  
Already serving and would love to continue my service.

April 2, 2024

## AGENDA ITEM SUMMARY

City Council



---

### STAFF

Rupa Venkatesh, Assistant City Manager  
Heather Walls, Interim City Clerk  
Carrie Daggett, City Attorney

---

### SUBJECT

**Second Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.**

---

### EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading with amendments at the March 18, 2024, special meeting, by a vote of 6-1 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Potyondy; Nays: Councilmember Ohlson), updates Code provisions related to the conduct of Council meetings to allow Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode due to circumstances preventing a meeting from proceeding.

Council amended the Ordinance at the time of adoption on First Reading to remove a provision allowing Council to limit public comment to agenda items only and to correct an obsolete pronoun reference.

Resolution 2024-026 Adopting Amending Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions failed unanimously.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the and Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

During the First Reading discussion, there was a question raised about how the Colorado Open Meetings Law addresses electronic messages and open meetings. Here are the relevant provisions of that statute (Colorado Revised Statutes Section 24-6-402 (1)):

b. "Meeting" means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

...

- d.II If elected officials exchange electronic mail to discuss pending legislation or other public business among themselves, the electronic mail is subject to the requirements of this section. Electronic mail communication between elected officials that does not relate to the merits or substance of pending legislation or other public business, including electronic mail communication regarding scheduling and availability or electronic mail

communication that is sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the state or local public body, or posing a question for later discussion by the public body, shall not be considered a "meeting" within the meaning of this section. For purposes of this subsection (2)(d)(III), "merits or substance" means any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity.

Because repeating this language in the City Code would be cumbersome, the Ordinance references the statute but does not include this specific language. If Council would prefer to restate the statutory provision in the Code, the change would be to add this language to the definition of "meeting" in City Code Section 2-26, which is shown in Section 1 of the Ordinance.

### **CITY FINANCIAL IMPACTS**

---

No significant costs have been identified.

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

---

No board/commission/committee recommendations have been requested or made.

### **PUBLIC OUTREACH**

---

No public outreach has been completed.

### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 039, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CITY CODE TO PROVIDE ADDITIONAL PROCEDURAL  
OPTIONS FOR THE CONDUCT OF CITY COUNCIL MEETINGS

A. Division 2 of Article II of Chapter 2 of the City Code contains provisions relating to attendance at and conduct of City Council meetings.

B. The City Council most recently updated the provisions of that Division in October 2021, at which time Council enacted provisions addressing the use of remote technology, updating the structure of public comment at Council meetings, and clarifying the process for removing items from the Consent Calendar, among other revisions.

C. Experience with these provisions and procedures in recent months has highlighted the need for additional flexibility to manage disruption of meetings and utilize remote technology to allow the Council to carry out its business.

D. Council desires to revise the Code to implement updated procedures and allow additional flexibility as needed, as more specifically described in this Ordinance.

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 2-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-26. Definitions.**

For purposes of this Division, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

. . .

*Meeting* shall mean any gathering of a quorum or three (3) or more members, whichever is fewer, of the City Council or any Council committee, at which any public business is discussed or at which any formal action may be taken but shall not mean any chance meeting or social gathering at which the discussion of public business is not the central purpose. Electronic mail communications to or from City Councilmembers shall not constitute meetings of the City Council, or of a Council committee, except as provided by applicable Colorado open meetings law.

*Present and voting* shall mean physically present while participating in a Council regular or special meeting. However, 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 shall

be considered present and voting when participating using remote technology, and may fully participate and vote in that meeting using remote technology.

For any Council committee meeting, *present and voting* shall mean either being physically present at and participating in a meeting or participating in a meeting using remote technology.

*Using remote technology* shall mean conducting or participating in any meeting by electronic means, provided any participating Councilmember:

- (1) Appears using electronic means that include both full audio and video capability to enable hearing and seeing comment, testimony, discussion and action taken by the Councilmember, other Councilmembers present, and the public observing the meeting; and
- (2) Appears live on camera and is audible in the meeting to those observing the meeting when establishing a quorum, when speaking and when voting.

Section 2. Section 2-28 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-28. Regular meetings.**

. . .

(b) The place of such meeting shall be the Council Chambers of the City Hall unless the City Council, by majority action of a quorum of its members, directs that a meeting be held elsewhere. In the event 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 or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When 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 3. Section 2-29 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (e) which reads in its entirety as follows:

## **Sec. 2-29. Special meetings.**

. . .

(e) In the event circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the location stated in the call of a special meeting, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When 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 4. Section 2-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

## **Sec. 2-30. Meeting agenda.**

(a) The City Manager shall, in consultation with the Mayor and the Mayor Pro Tem, prepare the agenda for all regular and special meetings of the City Council. The agenda shall include all items requiring City Council action. Whenever possible, there shall be submitted with the agenda all facts necessary for the City Council to properly study the item and make a decision. To this end, the City Manager may include their recommendation on items to be considered.

. . .

(d) Any interested party may request, at any time prior to action by the City Council on the consent calendar, that the City Manager or a Councilmember remove a specified item from the consent calendar to be considered as a separate item by the City Council. Prior to action by the City Council on the consent calendar, the presiding officer of the City Council shall confirm whether the City Manager or any Councilmember desires to remove any item or items from the consent calendar, and the presiding officer shall place such item on the agenda for that meeting at an appropriate place for separate action. After removal of all items for which a request was made for removal, the City Council shall consider the remaining items on the consent calendar by one (1) motion. The vote of each City Councilmember on the motion to approve the consent calendar shall be considered a vote on each individual item on the consent calendar.

(e) The City Council may from time to time adopt such meeting rules and rules of procedure as Council deems appropriate, consistent with this Division and other applicable laws.

Section 5. Section 2-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-32. Open meetings/notice of meetings.**

(a) Except as otherwise provided in § 2-31, all meetings of the City Council and all meetings of City Council committees shall be open to the public. This requirement may be met by allowing physical public access to a meeting or by providing free public access to a meeting through remote technology or by a combination of these means of access.

(b) Any meeting of the City Council at which any formal action could occur or at which a majority or quorum is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. For purposes of this Subsection, full and timely notice of regular and special Council meetings shall be accomplished by compliance with the provisions contained in this Division, as applicable.

. . .

Section 6. Section 2-34 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (4) which reads in its entirety as follows:

**Sec. 2-34. Place of posting.**

The public meetings page on the City's website at <http://fcgov.com>, is designated as the proper place for the posting of public notice of:

. . .

(4) Any alternative location for a regular or special Council meeting relocated in accordance with Subsection 2-28(b) or 2-29(e).

Introduced, considered favorably on first reading on March 18, 2024, and approved on second reading for final passage on April 2, 2024.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

Effective Date: April 12, 2024

Approving Attorney: Carrie Daggett