

ORDINANCE NO. 055, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE STORM DRAINAGE FUND TO  
PERFORM STREAM RESTORATION WORK ON MCCLELLANDS CREEK IN  
CONNECTION WITH THE TWIN SILO PARK DEVELOPMENT PROJECT AND  
TRANSFERRING APPROPRIATIONS TO THE CULTURAL SERVICES  
AND FACILITIES FUND FOR THE ART IN PUBLIC PLACES PROGRAM

WHEREAS, local development and the construction of Lady Moon Drive has increased flows and affected McClellands Creek, resulting in severe degradation of the stream channel and banks between Ziegler Road and Lady Moon Drive, causing erosion and undercutting along the channel banks within the project area; and

WHEREAS, the City of Fort Collins has been constructing stream rehabilitation activities along McClellands Creek in southeast Fort Collins as a joint effort between the Stormwater Utility and Parks Planning; and

WHEREAS, City staff has recommended stream rehabilitation activities along approximately 2,200 linear feet of McClellands Creek in the new Twin Silo Park (the "Park"), including channel modifications to stabilize the channel and banks, and improve the quality of the aquatic and riparian habitat within McClellands Creek and its associated floodplain, and to mitigate storm drainage impacts and enhance stormwater management (collectively, the "McClellands Creek Stream Restoration Project"); and

WHEREAS, the Park's proposed recreation facility enhancements and site amenities, which will be constructed concurrently with the Project under a single contract, include constructing a designated creek play area, relocating two pedestrian bridges, installing stormwater outfall structures, and constructing one raised pedestrian bridge and one at-grade creek crossing (the "Twin Silo Park Development Project"); and

WHEREAS, the McClellands Creek Stream Restoration Project and Twin Silo Park Development Project address separate issues, but can be constructed more economically and with less overall impact if designed and constructed concurrently; and

WHEREAS, the Water Board previously approved the Stream Restoration Program and the Project has been prioritized due to the ability to construct it in coordination with the Park Improvements Project; and

WHEREAS, Utilities is requesting \$454,500 from the Storm Drainage Fund Reserves to cover costs of the Project (\$450,000) in conjunction with the Twin Silo Park Development Project and the one percent (1%) required for the Art in Public Places Program ("APP") under City Code Section 23-304(a) (\$4,500); and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate 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; and

WHEREAS, Article V, Section 10, of the City Charter authorizes the City Council to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund (project) to another fund (project), provided that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, in accordance with Article XII, Section 6 of the City Charter, the appropriation of reserves for the Project from the Storm Drainage Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP program established by City Code Section 23-304(a) will be used for stormwater purposes and improvements in connection with the Park Improvements Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated for expenditure from prior year reserves in the Storm Drainage Fund the sum of FOUR HUNDRED FIFTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$454,500) as follows:

• Twin Silo Park Development Project (stream restoration work on McClellands Creek)	\$450,000
• Art in Public Places Project (Artwork)	3,510
• Art in Public Places Project (transfer to Cultural Services Fund for APP Maintenance & Operations)	990
TOTAL	<u>\$454,500</u>

Section 3. That the unexpended appropriated amount of NINE HUNDRED AND NINETY DOLLARS (\$990) is authorized for transfer to the Art in Public Places Projects from the Storm Drainage Fund to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance and Operations

Introduced, considered favorably on first reading, and ordered published this 18th day of April, A.D. 2017, and to be presented for final passage on the 2nd day of May, A.D. 2017.



  
Mayor

ATTEST:

W Winkelman  
City Clerk

Passed and adopted on final reading on the 2nd day of May, A.D. 2017.

  
Mayor

ATTEST:

W Winkelman  
City Clerk

