

ORDINANCE NO. 159, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE CAPITAL EXPANSION FUND  
AND AUTHORIZING THE TRANSFER OF APPROPRIATIONS FROM THE CAPITAL  
EXPANSION FUND INTO THE CAPITAL PROJECT FUND FOR COMMUNITY PARK  
DEVELOPMENT AND TRANSFERRING APPROPRIATIONS TO THE CULTURAL  
SERVICES AND FACILITIES FUND FOR THE ART IN PUBLIC PLACES PROGRAM

WHEREAS, the East Community Park (the "Park") is the next community park planned to be constructed, located east of Drake and Ziegler, north of the new Rigden Reservoir; and

WHEREAS, Park Planning & Development purchased the 58-acre site a few years ago and based on ongoing negotiations with a developer who plans to develop adjacent to the Park site, there is potential for the city to acquire an additional 26 acres for the park; and

WHEREAS, the entire property, including the Park site, was formerly used for gravel mining and as such, the property is governed by a state issued mining permit, which requires the property to be restored to its original condition after mining operations have ceased; and

WHEREAS, the restoration efforts needed on the Park site include installation of an underdrain system to alleviate standing surface water and restoration seeding (the "Project"); and

WHEREAS, the total cost of the Project to-date, including this appropriation, is expected to be \$420,000, therefore Art in Public Places funding is applicable; and

WHEREAS, \$200,000 is currently appropriated for the Project in the Budgeting For Outcomes Offer, and \$220,000 will be appropriated for the restoration in this Ordinance from Prior Year Reserves from the Capital Expansion Fund; 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, City staff have determined that the appropriations as described herein are available and previously unappropriated in the Capital Expansion Fund; 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 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; and

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

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

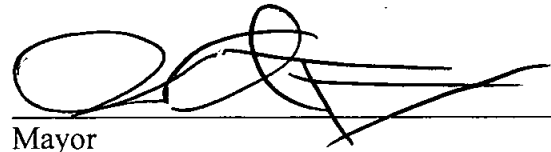
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated for expenditure from reserves in the Capital Expansion Fund for transfer to the Capital Projects Fund the sum of TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000) for the restoration of the East Community Park site and appropriated therein.

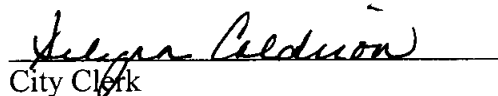
Section 3. That the unexpended appropriated amount of THREE THOUSAND TWO HUNDRED SEVENTY-SIX DOLLARS (\$3,276) in the Capital Projects Fund - Community Park Development Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for Art in Public Places projects.

Section 4. That the unexpended appropriated amount of NINE HUNDRED TWENTY-FOUR DOLLARS (\$924) in the Capital Projects Fund - Community Park Development Project is authorized for transfer 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 21st day of November, A.D. 2017, and to be presented for final passage on the 5th day of December, A.D. 2017.

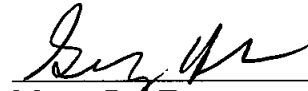
  
\_\_\_\_\_  
Mayor

ATTEST:


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



Passed and adopted on final reading on the 5th day of December, A.D. 2017.

  
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Mayor Pro Tem

ATTEST:

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

