

ORDINANCE NO. 143, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPROPRIATIONS AND AUTHORIZING TRANSFERS OF APPROPRIATIONS
FOR THE HORSETOOTH OUTLET PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, Horsetooth Reservoir is a water storage reservoir operated by the Northern Colorado Water Conservancy District (“Northern Water”), which is created by the Soldier Canyon Dam and other infrastructure; and

WHEREAS, the Soldier Canyon Outlet is a pipe and related infrastructure that conveys water from Horsetooth Reservoir under and through Soldier Canyon Dam; and

WHEREAS, water delivered through the Soldier Canyon Outlet is ultimately delivered to, among other locations: the City’s Water Treatment Facility and the Soldier Canyon Filter Plant, which is owned and operated by the East Larimer County Water District, the Fort Collins-Loveland Water District, and the North Weld County Water District (collectively, “Tri-Districts”) through the Soldier Canyon Water Treatment Authority (together, “Horsetooth Water Treatment Plants”); and

WHEREAS, Northern Water intends to temporarily shut down the Soldier Canyon Outlet during 2020 for approximately 45 to 60 days for inspection, maintenance, and related purposes, which will result in a water supply disruption for the City and the Tri-Districts and a potential need to convey water in Horsetooth Reservoir (“Horsetooth Water”) to the Horsetooth Water Treatment Plants by a means other than the Soldier Canyon Outlet; and

WHEREAS, the City and the Tri-Districts are likewise interested by developing supplemental infrastructure to deliver their Horsetooth Water to the Horsetooth Water Treatment Plants in order to build redundancy and resiliency into their water treatment and delivery systems; and

WHEREAS, pursuant to Resolution 2019-055 and the *Agreement Between the City of Fort Collins, the East Larimer County Water District, the Fort Collins-Loveland Water District, and the North Weld County Water District Regarding a Study Related to a Temporary Shutdown of the Horsetooth Reservoir Soldier Canyon Outlet*, dated May 24, 2019 (“Study IGA”), Fort Collins and the Tri-Districts investigated ways to address this water supply disruption and alternative ways to deliver their Horsetooth Water to the Horsetooth Water Treatment Plants; and

WHEREAS, following the completion of the study under the Study IGA, the City and the Tri-Districts, in consultation with other stakeholders including Northern Water and the City of Greeley, have concluded that a project involving the use of existing and some new infrastructure (“Horsetooth Outlet Project”) would best address these objectives; and

WHEREAS, the Horsetooth Outlet Project involves Horsetooth Water being delivered out of Horsetooth Reservoir and into the Charles Hansen Supply Canal, then through a headgate on that canal and through certain new pipes, then through certain wet wells and pumps, then through new pipes and into the Pleasant Valley Pipeline to the Horsetooth Water Treatment Plants; and

WHEREAS, pursuant to Resolution 2019-096, Resolution 2019-097, and Resolution 2019-098, the City is pursuing agreements necessary for the completion of the Horsetooth Outlet Project; and

WHEREAS, the Horsetooth Outlet Project will provide a redundancy in the water supply for the Horsetooth Water Treatment Plants during the temporary shutdown of the Soldier Canyon Outlet, which will benefit the ratepayers of the water utility by significantly reducing the risk of treated water service disruptions;

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, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Water Fund and will not cause the total amount appropriated in the Water Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year; 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 program; and

WHEREAS, in accordance with Article XII, Section 6 of the City Charter, the appropriation of reserves for the Project from the Water Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the Art in Public Places program established by City Code Section 23-304(a) will be used for Water purposes and improvements in connection with the 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 Water Fund the sum of THREE MILLION TWO HUNDRED THIRTY-TWO THOUSAND

DOLLARS (\$3,232,000) for the Horsetooth Outlet Project and appropriated therein as follows:

• Horsetooth Outlet Project	\$3,200,000
• Art in Public Places Project (Artwork)	24,960
• Art in Public Places Project (transfer to Cultural Services Fund for APP Operations)	6,400
• Art in Public Places Project (transfer to Cultural Services Fund for APP Maintenance)	640
TOTAL	<hr/> \$3,232,000

Section 3. That the unexpended appropriated amount of SIX THOUSAND FOUR HUNDRED DOLLARS (\$6,400) in the Water Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Operations.

Section 4. That the unexpended appropriated amount of SIX HUNDRED FORTY DOLLARS (\$640) in the Water Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance.

Introduced, considered favorably on first reading, and ordered published this 3rd day of December, A.D. 2019, and to be presented for final passage on the 17th day of December, A.D. 2019.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 17th day of December, A.D. 2019.



Mayor

ATTEST:



City Clerk

