

ORDINANCE NO. 118, 2021  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATING PRIOR YEAR  
RESERVES, AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE  
SIPHON OVERPASS PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, the Power Trail is a recreational and commuter bike trail that runs north to south and parallel to the Union Pacific Railroad tracks through the City of Fort Collins, connecting to the Spring Creek Trail at its north end and to the Larimer County and City of Loveland trail networks at its south end; and

WHEREAS, because of its proximity to the railroad tracks, access to the Power Trail from the east is limited to where roadways cross the tracks and, between Harmony Road and Trilby Road, there is a two-mile section of the Power Trail with no access from east of the tracks; and

WHEREAS, there is significant demand for access to this section of the Power Trail because of nearby residential neighborhoods, schools, and businesses and, with planned future residential development east of the railroad tracks and south of the Mail Creek Ditch, it is expected that demand for access to the Power Trail will increase significantly; and

WHEREAS, there also is evidence of people crossing the railroad tracks in unauthorized locations to access the Power Trail; and

WHEREAS, the City was awarded a grant in the amount of \$500,000 (the "Grant") by the North Front Range Metropolitan Planning Organization in the form of State of Colorado Multimodal Options Funds ("MMOF") for the design and construction of the Siphon Overpass Project (the "Project"), consisting of a trail bridge over the railroad tracks and a trail connection to Timberline Road, roughly halfway between Harmony Road and Trilby Road; and

WHEREAS, the planned trail connection for this Project will follow the south bank of the Mail Creek Ditch and the north edge of two planned residential developments to provide access to the Power Trail from the east, eliminating the need for trail users to travel north to Harmony or south to Trilby and reducing the likelihood of unsafe and unauthorized crossing of the railroad tracks by pedestrians; and

WHEREAS, the MMOF grant funds for the Project are to be administered by the Colorado Department of Transportation ("CDOT") with project delivery oversight pursuant to an Intergovernmental Agreement ("IGA") with CDOT that requires the City to provide matching funds of \$500,000; and

WHEREAS, Transportation Capital Expansion Fee ("TCEF") Fund reserves will be used to satisfy the local match portion of the IGA; and

WHEREAS, \$850,000 of Conservation Trust Funds previously appropriated through the 2019-2020 Budgeting for Outcomes process will help further support the design and construction of this Project; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the Grant funds, to appropriate those funds and Transportation Capital Expansion Fee (“TCEF”) Fund reserves for the Project, and to appropriate Transportation Services Fund reserves to satisfy the City’s Art in Public Places (“APP”) program contribution requirements; and

WHEREAS, this appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of improving pedestrian infrastructure within the City; 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 APP program; and

WHEREAS, previously appropriated Conservation Trust Funds already have satisfied the required contribution to public art; however, a portion of the Project funds is ineligible for public art purposes, as Section 23-304 of the City Code otherwise requires, due to restriction on the use of the funds; and

WHEREAS, as defined in the IGA, the MMOF grant funds are not eligible for use toward public art; however, the local matching funds are eligible and, as such, the total APP contribution to be appropriated with this action and transferred to the Cultural Services and Facilities Fund is \$5,050, consisting of \$3,939 of TCEF Fund reserves and \$1,111 of Transportation Services Fund reserves; and

WHEREAS, the Transportation Services Fund reserves are needed to satisfy the Operations and Maintenance (“O&M”) portion (22%) of the APP contribution, as TCEF funds are restricted and cannot be utilized for O&M; however, TCEF funds are permitted for use to satisfy the remaining portion (78%) of the APP contribution; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, 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; and

WHEREAS, the Interim 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 that Fund during this fiscal year; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, 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 Interim City Manager has recommended the appropriation described herein and determined that these appropriations are available and previously unappropriated from the Transportation Capital Expansion Fee Fund and the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund or the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these Funds during this fiscal year; and

WHEREAS, 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; and

WHEREAS, the Interim City Manager has recommended the transfer of \$850,000 from the Conservation Trust Fund to the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the Interim City Manager has recommended the transfer of \$5,050 from the Capital Projects Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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 from unanticipated grant revenue in the Capital Projects Fund the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) for expenditure from the Capital Projects Fund for the Siphon Overpass Project.

Section 3. That there is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of FIVE HUNDRED THREE THOUSAND NINE HUNDRED THIRTY-NINE DOLLARS (\$503,939) for expenditure from the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund for the Siphon Overpass Project and appropriated therein.

Section 4. That there is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of ONE THOUSAND ONE HUNDRED ELEVEN DOLLARS (\$1,111) for expenditure from the Transportation Services Fund for transfer to the Capital Projects Fund for the Siphon Overpass Project and appropriated therein.

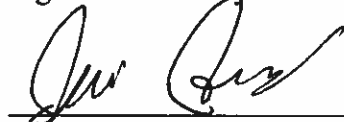
Section 5. That the unexpended and unencumbered appropriated amount of EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000) is authorized for transfer from the Mail Creek/Siphon Overpass Project in the Conservation Trust Fund to the Siphon Overpass Project in the Capital Projects Fund and appropriated therein.

Section 6. That the unexpended and unencumbered appropriated amount of THREE THOUSAND NINE HUNDRED THIRTY-NINE DOLLARS (\$3,939) in the Capital Projects Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program art projects.

Section 7. That the unexpended and unencumbered appropriated amount of ONE THOUSAND TEN DOLLARS (\$1,010) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program operation costs.

Section 8. That the unexpended and unencumbered appropriated amount of ONE HUNDRED ONE DOLLARS (\$101) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program maintenance costs.

Introduced, considered favorably on first reading, and ordered published this 21st day of September, A.D. 2021, and to be presented for final passage on the 5th day of October, A.D. 2021.

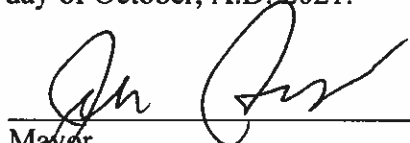
  
\_\_\_\_\_  
Mayor

ATTEST:

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



Passed and adopted on final reading on the 5th day of October, A.D. 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

