

ORDINANCE NO. 088, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF UNANTICIPATED
REVENUE FOR THE SIPHON OVERPASS PROJECT

WHEREAS, the Power Trail is a frequently used north-south multi-use recreational and commuter connection that connects the Spring Creek Trail at its northern end and the Fossil Creek Trail at its southern end; and

WHEREAS, the Union Pacific Railroad (UPRR) tracks parallel the Power Trail; and

WHEREAS, the only current designated railroad crossings for trail users south of Harmony Road and east of the tracks wishing to access the Power Trail are at Harmony Road or at Trilby Road, with no other designated crossings between the Harmony or Trilby roadway crossings; and

WHEREAS, evidence shows trail users crossing the railroad tracks at unauthorized locations between Harmony Road and Trilby Road; and

WHEREAS, the need for a grade separated crossing between Harmony Road and Trilby Road becomes amplified as development continues around this area; and

WHEREAS, the Siphon Overpass Project (the “Project”) has been developed to address these safety concerns and provide another designated railroad crossing; and

WHEREAS, the Project’s proposed improvements will construct a trail overpass spanning the UPRR tracks near the southeast corner of the Willow Springs neighborhood to provide a safe and designated connection to the Power Trail for trail users south of Harmony Road and east of the UPRR tracks; and

WHEREAS, the Project design will be context sensitive to the existing natural environment, concurrently performing environmental investigations and reviews associated with the use of federal funds, and will complement anticipated trail improvements along Mail Creek and at Timberline Road; and

WHEREAS, Project design and right-of-way acquisition are currently underway, and construction is anticipated to begin in 2023; and

WHEREAS, in 2020, 2021, and 2022, the City appropriated Community Capital Improvement Program and Multimodal Option Funds (MMOF) funding amounts totaling \$4,505,050 for the design, right-of-way acquisition, and construction of the Project; and

WHEREAS, the City was awarded \$554,569 in MMOF and \$195,431 in Carbon Reduction Program (CRP) funds by the North Front Range Metropolitan Planning Organization and the Colorado Department of Transportation (CDOT), also for the design, right-of-way acquisition, and construction of the Project, because the Project improves multimodal connectivity and also provides a safe route to nearby neighborhood schools; and

WHEREAS, the MMOF and CRP grant funding requires the City to provide local matching funds totaling \$595,194, which will be provided from funds previously appropriated for this Project; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of improving transportation and safety infrastructure within the City; and

WHEREAS, the funds appropriated in this Ordinance for the Siphon Overpass Project are ineligible for use in the Art in Public Places Program due to restrictions placed on them by the MMOF grant and the CRP grant administered by CDOT; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the appropriations described herein and determined that these appropriations are 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; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project 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; and

WHEREAS, the City Council wishes to designate the appropriation herein for the MMOF grant administered by CDOT 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 the grant; and

WHEREAS, the City Council wishes to designate the appropriation herein for the CRP grant administered by CDOT 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 the grant; and

WHEREAS, the City Council wishes to designate the appropriations herein for the Project as appropriations that shall not lapse at the end of this fiscal year but shall continue until the completion of 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 from new revenue or other funds from the MMOF grant in the Capital Projects Fund the sum of FIVE HUNDRED FIFTY-FOUR THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS (\$554,569) to be expended in the Capital Projects Fund for the Project.

Section 3. That there is hereby appropriated from new revenue or other funds from the CRP grant in the Capital Projects Fund the sum of ONE HUNDRED NINETY-FIVE THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$195,431) to be expended in the Capital Projects Fund for the Project.

Section 4. That the appropriation herein from the MMOF 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 shall continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from the grant.

Section 5. That the appropriation herein from the CRP 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 shall continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from the grant.

Section 6. That the appropriations herein for the Project 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 shall continue until the completion of the Project.

Introduced, considered favorably on first reading and ordered published this 20th day of June, 2023, and to be presented for final passage on the 18th day of July, 2023.

Mayor

ATTEST:

Deputy City Clerk

Passed and adopted on final reading this 18th day of July, 2023.

Mayor

ATTEST:

Deputy City Clerk