

RESOLUTION 2023-105  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT  
BETWEEN THE CITY OF FORT COLLINS AND NUMEROUS STAKEHOLDERS  
REGARDING OPERATION AND MAINTENANCE OF  
BOXELDER CREEK WATERSHED DAMS (B DAMS B-2, B-3, AND B-4)

WHEREAS, the watershed of Boxelder Creek includes various lands in northern Larimer County, including lands in Fort Collins and its municipal boundaries and Growth Management Area; and

WHEREAS, Boxelder Creek flows from its headwaters in northern Larimer County generally to the south and southeast, through farmlands and along the developed and developing Interstate 25 corridor through various political boundaries towards its confluence with the Cache la Poudre River in eastern Fort Collins; and

WHEREAS, Boxelder Creek is prone to potential flood risks; and

WHEREAS, to help address these flood risks, there is a series of dams upstream of Fort Collins known as the Boxelder Creek Watershed Dams, which includes dams B-2, B-3, B-4, B-5, and B-6, which were constructed in or around the 1970s and 1980s, at a time when there was less development along Boxelder Creek downstream of the B Dams; and

WHEREAS, this Resolution and the Agreement referenced herein only concern the Boxelder Creek Watershed Dams B-2, B-3, and B-4, hereinafter referred to as the “B Dams”; and

WHEREAS, Colorado Division of Water Resources, Dam Safety Branch changed the classification of the B Dams from “Moderate Hazard” to “High Hazard” on or around July 11, 2013, pursuant to the Rules and Regulations for Dam Safety and Construction, 2 CCR 402-1, due to the increase in development along and in the Boxelder Creek floodplain below these flood control structures; and

WHEREAS, the change of the classification of the B Dams prompted a regional conversation regarding the B Dams, including their operation and maintenance; and

WHEREAS, the City, Larimer County, the North Poudre Irrigation Company, the Town of Timnath, and the Town of Wellington (collectively, the “Parties”) each have significant interests related to the B Dams; and

WHEREAS, pursuant to the City’s Resolution 2019-079 and relevant authorizations for the other Parties, the Parties funded and performed a joint study of the B Dams (“Study) in order to, among other things, gather the data, facts, and analyses necessary to fully evaluate the B Dams and issues related to flood risks along Boxelder Creek; and

WHEREAS, using the Study and other relevant information, the Parties have negotiated an agreement regarding the operation and maintenance of the B Dams (the “Agreement”) attached hereto as Exhibit “A”, and incorporated herein by reference; and

WHEREAS, the City Manager and City staff have recommended approval of the Agreement by the City Council.

NOW, THEREFORE, BE IT RESOLVED 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 the City Manager is hereby authorized to execute an Agreement substantially in the form of Exhibit “A”, with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of December, 2023.

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Mayor

ATTEST:

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City Clerk