

ORDINANCE NO. 073, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING  
TRANSFERS OF APPROPRIATIONS FOR THE OAK STREET STORMWATER  
PROJECT AND RELATED ART IN PUBLIC PLACES

A. The City owns and operates a Stormwater Utility for the purposes set forth in City Code Section 26-492, including for economic, social, and environmental benefits identified in that section.

B. The Stormwater Utility is constructing the Oak Street Stormwater Project to contribute to the resolution of urban flooding and stormwater quality issues in downtown Fort Collins. The project started construction in July of 2024 with an anticipated completion of August 2026.

C. The total appropriated budget, to date, for this project is \$42,882,815. \$2,920,000 was previously appropriated, and there was an off-cycle appropriation in 2023 for \$39,962,815. These previous appropriations did not include any contingencies. Stormwater Utility have identified a need to appropriate an additional \$1,500,000 to complete the project, which includes a 1.5% contingency.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purposes of contributing to resolving urban flooding and stormwater quality issues in downtown Fort Collins.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Stormwater Fund and that this appropriation will not cause the total amount appropriated in the Stormwater 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.

G. 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.

H. The City Manager has recommended the transfer of \$3,300 from the Stormwater Fund to the Cultural Services and Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

J. The total project cost of \$1,500,000 has been used to calculate the contribution to the APP program.

K. The amount to be contributed in this Ordinance will be \$15,000. The contribution will be: \$11,700 will remain in the Stormwater fund for APP and \$3,300 will be transferred to the Cultural Services and Facilities fund for operations and maintenance.

L. Contributions to the APP Program by each City utility for art projects is kept and spent in such utility's own fund, the utility contributes its share of the APP Program's costs for maintenance, administration, repair and display to the Cultural Services and Facilities Fund as provide in City Code Section 23-303(c).

M. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Stormwater Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(c) will be used for Stormwater purposes and improvements in connection with the Project that provide a betterment to the Utility provide a specific utility purpose that is beneficial to the Utility's ratepayers.

N. 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.

O. The City Council wishes to designate the appropriation herein for Oak Street Stormwater Project as an appropriation that shall not lapse until the completion of the project.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Stormwater Fund the sum of ONE MILLION FIVE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,515,000) for the Oak Street Stormwater Project and appropriated as follows:

• Oak Street Stormwater Project	\$1,500,000
• Art in Public Places (Artwork)	\$11,700
• Art in Public Places (transfer to Cultural Services Fund for APP Operations)	\$3,000
• Art in Public Places (transfer to Cultural Services Fund for APP Maintenance)	\$300
TOTAL	\$1,515,000

Section 2. The unexpended and unencumbered appropriated amount of THREE THOUSAND DOLLARS (\$3,000) in the Stormwater Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of THREE HUNDRED DOLLARS (\$300) in the Stormwater Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 4. The appropriation herein for Oak Street Stormwater Project 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 continue until the completion of the project.

Introduced, considered favorably on first reading on April 15, 2025, and approved on second reading for final passage on May 6, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 16, 2025

Approving Attorney: Eric Potyondy