

ORDINANCE NO. 132, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE POWER TRAIL
AND HARMONY GRADE SEPARATED CROSSING PROJECT
AND RELATED ART IN PUBLIC PLACES

A. The Power Trail and Harmony Grade Separated Crossing project (“Project”) is a significant initiative by the City to enhance the safety and convenience of bike and pedestrian traffic in the area. The Project and various trail connections will complete the Power Trail from the Poudre River Corridor to the Big Thompson Corridor. The City is also working on design and construction of multiple projects to connect the Power Trail to local trail networks and existing and developing residential communities in southeast Fort Collins.

B. Staff began reviewing alternatives for a grade separated crossing in 2019, and primary design began in 2023. Grants make up a significant portion of the funding for the Project. The City was awarded \$800,000 in Transportation Alternatives Program funds in 2016. Congestion Mitigation and Air Quality Improvement Program funds were awarded to the Project in 2022 (\$2,700,000) and 2023 (\$3,239,300). Previous appropriation Ordinances for the Project also include Ordinance No. 041, 2024 and Ordinance No. 012, 2025. This Ordinance provides an additional \$1,500,000 in Transportation Capital Expansion Fee (“TCEF”) funds for the construction of and funding for a pedestrian and bicycle underpass to further extend the Power Trail where it intersects East Harmony Road.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, and cross Harmony Road, at-grade, at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, a park, and a golf course. The existing at-grade crossing has been the scene of at least eight crashes involving bicycles and pedestrians between 2020 and 2024. Three of these crashes involved serious injuries and one involved a fatal injury.

D. The Project will complete the gap in the Power Trail at Harmony Road by providing a low stress connection and encouraging greater trail usage. Overall risk will be reduced at the at-grade crossing, by reducing the number of pedestrian and bicycle crossings at McMurray Avenue. This will reduce vehicle waiting times and air pollution from idling vehicles. The low stress connection is expected to accelerate the mode shift from motor vehicles to active modes.

E. Primary design for the current route began in 2023. Minimal easement or right-of-way acquisition was needed for the underpass, and several trail easement acquisitions were needed for the trail connections north and south of the underpass. These acquisitions are complete. The underpass was designed in conjunction with the trail sections.

F. To simplify property acquisition and allow the underpass to move forward while acquisition was underway, a construction package for the Project was compiled and advertised in May 2025. Five bids were received in response to the invitation to bid, but during the City's evaluation of the apparent low bid, staff in good faith deviated from established procedures. After consultation with the Federal Highway Administration and Colorado Department of Transportation, staff determined the misstep invalidated the bid process necessitating the bid to be cancelled. The City will be posting a new invitation to bid for the Project soon. The bid for the trail construction package will be advertised later this year or early in 2026. To facilitate moving Project construction forward without delay, considering the need to process a second invitation to bid, staff is requesting to include an additional \$1,500,000 in TCEF funds in the Project.

G. The appropriations for this Project benefit public health, safety, and welfare of the residents and traveling public of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

H. 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.

I. The City Manager has recommended the appropriations 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 that these appropriations will not cause the total amount appropriated in Transportation Capital Expansion Fee fund and 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

J. 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").

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

L. The amount to be contributed in this Ordinance to the APP program will be \$15,000.

M. 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.

N. The City Manager has recommended the transfer of \$15,000 from the Capital Projects fund to the Cultural Services and Facilities fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

O. 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.

P. The City Council wishes to designate the appropriation herein for the Power Trail and Harmony Grade Separated Crossing 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 Transportation Capital Expansion Fee fund the sum of ONE MILLION FIVE HUNDRED FOURTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$1,514,700) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be expended therein for the Power Trail and Harmony Grade Separated Crossing Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of THREE HUNDRED DOLLARS (\$300) to be expended in the Transportation Services fund for Transfer to the Capital Projects fund to be expended therein for the Power Trail and Harmony Grade Separated Crossing Project.

Section 3. The unexpended and unencumbered appropriated amount of ELEVEN THOUSAND SEVEN HUNDRED DOLLARS (\$11,700) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 4. The unexpended and unencumbered appropriated amount of THREE THOUSAND DOLLARS: (\$3,000) in the Capital Projects 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 5. The unexpended and unencumbered appropriated amount of THREE HUNDRED DOLLARS: (\$300) in the Capital Projects 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 6. The appropriation herein for the Power Trail and Harmony Grade Separated Crossing 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 August 19, 2025, and approved on second reading for final passage on September 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: September 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: None