

ORDINANCE NO. 005, 2026  
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 the economic, social, and environmental benefits identified in that section.

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

C. The total appropriated budget for this project, to date, is \$44,382,815. A requested additional appropriation of \$1,340,000 from the Stormwater Utility Fund will fund remaining project support services, pending change order items, and a minor contingency for any unanticipated costs to complete the project.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of contributing to the resolution of 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. 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").

H. The total project cost of \$1,340,000 has been used to calculate the contribution to the APP program.

I. 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 provided in City Code Section 23-303(c).

J. 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 or provide a specific Utility purpose that is beneficial to the Utility's ratepayers.

K. 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.

L. The City Council wishes to designate the appropriation herein for the Oak Street Stormwater Improvement 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 THREE HUNDRED FORTY THOUSAND DOLLARS (\$1,340,000) to be expended in the Stormwater Fund for the Oak Street Stormwater Improvement Project.

Section 2. The unexpended and unencumbered appropriated amount of TWO THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$2,680) 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 TWO HUNDRED SIXTY-EIGHT DOLLARS (\$268) 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 the Oak Street Stormwater Improvement 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 January 20, 2026, and approved on second reading for final passage on February 3, 2026.

---

Mayor

ATTEST:

---

City Clerk

Effective Date: February 13, 2026  
Approving Attorney: Eric Potyondy

Exhibit: None.