

RESOLUTION 2023-112
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
POUDRE SCHOOL DISTRICT AND POUDRE RIVER PUBLIC LIBRARY DISTRICT
TO ACQUIRE LAND AND CONSTRUCT THE SOUTHEAST COMMUNITY CENTER

WHEREAS, in April 2015 Fort Collins voters approved Ordinance No. 013, 2015, extending for ten years a quarter-cent sales tax to be dedicated to the “Community Capital Improvement Program” capital projects and related operation and maintenance (“CCIP”); and

WHEREAS, Ordinance No. 013, 2015 includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process, including a large outdoor leisure pool and meeting spaces dedicated to innovation and creativity (the “SECC”); and

WHEREAS, Poudre School District (“PSD”) uses swim lanes at existing City recreation facilities for high school swim team practices and meets, but access to lanes for both PSD and the general public is constrained by the current capacity of the City’s recreation system; and

WHEREAS, PSD has approximately 10 acres of land available next to Fossil Ridge High School (the “Land”) that, based on preliminary information, is a suitable site for the SECC, including all the facility requirements contained in the CCIP ballot language as well as an indoor aquatics facility that would serve the recreation needs of the Fort Collins community and allow PSD access to indoor lanes for its swim programs (the “Aquatics Facility”); and

WHEREAS, on August 15, 2023, the City Council adopted resolution 2023-074, which stated the Council’s intent that access for PSD students to the new Aquatics Facility be conditional on PSD and the City agreeing on PSD’s share of the cost for such a facility; and

WHEREAS, PSD has agreed to fund 15% of the capital costs for the Aquatics Facility, and contribute to the operating, maintenance, and replacement costs of the Aquatics Facility, if it can obtain additional funding through a ballot measure in November, 2024; and

WHEREAS, on November 7, 2023, Fort Collins voters passed a ballot measure approving a .50% sales tax, with 50% of the revenues to be spent on replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities, and these revenues will provide an estimated \$30-34 million of capital costs funding for the Aquatics Facility; and

WHEREAS, the Poudre River Public Library District (“Library”) is interested in co-locating a new southeast branch library with the SECC, and has agreed that if it participates it will pay its share of design and construction costs and will equip and operate the branch library at its expense; and

WHEREAS, the City, PSD and the Library have negotiated an intergovernmental agreement governing the City’s acquisition of the Land from PSD for the SECC, the construction

of the SECC (including the Aquatics Facility) and the ownership, maintenance and use of the Aquatics Facility (the “SECC IGA”); and

WHEREAS, a copy of the proposed SECC IGA is attached and incorporated herein as Exhibit “A”; and

WHEREAS, key provisions of the SECC IGA include the following:

- The IGA is for a term of seven years, at which point the parties can reassess its terms;
- The City and PSD have agreed to value the Land at \$3.18 million;
- The Land’s value is part of PSD’s consideration for the City’s agreeing to build indoor swim lanes as part of the SECC;
- PSD intends to convey the Land to the City at no cost, so long as PSD can obtain full funding for its 15% share of the costs to build the Aquatics Facility;
- If PSD cannot secure funds for 15% of the cost, the City will pay PSD for the land but will have no obligation to build indoor swim lanes for PSD use;
- Details about the Land transfer will be covered in a separate Purchase and Sale Agreement to be drafted by the City and PSD and presented to the City Council for consideration in early 2024;
- PSD has also agreed to pay the City \$150,000 per year, after the indoor pool opens, for operation and maintenance of the indoor swim lanes, and \$45,000 per year towards a long-term equipment fund;
- The Aquatics Facility will be solely owned and maintained by the City;
- PSD’s use of City pool facilities, including the Aquatics Facility, will be governed by a separate Facility Use Agreement between the City and PSD to be executed following the outcome of PSD’s November 2024 election, subject to City Manager approval;
- The City and Library will jointly design and construct the Library Branch portion of the Project and the Library will have input on common amenities, but the City will do all contracting for design and construction of the SECC; and
- The Library’s participation in the SECC project will be governed by a separate intergovernmental agreement to be negotiated between the City and the Library and presented to the City Council for consideration in 2024; and

WHEREAS, Article XIV, Section 18(2) of the Colorado Constitution, and Section 29-1-201 *et seq.* of the Colorado Revised Statutes authorize governmental entities to enter into intergovernmental agreements, and to cooperate or contract with one another to provide any

function, service, or facility lawfully authorized to each of the cooperating or contracting units;
and

WHEREAS, Section 1-22 of the City Code requires that, with some exceptions, intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review and approval by ordinance or resolution.

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 Council hereby authorizes the Mayor to execute the SECC IGA in substantially the form attached hereto as 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 interest of the City or effectuate the purpose of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

Mayor

ATTEST:

City Clerk