

RESOLUTION 2025-015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN
EXISTING INTERGOVERNMENTAL AGREEMENT BETWEEN THE
CITY OF FORT COLLINS AND THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR THE CARPENTER AND TIMBERLINE
INTERSECTION PROJECT

A. The Carpenter Road and Timberline Road intersection is the site of significant congestion in the westbound Carpenter Road turning onto northbound Timberline Road, often causing traffic to back up westbound for more than half a mile.

B. The westbound right-turn auxiliary lane on Carpenter Road results in significant crashes particularly during congested time periods, with a majority of the reported accidents being rear end crashes that occur when traffic is backed up.

C. The Carpenter and Timberline Intersection Project (the "Project") has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection that result in crashes.

D. The Project's proposed improvements include construction of a multi-lane roundabout, which will create more space for cars, reducing queuing for turns and reducing overall congestion, thereby mitigating the related rear end crashes and fixed object collisions.

E. In 2020, the City was awarded fiscal year 2023 Highway Safety Improvement Program ("HSIP") grant funds ("HSIP Funds") through the North Front Range Metropolitan Planning Organization ("NFRMPO") and the Colorado Department of Transportation ("CDOT") for the design, right-of-way acquisition, and construction of the Project.

F. The HSIP Funds became available to the City in the State fiscal year 2023, and CDOT then proposed an intergovernmental agreement ("IGA") between CDOT and the City that outlines the terms and conditions of the use of the HSIP Funds. City Council Resolution 2023-032 authorized the execution of that IGA.

G. Later in 2023, the Project was analyzed through CDOT's Intersection Control Assessment Tool which determined that a multilane roundabout would best serve the intersection given the crash data and traffic volumes, and CDOT approved additional HSIP grant funds for the City of Fort Collins to use toward the design, right-of-way acquisition, and construction of the Project. The HSIP funding that is the subject of this resolution came available in the State Fiscal year of 2025 (July 2024). The additional HSIP award is 100% federal funding totaling \$2,082,608.

H. CDOT has proposed an amendment to the IGA between CDOT and the City (the "Amendment"), which outlines the terms and conditions of the use of the additional HSIP grant funds.

I. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

J. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

K. Municipal Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and although the City is not required to make a local match for this funding, the proposed Amendment involves total project funding in the amount of \$2,082,608. City staff recommends that the City Council appropriate funds in this amount by separate ordinance.

L. The City Council finds and determines that the Project and the HSIP grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating further design and improvement of the City's transportation safety and infrastructure, and that the Mayor be authorized to execute the Amendment between the City and CDOT in support thereof.

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

Section 1. The City Council authorizes the Mayor to execute, on behalf of the City, the Amendment with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with additional or modified 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 Resolution.

Section 2. The City Council hereby authorizes the City Manager to approve and execute future amendments to the intergovernmental agreement with the Colorado Department of Transportation relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the intergovernmental agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase

the obligations and responsibilities of the City as set forth in this amendment to the intergovernmental agreement.

Passed and adopted on March 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 18, 2025

Approving Attorney: Heather N. Jarvis