

RESOLUTION 2023-079
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE EXISTING INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF FORT COLLINS AND THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR THE RECONSTRUCTION OF THE US 287 AND TROUTMAN
TRAFFIC SIGNAL TO EXTEND THE AGREEMENT'S EXPIRATION DATE

WHEREAS, the Colorado Department of Transportation ("CDOT") completed an Intersection Prioritization study on its highway system in the region and identified necessary improvements to the intersection of College Avenue and Troutman Parkway (the "Intersection"); and

WHEREAS, the recommended Intersection improvements from the study consist of new signal poles with longer mast arms, upgrades to aging conduit, the addition of flashing yellow arrows, replacing the signal cabinet, adding audible pedestrian signals, and improving pedestrian accessibility (the "Project"); and

WHEREAS, CDOT identified funding to complete the improvements and, pursuant to an Intergovernmental Agreement ("IGA") approved by the City Council and executed in August of 2018, the City agreed to construct the Project, with CDOT fully reimbursing the City for the costs of construction of the Project up to \$250,000; and

WHEREAS, the IGA is set to expire on September 11, 2023 and, although the majority of the work under the IGA is complete, some work on the Project still remains; and

WHEREAS, CDOT has proposed an Amendment to the Intergovernmental Agreement ("Amendment #1"), attached as Exhibit "A" and incorporated by reference, which extends the expiration date of the IGA to September 11, 2025, to allow completion of the Project; and

WHEREAS, Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when such 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; and

WHEREAS, Article II, Section 16 of the City Charter 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; and

WHEREAS, the City Council has determined that the Amendment to the IGA is in the best interests of the City and provides the public benefit of upgrading traffic signals within the City and that the Mayor be authorized to execute the Amendment to the IGA between the City and CDOT in support thereof.

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 City Council authorizes the Mayor to execute, on behalf of the City, Amendment #1 to the Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit "A," together with such 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 3. That the City Council hereby authorizes the City Manager to approve and execute future amendments to the IGA 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 IGA, 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 the IGA.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of September, 2023.

Mayor

ATTEST:

City Clerk