

RESOLUTION 2023-092
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR THE ZACH ELEMENTARY SCHOOL CROSSINGS PROJECT

WHEREAS, Zach Elementary School is located on the south side of Kechter Road, a high-volume arterial street in southeast Fort Collins; and

WHEREAS, many of the streets and roads in this area either lack sidewalks altogether or have substandard sidewalks, and there is a lack of multi-use trail connectivity in this southeastern area of Fort Collins; and

WHEREAS, Zach Elementary School has high numbers of students who bike, walk, or roll to school; and

WHEREAS, Zach Elementary students who live south of the school experience safer routes to school via low-traffic, low-volume residential streets with sidewalks; and

WHEREAS, Zach Elementary students who live north of the arterial must cross Kechter Road to get to school, making their journey much more challenging and riskier due to the existing suboptimal crossings at Kechter Road and Jupiter Drive and at Kechter Road and Cinquefoil Lane; and

WHEREAS, due to the Jupiter/Kechter intersection not being fully signalized, a traffic-control contractor is required to keep students safe when crossing Kechter at both morning arrival time and afternoon dismissal time; and

WHEREAS, there have been four rear-end crashes reported in this location between 2017 and 2022, one of which occurred during school dismissal time and one that involved a pedestrian who suffered serious injuries; and

WHEREAS, the Zach Elementary School Crossings Project (the “Project”) has been developed to address these safety concerns and eliminate most of the conflicts that result in crashes presented by both the Jupiter/Kechter and Cinquefoil/Kechter intersections; and

WHEREAS, the Project’s proposed improvements at the Jupiter/Kechter intersection will include a new fully signalized intersection with pedestrian “walk” signals and a new bike-pedestrian crossing; and

WHEREAS, the Project’s proposed improvements at the Cinquefoil/Kechter intersection will include a median refuge island and flashing signal; and

WHEREAS, the City was awarded a Colorado Department of Transportation (“CDOT”) Safe Routes to School (“SRTS”) grant for the design and construction of the Project, and the SRTS

funding became available to the City in the State fiscal year 2024, which began July 2023, and which funding involves an eighty percent to twenty percent federal to local funding split; and

WHEREAS, the funding split for this award is \$745,587 in federal funds and \$187,397 in local funds; and

WHEREAS, the City's local match is being covered by funding from the SRTS School Transportation Safety Studies, the Bicycle Community Capital Improvement Program, the Pedestrian Community Capital Improvement Program, and funds that will be received pursuant to an intergovernmental agreement (the "IGA") with the Poudre School District; and

WHEREAS, CDOT has proposed an IGA between CDOT and the City that outlines the terms and conditions of the use of the SRTS grant funds; 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 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; and

WHEREAS, 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; and

WHEREAS, City 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 the proposed IGA involves total project funding in the amount of \$932,984 of which local matching funds amount to \$187,397; and

WHEREAS, the City Council has determined that the Project and the SRTS grant funding are in the best interests of the City and that the Mayor be authorized to execute 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, the intergovernmental agreement 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.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of October, 2023.

Mayor

ATTEST:

City Clerk