

COUNCIL COMMUNICATION

Meeting Date: July 27, 2010	1 st Reading _____ 2 nd Reading _____	Legal Review:	Work Plan # 256, 257, 258	Agenda Location: Consent Calendar	Agenda Item: 8D
Subject: A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF NEW STRUCTURES ON THE 104 TH AVENUE WIDENING PROJECT (STATE HIGHWAY 44) FROM COLORADO BOULEVARD TO GRANDVIEW PONDS. [640-AG]					
Prepared by: Pete Brezall/P. Johnsen		Approved by: Jack Ethredge		Ordinance previously introduced	
Reviewed by: Bud Elliot		Presented by: Bud Elliot, Deputy City Manager- Infrastructure		by: _____	

KEY CONSIDERATIONS:

- This Resolution approves an IGA for maintenance of three structures installed as part of the 104th Avenue Widening Project, which extends from Colorado Boulevard east to the Grandview Ponds:
 - Concrete Drainage Structure – 8 feet x 6 feet.
 - Concrete Pedestrian Underpass – 10 feet x 12 feet.
 - Extension of existing Colorado Agricultural Structure – 8 feet x 5 feet.
- Thornton will also maintain Water Quality ponds located on Thornton Open Space north of 104th Avenue and the storm sewer piping, inlets, and manholes installed as part of this Project.
- Construction of the Project will begin in the fall 2010, after receipt of Colorado Department of Transportation (CDOT) clearances, with anticipated completion in 2011.
- The Intergovernmental Agreement (IGA) that funded the Project design and right-of-way is separate and was approved by City Council on May 27, 2008.

BUDGET/STAFF IMPLICATIONS:

- No budget implications.

RECOMMENDATION:

Staff recommends approval of the Resolution, which provides for the ongoing maintenance of improvements installed as part of the widening of 104th Avenue from Colorado Boulevard to the Grandview Ponds to obtain CDOT authorization for Thornton to construct the Project.

HISTORY:

- In July 2010, the City Manager signed Contract Amendment #1 to the IGA with CDOT to allow for the construction of the Project for a total project cost of \$3,951,080 of which \$2,879,681 will come from the Federal earmark funds, \$198,138 from the Open Space Grant and the remainder from the Adams County Road and Bridge Tax Fund and the Governmental Capital Improvement Fund. The City is currently waiting on CDOT to execute the IGA Amendment, which will establish an Amendment execution date.

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- On June 7, 2010, Adams County awarded an Open Space Grant to reimburse Thornton for 50 percent of the estimated cost to construct the Grange Hall Creek Regional Trail pedestrian underpass at 104th Avenue between Birch Street and Riverdale Road up to a maximum of \$198,138.
- In December 2008, the scope of the Project was further revised to extend 104th Avenue from Colorado Boulevard to Grandview Ponds and the 2008-2013 Transportation Improvement Plan was amended by DRCOG to reflect this change.
- On May 27, 2008, the City approved an IGA with CDOT for the design of the widening of 104th Avenue from Colorado Boulevard to McKay Road in the amount of \$640,000. The Resolution allowed the City Manager and CDOT to amend the contract to include construction.
- The City of Thornton received a Federal earmark of \$3.2 million in FY 06 to fund a portion of the estimated \$6.2 million cost to widen 104th Avenue from Colorado Boulevard east to State Highway 2. The Federal earmark was reduced to \$2.4 million in FY 07 as less money was available at the Federal level. As a result of escalating project costs and continuing decreases in the Federal earmark amount, which increased the City's share of this Project, the City initiated discussions with CDOT to change the scope of the Project. In 2007, CDOT agreed to revise the scope of this Project to allow the use of the Federal earmark, now \$2.635 million, to pay for 80% of the project cost to improve 104th Avenue east from Colorado Boulevard as far as the money would go. It was estimated that this amount of money would fund the widening of 104th from Colorado Boulevard to Grandview Ponds. DRCOG approved an amendment to the 2007-2012 Transportation Improvement Plan in December 2007 to change the limits of the Project from "Colorado Boulevard to McKay Road" to "Colorado Boulevard to Grandview Ponds."

RESOLUTION

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF NEW STRUCTURES ON THE 104th AVENUE WIDENING PROJECT (STATE HIGHWAY 44) FROM COLORADO BOULEVARD TO GRANDVIEW PONDS.

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Section 29-1-201, et seq., and 29-20-205 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, the City of Thornton (City) and the Colorado Department of Transportation (CDOT) desire to enter into an Intergovernmental Agreement (IGA), hereinafter jointly referred to as the "Contract" and made a part hereof by this reference; and

WHEREAS, the City, applied and received approval for Federal Funds available under the Transportation Improvement Program, TIP-ID 2007-084; and

WHEREAS, the City will maintain the structures installed with the 104th Avenue Widening Project; and

WHEREAS, the City Council is desirous of entering into a maintenance IGA with CDOT that will provide authorization to construct the 104th Avenue Project, which will be for the benefit of the public and City residents; and

WHEREAS, the Thornton City Council, pursuant to Section 4.18 of the Thornton City Charter, may by Resolution enter into agreements with other governmental bodies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That the IGA between the City of Thornton and CDOT pertaining to the maintenance of the Project, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved.
2. That the City Manager is hereby authorized to execute and the City Clerk to attest the IGA and subsequent Amendments to the IGA.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2010.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk