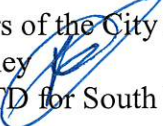


## MEMORANDUM

TO: Brian C. Blad, Mayor; Members of the City Council  
FROM: Rich Diehl, Deputy City Attorney   
RE: Cooperative Agreement with ITD for South Valley Connector (Engineering)  
DATE: June 21, 2021

I have reviewed the above-referenced Cooperative Agreement, and the accompanying Resolution, and it meets with my approval for the signature and submission of the Agreement once so authorized by the Council. I would recommend that if Council so authorizes, then the Council authorizes the Mayor to sign any documents to facilitate the accomplishment of this project.

If you have any questions, please feel free to contact me.

#8

## **Memorandum**

To: Mayor Blad and City Councilmembers  
Cc: Jeffrey L. Mansfield P.E., Public Works Director/City Engineer  
From: Maggie Clark, Public Works Project Manager  
Date: June 24, 2021  
Re: Cooperative Agreement for the South Valley Connector (Cheyenne Overpass) Project

### **Recommendation**

Staff recommends that Council approve the Cooperative Agreement, subject to legal department review, authorizing the Mayor to sign all documents pertaining to the Agreement.

### **Discussion**

The South Valley Connector project was completed in 2016. These federal projects often have a long close out process in order to complete the audits and to balance the finances. This Cooperative Agreement with Idaho Transportation Department will reimburse the City \$16,882.00 and close out the project. This reimbursement comes from the match we paid on change order 6. Change order #6 was found to be the responsibility of ITD so the match we paid was reimbursed.

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCA TELLO, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE STATE OF IDAHO TRANSPORTATION DEPARTMENT AND THE CITY OF POCA TELLO SETTING OUT OBLIGATIONS FOR ADDITIONAL CHANGE ORDERS AND FUNDS FOR WORK ON THE SOUTH VALLEY CONNECTOR; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE ATTACHED TO THE SAID AGREEMENT; PROVIDING THAT AN EXECUTED COPY OF THIS AGREEMENT AND RESOLUTION SHALL BE FURNISHED TO THE IDAHO TRANSPORTATION DEPARTMENT.

WHEREAS, the Idaho Transportation Department, hereinafter called the "State," has submitted a Cooperative Agreement stating obligations of the State and the City of Pocatello, hereafter called the "City," to upgrade FY21 D5 Intersection Improvements, Project No. A022 (759); and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, the State can only pay for work associated with the State Highway system; and

WHEREAS, the City is fully responsible for its share of project costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO AS FOLLOWS:

1. That the City Council hereby approves the execution of the Cooperative Agreement setting forth obligations for work performed on the South Valley Connector, Project No. A022 (759).

2. That the City Clerk is hereby directed to verify that the Agreement is fully executed by the City of Pocatello and to ensure that the originals are returned to the Idaho Transportation Department.

3. That this Resolution be attached to the above-named Agreement and made a part thereof.

RESOLVED this \_\_\_\_ day of July, 2021.

CITY OF POCA TELLO, a municipal  
corporation of Idaho

\_\_\_\_\_  
BRIAN C. BLAD, Mayor

ATTEST:

\_\_\_\_\_  
KONNI R. KENDELL, City Clerk

**COOPERATIVE AGREEMENT  
PROJECT NO. A022(759)  
FY21 D5 INTERSECTION IMPROVEMENTS  
KEY NO. 22759**

**PARTIES**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF POCA TELLO**, hereafter called the City.

**PURPOSE**

The State has programmed a project to allow improvements to intersections throughout D5. This project includes work on the I-15 Bridges, South Valley Connector. The parties have mutually agreed it is in the public interest to change plans to ensure structural safety of the connector. This Agreement will set out the terms and conditions for additional change order and funds.

Authority for this Agreement is established by Section 40-317, Idaho Code.

**SECTION I.** That the State will:

1. Upon execution of this agreement, pay the City \$16,882.

**SECTION II.** That the City will:

1. Accept the project as complete

**SECTION III.** It is agreed that:

1. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The

State reserves the right to terminate this Agreement if, in its sole judgement, the Federal Government or legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and by otherwise effective as provided in this Agreement.

2. This Agreement shall become effective on the first date mentioned above and shall remain in full force and effect until amended or replaced upon the mutual consent of City and the State.

**EXECUTION**

This Agreement is executed for the State by its District Engineer, and executed for the City by the Mayor, attested to by the city Clerk, with the imprinted Seal of Pocatello.

**IDAHO TRANSPORTATION DEPARTMENT**

\_\_\_\_\_  
District Engineer

**ATTEST:**

**CITY OF POCATELLO**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(Seal)

By regular meeting  
on \_\_\_\_\_

cf: Coop Change Order