

To: City Council and Mayor
From: Matt Kerbs, Deputy City Attorney MK
Date: September 8, 2023
Re: Resolution Authorizing a Cooperative Agreement with ITD for Center Street Railroad Bridge Underpass

I have reviewed to the above referenced Resolution and have no legal concerns with council authorizing the Mayor's signature. The resolution is necessary to fully effectuate the agreement with ITD, which Council approved on September 7, 2023.

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE STATE OF IDAHO TRANSPORTATION DEPARTMENT, AND THE CITY OF POCATELLO SETTING OUT TERMS AND CONDITIONS FOR SHARING THE COSTS OF CONSTRUCTION OF THE CENTER STREET RAILROAD BRIDGE UNDERPASS; 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 an Agreement stating obligations of the STATE and the City of Pocatello, hereafter called the "CITY," for construction of Center Street Railroad Bridge Underpass Rehab; and

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards, and procedural policies in the development, construction, and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; 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 POCATELLO AS FOLLOWS:

1. That the Agreement for Federal Aid Highway Project A012(098) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

RESOLVED this ____ day of September, 2023.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk