

RESOLUTION 2014-054  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE  
PLATTE RIVER POWER AUTHORITY FOR THE DESIGN AND CONSTRUCTION  
OF A PERIMETER WALL AT THE HARMONY SUBSTATION

WHEREAS, the City's electric utility substation located at Harmony Road and Innovation Drive ("Harmony Substation") is surrounded by a chain link perimeter fence which is in need of replacement; and

WHEREAS, the Platte River Power Authority ("PRPA") is willing to design and construct an engineered masonry wall around the Harmony Substation to replace the current fence; and

WHEREAS, the design of the wall will match the walls that PRPA has recently constructed around the Dixon and Timberline substations; and

WHEREAS, pursuant to the terms of an intergovernmental agreement for construction of the Harmony Substation wall, the City has agreed to reimburse PRPA for the reasonable costs associated with designing and constructing the perimeter wall, based on a budget developed by the parties in advance; and

WHEREAS, based on the costs PRPA incurred for the two prior substation walls, the estimated cost to build the Harmony Substation wall is \$750,000 to \$900,000; and

WHEREAS, the City Council has determined that the intergovernmental agreement with PRPA should be executed in order for the City to timely replace the fence around the Harmony Substation with a secure masonry wall, which improvement is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor is hereby authorized to enter into an agreement with PRPA, attached hereto as Exhibit "A", for the design and construction of a masonry wall around the Harmony electric utility substation, under which the City will reimburse PRPA up to \$900,000 for the design and construction of the subject wall, based on a project budget developed in advance by the parties.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of July, A.D. 2014.

Karen Weikert  
Mayor

ATTEST:

Wanda Nelson  
City Clerk



**INTERGOVERNMENTAL AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF  
A PERIMETER WALL FOR THE HARMONY SUBSTATION**

This Intergovernmental Agreement for the Design and Construction of a Perimeter Wall for the Harmony Substation is entered on this \_\_ day of \_\_\_\_\_, 2014, between Platte River Power Authority, a political subdivision of the State of Colorado (Platte River), and the City of Fort Collins, a Colorado home rule municipality (Fort Collins). Platte River and Fort Collins are jointly referred to herein as "Parties".

**RECITALS**

WHEREAS, Platte River has undertaken and largely completed the construction of perimeter walls surrounding the high-voltage transmission substations it operates, including the Timberline and Dixon Creek substations in Fort Collins; and

WHEREAS, these perimeter walls not only provide security for the substation equipment, but also improve the aesthetics of the substation for the benefit of the community; and

WHEREAS, Fort Collins wishes to install a perimeter wall surrounding the Harmony Substation; and

WHEREAS, Fort Collins recognizes that the recent experience of Platte River with the design and construction of perimeter walls for transmission substations will provide efficiencies if employed during the design and construction of a perimeter wall for the Harmony Substation; and

WHEREAS, the Parties recognize the importance of aesthetics and community acceptance in order to ensure that a project of this nature is successful in a location of high visibility; and

WHEREAS, the Parties recognize that a division of labor through which Platte River will be primarily responsible for the design and construction of the perimeter wall and Fort Collins will be primarily responsible for the necessary permitting and public outreach is appropriate; and

WHEREAS, Platte River is willing to design and construct a perimeter wall for the Harmony Substation, provided it is fully reimbursed for the reasonable costs associated with this effort; and

WHEREAS, subject to the specific terms of this Agreement, Fort Collins is willing to reimburse Platte River the reasonable costs of design and construction of a perimeter wall for the Harmony Substation; and

WHEREAS, the Parties have the authority under C.R.S. § 29-1-203 to enter into intergovernmental agreements provided such agreements are approved by the legislative body of each of the Parties.

### AGREEMENT

- 1) Platte River agrees to undertake the design and construction of a perimeter wall surrounding the Harmony Substation (the "Work"). A Project Charter for the Work will be developed by Platte River for review and acceptance by both Parties, which will contain a budget for the Work. The perimeter wall will be designed to be similar in appearance to the perimeter walls Platte River recently constructed at the Timberline and Dixon Creek transmission substations and will employ similar materials. Platte River will coordinate with Fort Collins during the design of the perimeter wall. Construction shall not begin until Fort Collins has reviewed and approved final design plans. Platte River will be responsible for the procurement of necessary materials and all contracting associated with the design and construction of the perimeter wall.
- 2) Platte River will create an account within which all costs associated with the Work will be tracked. These costs will include, but are not limited to, the costs of Platte River labor, costs of materials, and costs of any companies retained by Platte River to design and construct the perimeter wall.
- 3) Fort Collins agrees to reimburse Platte River for all reasonable costs incurred in the performance of the Work. Any costs not contained in the budget developed and accepted by the Parties through the Project Charter process will be approved in advance by Fort Collins.
- 4) Fort Collins shall be relieved of any obligation to reimburse Platte River for any cost not directly arising from the Work or for costs not contained in the Project Charter budget and for which prior written notice was not provided to Fort Collins and written approval of the same provided to Platte River.
- 5) Platte River will invoice Fort Collins for the costs of the Work on a quarterly

basis, invoices payable within thirty (30) days of receipt. Invoices will itemize all costs for which reimbursement is sought.

- 6) Fort Collins will be responsible for obtaining any and all local government land use approvals and permits necessary for construction of the perimeter wall. Fort Collins will be responsible for all public outreach activities associated with the Work, and upon written request Platte River will provide personnel to assist in these efforts.
- 7) The Parties will create a coordinating committee of relevant personnel who will meet periodically to address planning and implementation issues associated with the Work and any approval and outreach activities.
- 8) Financial obligations of Fort Collins payable in future fiscal years shall be subject to the annual appropriation of funds sufficient and intended for the Work. Fort Collins will notify Platte River in writing as soon as practicable concerning the appropriation of funds during future fiscal years. Platte River will have no obligation to perform any activity associated with the Work beyond December 31, 2014, unless and until receipt of notice that funds have been appropriated.
- 9) This is the entire agreement of the Parties on this issue. This Agreement may only be modified by a writing executed by both Parties.

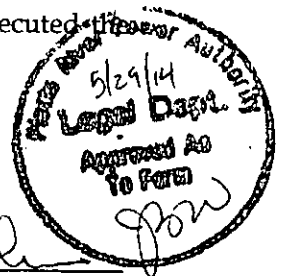
IN WITNESS WHEREOF, the Parties have caused this Agreement, to be executed this \_\_\_\_\_ day and year first above written.

PLATTE RIVER POWER AUTHORITY

By: Jackie A. Sargent  
General Manager

ATTEST:

By: Joseph Brink  
Secretary



CITY OF FORT COLLINS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Approved as to form:  
[Signature]  
Assistant City Attorney

Intergovernmental Agreement for the Design and Construction of a Perimeter Wall for the Platte River Power Authority Harmony Substation