

**RESOLUTION APPROVING SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE
CITY AND THE REGIONAL TRANSPORTATION DISTRICT (“RTD”) REGARDING
ARTWORK FOR THE NORTH METRO RAIL LINE**

NO. 2021-49

WHEREAS, RTD will operate the North Metro Rail Line (“NMRL”) consisting of commuter rail transit connecting Denver Union Station with Adams County, the City and County of Denver, the City of Northglenn, the City of Thornton, and the City of Commerce City (“City”); and

WHEREAS, RTD and the City support public artwork and agree that public art enhances the areas where such artwork is located; and

WHEREAS, the City and RTD had entered into an Intergovernmental Agreement Regarding Artwork for the NMRL, which was subsequently amended (collectively “Intergovernmental Agreement”) to establish the parties respective responsibilities concerning the installation of art pieces and artwork wraps at certain rail stations along the NMRL; and

WHEREAS, due to the increased cost and limited availability of supplies needed to complete the art piece due to the COVID-19 pandemic, the artist has requested additional time to source materials, create and install the art piece; and

WHEREAS, the City has agreed to provide more funding for the art piece than initially contemplated by the Intergovernmental Agreement; and

WHEREAS, the City and RTD agree that if the currently selected artist will not agree to the terms of a contract with the City to create the art piece or to the terms of the Intergovernmental Agreement, the City and RTD may either choose another artist to complete an art piece or choose not to contract with an artist for the art piece; and

WHEREAS, a second amendment to the Intergovernmental Agreement is necessary to account for a new deadline for an artist to complete and install an art piece; to specify that the City may contribute additional funding for the installation of the art piece; and to clarify that the City is under no obligation to contract with an artist.

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

1. The Second Amendment to the Intergovernmental Agreement is and shall be in the interest of the public’s health, safety, and welfare, for a valid public purpose, and supported by a public need and is hereby approved, substantially in the form attached as Exhibit “A.”
2. The Mayor and the City Clerk are authorized and directed to sign and attest the Second Amendment to the Intergovernmental Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 21ST DAY OF JUNE 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk