



## Legislation Details (With Text)

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<b>Type:</b>	Consent Agenda	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	8/23/2021	<b>In control:</b>		Town Council	
<b>On agenda:</b>	9/14/2021	<b>Final action:</b>			
<b>Title:</b>	A Resolution of the Board of Trustees of the Town of Erie Authorizing an Amendment to the Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Coal Creek from County Line Road to Kenosha Road				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Resolution 21-115, 2. Amendment, 3. Figure 9-12				

Date	Ver.	Action By	Action	Result
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### **SUBJECT: Consent Agenda**

A Resolution of the Board of Trustees of the Town of Erie Authorizing an Amendment to the Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Coal Creek from County Line Road to Kenosha Road

**DEPARTMENT:** Public Works

**PRESENTER/PREPARER:** Todd Fessenden, Public Works Director  
Wendi Palmer, Civil Engineer

### **FISCAL SUMMARY:**

Cost as Recommended: \$0  
Balance Available: \$0  
Budget Line Item Number: NA  
New Appropriation Required: No

### **STAFF RECOMMENDATION:**

**Approve resolution authorizing an amendment to Agreement No. 15-02-10C.**

### **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The Urban Drainage and Flood Control District (UDFCD) D/B/A Mile High Flood District (MHFD) was established by the Colorado legislature in 1969, for the purpose of assisting local governments in the Denver metropolitan area with multi-jurisdictional drainage and flood control problems. The Boulder County portion of Erie is within UDFCD boundaries. The Weld County portion currently is not

included.

Town staff requested project management and construction assistance from UDFCD for improvements to Coal Creek between County Line Road and Kenosha Road, which is within UDFCD's boundaries. Depending upon available funding, UDFCD will fund up to 50% of the design, right-of-way acquisition and construction of drainage and flood control improvements.

At the August 25, 2015 Board of Trustees meeting, the Board approved the first agreement and \$50,000 to begin the funding for improvements to Coal Creek for this segment. At that time, UDFCD also budgeted and approved \$50,000 for this project.

At the April 11, 2017 Board of Trustees meeting, the Board approved the first amendment which added an additional \$500,000 from both Erie and MHFD to fund the design and begin funding for construction. Erie also added \$275,000 for the design for the section of Coal Creek between Cheesman Street and County Line Road, which is to be 100% funded by Erie because it lies outside of the MHFD boundaries.

The Town selected ICON Engineering to design the improvements to Coal Creek. The first phase was to prepare a conceptual design for the entire section between Cheesman Street and Kenosha Road. The section was divided into three reaches, Reach 1 is between Cheesman Street and just north of the Briggs Street Bridge, Reach 2 continues to County Line Road, and Reach 3 is between County Line Road and Kenosha Road. Final design began on Reach 1 and Reach 3. Since the majority of Coal Creek in Reach 2 is not owned by Erie, the Town chose not to pursue final design for that section. During the final design phase of Reach 1 and 3, MHFD contracted with CEI Constructors to provide construction guidance and cost estimating throughout the final design phase. They have also been selected for constructing the project once funding and permitting is complete. Construction is anticipated to begin in early 2022.

Reach 1 is a critical section to improve. While FEMA was updating the mapping in Erie, it was discovered that with the updated flows in Coal Creek, the levee protecting Old Town from Coal Creek no longer had the required 3-foot of freeboard. Without the 3-foot of freeboard, FEMA would have to disqualify the levee, placing a much larger area and population of Old Town within the Flood Hazard zone. This would have negatively impacted the residence and businesses in Erie. Town staff requested FEMA postpone the adoption of the map that included the levee. At that time the Town's 5-year Capital Improvement Plan included funding for the design and construction of improvements to this section of Coal Creek. With improvements planned, FEMA agreed to postpone the adoption of the new mapping.

After submitting a Conditional Letter of Map Revision to FEMA, FEMA is now requiring the Town to do extra work to re-certify the levee. The Town contracted with Wilson & Company, Inc. to assist ICON in the recertification process. MHFD and the Town anticipate having the documentation for recertification to be complete by the end of 2021 at which time it will be submitted to FEMA for review.

Reach 3 will provide an improved experience to Erie Residence. Not only will the conveyance of Coal Creek be improved, but the improvements also include a trail and pedestrian crossings of Coal Creek.

Once this section of Coal Creek is improved, it will qualify for Maintenance assistance from MHFD.

**Fiscal Impact:**

By working with MHFD, the Town benefits from their expertise managing drainage and flood control projects, in addition to their contribution to the funding of the portion within MHFD boundaries. MHFD has an additional \$250,000 to contribute in 2021 for this project.

The following is a summary of the past and current funding for this project

	% Share	Previous Contribution	Additional Contribution	Total Contribution
MHFD	28.1%	\$1,888,494.53	\$ 250,000	\$2,138,494.53
Town	71.9%	\$5,471,604.14	\$0	\$5,472,604.14
Total	100%	\$7,361,098.67	\$250,000	\$7,611,098.67

**Board Priority(s) Addressed:** *(Note: Delete all priorities that do not apply and this note.)*

- ✓ Attractive Community Amenities
- ✓ Small Town Feel
- ✓ Safe and Healthy Community
- ✓ Effective Governance
- ✓ Environmentally Sustainable
- ✓ Fiscally Responsible

**ATTACHMENTS:**

1. Resolution 21-115
2. Amendment
3. Figure 9-12