

# STAFF MEMO

**DATE OF COUNCIL MEETING: May 10, 2021 / AGENDA ITEM NO. 10**

To: Mayor and City Council

From: Jay N. Hutchison, Director of Public Works, 303-987-7901

Subject: **AMEND THE INTERGOVERNMENTAL AGREEMENT WITH THE MILE HIGH FLOOD DISTRICT FOR ADDITIONAL FUNDING FOR THE NORTH DRY GULCH PROJECT**

---

**SUMMARY STATEMENT:** This resolution would authorize the City Manager to enter into a current and into future amendments to the intergovernmental agreement (IGA) with the Mile High Flood District (MHFD) for the North Dry Gulch project. The future amendments to which this authorization would apply would amend only the funding for the project from the Mile High Flood District and the City of Lakewood's Stormwater Management Utility.

**BACKGROUND INFORMATION:** North Dry Gulch generally flows within a block or two of Colfax Avenue from approximately Dover Street east. The drainage infrastructure is inadequate for the 100-year storm flows. New 100-year capacity infrastructure is being designed.

The project qualifies for funding from the Mile High Flood District, which requires matching funds from the local community. The City's funds are being provided by Lakewood's Stormwater Management Utility. The IGA was originally signed in 2009 at which time the funding from each entity was \$75,000. The IGA has been amended several times as additional funding has become available. Upon execution of the current IGA amendment, the MHFD will have committed \$5,675,000 and the Lakewood Stormwater Utility an equal amount.

The current amendment would revise only paragraphs 4 and 5 of the IGA. In each paragraph only the dollar amounts change to reflect an additional \$775,000 from each entity. It is the MHFD's practice to completely replace each paragraph of an IGA that is proposed in an amendment to have any change. This practice facilitates clarity when multiple amendments occur over time.

Funding from this IGA has been used for the master planning stage and is currently being used for design. The initial construction phase is planned to start in 2022.

Additional amendments to the IGA are anticipated as more funding becomes available. The proposed resolution's authorization for the City Manager to enter into future IGA amendments is limited to amendments that modify the City's funding commitment and only to the extent funds are budgeted.

**BUDGETARY IMPACTS:** Adequate Stormwater Management Utility funds are included in the approved 2021 budget for the current IGA amendment.

**STAFF RECOMMENDATION:** Approval of the resolution.

**ALTERNATIVES:** City Council could choose to not approve the resolution resulting in the MHFD funding not being added to the North Dry Gulch project, or City Council could remove from the resolution authorization for the City Manager to sign future IGA amendments that only modify the funding obligations in the IGA.

**PUBLIC OUTREACH:** Public outreach for the funding associated with the current IGA amendment was included in the public budget adoption process last year and notice of this resolution has occurred through the normal City Council meeting notifications. Substantial community discussion of the North Dry Gulch project has occurred at multiple City Council meetings, community meetings of various types and individually with owners and some tenants of properties that will be directly affected by the future construction project phases.

**NEXT STEPS:** The current IGA amendment will be executed and design will continue in anticipation of construction beginning.

**ATTACHMENTS:** Resolution 2021-18  
Intergovernmental agreement amendment with MHFD

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney