



**PUBLIC WORKS DEPARTMENT
MEMORANDUM #2012 – 45**

DATE: August 27, 2012
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: William A. Simmons, City Manager 
David H. Willett, Director of Public Works 
SUBJECT: CR – 89; UDFCD IGA Amendment – Grange Hall Creek Drainage
Improvements/Pedestrian Underpass (Base Bid Appropriations)

BACKGROUND

Grange Hall Creek Improvements

The purpose of this project is to address existing drainage concerns along Grange Hall Creek from Grant Drive to Irma Drive. This is a multiple year and a multiple phase project. Phase I proposed improvements in the vicinity of Washington Street and Larson Drive include: improved flood conveyance, improvements to the Washington Street Pond embankment to help prepare for future phases, stormwater quality, channel stability, erosion control, pedestrian and vehicular safety, passive recreation and aesthetics.

Project Partnership

This project is a cooperative effort between the city of Northglenn (Northglenn) and Urban Drainage and Flood Control District (UDFCD). UDFCD will be providing project management services for the construction phase of the Grange Hall Creek project.

Current Status

Complete construction documents have been prepared for Phase I. The solicitation period began on July 10th and UDFCD opened bids on Aug 8th. Construction is anticipated to begin early September in order to meet the available construction window for the shutdown and relocation of the Denver Water conduit.

BUDGET/TIME IMPLICATIONS

According to the Urban Drainage & Flood Control District, in order to initiate the Grange Hall Creek project (base bid), the City must commit current year funding of **\$1,763,538**. This funding must be transferred into the Trust and Agency account that UDFCD manages for each individual project prior to signing a contract for construction.

History of the IGA

Date	Action	UDFCD Contribution	Northglenn Contribution	Purpose
Jan. 22, 2009	Initial IGA	\$100,000	\$100,000	Conceptual Design/Design Report
Nov. 11, 2010	1 st Amend	\$50,000	\$100,000	Early Design (30%)
Dec. 08, 2011	2 nd Amend	\$100,000	\$100,000	Final Design
Aug. 13, 2012	3 rd Amend	\$500,000	\$1,763,538	Construction (base and LS)
Totals		\$750,000	\$2,063,538	

RECOMMENDATION

Attached to this memorandum is a Resolution that, if approved, would authorize the Mayor to execute the attached amended Intergovernmental Agreement with UDFCD and transfer **\$1,763,538** to the Trust and Agency account to continue forward with the construction of the improvements for Phase I. Staff recommends approval of this resolution.

STAFF REFERENCE

David H. Willett, P.E., Director of Public Works
Pam Acre, CSM, Stormwater Coordinator

dwillett@northglenn.org or 303.450.8783
pacre@northglenn.org or 303.450.8792

Attachment A – Amended IGA

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-89
Series of 2012

Series of 2012

A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING THE GRANGE HALL CREEK IMPROVEMENTS/WASHINGTON STREET DETENTION AREA PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Amendment to the Intergovernmental Agreement between the City of Northglenn and the Urban Drainage and Flood Control District regarding the Grange Hall Creek Improvements/Washington Street Detention Area Project, attached hereto as Exhibit 1, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this ____ day of _____, 2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

AMENDMENT TO
AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
GRANGE HALL CREEK – GRANT DRIVE TO LARSON STREET,
CITY OF NORTHGLENN

Agreement No. 08-08.06D

THIS AGREEMENT, made this _____ day of _____, 2012 by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and CITY OF NORTHGLENN (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Grange Hall Creek – Grant Drive to Larson Street, City of Northglenn" (Agreement No. 08-08.06) dated February 9, 2009, as amended; and

WHEREAS, PARTIES now desire to construct improvements along Grange Hall Creek from Grant Drive to Larson Street; and

WHEREAS, PARTIES desire to increase the level of funding by \$2,263,538; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 23, Series of 2012 and Resolution No. 42, Series of 2012); and

WHEREAS, the City Council of CITY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

- A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Delineation, description and acquisition of required rights-of-way/ easements;
3. Construction of improvements;
4. Contingencies mutually agreeable to PARTIES.

- B. It is understood that PROJECT costs as defined above are not to exceed \$2,813,358 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

	<u>As Amended</u>	<u>Previously Amended</u>
1. Final Design	\$ 300,000	\$300,000
2. Contingency	200,000	50,000
3. Construction	2,313,538	200,000
Grand Total	\$2,813,538	\$550,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	26.66%	\$250,000	\$ 500,000	\$ 750,000
CITY	73.34%	\$300,000	\$1,763,538	\$2,063,538
TOTAL	100.00%	\$550,000	\$2,263,538	\$2,813,538

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior Board approval.

Payment of each party's full share (CITY - \$2,063,538; DISTRICT - \$750,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

3. All other terms and conditions of Agreement No. 08-08.06 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

CITY OF NORTHGLENN

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

City Attorney