



Legislation Details (With Text)

File #: 19-187 **Version:** 1 **Name:**
Type: Resolution **Status:** Mayor's Office
File created: 3/27/2019 **In control:** City Council
On agenda: 7/23/2019 **Final action:** 7/23/2019
Title: A resolution approving the Intergovernmental Agreement with the Colorado Department of Transportation to fund the Flying Horse Pond 1 Reconstruction.

Presenter:
Jeff Dunn, P.E., Stormwater Enterprise

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution Final - Flying Horse, 2. Exhibit A - Flying Horse, 3. FHP 1 Powerpoint, 4. Signed Resolution 64-19.pdf

Date	Ver.	Action By	Action	Result
7/23/2019	1	City Council	adopted	Pass
7/8/2019	1	Council Work Session	referred	

A resolution approving the Intergovernmental Agreement with the Colorado Department of Transportation to fund the Flying Horse Pond 1 Reconstruction.

Presenter:
Jeff Dunn, P.E., Stormwater Enterprise

Summary:

The City of Colorado Springs (City) seeks to execute an Intergovernmental Agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) for the reconstruction of an existing stormwater detention pond located south of the intersection of Diamond Rock Road and Spectrum Loop.

The total construction cost is estimated at \$3,148,236, of which \$2,606,425, or 82.79%, will be provided by the Federal Highway Administration (FHWA) through CDOT, and the local match requirement of \$541,811, or 17.21%, will be directly provided by CDOT.

Previous Council Action:

On November 27, 2018, City Council approved the 2019 Budget per Ordinance No. 18-118, which included the appropriation of funds for the Stormwater Enterprise.

Background:

CDOT requires that local agencies provide a resolution of acceptance from the governing body for an IGA to be fully executed.

Reconstruction of the pond is required since:

- A. A complaint was filed by the EPA and the State (vs. City) stating the existing pond was constructed incorrectly and is “not providing any treatment of storm water prior to discharge”.
- B. The City was notified by the State Water Commissioner that the facility is currently injuring downstream water rights holders by permanently retaining water.
- C. The City and Pueblo County recently reached an agreement to add the project to the approve City of Colorado Springs and Pueblo County IGA project list.

The project will address the current water rights injury, provide full spectrum detention and water quality treatment for 967 acres of upstream tributary area, and will constitute a joint benefit to CDOT and the City.

This initiative supports the City’s strategic goal related to investing in infrastructure and maintaining collaborative relationships with CDOT.

The stormwater enterprise is currently utilizing enterprise funding to pay for engineering of the facility (\$197,200). This funding was included in the City Council approved 2019 Budget per Ordinance No. 18-118.

Financial Implications:

There are no TABOR implications associated with the revenue as Federal funds are exempt from TABOR, and the State funding is less than 10% of the Stormwater Enterprise’s total revenue.

The IGA will provide total funding in the amount of \$3,148,236. A total amount of \$2,606,425, or 82.79%, will be provided by FHWA through CDOT. The local match requirement of \$541,811, or 17.21%, will be directly provided by CDOT.

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

Do not approve acceptance of the IGA, which would require the Stormwater Enterprise to fund 100% of the project cost, or \$3,148,236.

Proposed Motion:

Motion to approve the attached Resolution authorizing the IGA between the City and CDOT to fund the reconstruction of Flying Horse Pond 1.

N/A