

R-2025-62

A RESOLUTION

APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT
WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH
FLOOD DISTRICT REGARDING CONSTRUCTION AND MAINTENANCE OF
DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET

WHEREAS, pursuant to C.R.S. § 29-1-203 and § 29-1-203.5 as amended, the City of Lakewood (the “City”) and Mile High Flood District (the “District”) have the authority to enter into an Intergovernmental Agreement (IGA);

WHEREAS, pursuant to Ordinance O-2024-29, the City is acquiring interests in properties for the public purpose of installing stabilizing boulder walls, drop structures, and other improvements as needed to prevent the further erosion of Lakewood Gulch downstream of Welch Street (the “Project”);

WHEREAS, the City and District entered into an IGA in 2024, which was approved via Resolution R-2024-63, to begin the process of contributing and accruing the funding needed for Project construction;

WHEREAS, the City and District now desire to amend the IGA that was previously approved via Resolution R-2024-43 to incorporate additional funding for the future construction of the Project (the “Amended IGA”);

WHEREAS, the funding contributed pursuant to the Amended IGA shall be retained by the District until the City and District, via future IGA amendments, contribute additional funds sufficient for full Project construction;

WHEREAS, per the terms of the Amended IGA, the City and District shall each contribute one hundred thousand dollars (\$100,000.00) for future Project construction; and

WHEREAS, the City’s contribution of one hundred thousand dollars (\$100,000.00) will be contributed from Stormwater Utility funds that were appropriated in the 2025 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby finds and determines that authorizing the City Manager to enter into the Amended Intergovernmental Agreement (Amended IGA), attached hereto as Attachment A and incorporated herein, between the City of Lakewood (the “City”) and Mile High Flood District (the “District”) regarding funding for the future construction of drainage and flood control improvements in Lakewood Gulch downstream of Welch Street is and shall be in the best interest of the residents of the City, and hereby

authorizes the City Manager to enter into the Amended IGA with the District on behalf of the City.

SECTION 2. This City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed one hundred thousand dollars (\$100,000.00) for the City's required contribution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of 10 for and 0 against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

ATTEST:



Jay Robb, City Clerk



Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

AMENDMENT TO
AGREEMENT REGARDING
MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET
CITY OF LAKEWOOD

Agreement No. 24-09.31A
Project No. 109010

THIS FIRST AMENDMENT TO AGREEMENT (hereinafter called "FIRST AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF LAKEWOOD (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Maintenance of Drainage and Flood Control Improvements for Lakewood Gulch Downstream of Welch Street, City of Lakewood" (Agreement No. 24-09.31) dated December 18, 2024, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to continue with channel improvements for Lakewood Gulch Downstream of Welch Street (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$200,000.00; and

WHEREAS, DISTRICT's Board of Directors reviewed and authorized expenditures for the 2025 Maintenance Work Program (Resolution No. 82, Series of 2024) which includes Stream Services; 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. Construction of improvements;
2. Construction related engineering services;
3. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$1,085,725.00 without amendment to this AGREEMENT.

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

	<u>ITEM</u>	<u>AS AMENDED</u>	<u>ORIGINAL</u>
1.	Final Design	\$ -0-	\$ -0-
2.	Right-of-way	\$ -0-	\$ -0-
3.	Construction	\$ 1,085,725.00	\$ 885,725.00

4.	Contingency	\$	-0-	\$	-0-
	Grand Total	\$	1,085,725.00	\$	885,725.00

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	42.1%	\$356,725.00	\$100,000.00	\$456,725.00
CITY	57.9%	\$529,000.00	\$100,000.00	\$629,000.00
TOTAL	100.00%	\$885,725.00	\$200,000.00	\$1,085,725.00

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 full 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 DISTRICT approval.


Payment of each PARTY's full share (CITY - \$629,000.00; DISTRICT - \$456,725.00) 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 12).

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; or, at CITY request, CITY share of remaining monies shall be transferred to another special fund held by DISTRICT.

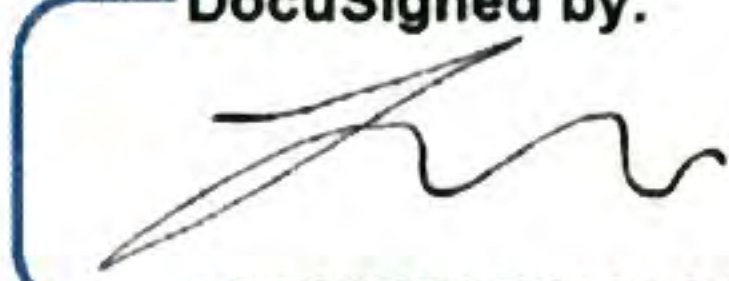
3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this FIRST AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT
D/B/A
MILE HIGH FLOOD DISTRICT


Checked By


Checked By

DocuSigned by:

By A51B5ED3FB99401

Name Laura A. Kroeger

Title Executive Director

Date 04 November 2025

CITY OF LAKEWOOD


KATHY HODGSON (11/03/2025 11:34:33 MST)

Kathleen E. Hodgson, City Manager

ATTEST:



Jay Robb, City Clerk

11/03/2025

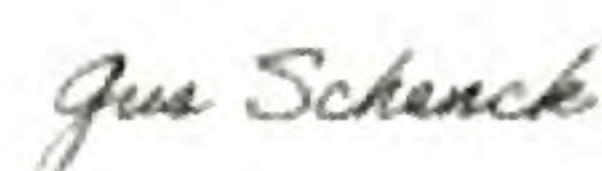
Attestation Date

Recommended and approved as to content:


Maria D'Andrea (Oct 31, 2025 15:19:49 MDT)

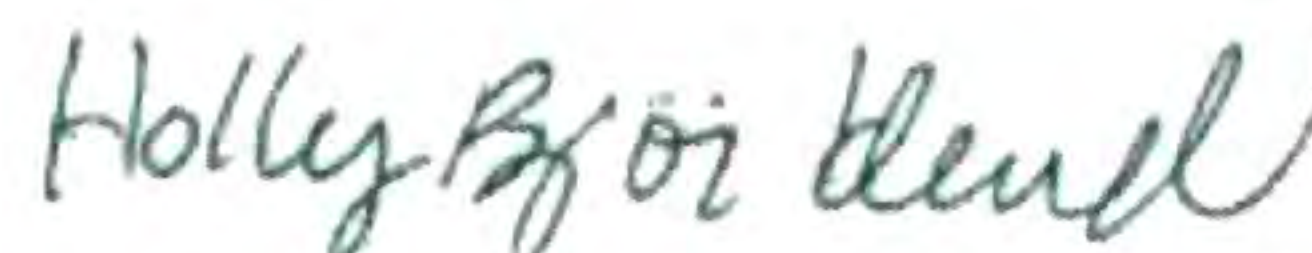
Maria D'Andrea, Director
Department of Public Works

Approved as to form:



Gus Schenck, Senior Assistant City Attorney

Approved as to Funding (if \$5,000 or greater):



Holly Bjorklund, Chief Financial Officer

AGREEMENT REGARDING
MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET
CITY OF LAKEWOOD

Agreement No. 24-09.31

Exhibit A

