



Legislation Text

File #: 2021-234, **Version:** 1

Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Upper Brushy Creek Water Control and Improvement District (WCID) regarding the Dam 101 Project.

The Upper Brushy Creek Water Control and Improvement District (WCID) and the City desire to enter into this Interlocal Agreement for the Dam 101 project. On December 6, 2018, the parties entered into an initial ILA for design and construction of Dam 101 that would impede the flow of flood waters in the Lake Creek Basin area.

The WCID and City now desire to adopt a second ILA in which the WCID shall be responsible for design, permitting, easement and land acquisition, construction, and operations and maintenance of Dam 101. In addition, the WCID shall be responsible for the design, permitting, and construction of the stream and wetland mitigation project as required by the United States Army Corp of Engineers (USACE). The WCID shall be responsible for the USACE required inspections and reporting associated with this stream mitigation requirement.

The City shall be responsible for 10% of the total project cost in an amount not to exceed \$3.4 million. This City's contribution is outlined below.

- The City shall be credited for all previous financial commitments made for engineering, design and permitting costs for Dam 101. The cost was outline in the previous ILA for \$2 million.
- The WCID acknowledges and agrees the City staff time and associated expenses incurred by the City during the initial years of managing the Dam 101 project.
- The City agrees to commit to the long-time stewardship as required by the USACE for preserving the stream and wetland mitigation site in its newly reestablished state in perpetuity.
- The City will install a water take point on the City's west transmission line in order to provide construction water for the project. The City will provide the water required for the construction at no cost to the WCID.

All of these items represent the City's total financial obligations for all of the Dam 101 project costs. In the event additional costs are incurred or cost escalations are experienced for the Dam 101 project, the City shall not be responsible for any other items that are not specifically identified in this ILA.

This ILA was approved at the WCID board meeting held on August 19, 2021.