



Legislation Details (With Text)

File #: Res 2020-78 **Version:** 1 **Name:** RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH THE METRO WASTEWATER RECLAMATION DISTRICT FOR THE SECOND CREEK INTERCEPTOR PROJECT

Type: Resolution **Status:** Passed

File created: 9/14/2020 **In control:** City Council

On agenda: 11/2/2020 **Final action:** 11/2/2020

Title: RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH THE METRO WASTEWATER RECLAMATION DISTRICT FOR THE SECOND CREEK INTERCEPTOR PROJECT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Exhibit A - Draft IGA, 3. Attachments to IGA, 4. Presentation

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|-----------|--------|
| 11/2/2020 | 1 | City Council | adopted | Pass |
| 9/21/2020 | 1 | City Council | continued | Pass |

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH THE METRO WASTEWATER RECLAMATION DISTRICT FOR THE SECOND CREEK INTERCEPTOR PROJECT

Summary and Background Information:

Council voted to continue this resolution during the September 21 hearing to allow Metro Wastewater Reclamation District (MWRD) time to come to an agreement with the Farmers Reservoir & Irrigation Company (FRICO) regarding the crossings of the Little Burlington Ditch and O’Brian Canal. The District and FRICO have now reached an agreement to perform both crossings via open cut methods as requested by FRICO at the City Council Hearing.

The change from tunneling under the canal to the open cut construction method will result in a closure to East 112th Avenue in this area. Updates were made to the IGA that will involve temporary closures of 112th Ave. and 88th Ave. and lane reduction at 81st Ave. This was the only change from what was presented at the September 21 hearing and staff is still recommending approval of the document.

The Second Creek Interceptor (SD Interceptor) was recommended by the Regional Master Plan, commissioned by Metro Wastewater Reclamation District (MWRD) in collaboration with the municipalities and special districts that MWRD serves, as the most feasible solution for adding the necessary conveyance capability to accommodate growth in the MWRD’s northeastern service area.

The MWRD’s proposed 17.5-mile-long SD Interceptor extends from the City of Aurora north to Adams County, with approximately 6.4 miles located in the City.

The proposed route crosses approximately 41 properties with 19 different owners within Commerce

City. The proposed interceptor route crosses the Public District (Public), Agricultural District (AG), and Planned Unit Development (PUD) zone districts in Commerce City.

The proposed route originates from Brighton moving into Commerce City by heading south of I-76 just south of approximately the alignment of East 117th Avenue and heads south along the western boundary of the City's Second Creek future park and open space area. The route then crosses E. 112th Avenue and continues south along Oakwood's future Reunion Village 8 development.

The route continues east along Second Creek, crossing Chambers Road. Then the interceptor traverses the floodplain to the north of the Second Creek Village Commercial Development. The route then crosses East 104th Avenue just to the west of Second Creek at approximately the alignment of Joplin Street. The Interceptor continues south, clipping the north east corner of the Stuart Middle School site and moving south on west side of Second Creek down to East 96th Avenue.

The interceptor crosses East 96th just to the east of the former Buckley Road alignment continuing south along the east side of City-owned Parcel K open space portion of the Buffalo Highlands Development. The route crosses East 88th Avenue and continues along Second Creek through the Nexus North and Nexus developments, crossing East 83rd/84th Avenue and Tower Road at approximately the alignment of East 82nd Avenue.

Another branch continues south from East 83rd/84th Avenue across East 81st Avenue, through US Airport parking in unincorporated Adams County and then into the City and County of Denver. The branch that heads East, across Tower Road, along Second Creek through the Allied Waste landfill site and then into the City and County of Denver.

In addition to requiring a Conditional Use Permit (CUP) for a public utility (CU-123-20), the Interceptor falls within the City's permitting authority as a matter of "state interest" (Chapter 22), also known as 1041 regulations from the bill that created the authority.

The purpose of 1041 authority is to provide enhanced local authority over certain types of projects, including utilities. The City's code authorizes waiver of 1041 regulations in some circumstances, including when an IGA is negotiated between the City and a government building a project. The City and MWRD elected to pursue an IGA for the Second Creek Interceptor project.

The proposed IGA defers to the City's Conditional Use Permit as the primary regulatory process and waives the 1041 permit requirement. It also supplements the CUP to enhance the project benefits and minimize impacts (e.g., preferred alignment; trail construction). It provides a basis for future easements and licenses on City properties for the Interceptor while also retaining enforcement authority.

Staff Responsible (Department Head): Jason Rogers, Community Development Director & Robert Sheesley, City Attorney

Staff Member Presenting: Jenny Axmacher, Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval

Suggested Motion: I move to approve resolution 2020-78, approving the Intergovernmental Agreement with the Metro Wastewater Reclamation District for the Second Creek Interceptor project.