



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 24, 2019
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Cooperation Agreement Between the United States of America and the City of Marshall, MN for Rehabilitation of a Federal Flood Control Work.
Background Information:	<p>Following recent high-water events in the Redwood River, staff has identified various locations of slope failure along our flood control project.</p> <p>The U.S. Army Corps of Engineers (USACE) staff is currently in the process of designing plans and lining up project permitting to complete some work yet this fall/winter. The other locations may have completion schedules into 2020.</p> <p>At the August 13, 2019 meeting, Council authorized for sponsor participation of US Army Corps of Engineers Flood Control Project betterments in the amount of approximately \$190,000.00. At that time, the USACE staff advised that they intended to complete this project in cooperation with the City of Marshall under the same 'Project Cooperation Agreement' that both parties entered in 1996 (attached). The Office of Counsel of the USACE reviewed the current 1996 Project Cooperation Agreement in place between the City of Marshall and the Department of the Army for the construction of the Flood Control Works. After said review, the Office of Counsel of the USACE has ordered preparation of a new agreement.</p> <p>Attached is a draft of a Cooperation Agreement that will need to be executed prior to repair of the levee damage.</p> <p>The draft agreement is under review with USACE Office of Counsel for legal sufficiency. The USACE will finalize this as soon as the District Engineer approves the Project Information Report (Article IA) and Office of Counsel is satisfied document is legal. The document has also been provided to the City Attorney for his review.</p> <p>The USACE staff is advising that the USACE will be responsible for all project design, permitting, inspection, and construction costs related to reinstating the flood control project to its as-built condition prior to recent high-water events. The City of Marshall will be responsible for identifying and procuring material borrow sites, material disposal sites, and construction easement or access agreements as required to reach project locations. Further, the City is responsible for any 'betterments' costs. The 'betterments' are improvements, typically slope armoring, to help prevent these failures from occurring at these locations in the future. The City Council approved the levy 'betterments' at the August 13, 2019 meeting.</p>
Fiscal Impact:	The project will be funded from the Surface Water Management Utility Fund.
Alternative/Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize execution of the Cooperation Agreement Between the United States of America and the City of Marshall, MN for Rehabilitation of a Federal Flood Control Work.