David Torgler, Administrator/Clerk

COMMUNICATION FORM

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FROM: David Torgler, Town Administrator/Clerk
DATE: April 6, 2023
ITEM: Floodplain Administration Services proposal
ATTACHED: Landmark Consultants, Inc., Professional Engineering Services Probable Fee Summary; TOC Floodplain Administration – 17.06.09; Floodplain FEMA map of Oak Creek

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BOARD ACTION: _X__ ACTION ITEM
____ DIRECTION REQUESTED
____ INFORMATION

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REQUEST OR ISSUE: Pursuant to the Town of Oak Creek's Municipal Code, Section 17.06.09 Floodplain Administration floodplain development permits shall be obtained from the floodplain administrator before any construction or development begins within any areas of special flood hazard. This is a request to hire Landmark Consultants, Inc. ("Landmark") to perform updates to the Town code as required by FEMA and to perform land use change applications involving areas of special flood hazard.

RECOMMENDED ACTION: That the Board waives the formal bidding process and approves Landmark Consultants, Inc.'s March 30, 2023 Town of Oak Creek Floodplain Administration, Professional Engineering Services Probable Fee Summary.

BACKGROUND INFORMATION: Development of land lying within areas identified to be of special flood hazard has great potential to increase flood hazard to properties lying up- and downstream from the development. Disruption to the property through rechanneling stormwater drainages, filling on the site, and many other activities without review and mitigation are likely to negatively impact neighboring properties. The Town of Oak Creek has adopted regulations in-line, but outdated, with FEMA floodplain administration regulations to protect property owners, and to provide options for owners of properties involving areas of special flood hazard for property development. Presently there are three (3) applications before the Town requiring floodplain review. Town staff is not qualified to review these applications for floodplain administration and there may be liability for improper review and liability to properties lying up- and downstream of these proposed developments with changed floodplain impacts due to unregulated floodplain development. Landmark has worked with the Town in the recent past to develop topographical mapping of the Town, and has participated in the review of land use changes. Landmark's staff understands the importance for review of special flood hazards and land development. Landmark's staff understands the importance of working with Town officials and property owners to provide qualified options for development proposals. The Town's Bidding and Purchasing policies require formal bidding when anticipated costs are greater than $5,000. In today's inflationary cycle the Board should review this policy limit. Landmark's preliminary coordination cost is $8,900 and includes review of Chapter 17.06 Floodplain, for conformance with FEMA regulations. Review costs for specific requests, such as the three (3) applications before the Town are paid by the applicants and are not subject to the Town's Bidding and Purchasing policy.

FISCAL IMPACTS: Preliminary coordination cost of $8,900.

LEGAL ISSUES: The Town is obligated to enforcement of special flood hazards, to the development of land, to uphold the Town's Floodplain regulations and to uphold FEMA regulations.

CONFLICTS OR ISSUES: See above.

SUMMARY AND ALTERNATIVES: See above.