



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

BOARD OF DIRECTORS MEETING

Date: Thursday, September 21, 2017

Time: 1:00 pm

Catered Lunch – 12:15 pm

How the District Works – 12:45 – 1:00 pm

1. **Call to Order and Pledge of Allegiance – 1:00 pm**
2. **Introductions**
 - a. Visitors/Guests/Staff
3. **Roll Call – Determination of Quorum**
4. **Approval of August 17, 2017 Meeting Minutes** *(If there are no corrections “Minutes stand approved”, or with corrections “Minutes stand approved as corrected”)*
5. **Audit & Finance Committee Report (Mayor Beckman)**
6. **Consent Agenda** *(Consent items are considered routine and will be approved by one motion unless a request is made by a Board Member for removal for further discussion or explanation.)*
 - a. Review of Cash Disbursements
 - b. Approval of Independent Auditor for 2017, 2018, 2019, and 2020 Audits
(Resolution No. 48, Series of 2017)
 - c. Flood Awareness Public Education/Outreach Campaign
(Resolution No. 49, Series of 2017)
 - d. Authorization to Agree in Writing to Accept the Use of Property Tax Increment Financing for the Proposed I-25 and Broadway Urban Redevelopment Area
(Resolution No. 50, Series of 2017)
 - e. Additional Authorization to Participate in Drainage and Flood Control Improvements on Jackass Gulch at Long Avenue, City of Littleton, Arapahoe County,
(Resolution No. 51, Series of 2017)
 - f. Additional Authorization to Participate in Drainage and Flood Control Improvements on Van Bibber Creek at McIntyre Street, Jefferson County
(Resolution No. 52, Series of 2017)
 - g. Additional Authorization to Participate in Drainage and Flood Control Improvements on Ralston Creek from Van Bibber Creek to Beech Street, City of Arvada, Jefferson County
(Resolution No. 53, Series of 2017)
7. **Vote on Approval of the Consent Agenda** *(Motion and roll call vote required.)*
8. **Reports/Discussion**
 - a. 2018 Draft Budget
 - b. Staff Changes
 - c. De- Brucing Effort
9. **Announcements**
 - a. Next Regularly Scheduled Meeting: **Thursday, October 19, 2017**
10. **Adjournment**



**URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
BOARD OF DIRECTORS**

August 17, 2017

MINUTES

Members Present:

Herb Atchison, Mayor, City of Westminster
Bruce Beckman, Mayor, City of Littleton
Joyce Downing, Mayor, City of Northglenn
Stacie Gilmore, Council Member, City/County of Denver
Mark Hunter, Engineer
Joyce Jay, Mayor, City of Wheat Ridge
Paul Kashmann, Council Member, City/County/Denver
Angela Lawson, Mayor Pro Tem, City of Aurora
Stephanie Piko, Mayor Pro Tem, City of Centennial
Dave Sellards, Engineer
Nancy Sharpe, Commissioner, Arapahoe County
Libby Szabo, Commissioner, Jefferson County
Charles (Chaz) Tedesco, Commissioner, Adams County
Heidi Williams, Mayor, City of Thornton
Mary Young, Council Member, City of Boulder

Members Absent:

Bob Fifer, Mayor Pro Tem, City of Arvada
Deb Gardner, Commissioner, Boulder County
Happy Haynes, Deputy Mayor, City/County of Denver
Paul López, Council Member, City/County of Denver
Adam Paul, Mayor, City of Lakewood
Greg Stokes, Mayor Pro Tem, City/County of Broomfield

UDFCD Staff Present:

Ken MacKenzie	Executive Director
Julia Bailey	Project Engineer, Flood Warning & Information Services
Dave Bennetts	Program Manager, Stream Services
Richard Borchardt	Project Manager, Stream Services
Darren Bradshaw	Senior Construction Manager, Stream Services
Barbara Chongtoua	Project Manager, Stream Services
Amelia Deleon	Human Resources Manager
Terri Fead	Project Manager, Watershed Services
Jeff Fisher	Senior Construction Manager, Stream Services
Madeline Kelley	Student Intern, Flood Warning & Information Services
Katie Kersteins	Student Intern, Stream Services
Bryan Kohlenberg	Project Manager, Stream Services
Doron Levary	Student Intern, Watershed Services
Morgan Lynch	Project Manager, Watershed Services
Teresa Patterson	Project Manager, Watershed Services
Holly Piza	Project Manager, Watershed Services
Terri Schafer	Accounting & Finance Manager
Brooke Seymour	Project Manager, Watershed Services
David Skuodas	Project Manager, Stream Services
Kevin Stewart	Program Manager, Flood Warning & Information Services
Shea Thomas	Program Manager, Watershed Services
Keira Trujillo	Student Intern, Stream Services
Joe Williams	Senior Construction Manager, Stream Services
Salomon Ybarra	Student Intern, Watershed Services

Others Present:

Ed Krisor, Legal Counsel
Thomas Repp, Douglas County
Kelly Neumann, Aurora Water

How the Districts Works – Definitions

Mr. Ken MacKenzie presented “The UDFCD Maintenance Eligibility Program” for this month’s How the District Works presentation.

1. Call to Order and Pledge of Allegiance – 1:00 p.m.

Mayor Williams called the meeting to order at 1:01 p.m.

2. Introductions

• **Visitors/Guests/Staff**

Mr. MacKenzie introduced a new student intern supporting our Flood Warning & Information Services Program:

Madeline Kelley – Graduate student with the University of Denver

Additional guests at this month’s board meeting included:

Thomas Repp, Stormwater Management Engineer, Douglas County

Kelly Neumann, Deputy Director of Planning and Engineering, Aurora Water

3. Roll Call – Determination of Quorum

Roll was called and a quorum was declared present.

4. Approval of June 15, 2017 Meeting Minutes

Mayor Williams asked if there were any corrections to the June 15, 2017 minutes. Hearing none, the minutes were approved as submitted.

5. Audit & Finance Committee Report (Mayor Beckman)

Mayor Bruce Beckman, Chair of the UDFCD Audit & Finance Committee provided an update on the committee’s first meeting that took place on July 20. Highlights of the meeting included the following:

- Review of the audit control deficiencies identified by the auditors in the 2016 audit. District staff indicated that all of the deficiencies have either been corrected or in the process of being corrected.
- Review of the year-to-date budget versus actual Profit and Loss Statement. The District is on track to end the year well within the amounts budgeted for 2016.
- Reviewed the proposal to replace the Emergency Contingency Fund with the TABOR Emergency Reserve and to set a minimum year-end fund balance goal of 7%. The Committee discussed the pros and cons of this proposal and is recommending that Mr. MacKenzie move forward with implementing the proposed change. A resolution is being presented to the Board for vote at today’s meeting.
- The Committee discussed the history of the selection process for choosing an audit firm for the District. Currently, the firm chosen can be renewed for up to a total of six single-year contracts. The Committee agreed that this time frame was too long and that the process for selection and retention of the independent auditor for the District should be revised. A resolution is being presented for a vote by the Board.
- The Executive Director provided the Committee with the findings of the voter polling effort conducted by FredrickPolls. This poll was to gauge the likelihood of success of the District’s proposed de-Brucing effort. Mr. MacKenzie will be presenting the findings to the Board at today’s meeting.
- Terri Schafer, Manager of Finance and Accounting, reviewed the District’s investments and the progression of the investment philosophy. The investment returns have grown from approximately \$40,000 annually in 2014 to approximately \$750,000 annually.
- The next Audit & Finance Committee Meeting will take place on September 6th.

6. Consent Agenda (*Consent items are considered routine and will be approved by one motion unless a request is made by a Board Member for removal for further discussion or explanation.*)

a. Review of Cash Disbursements

Cash disbursement list, dated June, July, and August 2017, had been distributed to the Board for review. There being no further comments or questions, it was the consensus of the Board to include approval of the Cash Disbursements on the Consent Agenda.

**b. Auditor Selection and Retention Policy
(Resolution No. 36, Series of 2017)**

The enabling legislature of the District requires that an annual independent audit be made pertaining to the financial affairs of the District. The Board has previously adopted a policy regarding auditor selection and retention (Resolution No. 50, Series of 2009), which set the maximum retention period for a series of single-year contracts to be six years.

Resolution No. 36 authorizes the District to not retain any single auditor for more than five consecutive years without seeking competitive bids, and may, without cause, select a new annual independent auditor instead of continuing with the current auditor at the end of any annual contract term.

The UDFCD Audit & Finance Committee support this policy change with a recommendation based on the following:

- Not-to-exceed cost, experience, references, and personnel
- Capability to complete the audit before the March Board Meeting
- Commitment to maintain the continuity of its leadership from year-to-year
- Willingness to rotate out one or more audit team members each year
- The current auditor will not be eligible to submit a proposal for a second consecutive five-year term
- The not-to-exceed cost for succeeding years will be based on the first year cost adjusted for inflation

The next Audit & Finance Committee meeting is scheduled for September 6 and will include interviews of the final auditing firms. At the September Board meeting, the committee will be making a recommendation to the Board.

Mayor Atchison questioned whether the statement regarding ‘commitment to maintaining the continuity of leadership from year-to-year’ would be enforceable and recommended finding different wording to reflect the goal behind this request.

Commissioner Tedesco was concerned about the clause to disqualify the current auditor from submitting a proposal for a second consecutive five-year term. Excluding a firm from an open bidding process concerned him from a legal standpoint.

Mr. MacKenzie pointed out that language in the current agreement that is signed by the selected auditor excludes them from the selection process at the end of their six-year eligibility period.

Mayor Williams also noted that the goal of this request is to ensure we don’t have complacency with the current auditor.

Mayor Downing expressed concurrence with the opinions of Commissioner Tedesco and Mayor Atchison.

It was agreed that this goal can still be accomplished without having to spell it out in the resolution or contract. It was agreed to remove any text in the resolution that pertained to disqualifying the current auditor from a second five-year term.

Resolution No. 36 was edited during the board meeting to reflect the concerns of the board and the changes made to the resolution were presented to the board, after which, it was the consensus of the Board to place Resolution No. 36 on the Consent Agenda.

**c. TABOR Emergency Fund Use
(Resolution No. 37, Series of 2017)**

Under TABOR, the District has a constitutional requirement to reserve 3% or more of its fiscal year spending (excluding bonded debt service) for declared emergencies only (a.k.a TABOR Emergency Reserve). The District currently carries a 3% TABOR Emergency Reserve of approximately \$950,000. In addition to the TABOR Emergency Reserve, the District also maintains an Emergency Contingency Fund to be maintained at a level of \$1,000,000 with monies from the Maintenance Fund. These funds have established criteria for appropriating reserves during and after a declared flood emergency.

Resolution No. 37 identifies that maintaining two emergency funds is duplicative and unnecessary; therefore recommends the following:

- As of December 31, 2017, the Emergency Contingency Fund shall be eliminated
- Beginning January 1, 2018, the District shall maintain the TABOR Emergency Reserve as the District's only emergency fund, at a level of \$1,000,000 or 3% of the District's fiscal year spending, whichever is greater.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 37 on the Consent Agenda.

**d. Authorization to Establish a Development Services Enterprise
(Resolution No. 38, Series of 2017)**

The majority of all master-planned regional drainage and flood control infrastructure within the District is designed and constructed by land developers under the District's Maintenance Eligibility Program. Infrastructure may be provisionally accepted for perpetual maintenance by the District if conforming to the minimum standards presented in the UDFCD Urban Storm Drainage Criteria Manual and the requirements contained in the District's Eligibility Program Guidelines.

The minimum standards presented in the District's Urban Storm Drainage Criteria Manual may not always represent the ideal infrastructure that the District would otherwise design and construct. Infrastructure designed to a minimum standard typically results in additional costs to UDFCD to maintain.

Resolution No. 38 authorizes the District to establish a new business model (a.k.a. Fee-in-Lieu Program), initially on a trial basis. This program would allow land developers to pay the District to design and construct the regional drainage and flood control infrastructure required by local governments as a result of a development in lieu of having the developer do so. With the Districts' well-established design and construction program in place, this model should ultimately result in better infrastructures with lower long-term maintenance costs to UDFCD.

In order for the District to accept money directly from a developer, with concurrence from the local government, a Development Services Enterprise (DSE) must be established. The DSE will protect both the local government and the District from TABOR revenue and spending limits associated with passing money from developers to the District.

This proposed 5-year pilot program will be evaluated annually by the Audit & Finance Committee, which will report back to the Board on its success rate. If the program proves to be successful, the District hopes to make it a permanent program.

Mr. MacKenzie pointed out that this is a voluntary program. The District has already identified interested developers and local governments that wish to participate.

Mayor Atchison inquired as to whether the District has considered revisiting the requirements of the Criteria Manual if meeting the minimum standards is resulting in poorly built infrastructures. Mayor Atchison expressed concern over not having a legal mechanism to enforce these requirements on the developers.

Mrs. Laura Kroeger, Assistant Program Manager, Stream Services, added that the District is in the process of updating its criteria; however, this is a slow process that involves coordination and careful vetting. In the interim, UDFCD is providing the development community with education. The 'Stream Academy' being one example of outreach/education.

Council Member Young asked how the administrative fee would be established. Mr. MacKenzie explained that the proposed fee structure is broken out into three parts: 1. Conceptual design, 2. Final design, and 3. Construction. An administrative fee would be added to the fee for each of the three phases, based on the estimated staffing commitment. Mr. MacKenzie also reiterated that since this is a pilot program, these details are in flux. Costs and/or process may change as UDFCD moves forward.

Mr. MacKenzie pointed out that in addition to the potential to build better structures, there are other benefits to having the District manage the design and construction of regional infrastructure. The District holds a general permit with the Corps of Engineers, allowing UDFCD to construct infrastructure in a shorter period of time than a developer. Developers sometimes cannot get a 404 permit to implement necessary infrastructure due to outdated Corps rules, whereas the District can.

Councilwoman Gilmore inquired about the implementation plan for this effort. How does the District plan to educate and make this program attractive to the development community?

Mrs. Thomas responded that there are two meetings already scheduled with Community Planning and Development Case Managers from local governments throughout the District scheduled to take place in the coming weeks to begin to implement this pilot program.

Councilwoman Gilmore stated that her district includes several locations of sub-par drainage; therefore, she is in support of an effort that would encourage the building of better infrastructure.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 38 on the Consent Agenda.

e. Additional Authorization to Participate in Drainage and Flood Control Improvements on Fourmile Canyon Creek at 19th Street, City of Boulder, Boulder County (Resolution No. 39, Series of 2017)

This is a joint project with the City of Boulder which was identified in the Fourmile and Wonderland Creek Master Drainage Plan (MDP), 2007. Merrick and Company is currently designing the project under contract with the City of Boulder.

The project includes four new bridges located at: 19th Street, Upland Avenue, Tamarack Avenue, and Violet Avenue. A pedestrian underpass will be constructed as part of the new bridges at Upland Avenue, 19th Street, and Violet Avenue. The Tamarack Avenue structure will provide a new emergency access to a cul-de-sac at the end of Tamarack Avenue to the east. Easement and right-of-way acquisition will be included in the project costs. The District and the City of Boulder desire to construct the improvements, which will be managed by the City of Boulder. Construction is anticipated in 2019.

The District and the City of Boulder have identified \$2,615,000 in total project costs with the District's participation being \$1,307,500. It is anticipated that additional funds may be required for this project in the future. Resolution No. 38 authorizes an additional \$320,000 of District funds to be matched by the City of Boulder for the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 39 on the Consent Agenda.

f. Additional Authorization to Participate in Drainage and Flood Control Improvements on Nissen Reservoir Drainageway, Lowell Boulevard to Tennyson Street, City and County of Broomfield (Resolution No. 40, Series of 2017)

This is a joint project with the City and County of Broomfield, identified in the City Park and 3207 Outfall Systems Plan (OSP), 2006. The project includes channel improvements, drop structures and improvements to roadway crossings to safely convey the 100-year storm runoff. Easement and right-of-way acquisition will be included in the project costs. The District and the City and County of Broomfield have selected Icon Engineering to provide design services, which the District will manage. The District and the City and County of Broomfield desire to construct the improvements, which will be managed by the District. Construction is anticipated in 2019.

The District and the City and County of Broomfield have identified \$1,040,000 in total project costs with the District's participation being \$520,000. It is anticipated that additional funds may be required for this

project in the future since the estimated total project cost is \$2,500,000. Resolution No. 40 authorizes an additional \$260,000 of District funds to be matched by the City and County of Broomfield for the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 40 on the Consent Agenda.

g. Additional Authorization to Participate in Drainage and Flood Control Improvements on Massey Draw at Deer Creek Golf Course, Jefferson County (Resolution No. 41, Series of 2017)

This is a joint project with Jefferson County. Icon Engineering designed the project and Naranjo Civil Constructors is currently constructing the project, which includes two concrete box culvert crossings, channel improvements and three drop structures. The project will eliminate 100-year flooding of approximately 10 private residences adjacent to Deer Creek Golf Club and Massey Draw, many of which experienced flooding on June 27, 2004.

The District is managing the construction of the improvements and construction is anticipated to be complete in August 2017. The District and Jefferson County have now identified \$2,600,000 in total project costs with the District's participation being \$1,300,000. Resolution No. 41 authorizes an additional \$100,000 of District funds to be matched by Jefferson County for the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 41 on the Consent Agenda.

h. Additional Authorization to Participate in Drainage and Flood Control Improvements on Lemon Gulch Downstream of Crowfoot Valley Road, Town of Parker, Douglas County (Resolution No. 42, Series of 2017)

This is a joint project with the Town of Parker, identified in the Scott and Lemon Gulch OSP, 2006. The Town of Parker desires to design and construct improvements along Lemon Gulch downstream of Crowfoot Valley Road. The project includes improvements to Lemon Gulch downstream of Crowfoot Valley Road. Easement and right-of-way acquisition will be included in the project costs. The District is administering the design with Muller Engineering Company.

The District and the Town of Parker desire to construct the improvements which will be managed by the District. Construction is anticipated in 2018. The District and the Town of Parker have identified \$264,000 in initial project costs for the design with the District's participation being \$50,000 in 2017 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 42 authorizes \$50,000 of District funds to be matched by the Town of Parker for the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 42 on the Consent Agenda.

i. Additional Authorization to Participate in Drainage and Flood Control Improvements on Happy Canyon Creek at Interstate 25, Douglas County (Resolution No. 43, Series of 2017)

This is a joint project with Douglas County, identified in the Happy Canyon MDP, 2014. Muller Engineering designed the project under contract with the District. The drainage elements of the project include installation of channel bank and bed improvements. Easement and right-of-way acquisition is included in the project costs. The final design is now complete and the District is ready to construct the improvements which will be managed by the District. Construction is anticipated in 2018.

The District and Douglas County have identified \$2,470,829 in total project costs with the District's participation being \$1,125,000. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 43 authorizes an additional \$280,000 of District funds to be matched by Douglas County for the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 43 on the Consent Agenda.

j. Authorization to Participate in Drainage and Flood Control Improvements on Newlin Gulch between Interstate 25 and Rueter Hess Reservoir, City of Castle Pines, Douglas County (Resolution No. 44, Series of 2017)

This is a joint project with the City of Castle Pines, identified in the Newlin and Baldwin Gulches OSP, 1994. The City of Castle Pines desires to design and construct improvements along Newlin Gulch between Interstate 25 and the Rueter Hess Reservoir. This is a developer-funded project that the District will manage. The City of Castle Pines already holds the necessary easements and right-of-way where the project will be carried out. The District is administering the design with Muller Engineering.

The District and the City of Castle Pines have identified \$413,785.02 in initial project costs for the design with the District's participation being \$-0- in 2017 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 44 authorizes the Executive Director to enter into the necessary agreements to complete the design and construction of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 44 on the Consent Agenda.

The next three resolutions were presented by Mrs. Thomas, Program Manager for the Watershed Services Program. Mrs. Thomas wanted to emphasize the importance of updating master plans by identifying three key factors as they relate to resolutions No. 45 through 47.

1. Improvements in modeling technology
2. Outdated plan recommendations
3. Major changes in the watershed

k. Acceptance of Flood Hazard Area Delineation Report for Westerly Creek Upstream of Westerly Creek Dam (Resolution No. 45, Series of 2017)

Resolution No. 70, Series of 2012 authorized a major drainageway planning study and flood hazard area delineation (FHAD) for Westerly Creek upstream of the Westerly Creek Dam. The District partnered with the City of Aurora and the City and County of Denver to fund the studies. CH2M was selected to perform the study. Resolution No. 3, Series of 2015 accepted the major drainageway planning study. Westerly Creek is a left bank tributary to Sand Creek and drains a basin that is 8.75 square miles in area upstream of the Westerly Creek Dam.

Most of the major drainage infrastructure along Westerly Creek consists of underground pipes and engineered channel. Some of the culverts along the channel are undersized so in a 100-year storm event flows spill out of the channel and flow overland to the northwest. Due to the topography, these flows would not reconnect with the Westerly Creek channel until much further downstream, causing a flood risk to numerous structures.

There are approximately 200 insurable structures within the newly mapped Westerly Creek 100-year floodplain, which is much more than the number shown on the current FEMA maps. Most of the increase in number of structures is due to the flood risk from overland flow discovered through complex hydraulic modeling.

This resolution accepts the Flood Hazard Area Delineation study for Westerly Creek upstream of the Westerly Creek Dam and upon that acceptance, the study will be submitted to the Colorado Water Conservation Board for designation and approval. At that point, the City of Aurora and the City and County of Denver will be able regulate to the new floodplains.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 45 on the Consent Agenda.

l. Authorization for a Planning Study of Granby Ditch and Sable Ditch (Resolution No. 46, Series of 2017)

In 2015, the City of Aurora requested an update to the existing Granby Ditch and Sable Ditch OSP. The streams were last studied in 1991 and the analysis is out of date relative to the more recently completed study along the Toll Gate Creek mainstem. Additionally, the City of Aurora would like to better

understand the floodplain resulting from updated hydrology so that property owners are aware of their flood risk.

Previous UDFCD studies in the basin include:

- “Major Drainageway Planning Granby and Sable Drainageways” (Kiowa Engineering, 1991)

Many of the improvements along Sable Ditch that were recommended in the previous master plan have been implemented; however, the City of Aurora would like to better understand the outstanding need and use that information in their prioritization tool so they can plan for capital improvement projects (CIP).

The master planning costs are projected to be \$200,000 with the local sponsors contributing \$100,000. Resolution No. 46 authorizes the expenditure of the District’s share not to exceed \$100,000 plus interest earned in the project’s trust and agency account.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 46 on the Consent Agenda.

m. Authorization for a Planning Study of Goldsmith Gulch (Resolution No. 47, Series of 2017)

In 2012, the City and County of Denver requested an update to the existing Goldsmith Gulch Master Plan with the goal of addressing the flooding issues along the gulch (including Bible Park and Iliff Pond), overflows north of Iliff Avenue through private properties, the floodway down Monaco Parkway, and to verify the change in flow rates for Cherry Creek at the Goldsmith Gulch confluence. The City of Greenwood Village and the Southeast Metro Stormwater Authority (SEMSWA) both agreed to participate in the study financially.

Previous UDFCD studies in the basin include:

- “Goldsmith Gulch Major Drainageway Planning” (Gingery, 1977)
- “Upper Goldsmith Gulch Outfall Systems Planning Conceptual Design Report” (Moser, 2005)

Many of the improvements along Sable Ditch that were recommended in the previous master plan have been implemented; however, there are still areas of flood hazard that need to be addressed. In addition, much of the information used to determine the effective floodplain is out of date and a more accurate floodplain will assist local governments with regulation of redevelopment in the watershed.

The master planning costs are projected to be \$250,000 with the local sponsors contributing \$100,000. Resolution No. 47 authorizes the expenditure of the District’s share not to exceed \$150,000 plus interest earned in the project’s trust and agency account.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 47 on the Consent Agenda.

7. Vote on Approval of the Consent Agenda (Motion and roll call vote required)

Mayor Williams moved to adopt the Consent Agenda. Upon a roll call vote, the motion was passed unanimously.

8. Reports/Discussion

a. The Executive Director’s report included the following discussion topics.

Draft Budget Presentation

The draft 2018 budget will be presented to the Board at the September Board meeting. In advance of this meeting, the Audit & Finance Committee will meet to go over the details of the budget.

2017- 2021 Planning, Flood Mapping, Capital Improvement Plan (CIP) and Maintenance Plan Requests

Letters to our local government partners were distributed recently soliciting their input on work items they would like added to the 2018 work plans. Mr. Mackenzie added that most of our contacts are aware of our funding limitations, and historically have limited their requests accordingly. Unfortunately, this results in an inaccurate assessment of all our local partner needs.

With this year’s effort, the District is stressing the importance for local governments to include a complete list of their work items in order to help support our de-brucing effort. Responses are due back at the end of August.

Denver Water High Line Canal

Last year, Mr. Paul Hindman informed the Board of a proposal made by the City and County of Denver and the City of Greenwood Village to request that the District provide maintenance services on the High Line Canal (HLC) through an access agreement with Denver Water. Issues around funding and liability were being explored with stakeholder groups at the time.

More recently, Denver Water has presented the District with a draft agreement between Denver Water, UDFCD, and Shea Homes. This agreement, which excludes Douglas County, would place most of the liability on the District.

After speaking with the Colorado Special Districts Property and Liability Pool about this matter, they suggested an alternative option to create a Special District consisting of all the communities that enjoy the benefits of the HLC, to help manage the liability and maintenance.

The District is involved with the HLC Working Group and Mr. MacKenzie will be attending their next meeting scheduled for October 18, to discuss this further.

De-Brucing Effort: Voter Telephone Survey Results

Mr. MacKenzie provided the Board with a presentation on the polling results of FrederickPolls, LLC who polled 1,200 residents within the seven-county District service area, in an effort to gage voter support of a potential de-brucing effort. Highlights of the polling results include the following:

Polling Question	Poller Results
How important is it to the quality of life in your area to have open space areas, trails, and bike paths	94 % Important 70 % very important
In your opinion, what is the likelihood that the Denver Metro Area will experience a major flood within the next five years?	31% likely
What is your overall opinion of the level of property taxes you pay given the level of service provided	52% satisfied 42% unsatisfied
Have you ever heard of the Urban Drainage and Flood Control District	27% yes (of the 27% 56% have an unformed opinion)
Once informed of UDFCD's mission and accomplishments, what is your opinion of the UDFCD?	72% favorable reaction
UDFCD BALLOT VOTE #1: UDFCD is currently funded by a property tax homeowners pay equal to about 37 cents per month, which is less than five dollars per year for every 100 thousand dollars of home value. Would you vote YES or NO to increase the property tax paid to UDFCD to a total of about 60 cents per month, which is just over seven dollars per year for every 100 thousand dollars of home value so they can perform more maintenance on their current projects and continue to add new flood control, open space and trail projects?	62% - yes 30% - no
UDFCD BALLOT VOTE #2: And knowing that more money means the ability to do more projects, would you vote YES or NO to increase the property tax paid to UDFCD to a total of about one dollar per month, which is about twelve dollars per year for every 100 thousand dollars of home value so they can perform more maintenance on their current projects and continue to add new flood control, open space and trail projects?	46% - yes 45% - no

Summary of Findings

1. Mood factor of voters is positive. Quality of life and open space/recreation opportunities are important
2. UDFCD is unknown
3. Reaction to UDFCD's mission and accomplishments is strong
4. Ballot issues – modest is better
 - a. 62% Yes for increase to \$7 per year per \$100k
 - b. Only 46% Yes for increase to \$12 per year per \$100k

At the end of Mr. MacKenzie's presentation, the following discussion took place.

Commissioner Szabo requested to see the polling numbers broken down by jurisdiction. Mr. MacKenzie will have the polling report sent to the entire Board of Directors.

Commissioner Tedesco inquired as to the cost of next steps and how we propose to fund them. Mr. MacKenzie stated that the polling results clearly identify a need for educational outreach. The cost of this effort is approximately \$800,000, which the District would need to fund. A few board members mentioned \$800,000 might not be enough considering the number of citizens we need to reach.

There was some discussion about asking local governments to contribute monetarily or in-kind to the educational campaign. Any actual political campaign would have to be led and funded by others.

At the request of the Board, Mr. MacKenzie will draft a resolution for the September meeting to authorize and fund the educational outreach effort.

9. Announcements

a. Next Regularly Scheduled Meeting: Thursday, September 21, 2017

10. Adjournment

Mayor Williams adjourned the meeting at 2:41 p.m.

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 48, SERIES OF 2017

(Approval of Independent Auditor for 2017, 2018, 2019, and 2020 Audits)

WHEREAS, the enabling legislation of the District (32-11-801 of C.R.S.) requires that an annual independent audit be made pertaining to the financial affairs of the District as provided in the Local Government Budget Law of Colorado, the Colorado Local Government Uniform Accounting Law, and the Colorado Local Government Audit Law; and

WHEREAS, the Board directed that proposals be requested from auditing firms to conduct the District's audit for years 2017 - 2020; and

WHEREAS, the Board created an Audit and Finance Standing Committee (Resolution No. 30, Series of 2017) which includes, among its responsibilities, reviewing auditor's proposals and qualifications, and recommending an auditor to the Board; and

WHEREAS, the Audit and Finance Committee has completed its review of the received proposals, interviewed prospective auditors, and recommends to the Board that the firm of Eide Bailly, LLP perform the 2017 – 2020 annual audits.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Executive Director to enter into renewable annual contracts subject to satisfactory performance with Eide Bailly, LLP, with respect to the examination of the District's financial statements at a fee not to exceed \$24,250 for 2017 and 2018, and \$25,700 for 2019 and 2020, without prior approval of the Board.
2. The Board also authorizes the Executive Director to enter into contracts with Eide Bailly, LLP, for assistance in obtaining the GFOA Certificate of Achievement for Excellence in Financial Reporting at a fee not to exceed \$4,500 each year, without prior approval of the Board.
3. If required, the Board further authorizes Eide Bailly, LLP, to audit and issue separate financial reports as a result of the requirements of the single audit act for federal grants at a fee not to exceed \$10,000 for 2017 and 2018, and \$12,000 for 2019 and 2020, without prior approval of the Board.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 49, SERIES OF 2017
(Flood Awareness Public Education/Outreach Campaign)

WHEREAS, the District retained the services of Frederick Polls, LLC, to survey 1,200 residents within the District in an effort to gauge the opinion of the voters regarding the value the District provides for the property tax they pay; and

WHEREAS, this survey was conducted in July 2017 via telephone; and

WHEREAS, the survey determined that only 27% of respondents were aware of the District's existence, and of those 27%, less than half were able to form an opinion of the District's value; and

WHEREAS, an increase in public awareness of flood safety, flood preparedness, and of the services provided by the District is in the best interests of both the District and the District's constituents; and

WHEREAS, a flood safety, flood preparedness, and District services public awareness campaign in 2018 is estimated to cost \$500,000; and

WHEREAS, the Board of Directors desires to fund such a campaign in 2018.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is directed to budget \$500,000 and other resources as appropriate in 2018 toward a flood safety, flood preparedness, and District services public awareness campaign.
2. The Executive Director shall update the Board on the progress of this campaign at each Board Meeting in 2018.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 50, SERIES OF 2017

(Authorization to Agree In Writing to Accept the Use of Property Tax Increment Financing for the Proposed I-25 and Broadway Urban Redevelopment Area)

WHEREAS, the Board of Directors of the Urban Drainage and Flood Control District (the District) amended Resolution No. 38, Series of 2011 with Resolution No. 21, Series of 2016 to expand its policy in regard to its agreement to accept the use of property tax increment financing to included urban redevelopment areas; and

WHEREAS, the District understands that the Denver Urban Renewal Authority (DURA) and the City and County of Denver (Denver) intend to adopt the I-25 and Broadway Urban Redevelopment Plan and to create the I25 and Broadway Property Tax Increment and Sales Tax Increment Area; and

WHEREAS, the I-25 and Broadway Urban Redevelopment Plan approves the redevelopment of substantial portions of the former Gates site (the BSP Project); and

WHEREAS, the DURA and Denver have made a written request of the District to accept the use of property tax increment financing for the I-25 and Broadway Urban Redevelopment Area (Exhibit A); and

WHEREAS, a legal description outlining the location of redevelopment area is attached hereto as Exhibit "B"; and

WHEREAS, DURA has fully complied with all requirements of the District that are contained in Amended Resolution No. 38, Series 2011; and

WHEREAS, no extraordinary circumstances have been brought to the attention of the Board of Directors of the Urban Drainage and Flood Control District by a Board Member that would prevent the District agreeing in writing to accept the use of property tax increment financing for the proposed I-25 and Broadway Redevelopment Area; and

WHEREAS, the District has prepared a letter to DURA setting forth the terms of the District's agreement to accept the use of property tax increment financing for the I-25 and Broadway Redevelopment Area, which letter is attached hereto as Exhibit "C"; and

WHEREAS, the attached Exhibit "C" letter, in order for the District's approval to be binding, requires the acknowledgement and agreement of DURA.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Urban Drainage and Flood Control District hereby agrees to accept the use of property tax increment financing for the proposed I-25 and Broadway Redevelopment Area.
2. The Executive Director of the Urban Drainage and Flood Control District is authorized to execute the attached Exhibit "C" letter and forward it to Mr. Phillip Caplan, Chair, Denver Urban Renewal Authority.
3. The agreement of the District contained in the attached Exhibit "C" letter will become effective upon the District's receipt of a copy of the letter bearing the signature of Mr. Phillip Caplan, Chair, Denver Urban Renewal Authority acknowledging and agreeing to the terms of the letter.

4. The agreement of the District contained in the attached Exhibit "C" letter will expire by its own terms if the BSP Project is not commenced by December 31, 2018.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson



August 22, 2017

Urban Drainage and Flood Control District
2480 W. 26th Avenue, Suite 156B
Denver, Colorado 80211-5304

Attn: Ken MacKenzie, Executive Director

Dear Mr. MacKenzie:

The Denver Urban Renewal Authority (“DURA”) is currently working with the City and County of Denver to approve an Urban Redevelopment Plan (Plan) to support the redevelopment of the former Gates Rubber Factory site generally bounded by I-25, Broadway, West Mississippi Avenue and South Santa Fe Drive. The Ordinance being presented to City Council would repeal the existing Cherokee Gates Urban Redevelopment Plan, approve the I-25 and Broadway Urban Redevelopment Plan, creating the Broadway and I-25 Urban Redevelopment Area, establish a sales and property tax increment area on a portion of the Area and approve the redevelopment of substantial portions of the former Gates site (the "BSP Project").

Under Colorado Revised Statutes C.R.S. 31-25-101 (Urban Renewal Law), DURA is required to notify the Urban Drainage and Flood Control District (“UDFCD”) on the establishment of any tax increment areas and enter into an agreement regarding the use of property tax increment.

Pursuant to C.R.S. 31-25-107(9.5)(a), before any urban renewal plan utilizing property tax increment may be approved by the Denver City Council, the governing boards of each other public body whose property tax revenues would be allocated through the use of tax increment financing must be notified. Following this notification, representatives of DURA and UDFC will meet to negotiate an agreement governing the types and limits of tax revenues to be allocated to the Project. The agreement must address, without limitation, estimated impacts of the Project on UDFC services associated solely with the urban renewal plan.

Therefore, please accept this letter as notification of our intent to request the Denver City Council to approve the I-25 and Broadway Urban Redevelopment Plan and to establish a sales and property tax increment area.

Urban Drainage and Flood Control District

August 22, 2017

Page Two

DURA has provided UDFCD with the proposed development plan for the BSP Project which would support vertical development on the site of approximately 2,600 apartment units, 848,000 square feet of office, 52,000 square feet of co-work space, 109,000 square feet of retail and 18,000 square feet of civic space. UDFCD has evaluated the impact of this scale of development on their ability to deliver services and have determined the BSP Project will have minimal impact on their ability to provide services. Accordingly, DURA has prepared the attached Letter Agreement (“Agreement”) between DURA and UDFCD in a form similar to that entered into between the parties previously for your review. The Agreement would, among other matters, allow for the incremental property taxes derived from the UDFCD mill levy to be paid to DURA consistent with prior practices. Additionally, we have included a provision that would terminate your consent to the allocation of property tax increment if the BSP Project is not commenced by December 31, 2018.

Thank you for your assistance as we work to implement the statutory requirements and please do not hesitate to contact me for any additional information you may require.

Sincerely,

Tracy Huggins
Executive Director

EXHIBIT B

**LEGAL DESCRIPTION OF I-25 AND BROADWAY
URBAN REDEVELOPMENT AREA**



1601 Blake Street, Suite 200
Denver, Colorado 80202
Phone: 303-572-0200
Fax: 303-572-0202
www.matrixdesigngroup.com

A PARCEL OF LAND LOCATED IN THE WEST ONE-HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 15; MONUMENTED ON THE NORTH END BY A FOUND ORIGINAL NOTCHED STONE WITH DIVOT ON TOP IN A RANGE BOX AND ON THE SOUTH END BY A FOUND 3-1/4" BRASS CAP IN RANGE BOX WITH MOSTLY ILLEGIBLE STAMPING AND "LS 19611" AND IS ASSUMED TO BEAR NORTH 00°44'36" WEST, 2647.74 FEET;

BEGINNING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 15;

THENCE NORTH 89°55'49" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 1,262.22 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE CENTERLINE OF THE PRESENT 100' WIDE RIGHT-OF-WAY OF SOUTH SANTE FE DRIVE AND A 1,893.49 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 77°21'06" WEST;

THENCE NORTHERLY ALONG SAID CENTERLINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°15'20", AN ARC DISTANCE OF 702.45 FEET;

THENCE NORTH 89°28'03" WEST, A DISTANCE OF 304.61 FEET TO A POINT ON THE WEST LINE OF THE PRESENT SOUTH PLATTE RIVER DRIVE RIGHT-OF-WAY AND THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL 7" IN SPECIAL WARRANTY DEED RECORDED ON SEPTEMBER 15, 2014 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER UNDER RECEPTION NUMBER 2014111794;

THENCE NORTH 89°55'51" WEST, ALONG THE SOUTH LINE OF SAID "PARCEL 7", A DISTANCE OF 273.50 FEET;

THENCE NORTH 00°30'50" WEST, ALONG THE WEST LINE OF SAID "PARCEL 7", A DISTANCE OF 656.35 FEET;

THENCE SOUTH 89°58'12" EAST, A DISTANCE OF 353.96 FEET TO THE PREVIOUSLY MENTIONED CENTERLINE OF THE PRESENT SOUTH SANTE FE DRIVE AND A 1,882.73 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 60°08'46" WEST;

THENCE NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°54'30", AN ARC DISTANCE OF 95.57 FEET;

THENCE NORTH 32°45'00" WEST, A DISTANCE OF 571.09 FEET;

THENCE NORTH 00°28'22" WEST, A DISTANCE OF 101.21 FEET TO A POINT ON THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS I-25 ORDINANCE NO. 3, SERIES 1962;

THENCE ALONG SAID EAST LINE THE FOLLOWING 4 COURSES:

1. THENCE NORTH 00°44'33" WEST, A DISTANCE OF 96.32 FEET;
2. THENCE SOUTH 89°49'48" WEST, A DISTANCE OF 10.60 FEET;
3. THENCE NORTH 00°14'09" WEST, A DISTANCE OF 0.33 FEET;

4. THENCE NORTH 21°30'21" WEST, A DISTANCE OF 294.47 FEET TO A POINT ON THE EXTERIOR BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL 4A" IN THE PREVIOUSLY MENTIONED SPECIAL WARRANTY DEED RECORDED ON SEPTEMBER 15, 2014 IN SAID RECORDS UNDER RECEPTION NUMBER 2014111794;

THENCE ALONG SAID EXTERIOR BOUNDARY THE FOLLOWING 9 COURSES:

1. THENCE NORTH 06°51'16" EAST, A DISTANCE OF 75.63 FEET;
2. THENCE NORTH 37°59'29" EAST, A DISTANCE OF 31.96 FEET;
3. THENCE NORTH 71°38'52" EAST, A DISTANCE OF 81.77 FEET;
4. THENCE SOUTH 79°44'48" EAST, A DISTANCE OF 174.83 FEET;
5. THENCE SOUTH 00°32'55" EAST, A DISTANCE OF 50.00 FEET;
6. THENCE NORTH 89°06'52" EAST, A DISTANCE OF 161.99 FEET;
7. THENCE SOUTH 00°32'58" EAST, A DISTANCE OF 25.00 FEET;
8. THENCE NORTH 89°06'52" EAST, A DISTANCE OF 8.00 FEET;
9. THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 125.00 FEET TO THE WEST LINE OF SOUTH CHEROKEE STREET RIGHT-OF-WAY;

THENCE NORTH 84°22'02" EAST, A DISTANCE OF 29.19 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL 3A" IN SAID SPECIAL WARRANTY DEED;

THENCE SOUTH 78°08'56" EAST, ALONG THE NORTH LINE OF SAID "PARCEL 3A", A DISTANCE OF 253.75 FEET TO THE WEST LINE OF THE PRESENT RAILROAD RIGHT-OF-WAY;

THENCE NORTH 09°26'45" WEST, ALONG SAID WEST LINE, A DISTANCE OF 283.23 FEET TO THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 15;

THENCE NORTH 89°59'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 451.65 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL NO. TK 5155-00-006 REV. 3" IN QUITCLAIM DEED RECORDED ON NOVEMBER 8, 1993 IN SAID RECORDS UNDER RECEPTION NUMBER 9300155214;

THENCE NORTH 00°40'48" WEST, ALONG THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL NO. TK 5152-00-005 REV. 2" IN SAID QUITCLAIM DEED, A DISTANCE OF 145.76 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL B1" IN WARRANTY DEED RECORDED ON OCTOBER 6, 2004 IN SAID RECORDS UNDER RECEPTION NUMBER 2004209816;

THENCE SOUTH 30°11'14" EAST, ALONG SAID WEST LINE, A DISTANCE OF 168.59 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL C1" IN WARRANTY DEED RECORDED ON OCTOBER 6, 2004 IN SAID RECORDS UNDER RECEPTION NUMBER 2004209815;

THENCE SOUTH 30°11'14" EAST, ALONG SAID WEST LINE, A DISTANCE OF 266.04 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED ON AUGUST 27, 1996 IN SAID RECORDS UNDER RECEPTION NUMBER 9600119282;

THENCE ALONG SAID WEST LINE, THE FOLLOWING 2 COURSES:

1. THENCE SOUTH 10°33'50" EAST, A DISTANCE OF 74.52 FEET;
2. THENCE SOUTH 54°10'04" EAST, A DISTANCE OF 171.98 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED ON MARCH 15, 2002 IN SAID RECORDS UNDER RECEPTION NUMBER 2002051332; SAID POINT ALSO BEING ON THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED ON JULY 31, 1957 IN SAID RECORDS IN BOOK 8058 AT PAGE 157;

THENCE SOUTH 39°35'16" EAST, ALONG SAID COMMON LINE, A DISTANCE OF 384.76 FEET TO A POINT ON THE WEST LINE OF THE PRESENT SOUTH BROADWAY RIGHT-OF-WAY;

THENCE CONTINUE SOUTH 39°39'31" EAST, A DISTANCE OF 79.46 FEET TO A POINT ON THE PREVIOUSLY MENTIONED EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 15;

THENCE SOUTH 00°44'36" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1,885.92 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 3,911,507 SQUARE FEET OR (89.79584 ACRES), MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



JUSTIN A. CONNER, PLS 38421
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC.
2435 RESEARCH PKWY, SUITE 300
COLORADO SPRINGS, CO 80920
PH. (719)575-0100



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Ken MacKenzie, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

EXHIBIT C

September 21, 2017

Phillip Caplan, Chair
Tracy Huggins, Executive Director
Denver Urban Renewal Authority
1555 California Street, Suite 200
Denver, CO 80202

Dear Ms. Huggins and Mr. Caplan:

This letter agreement ("Agreement") is entered into pursuant to Section 31-25-107(9.5), C.R.S. The Urban Drainage and Flood Control District ("District") understands that the Denver Urban Renewal Authority ("Authority") and the City and County of Denver ("Denver") intend to adopt the I-25 and Broadway Urban Redevelopment Plan (the "Urban Redevelopment Plan") and to create the I-25 and Broadway Property Tax Increment and Sales Tax Increment Area (the "Tax Increment Area"). The Urban Redevelopment Plan approves the redevelopment of substantial portions of the former Gates site (the "BSP Project").

The Urban Drainage and Flood Control District (the "District") is in receipt of the Urban Redevelopment Plan creating the I-25 and Broadway Urban Redevelopment Area (the "Urban Redevelopment Area") as proposed to the City Council of Denver and, the proposed Ordinance establishing the Tax Increment Area and authorizing the use of property tax increment and sales tax increment for redevelopment of the Urban Redevelopment Area.

The District agrees that in accordance with C.R.S. § 31-25-107(9.5), that the District has received proper notice of the proposed Urban Redevelopment Plan and that the Authority and the District are entering into this agreement to address the estimated impacts of the Urban Redevelopment Plan on District services associated solely with the Urban Redevelopment Plan. The District has determined that there are no material impacts to District services caused by the proposed Urban Redevelopment Plan and the creation of the Tax Increment Area and therefore the tax increment derived from the District's mill levy shall be allocated to the Authority. The parties agree that this Agreement satisfies the requirements of C.R.S. § 31-25-107(9.5)(a).

The District further agrees that, as permitted under C.R.S. § 31-25-107(9.5)(b)(i), the District waives the requirements of (i) any future notice, except for substantial modifications or amendments to the Urban Redevelopment Plan, including the addition of a project, addition of another tax increment area or regarding the modification of the Tax Increment Area under the Urban Redevelopment Plan, (ii) any future filings with or by the District, (iii) any requirement for future consent by the District, except consent to any substantial modifications or amendments to the Urban Redevelopment Plan, including the addition of a project, addition of another tax increment area or regarding the modification of the Tax Increment Area under the Urban Redevelopment Plan and (iv) any enforcement right regarding the Urban Redevelopment Plan, or matters contemplated under the Urban Redevelopment Plan, except that the District shall have the right to take any actions necessary to enforce this Agreement.

If the City and County of Denver and the Authority desire that any new regional drainage and flood control facilities necessitated by or constructed as part of the Urban Redevelopment Plan be eligible for future District maintenance assistance, they shall comply with all terms and conditions of Amended Resolution No. 38, Series of 2011 as amended by Resolution 21, Series of 2016, including but not limited to Resolution No. 26, Series of 1983 of the District. The Authority shall compensate District at the rate of \$150 per hour for any time District staff spends after the date of this Agreement reviewing plans, design drawings, and/or construction activities necessary to determine the eligibility of any regional drainage and flood control facilities necessitated by or constructed as part of the Urban Redevelopment Plan into District's maintenance eligibility program. The Authority shall cause the Broadway Station Metropolitan Districts (the Metropolitan Districts") to agree that no regional drainage and flood control facilities will be accepted into the District's maintenance eligibility program until Property Tax increment is no longer collected in the Property Tax Increment Area. At that time, District staff will inspect said facilities and the Authority shall cause the Metropolitan Districts to repair any noted defects at the Metropolitan District's sole cost and expense before District will offer final acceptance of facilities into District's maintenance eligibility program.

The consent of the District to the Urban Redevelopment Plan will expire and be of no force and effect unless the BSP Project is commenced by December 31, 2018.

If this letter correctly reflects our agreement, please sign below and return a fully-executed original to me.

Respectfully,

Ken MacKenzie
Executive Director
Urban Drainage and Flood Control District

ACKNOWLEDGED AND AGREED:

DENVER URBAN RENEWAL AUTHORITY

By: _____

Phillip Caplan
Chair

Date: _____

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 51, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Jackass Gulch at Long Avenue, City of Littleton, Arapahoe County)

WHEREAS, the District in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, the City of Littleton has enacted floodplain regulations; and

WHEREAS, the City of Littleton and the District cooperated in the preparation of "Lower Dad Clark Gulch and DFA 0068 Outfall Systems Plan," dated February 1991; and

WHEREAS, the Board previously authorized \$225,000 for the Jackass Gulch at Long Avenue project (Table 1); and

Table 1
Jackass Gulch at Long Avenue
Previous Authorizations

Resolution No.	Series of	District Authorization	Local Share	Work Elements
22	2014	\$225,000	\$225,000	Design
TOTAL		\$225,000	\$225,000	

WHEREAS, the City of Littleton and the District now desire to construct improvements along Jackass Gulch at Long Avenue (Exhibit A); and

WHEREAS, the District’s additional participation being authorized by this resolution is \$200,000 to at least be matched by the City of Littleton; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Special Revenue Fund-Construction Budget (Resolution No. 49, Series of 2016) for calendar year 2017, which includes funds for construction of drainage and flood control improvements along Jackass Gulch at Long Avenue; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 53, Series of 2016) in which the improvements along Jackass Gulch at Long Avenue were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

- Resolution No. 22, Series of 2014, Paragraph 3, is amended as follows:
“The District’s maximum contribution to the Jackass Gulch at Long Avenue project without prior approval of the Board shall be ~~\$225,000~~ **\$425,000** plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the City of Littleton.”
- All other conditions and authorizations remain as stated in Resolution No. 22, Series of 2014.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

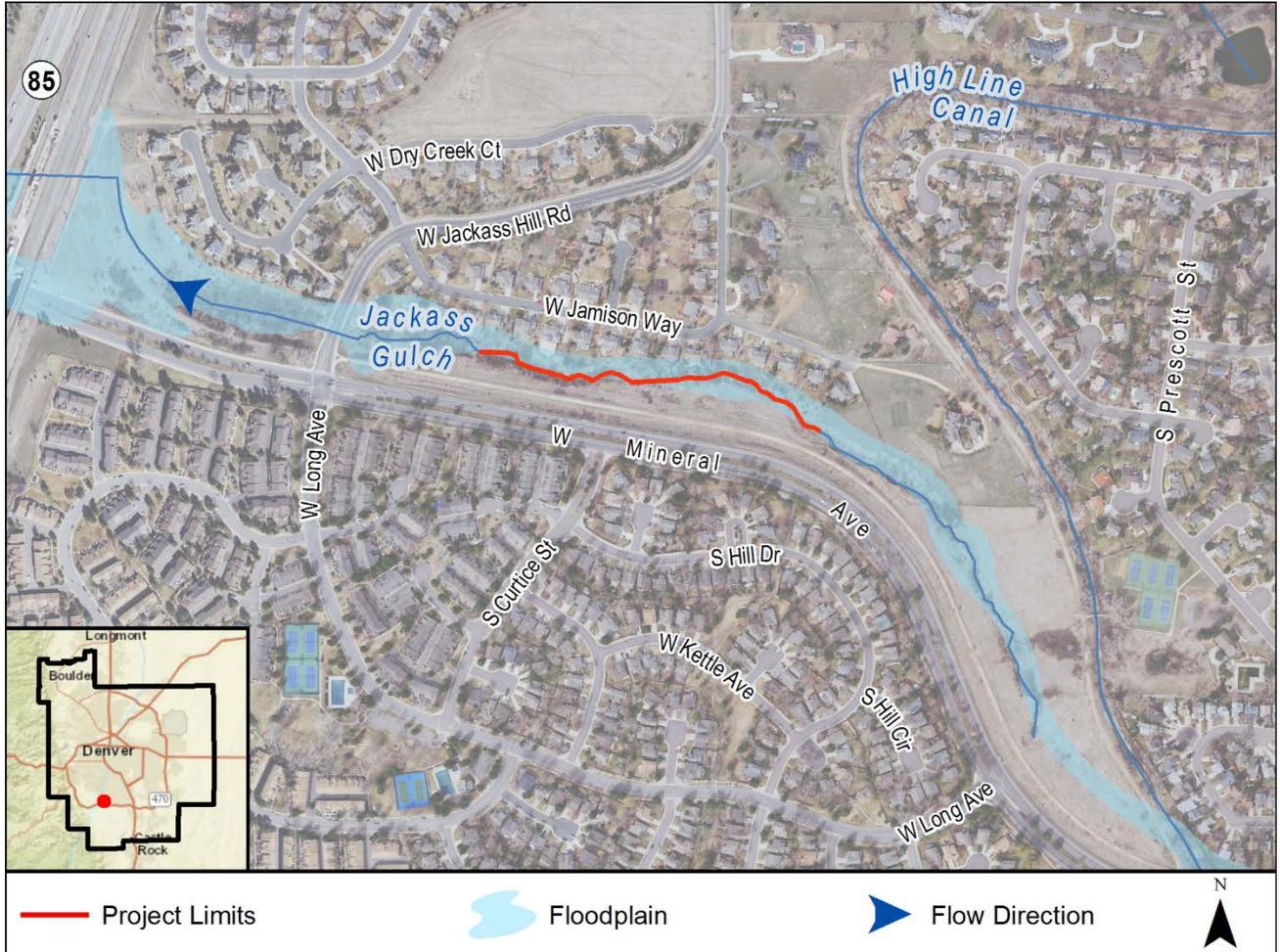
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 51, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Jackass Gulch at Long Avenue, City of Littleton, Arapahoe County)

EXHIBIT A



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 52, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Van Bibber Creek at McIntyre Street, Jefferson County)

WHEREAS, the District in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, Jefferson County has enacted floodplain regulations; and

WHEREAS, Jefferson County and the District cooperated in the preparation of "Major Drainageway Planning – Van Bibber Creek," dated March 1977; and

WHEREAS, the Board previously authorized \$258,000 for the Van Bibber Creek at McIntyre Street project (Table 1); and

Table 1
Van Bibber Creek at McIntyre Street
Previous Authorizations

Table with 5 columns: Resolution No., Series of, District Authorization, Local Share, Work Elements. Rows include Resolution 25 (2016, \$175,000), Resolution 07 (2017, \$83,000), and a TOTAL row (\$258,000).

WHEREAS, Jefferson County and the District now desire to construct improvements along Van Bibber Creek at McIntyre Street (Exhibit A); and

WHEREAS, the District's additional participation being authorized by this resolution is \$190,000 to at least be matched by Jefferson County; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Special Revenue Fund-Construction Budget (Resolution No. 49, Series of 2016) for calendar year 2017, which includes funds for construction of drainage and flood control improvements along Van Bibber Creek at McIntyre Street; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 53, Series of 2016) in which the improvements along Van Bibber Creek at McIntyre Street were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. Resolution No. 25, Series of 2016, Paragraph 3, is further amended as follows: "The District's maximum contribution to the Van Bibber Creek at McIntyre Street project without prior approval of the Board shall be \$258,000 \$448,000 plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by Jefferson County."
2. All other conditions and authorizations remain as stated in Resolution No. 25, Series of 2016.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

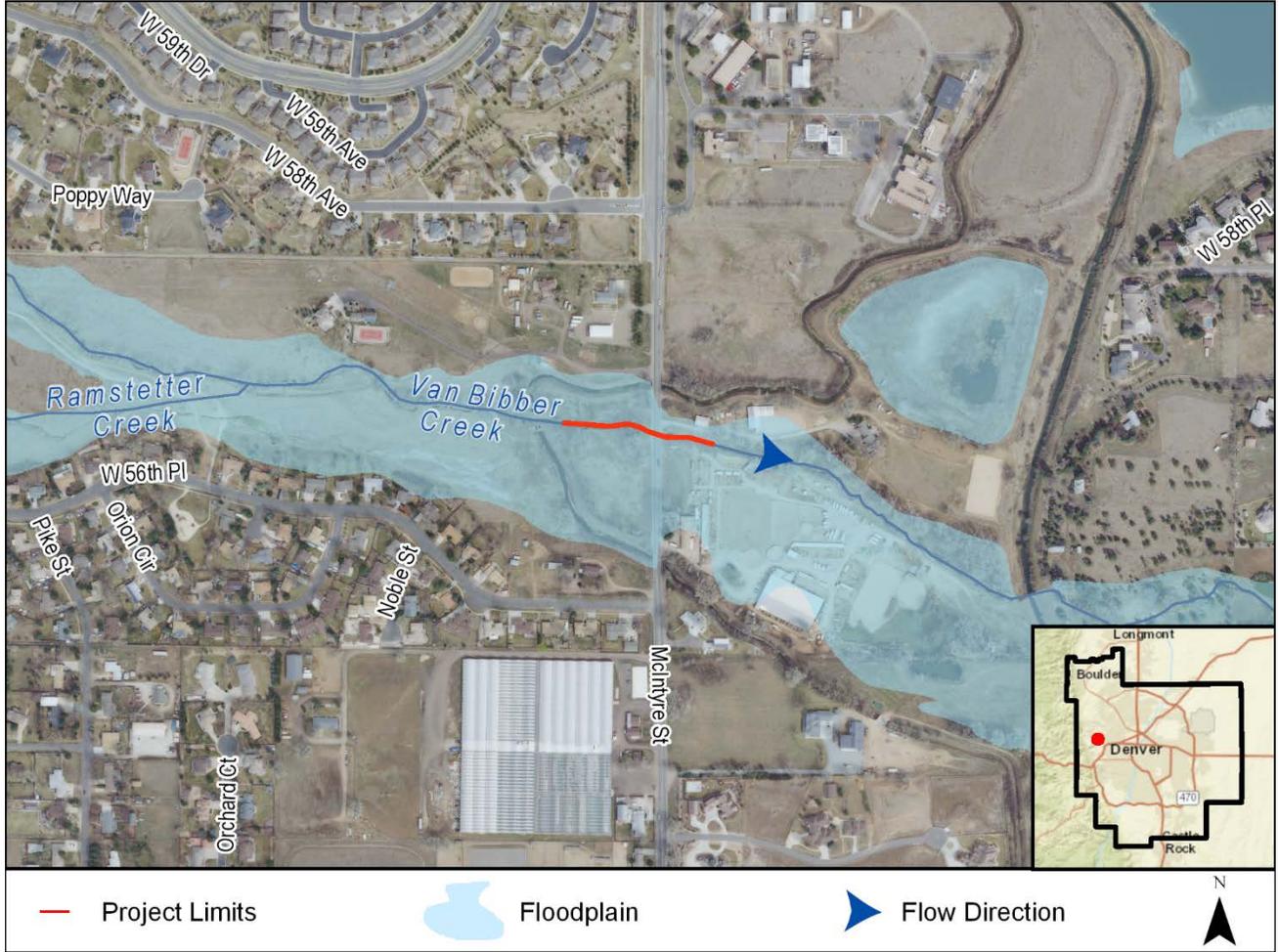
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 52, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Van Bibber Creek at McIntyre Street, Jefferson County)

EXHIBIT A



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 53, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Ralston Creek from Van Bibber Creek to Beech Street, City of Arvada, Jefferson County)

WHEREAS, the District in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, the City of Arvada has enacted floodplain regulations; and

WHEREAS, the City of Arvada and the District cooperated in the preparation of “Major Drainageway Planning – Lower Ralston / Van Bibber and Leyden Creek,” dated February 1986; and

WHEREAS, the Board previously authorized \$250,000 for funding of a U.S. Army Corps of Engineers' Section 205 – Feasibility Study for Ralston Creek from Van Bibber Creek to Beech Street (Table 1); and

**Table 1
Ralston Creek from Van Bibber Creek to Beech Street
Previous Authorizations**

Resolution No.	Series of	District Authorization	Local Share	Work Elements
42	2015	\$250,000	\$250,000	U.S. Army Corp of Engineers' Feasibility Study
TOTAL		\$250,000	\$250,000	

WHEREAS, the City of Arvada and the District now desire to further fund the U.S. Army Corp of Engineers' Feasibility Study along Ralston Creek from Van Bibber Creek to Beech Street (Exhibit A); and

WHEREAS, the District’s additional participation being authorized by this resolution is \$90,000 to at least be matched by the City of Arvada; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted a Special Revenue Fund-Construction Budget (Resolution No. 49, Series of 2016) for calendar year 2017, subsequent to public hearing, which includes funds for construction of drainage and flood control improvements along Ralston Creek from Van Bibber Creek to Beech Street; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 53, Series of 2016) in which the improvements along Ralston Creek from Van Bibber Creek to Beech Street were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

- Resolution No. 42, Series of 2015, Paragraph 3, is amended as follows:
 “The District's maximum contribution to the Ralston Creek from Van Bibber Creek to Beech Street project without prior approval of the Board shall be ~~\$250,000~~ **\$340,000** plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the City of Arvada.”
- All other conditions and authorizations remain as stated in Resolution No. 42, Series of 2015.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 53, SERIES OF 2017

(Additional Authorization to Participate in Drainage and Flood Control Improvements on Ralston Creek from Van Bibber Creek to Beech Street, City of Arvada, Jefferson County)

EXHIBIT A

