

BOARD OF DIRECTORS MEETING

Date: Thursday, May 20, 2021

Time: 1:00 pm

This Meeting Held via Zoom: CLICK HERE TO ATTEND

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

- 1. Call to Order and Pledge of Allegiance 1:00 pm
- 2. Introductions
 - a. Swearing in of New Board Member
 - i. Mayor Pro Tem Anita Seitz, City of Westminster
 - b. Visitors/Guests
 - c. Awards/Recognitions
 - i. American Council of Engineering Companies President's Award Laura Kroeger
- 3. Roll Call Determination of Quorum
- 4. Approval of April 15, 2021 Meeting Minutes

(If there are no corrections "Minutes stand approved", or with corrections "Minutes stand approved as corrected")

5. Presentation Agenda

(Each resolution will, after introduction and presentation from District staff, be placed on the Consent Agenda unless a request is made by a Board Member for action upon the resolution separately)

- a. Continuing to Retain Eide Bailly as Independent Auditor for 2021 Audit (Resolution No. 60, Series of 2021)
- b. Authorization to Participate in a Planning Study of Buffalo Run Tributary (Resolution No. 61, Series of 2021)
- c. Additional Authorization to Participate in a Planning Study of Lena Gulch and Tributary H (Resolution No. 62, Series of 2021)
- d. Acceptance of Flood Hazard Area Delineation of Upper Sulphur Gulch (Resolution No. 63, Series of 2021)
- 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 of a specific resolution for a presentation by District staff or discussion)

- a. Review of Cash Disbursements
- 7. Vote on Approval of the Consent Agenda

(Motion and roll call vote required)

- 8. Reports/Discussions
 - a. Executive Director's Report
- 9. Announcements
 - a. Next Meeting: Thursday, August 19, 2021 (No meetings in June or July)
- 10. Adjournment

Phone: 303-455-6277



BOARD OF DIRECTORS MEETING

Meeting Minutes April 15, 2021

This Meeting Was Held via Video Conference

Board Members Present:

Herb Atchison Mayor, City of Westminster
Lynn Baca Commissioner, Adams County
Françoise Bergan Mayor Pro Tem, City of Aurora

Guyleen Castriotta Mayor Pro Tem, City/County of Broomfield
Jolon Clark Council Member, City/County of Denver
Stacie Gilmore Council Member, City/County of Denver

Mark Hunter Engineer

Matt Jones Commissioner, Boulder County
Junie Joseph Mayor Pro Tem, City of Boulder

Paul Kashmann Council Member, City/County of Denver

Tracy Kraft-Tharp Commissioner, Jefferson County

Jan Kulmann Mayor, City of Thornton Meredith Leighty Mayor, City of Northglenn Adam Paul Mayor, City of Lakewood Stephanie Piko Mayor, City of Centennial

Murphy Robinson Deputy Mayor, City/County of Denver

Dave Sellards Engineer

Nancy Sharpe Commissioner, Arapahoe County
Bud Starker Mayor, City of Wheat Ridge
Ashley Stolzmann Mayor, City of Louisville

Lora Thomas Commissioner, Douglas County

Jerry Valdes Mayor, City of Littleton Marc Williams Mayor, City of Arvada

Board Members Absent:

None

MHFD Staff Present:

Ken MacKenzie Executive Director

David Bennetts Government Relations Manager
Barbara Chongtoua Engineering Services Manager
Margaret Corkery Senior Administrative Assistant

Sara DeGroot Project Manager

Amelia Deleon Human Resources Director

Katie Evers GIS Administrator

Jeff Fisher Senior Construction Manager

Dan Hill Project Manager
Hung-Teng Ho Hydraulic Modeler
Bryan Kohlenberg Watershed Manager
Laura Kroeger Engineering Director
Mary Powell Environmental Manager
Morgan Lynch Watershed Manager
Kelsey Mehan Office Coordinator

Jon Orozco GIS Analyst

Ellie Paulsen Administrative Assistant
Teresa Patterson Watershed Manager

Holly Piza Engineering Services Manager

Melanie Poole Project Engineer
Drew Roberts Staff Engineer
Wanda Salazar Accountant

Terri Schafer Finance & Accounting Director

Derrick Schauer Network Administrator
Brooke Seymour Watershed Manager
Dave Skuodas Watershed Manager

Jason Stawski Senior Construction Manager

Kevin Stewart Flood Warning and Information Services Manager

Watershed Manager

Stacey Thompson Floodplain Manager
Pieter Van Leeuwen Student Intern
Jon Villines Watershed Manager

Others Present:

Jim Watt

Lukasz Dubaj Mortenson
Jim Kaiser City of Thornton
Paul Kane Eide Bailly, LLP
Ed Krisor Legal Counsel
Chad Kudym DataBank IMX

Travis McStraw Advanced Engineering and Environmental Services

Steve O'Dorisio Adams County
David Rausch Adams County

How the District Works:

Mr. Kevin Stewart, Flood Warning and Information Services Manager, gave a presentation on the District's flood warning services.

Call to Order and Pledge of Allegiance – 1:00 pm
 Mayor Adam Paul called the meeting to order at 1:00 pm.

2. Introductions

a. Visitors/Guests

Mr. Ken MacKenzie introduced Jim Kaiser with the City of Thornton, David Rausch with Adams County, Paul Kane with Eide Bailly, LLP, Travis McStraw with Advanced Engineering and Environmental Services, and Lukasz Dubaj with Mortenson.

b. Awards/Recognitions

- Excellence in Financial Reporting Government Finance Officers Association (GFOA)
 Every year, the GFOA presents an award recognizing excellence in financial achievement. Mr.
 MacKenzie announced that the District was issued this award, once again, and congratulated both Mrs. Terri Schafer, Finance & Accounting Director, and Ms. Wanda Salazar, Accountant, for their efforts to provide outstanding financial management to the District.
- National Recognition Award in the American Council of Engineering Companies (ACEC) 2021 Engineering Excellence Awards (EEA) - Wonderland Creek Floodplain & Greenway Improvement

Mr. MacKenzie recognized the Wonderland Creek Floodplain and Greenway Improvement project which received the ACEC Engineering Excellence in 2021. Mr. MacKenzie congratulated Mr. Kurt Bauer, Ms. Mary Powell, Mr. Dave Skuodas, Mr. Jim Watt, and Mr. Joe Williams for their work on this project.

3. Roll Call - Determination of Quorum

Roll was called and a quorum was declared present.

4. Committee Reports

a. Audit and Finance Committee

Commissioner Lora Thomas provided an update on the Audit and Finance Committee meeting that took place on April 8. The committee met (via conference call) at 2 pm on Thursday, April 8, to hear a presentation from Eide Bailly, LLP on the 2020 Comprehensive Annual Financial Report for the District. Committee Members in attendance included: Commissioner Lora Thomas (Chair), Mayor Stephanie Piko, Council Member Jolon Clark, Mayor Ashley Stolzmann, and Mr. Dave Sellards. Also in attendance were Mr. MacKenzie, Mrs. Schafer, Mrs. Laura Kroeger, Mr. Paul Kane, and Ms. Kim Higgins, with Eide Bailly. Commissioner Thomas stated that Eide Bailly would present their findings in an Auditor's report, and that the Audit & Finance Committee had no additional comments to the Auditors report presented by Eide Bailly. Commissioner Thomas, on behalf of the Audit and Finance Committee, recommended that the Annual Comprehensive Financial Report for the Year Ended December 31, 2020 be placed on the presentation agenda for approval by the Board.

5. Presentation of 2020 Audit - Discussion

Mr. Kane with Eide Bailly, LLP, provided a briefing on the 2020 Audit Report. Electronic copies of the Draft 2020 Annual Comprehensive Financial Report (ACFR) were distributed to the board via email on April 9, along with the AU-C 260 Communication.

Mr. Kane described the 2020 Audit as a clean, unmodified opinion, which is the best opinion an organization can receive.

6. Approval of February 18, 2021 Meeting Minutes

(If there are no corrections "Minutes stand approved", or with corrections "Minutes stand approved as corrected")

Mayor Paul asked if there were any corrections to the February 18, 2021 minutes. Hearing none, the minutes were approved as submitted.

7. Public Hearing

a. Revision of 2021 Budget and Reappropriation of Expenditures Mayor Paul opened the public hearing at 1:20 pm.

Mr. MacKenzie presented the Revised 2021 Budget and Reappropriation of Expenditures. The District is committed to returning the construction and maintenance tax dollars to each county pro rata to county revenues, and while this is easily managed in the construction fund through IGAs and the creation of a 'trust and agency' single-use account for each project, the District does not have this same luxury in the maintenance fund, as there typically is no local match.

Oftentimes, maintenance projects are delayed by the federal and state permitting processes and sometimes by difficulties encountered with utility relocation, rights of way, and other unexpected roadblocks.

Without an annual rebudgeting exercise, the District cannot recommit those leftover maintenance tax dollars appropriately into each county in the following year. A case in point is that in 2020, MHFD had \$400K budgeted in Broomfield for maintenance projects, but a single \$300K project was delayed. This delay was unknown to the District at the time the 2021 budget was due, and the District now wants to recommit those Broomfield tax dollars to the ongoing project.

Revising the annual budget has the additional benefit of knowing the actual audited beginning fund balances and revenues, allowing the District to 'fine-tune' the budget to maximize the beneficial utilization of those tax dollars in the form of projects.

Concluding the public hearing presentation, Mayor Paul asked if there were any questions or comments from the Board and public. There being none, the public hearing was closed at 1:26 pm.

8. Presentation Agenda

(Each resolution will, after introduction and presentation from District staff, be placed on the Consent Agenda unless a request is made by a Board Member for action upon the resolution separately.)

a. Acceptance of 2020 Audit Report

(Resolution No. 30, Series of 2021)

Resolution No. 30, Series of 2021 was discussed during agenda item No. 4 Committee Reports, and agenda item No. 5, Presentation of 2020 Audit Discussion.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 30 on the Consent Agenda.

b. Revision of 2021 Budget and Reappropriation of Expenditures (Resolution No. 31, Series of 2021)

Resolution No. 31, Series of 2021 was discussed during the Public Hearing portion of this meeting.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 31 on the Consent Agenda.

c. Revision of 2021 Work Program and Reauthorization of Expenditures (Resolution No. 32, Series of 2021)

Resolution No. 32, Series of 2021 was discussed during the Public Hearing portion of this meeting.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 32 on the Consent Agenda.

d. Authorization to Agree in Writing to Accept the Use of Property Tax Increment Financing for the Proposed Broomfield Town Center Urban Renewal Area

(Resolution No. 33, Series of 2021)

In 2020, the Board adopted a resolution (Resolution No. 55, Series 2020) that revised the District's policy for requests by Local Governing Bodies and/or Urban Renewal Authorities asking the District to allow the tax increment derived from the District's mill levy to instead be allocated to the requesting Governing Bodies and/or Urban Renewal Authorities. Resolution No. 55, Series 2020 requires the Executive Director to allocate the reduced revenue associated with the tax increment to only those counties in which the revenue is being diverted; and additionally affirms that, barring extraordinary circumstances brought to the attention of the Board by a Director of the District, the Board shall approve the Requesting Entity's request.

The District received a written request from the Broomfield Urban Renewal Authority (BURA) to accept the use of property tax increment financing (TIF) for the Broomfield Town Center Urban Renewal Plan. The proposed development includes construction of:

- 100,000 square feet of commercial and retail space
- 600 residential units
- Public amenities such as: an activated boardwalk along the lake, a beach, and a boathouse

The fiscal impact to the District resulting from this resolution is a property tax revenue reduction of approximately \$442,085 (under the current revenue projections) over the 25-year term of the property TIF.

Resolution No. 33 accepts the use of property TIF for the Broomfield Town Center Urban Renewal Plan and authorizes the Executive Director to enter into an agreement with BURA to that effect.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 33 on the Consent Agenda.

e. Authorization to Participate in Drainage and Flood Control Improvements on Shaw Heights Tributary at Lowell Boulevard to Little Dry Creek, City of Westminster, Adams County (Resolution No. 34, Series of 2021)

This is a joint project with the City of Westminster. The City of Westminster desires to design, acquire right-of-way, and construct improvements along Shaw Heights Tributary at Lowell Boulevard to Little Dry Creek in accordance with the "Master Plan for the Shaw Heights Tributary to Little Dry Creek," dated February 1, 1985. The project goal is to reduce flood risks with improvements to increase flood conveyance (channel and box culverts) and reduce peak flows (regional detention) for Shaw Heights Tributary from its confluence with Little Dry Creek near West 76th Avenue upstream to Lowell Boulevard, as funds permit. Design will include identifying the needs of each reach in accordance with the major drainageway plan (MDP) and prioritizing the improvements for construction phasing based on available funding and best value. Easement and right-of-way acquisition will be included in the project costs. The District will be administering the design once a consulting engineering firm is selected.

The District and the City of Westminster have identified \$350,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$175,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 34 authorizes \$175,000 of District funds from the Special Revenue Fund - Construction to be at least matched by the City of Westminster for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 34 on the Consent Agenda.

f. Authorization to Participate in Drainage and Flood Control Improvements on Harvard Gulch Downstream of Colorado Boulevard, City and County of Denver (Resolution No. 35, Series of 2021)

This is a joint project with the City and County of Denver. The City and County of Denver desires to design, acquire right-of-way, and construct improvements along Harvard Gulch downstream of Colorado Boulevard in accordance with the "Harvard Gulch and Dry Gulch Major Drainageway Plan," dated 2016. The project includes improvements to ensure the continuity of sediment through the system, address issues at roadway crossings, and make flood control improvements along Harvard Gulch between Colorado Boulevard and South Race Street. 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 City and County of Denver desire to construct the improvements which will be managed by the District. Construction is anticipated in 2023.

The District and the City and County of Denver have identified \$200,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 35 authorizes \$100.000 of District funds from the Special Revenue Fund - Construction to be at least matched by the City and County of Denver for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 35 on the Consent Agenda.

g. Authorization to Participate in Drainage and Flood Control Improvements on Willow Creek from County Line Road to Quebec Street, Arapahoe County (Resolution No. 36, Series of 2021)

This is a joint project with the Southeast Metro Stormwater Authority (SEMSWA). SEMSWA desires to design, acquire right-of-way, and construct improvements along Willow Creek from County Line Road to Quebec Street in accordance with the "Willow Creek, Little Dry Creek, and Greenwood Gulch Outfall Systems Planning Study," dated February 2010. The project includes improvements to stabilize severely eroded banks and implement master-planned flood control improvements along Willow Creek downstream of County Line Road. Easement and right-of-way acquisition will be included in the project

costs. The District will be administering the design once a consulting engineering firm is selected. The District and SEMSWA desire to construct the improvements which will be managed by the District. Construction is anticipated in 2023.

The District and SEMSWA have identified \$200,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 36 authorizes \$100,000 of District funds from the Special Revenue Fund - Construction to be at least matched by SEMSWA for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 36 on the Consent Agenda.

h. Authorization to Participate in Drainage and Flood Control Improvements on Cherry Creek at Dransfeldt Road, Town of Parker, Douglas County (Resolution No. 37, Series of 2021)

This is a joint project with the Town of Parker. The Town of Parker desires to design and construct improvements along Cherry Creek at Dransfeldt Road in accordance with the "Cherry Creek Corridor – Reservoir to Scott Road Major Drainageway Planning Preliminary Design Report," dated January 2004. The project includes improvements to Cherry Creek including a trail crossing with a sculpted concrete drop, a series of riffles and pools, a tie-in drop structure, bank protection, vegetative improvements, floodplain widening, sanitary sewer relocation, a low flow trail crossing, and realignment of the regional trail system. The Town of Parker already holds the necessary easements and right-of-way where the project will be carried out. The District will be administering the design with Muller Engineering as the design consultant.

The District, the Cherry Creek Basin Water Quality Authority (CCBWQA), and the Town of Parker have identified \$370,000 in initial project costs for the design of improvements with the District's participation being \$60,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 37 authorizes \$60,000 of District funds from the Special Revenue Fund - Construction to be at least matched by the Town of Parker and CCBWQA for the design and construction of the drainage elements of the project.

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

i. Authorization to Participate in Drainage and Flood Control Improvements on Cottonwood Meadows Tributary, Town of Parker, Douglas County (Resolution No. 38, Series of 2021)

This is a joint project with the Town of Parker. The Town of Parker desires to design and construct improvements along Cottonwood Meadows Tributary in accordance with the "Cottonwood Area of Parker Outfall System Planning Preliminary Design Report," dated 2001. The approximately 1,500 feetlong Cottonwood Meadows Tributary project includes re-establishing a stable channel grade, adding a low-flow channel with riparian vegetation, providing water quality enhancement for the receiving water outfalls, and providing forebays for easier maintenance. The Town of Parker already holds the necessary easements and right-of-way where the project will be carried out. The District will be administering the design when a consultant has been selected.

The District and the Town of Parker have identified \$340,000 in initial project costs for the design of improvements with the District's participation being \$170,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 38 authorizes \$170,000 of District funds from the Special Revenue Fund - Construction to be at least matched by the Town of Parker for the design and construction of the drainage elements of the project.

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

j. Authorization to Participate in Drainage and Flood Control Improvements on Happy Canyon Creek from Jordan Road to Broncos Parkway, Arapahoe County (Resolution No. 39, Series of 2021)

This is a joint project with SEMSWA and CCBWQA. SEMSWA desires to design and construct improvements along Happy Canyon Creek from Jordan Road to Broncos Parkway in accordance with the "Happy Canyon Creek Major Drainageway Plan," dated 2014. The project includes improvements to Happy Canyon Creek including replacement of failing drop structures, sediment removal, and reconfiguration to include a permanent sediment removal site. Arapahoe County and SEMSWA already hold the necessary easements and right-of-way where the project will be carried out. The District will be administering the design when a consultant has been selected.

The District and SEMSWA have identified \$225,000 in initial project costs for the design of improvements with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 39 authorizes \$100,000 of District funds from the Special Revenue Fund - Construction to be at least matched by SEMSWA or CCBWQA for the design and construction of the drainage elements of 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.

k. Authorization to Participate in Drainage and Flood Control Improvements on Upper Jordan Road Tributary, Town of Parker, Douglas County (Resolution No. 40, Series of 2021)

This is a joint project with the Town of Parker. The Town of Parker desires to design and construct improvements along Upper Jordan Road Tributary as included in the "Newlin Gulch Major Drainageway Plan," dated 2015. The approximately 3,400 feet-long Upper Jordan Road Tributary project includes analyzing the existing floodplain hydraulics, improving capacity as needed while maintaining existing wetland vegetation where possible, adding a low-flow channel, providing water quality enhancement for the receiving water outfalls, connecting riparian areas to hydrology and providing forebays for easier maintenance. The Town of Parker already holds the necessary easements and right-of-way where the project will be carried out.

The District and the Town of Parker have identified \$600,000 in initial project costs for the design of improvements with the District's participation being \$300,000 in 2021 funds. Resolution No. 40 authorizes \$300,000 of District funds from the Special Revenue Fund - Construction to be at least matched by the Town of Parker for the design and construction of the drainage elements of 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.

I. Authorization to Participate in Drainage and Flood Control Improvements on Newlin Gulch at Recreation Drive, Town of Parker, Douglas County (Resolution No. 41, Series of 2021)

This is a joint project with the Town of Parker and Douglas County. The Town of Parker desires to design and construct improvements along Newlin Gulch at Recreation Drive in accordance with the "Newlin Gulch Major Drainageway Plan," dated October 2015. The project includes improvements to Newlin Gulch focused on channel stabilization, floodplain reconnection, and accommodation of an existing lowwater crossing. The Town of Parker and Douglas County already hold the necessary easements and right-of-way where the project will be carried out. The District will be administering the design when a consultant has been selected.

The District and the Town of Parker have identified \$200,000 in initial project costs for the design of improvements with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 41 authorizes \$100,000 of District funds from the Special Revenue Fund - Construction to be at least matched by the Town of Parker for the design and construction of the drainage elements of 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.

m. Authorization to Participate in Drainage and Flood Control Improvements on Irondale Gulch at Highway 2, Commerce City, Adams County (Resolution No. 42, Series of 2021)

This is a joint project with Commerce City. Commerce City desires to design, acquire right-of-way, and construct improvements in the Irondale Neighborhood associated with the Irondale Gulch watershed in accordance with the "Irondale Gulch Outfall Systems Plan," dated September 2011. The project includes potential trunkline pipe improvements and regional detention through the neighborhood. Easement and right-of-way acquisition will be included in the project costs. The District will be administering the design once a consulting engineering firm is selected.

The District and Commerce City have identified \$200,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future. Resolution No. 42 authorizes \$100,000 of District funds from the Special Revenue Fund - Construction to be at least matched by Commerce City for the design, acquisition of right-of-way, and construction of the drainage elements of 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.

9. Consent Agenda

Mr. MacKenzie briefly described each of the following agenda items on the Consent Agenda, and asked the Board if they had any questions regarding any of the items. There were no further comments or questions.

- a. Review of Cash Disbursements
 The Cash Disbursement list, dated February, March, and April 2021, has been distributed to the Board for review.
- b. Additional Authorization to Participate in Drainage and Flood Control Improvements on North Dry Gulch from Lamar Street to Teller Street, City of Lakewood, Jefferson County (Resolution No. 43, Series of 2021)
- c. Additional Authorization to Participate in Drainage and Flood Control Improvements on Weaver Creek at Belleview Avenue, Jefferson County (Resolution No. 44, Series of 2021)
- d. Additional Authorization to Participate in Drainage and Flood Control Improvements on Walnut Creek from U.S. 36 to North Simms Street, City of Westminster, Jefferson County (Resolution No. 45, Series of 2021)
- e. Additional Authorization to Participate in Drainage and Flood Control Improvements on Big Dry Creek (ADCO) and South and Middle Branches Hylands Creek Upstream of Sheridan Boulevard, City of Westminster, Jefferson County (Resolution No. 46, Series of 2021)
- f. Additional Authorization to Participate in Drainage and Flood Control Improvements on Lena Gulch at Zeta Street and Upstream, City of Golden, Jefferson County (Resolution No. 47, Series of 2021)
- g. Additional Authorization to Participate in Drainage and Flood Control Improvements on Big Dry Creek Between County Line Road and East Orchard Road, Arapahoe County (Resolution No. 48, Series of 2021)
- h. Additional Authorization to Participate in Drainage and Flood Control Improvements on Little Dry Creek at Broadway Street, City of Englewood, Arapahoe County (Resolution No. 49, Series of 2021)
- i. Additional Authorization to Participate in Drainage and Flood Control Improvements on Coal Creek from County Line Road to Kenosha Road, Town of Erie, Boulder County (Resolution No. 50, Series of 2021)

- j. Additional Authorization to Participate in Drainage and Flood Control Improvements on Fourmile Canyon Creek at 19th Street, City of Boulder, Boulder County (Resolution No. 51, Series of 2021)
- k. Additional Authorization to Participate in Drainage and Flood Control Improvements on Gregory Canyon Creek from Arapahoe Avenue to Pennsylvania Avenue, City of Boulder, Boulder County (Resolution No. 52, Series of 2021)
- I. Additional Authorization to Participate in Drainage and Flood Control Improvements on Happy Canyon Creek North of Lincoln Avenue, Douglas County (Resolution No. 53, Series of 2021)
- m. Additional Authorization to Participate in Drainage and Flood Control Improvements on Happy Canyon Creek Upstream of I-25, Douglas County (Resolution No. 54, Series of 2021)
- n. Additional Authorization to Participate in Drainage and Flood Control Improvements on Jackass Gulch at Highline Canal and Upstream, City of Littleton, Arapahoe County (Resolution No. 55, Series of 2021)
- o. Additional Authorization to Participate in Drainage and Flood Control Improvements on Timbers Creek Downstream of Fox Sparrow Road, Douglas County (Resolution No. 56, Series of 2021)
- p. Additional Authorization to Participate in Drainage and Flood Control Improvements on First Creek Detention Basins Upstream of I-70, City of Aurora, Arapahoe County (Resolution No. 57, Series of 2021)
- q. Additional Authorization to Participate in Drainage and Flood Control Improvements on Irondale Gulch Tributaries, City and County of Denver (Resolution No. 58, Series of 2021)
- r. Additional Authorization to Participate in Drainage and Flood Control Improvements on Goldsmith Gulch at Evans Avenue and Monaco Parkway, City and County of Denver (Resolution No. 59, Series of 2021)

10. Vote on Approval of the Consent Agenda

(Motion and roll call vote required)

Mayor Herb Atchison moved and Mayor Bud Starker seconded the motion to adopt the Consent Agenda. Upon a roll call vote, the motion was passed unanimously.

11. Reports/Discussions

a. Executive Director's Report

Before beginning the Executive Director's report, Mr. MacKenzie took a moment to honor all the victims of the horrific King Sooper's Shooting in Boulder on March 22. Mr. MacKenzie addressed Mayor Pro Tem Junie Joseph and Commissioner Matt Jones directly, stating that on behalf of everyone at the District, we stand in solidarity with your communities.

Budget Summary

Mr. MacKenzie provided the Board with an update on the District's budget to date, which included a chart depicting total expenditures versus actual budget as of March 31, 2021. Mr. MacKenzie noted that the District has collected about \$25M of the budgeted \$113M in revenue. The District has earned \$155,258 on investments so far this year in money market accounts, government pools, treasury and agency notes, and certificates of deposit.

Regulatory Update (State)

SB21-163 Additional Requirements for Cost-benefit Analysis for Rulemaking

- The bill would have strengthened the requirement for the Colorado Department of Public Health and Environment (CDPHE) to conduct a cost-benefit analysis of any draft rulemaking to determine whether the benefit is commensurate with the cost
- The bill died in committee

SB21-028 Promulgation of Public Health Rules and Orders

- The bill would have clarified that, whenever CDPHE promulgates a rule, it shall comply with the State Administrative Procedure Act
- The bill would also have prohibited CDPHE from issuing an order that is in fact a rule unless it complies with the same Administrative Procedure Act
- This bill also died in committee

Denver Stormwater Discharge (MS4) Permit

- Denver's lawsuit against CDPHE for a permit that Denver claimed was burdensome, arbitrary, ambiguous and duplicative is pending in Denver District Court
- CDPHE has since made 1 of 9 changes petitioned by Denver. Denver is requesting further modifications be made
- Denver and CDPHE have entered into a Settlement Agreement in hopes of resolving Denver's claims by July 16, 2021
- This same permit may be coming to other communities soon

These last three items all speak to a state agency that has taken a non-collaborative approach to rulemaking and to the permitting process. The District staff is providing technical and legal support to all of the communities it serves through the Colorado Stormwater Council (CSC) as each of your communities negotiate your own stormwater discharge permits with CDPHE.

Legislative (Federal)

HR 1319 - The American Rescue Plan Act:

- Includes nearly \$2B for Colorado cities and towns
- Cities and towns can transfer some of those funds to qualified non-profits and/or special districts
- The District is working with the Highline Canal Conservancy on a proposal to those communities enjoying the Highline Canal (HLC) to contribute some of those Rescue Act dollars to the HLC

HR 1497 - The Water Quality Protection and Job Creation Act:

Includes:

- \$1B to capture, treat and reuse stormwater
- \$1B for watershed-based efforts to address wet weather discharges, to promote stormwater best practices, to undertake integrated water resource management, and to increase climate resiliency

HB21-1025 - Nonsubstantive Emails and Open Meetings Law

If elected officials exchange electronic mail to discuss pending legislation or other public business among themselves, the electronic mail is subject to the requirements of this section.

Electronic mail communication between elected officials that does not relate to the merits or substance of pending legislation or other public business and shall not be considered a "meeting" within the meaning of this section.

Merits or substance means any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity. The Governor signed this bill into law on April 7, 2021.

HB21-1089 - Wakeboard Park Safety and Liability Act

The bill establishes the legal responsibilities of wakeboard park operators and wakeboarders who use wakeboard parks, and defines the rights and responsibilities between wakeboarders at a wakeboard park. The District has a standing wakeboard feature on the South Platte River, so the District was interested in the outcome of this bill. This bill died in committee.

Project Highlight: Bear Canyon Creek at Arapahoe Avenue, City of Boulder

This project is on Bear Canyon Creek where it confluences with Boulder Creek. There is an underpass under Arapahoe Avenue that parallels the Foothills Parkway. It is a major thoroughfare for pedestrians and bicyclists to move around in Boulder. Because of the condition of Bear Canyon Creek downstream of this pedestrian underpass, the underpass was chronically flooded.

The District and the City of Boulder worked together on the following project goals: to lay the banks back; to deepen the creek and make it steeper; to provide some environmental uplift; and to eliminate the flooding under Arapahoe Avenue.

Mr. MacKenzie congratulated Mr. Jim Watt, Watershed Manager, Mr. Joe Williams, Senior Construction Manager, and the City of Boulder for a job well done.

Annual Report

The District's Annual Report has just been completed and is available for download on the District's website. Mr. MacKenzie will send a copy via email to the Board.

Mayor Pro Tem Junie Joseph, on behalf of the City of Boulder, thanked the Board for all its work, and thanked the District staff for being responsive and prioritizing Boulder's projects that align with their needs. Fourmile Canyon Creek is located near a school, and, once completed, will provide safer access to students and also access for emergency vehicles as well. This project is also located in a high flood hazard area, and completing this project will make the area a lot safer for the community.

12. Announcements

a. Next Meeting: Thursday, May 20, 2021

13. Adjournment

Mayor Paul adjourned the meeting at 2:10 pm.

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 60, SERIES OF 2021 (Continuing to Retain Eide Bailly as Independent Auditor for 2021 Audit)

WHEREAS, the enabling legislation of the District (32-11-801 of CRS) 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 Government Finance Officers' Association (GFOA) recommends that governments enter into independent auditor contracts with multi-year retention options (a series of single-year contracts) of no less than five years in order to reduce audit costs, allow for greater continuity, and minimize disruption; 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 Board has adopted a policy regarding auditor selection and retention (Resolution No. 36, Series of 2017) which allow District to retain any single auditor for <u>up to five consecutive years</u> without seeking competitive bids; and

WHEREAS, Eide Bailly, LLP, Certified Public Accountants and Consultants were retained to audit the financial records of the District <u>for only four years</u>, those being 2017, 2018, 2019, and 2020 (Resolution 48, Series of 2017); and

WHEREAS, District staff wish to retain Eide Bailly to audit the financial records of the District for the year ending December 31, 2021 and Eide Bailly is willing to do so for the cost of the 2020 audit, adjusted for inflation; and

WHEREAS, the Board Audit and Finance Committee agrees that this arrangement should reduce audit costs, allow for greater continuity, and minimize disruption compared to seeking competitive bids now, and therefore recommends this arrangement to the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Board authorizes the Executive Director to enter into a contract with Eide Bailly, LLP, with respect to the examination of the District's financial statements for the year ending December 31, 2021 at a fee not to exceed \$39,750 without prior approval of the Board.
- 2. 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 \$12,000 without prior approval of the Board.

	URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT
	Date:
ATTEST:	
Secretary	Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 61, SERIES OF 2021 (Authorization to Participate in a Planning Study of Buffalo Run Tributary)

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, Commerce City has enacted floodplain regulations; and

WHEREAS, the Board has previously established a Work Program for 2021 (Resolution No. 66, Series of 2020) which includes master planning; and

WHEREAS, Commerce City has expressed a desire to participate in a study leading to a major drainageway plan for Buffalo Run Tributary; and

WHEREAS, the Board wishes to cooperate with Commerce City in the identification of solutions to stormwater drainage and flood control management problems for Buffalo Run Tributary (Exhibit A); and

WHEREAS, the cost of engineering and mapping services for the study is estimated to be \$250,000 and is expected to be divided among participating entities as follows:

Sponsor	Master Plan Contribution
MHFD	\$75,000
Commerce City	\$175,000
TOTAL	\$250,000

NOW, THEREFORE, BE IT RESOLVED THAT:

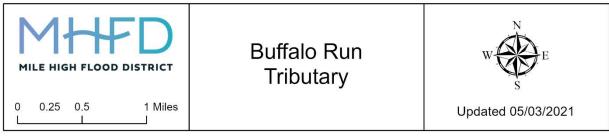
- 1. The Executive Director of the Urban Drainage and Flood Control District d/b/a Mile High Flood District is authorized to execute an agreement with Commerce City to fund the required engineering and mapping services for the Buffalo Run Tributary planning study.
- 2. The Executive Director is authorized to enter into agreements with qualified engineers, surveyors, and others as necessary for preparation of the study.
- 3. The expenditures for the engineering and mapping services are estimated to be \$250,000 and the District's share of total costs shall not exceed \$75,000 plus interest earned on monies deposited in the project fund, which contribution for the planning portion of this project shall be at least matched by Commerce City.

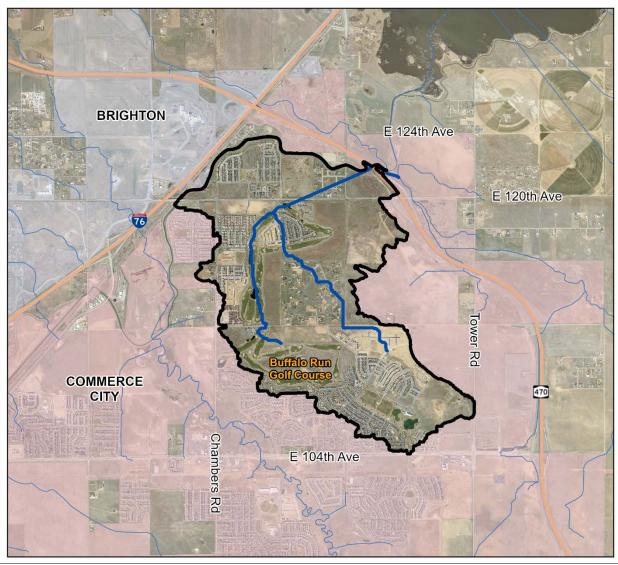
	URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT
	Date:
ATTEST:	
Secretary	Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 61, SERIES OF 2021 (Authorization to Participate in a Planning Study of Buffalo Run Tributary)

Exhibit A





URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 62, SERIES OF 2021

(Additional Authorization to Participate in a Planning Study of Lena Gulch and Tributary H)

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 Golden, the City of Lakewood, the City of Wheat Ridge, and Jefferson County have enacted floodplain regulations; and

WHEREAS, the Board has previously established a Work Program for 2021 (Resolution No. 66, Series of 2020) which includes master planning; and

WHEREAS, the Board previously cooperated with the City of Golden, the City of Lakewood, and Jefferson County in the preparation of "Upper Lena Gulch Major Drainageway Plan," dated March 1994; and with the City of Wheat Ridge in the preparation of "Lena Gulch (Lower) Major Drainageway Plan," dated November 2007; and

WHEREAS, the City of Golden, the City of Lakewood, the City of Wheat Ridge, and Jefferson County have expressed a desire to participate in a study leading to a major drainageway plan (MDP) for Lena Gulch and Tributary H; and

WHEREAS, the Board wishes to cooperate with the City of Golden, the City of Lakewood, the City of Wheat Ridge, and Jefferson County in the identification of solutions to stormwater drainage and flood control management problems for Lena Gulch and Tributary H (Exhibit A); and

WHEREAS, the Board previously authorized and agreements encumbered \$20,000 for the Planning Study of Lena Gulch and Tributary H (Table 1); and

Table 1
Lena Gulch and Tributary H MDP & Flood Hazard Area Delineation (FHAD)
Previous Authorizations

Resolution No.	Series of	District Share	Local Share
86	2019	\$20,000	\$20,000
	TOTAL	\$20,000	\$20,000

WHEREAS, the District's additional participation being authorized by this resolution is \$80,000 to be at least matched by the City of Golden, the City of Lakewood, the City of Wheat Ridge, and Jefferson County; and

WHEREAS, the total cost of engineering and mapping services for the study is estimated to be \$210,000 and is expected to be divided among participating entities as summarized in Table 2.

Table 2 Lena Gulch and Tributary H MDP & FHAD Funding Summary

Sponsor	Master Plan Contribution
MHFD	\$100,000
Golden*	\$20,000
Jefferson County*	\$35,000
Lakewood	\$25,000
Wheat Ridge	\$30,000
TOTAL	\$210,000

^{*}City of Golden and Jefferson County contributed in 2020

NOW, THEREFORE, BE IT RESOLVED THAT:

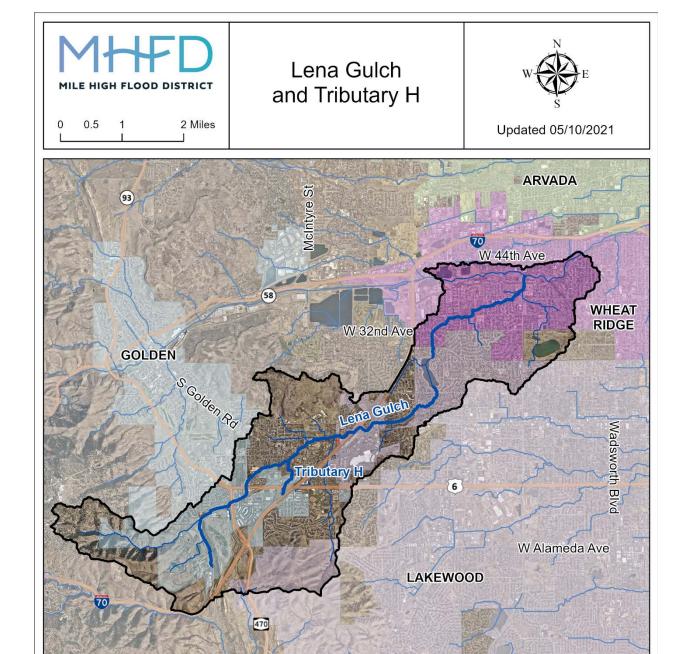
- 1. Resolution No. 86, Series of 2019, Paragraph 3, is amended as follows: "The expenditures for the engineering and mapping services are estimated to be \$40,000 \$210,000 and the District's share of total costs shall not exceed \$20,000 \$100,000 plus interest earned on monies deposited in the project fund, which contribution for the planning portion of this project shall be at least matched by the City of Golden, the City of Lakewood, the City of Wheat Ridge, and Jefferson County."
- 2. All other conditions and authorizations remain as stated in Resolution No. 86, Series of 2019.

	URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT
	Date:
ATTEST:	
Secretary	Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 62, SERIES OF 2021 (Additional Authorization to Participate in a Planning Study of Lena Gulch and Tributary H)

Exhibit A



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 63, SERIES OF 2021

(Acceptance of Flood Hazard Area Delineation of Upper Sulphur Gulch)

WHEREAS, the District cooperated with the Town of Parker and Douglas County in the preparation of a flood hazard area delineation (FHAD) report for Upper Sulphur Gulch (Resolution No. 56, Series of 2015) (Exhibit A); and

WHEREAS, the Executive Director executed an agreement for engineering services with the consulting firm Merrick and Company to conduct studies and prepare a FHAD report for Upper Sulphur Gulch; and

WHEREAS. Merrick and Company has completed the study and submitted to the District the report titled "Flood Hazard Area Delineation Report - Sulphur Gulch," dated February 2021; and

WHEREAS, the Board has previously indicated its desire that the results of such studies be provided to the local governments so as to assist such local governments in meeting the requirements of 24-65.1-101, et seg. CRS.

NOW, THEREFORE, BE IT RESOLVED THAT:

- The Board of Directors of the Urban Drainage and Flood Control District d/b/a Mile High Flood District hereby accepts the report titled "Flood Hazard Area Delineation - Sulphur Gulch," dated February 2021, and recommends that all drainage, flood control, and stormwater management infrastructure and practices recommended in the report be used to guide future drainage and flood control planning, land development, and design and construction of all such infrastructure within jurisdiction covered by said plan.
- The Board of Directors of the Mile High Flood District recommends that the Town of Parker and 2. Douglas County adopt the report and regulate the 100-year floodplains defined in the report.
- The Board of Directors of the Mile High Flood District submit the report for designation and approval by the Colorado Water Conservation Board as stated in 37-60-106(1)(c) CRS, as flood hazard areas, those areas described as being inundated by the 100-year flood.

URBAN DRAINAGE AND FLOOD CONTROL

	DISTRICT d/b/a MILE HIGH FLOOD DISTRICT
	Date:
ATTEST:	
Secretary	Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 63, SERIES OF 2021 (Acceptance of Flood Hazard Area Delineation of Upper Sulphur Gulch)

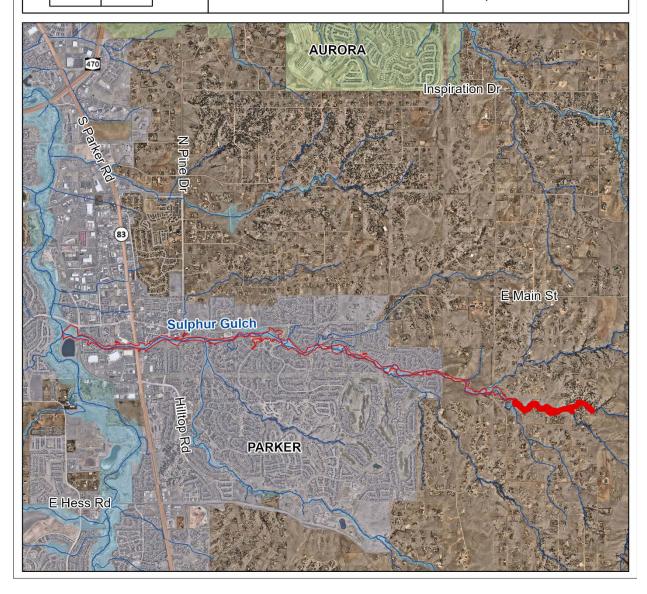
EXHIBIT A



Flood Hazard Area Delineation of Upper Sulphur Gulch



Updated 05/10/2021



MILE HIGH FLOOD DISTRICT

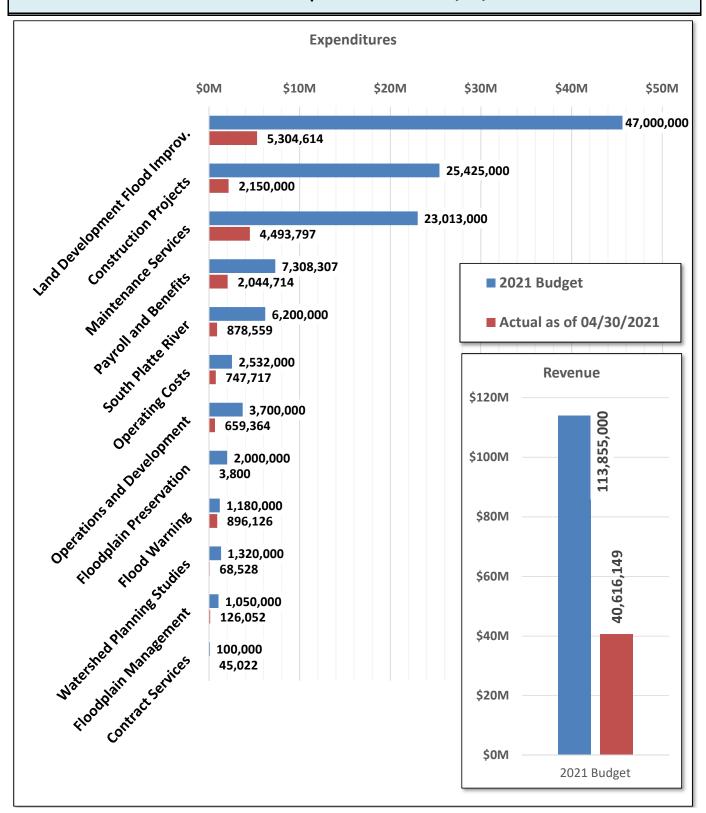
2021 BUDGET SUMMARY

BUDGET ITEM:	2021 Budget	Actual as of 04/30/2021	Balance Remaining
Beginning Fund Balance:		04/30/2021	- Terrianing
TABOR Emergency Reserve	1,997,500	1,810,000	
Floodplain Property Acquisition Reserve	2,000,000	2,000,000	
Future Base of Operations Reserve		-	
Future Operations Unrestricted Reserve	11,592,004	7,965,719	
The state of the s		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Revenue:			
Property Taxes	62,762,000	26,843,231	35,918,769
Land Development Fees	46,800,000	12,638,778	34,161,222
Specific Ownership Taxes	4,118,000	1,065,306	3,052,694
Delinquent Property Tax Interest	-	(3,928)	3,928
Investment Interest	150,000	48,762	101,238
Project Participation Funds Returned	-	-	-
Project Participation Interest Returned	-	-	-
Miscellaneous Income	25,000	24,000	1,000
Total Revenue	113,855,000	40,616,149	73,238,851
Transfers from other Funds	-	-	-
Total Funds Available	127,447,004	48,581,868	78,865,136
Expenditures:			
Land Development Flood Improv.	47,000,000	5,304,614	41,695,386
Construction Projects	25,425,000	2,150,000	23,275,000
Maintenance Services	23,013,000	4,493,797	18,519,203
Payroll and Benefits	7,308,307	2,044,714	5,263,593
South Platte River	6,200,000	878,559	5,321,441
Operating Costs	2,532,000	747,717	1,784,283
Operations and Development	3,700,000	659,364	3,040,636
Floodplain Preservation	2,000,000	3,800	1,996,200
Flood Warning	1,180,000	896,126	283,874
Watershed Planning Studies	1,320,000	68,528	1,251,472
Floodplain Management	1,050,000	126,052	923,948
Contract Services	100,000	45,022	54,978
Total Expenditures	73,828,307	12,113,680	61,714,627
Revenue minus Expenditures	40,026,693		
Ending Fund Balance:			
Transfers to other Funds	11,000		
TABOR Emergency Reserve	2,011,800		
Floodplain Property Acquisition Reserve	2,000,000		
Future Base of Operations Reserve	2,500,000		
Future Operations Unrestricted Reserve	2,304,397		

MILE HIGH FLOOD DISTRICT

2021 BUDGET SUMMARY

Revenues and Expenditures as of 04/30/2021



2021-04_Budget, Budget Update Printed 5/12/2021, 2:12 PM



MILE HIGH FLOOD DISTRICT

YTD INTEREST INCOME \$ 215,197.63

TOTAL CASH & INVESTMENTS: \$156,163,170.82

INVESTMENT SUMMARY APRIL 2021

	PURCHASE	I.D. NO.	AMOUNT	INTEREST	DAYS TO	ACCRUAL FOR	DATE TO
	DATE			RATE	ACCRUE	04/30/2021	MATURE
CD's		TOTAL:	\$16,257,246.30		TOTAL:	\$20,615.29	
TREASURY &	PURCHASE	I.D. NO.	AMOUNT	INTEREST	DAYS TO	ACCRUAL FOR	DATE TO
AGENCY NOTES	DATE	T		RATE	ACCRUE	04/30/2021	MATURE
	10/30/17 06/16/20 08/14/20 08/25/20 09/28/20 09/17/20 11/18/20 11/24/20 02/24/21 03/10/21 03/24/21 03/30/21	WFS313ACNG5 WFS3133ELK37 WFS3134GWKU9 WFS3136G4T52 WFS3134GWTL0 WFS3134GWSW7 WFS3135GA4W8 WFS3130AKG75 WFS3130ALAA2 WFS3130ALAA2 WFS3130ALFS8 WFS3130ALL36 WFS3130ALKY9 WFS3130ALQS6	\$3,000,000.00 \$3,000,000.00 \$3,000,000.00 \$4,000,000.00 \$4,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00 \$5,000,000.00	1.850000 0.780000 0.375000 0.520000 0.300000 0.420000 0.500000 0.580000 0.560000 0.800000 0.850000 0.875000 1.050000	30 / 360 30 / 360	\$4,625.00 \$1,950.00 \$937.50 \$1,733.33 \$1,000.00 \$1,400.00 \$2,083.33 \$1,450.00 \$2,500.00 \$2,333.33 \$3,333.33 \$1,375.00 \$3,645.83 \$4,375.00	04/30/21 06/16/25 02/14/24 02/25/25 09/25/23 02/18/25 09/17/24 11/24/25 11/24/25 03/10/26 12/24/24 03/25/26 03/30/26
		SUBTOTAL:	\$57,000,000.00		TOTAL:	\$32,741.65	
CSAFE	03/31/21 04/30/21	Balance INTEREST ON ACCT Contribution	\$6,849,168.32 \$226.32 \$0.00			\$226.32	
			\$6,849,394.64				
COLOTRUST	03/31/21 04/30/21	Balance INTEREST ON ACCT Contribution/WD	\$42,316,251.11 \$2,197.29 \$15,000,000.00			\$2,197.29	
			\$57,318,448.40				
WELLS FARGO SECURITIES	04/30/2021 04/30/2021	CHECKING WFS MONEY MARKET	\$65,261.02 \$6,927,741.07			\$0.53 \$410.66	
U S BANK	04/30/2021	CHECKING	\$14,745,079.39			\$59.27	
PACIFIC WESTERN BANK	04/30/2021	CHECKING	\$28,933,838.10			\$4,781.37	
					TOTAL:	\$61,032.38	