



**PUBLIC WORKS DEPARTMENT MEMORANDUM  
#10-2019**

**DATE:** February 25, 2019

**TO:** Honorable Mayor Carol Dodge and City Council Members

**THROUGH:** Heather Geyer, City Manager 

**FROM:** Kent Kisselman, PE – Director of Public Works 

**SUBJECT:** CR-20 – Brantner Gulch and Tributaries MDP & FHAD Update – IGA Amendment

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**PURPOSE**

City Council will be considering a resolution to approve an amendment to the IGA between the City of Northglenn, the City of Thornton, Adams County, and the Urban Drainage & Flood Control District.

**BACKGROUND**

On June 11, 2018, City Council approved an IGA (Resolution No. 18-73, Series of 2018) among the parties above to update the 1983 Master Drainage Plan and Flood Hazard Area Delineation of Brantner Gulch and Tributaries.

Since then, Thornton and Adams County have requested to add additional land areas to the study. This produced a small change in scope of the project and an increase in the costs for those jurisdictions. Since the change in scope and budget must be amended in the IGA, all parties to the IGA must re-approve the IGA.

**STAFF RECOMMENDATION**

Attached to this memorandum is a proposed resolution which, if approved, would authorize the Mayor to execute an amendment to the Brantner Gulch and Tributaries MDP & FHAD IGA. Staff recommends approval of this proposed resolution.

**BUDGET/TIME IMPLICATIONS**

This has no budget impact on Northglenn. The IGA should be amended by all parties by the end of March to keep the study on schedule.

**STAFF REFERENCE**

If Council members have any comments or questions they may contact Kent Kisselman, 303.450.4005, or [kkisselman@northglenn.org](mailto:kkisselman@northglenn.org).

**ATTACHMENT**

1. Resolution No. 18-73, Series of 2018 Brantner Gulch and Tributaries Master Drainage Plan Update & Flood Hazard Area Delineation IGA with Urban Drainage & Flood Control District (UDFCD)

CR-20 – Brantner Gulch and Tributaries MDP & FHAD Update – IGA Amendment

**PUBLIC WORKS DEPARTMENT  
MEMORANDUM #2018 – 35**

DATE: June 11, 2018

TO: Honorable Mayor Carol A. Dodge and City Council Members

FROM: James A. Hayes, AICP – City Manager *JH*  
Robert Webber, MBA – Interim Director of Public Works *RW*

SUBJECT: **CR - 74**  
2018 Brantner Gulch and Tributaries Master Drainage Plan Update & Flood Hazard Area Delineation IGA with Urban Drainage & Flood Control District (UDFCD)

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**PURPOSE**

City Council is considering a Resolution to approve an Intergovernmental Agreement with the Urban Drainage & Flood Control District (UDFCD) and authorize the District to be the contracting agency for the scope of work identified in the attached IGA.

**BACKGROUND**

The Urban Drainage and Flood Control District was established to work with local governments to address multi-jurisdictional drainage and flood control challenges in order to protect people, property and the environment. This work includes the development and updates to Master Drainage Plans (MDP) and Flood Hazard Area Delineations (FHAD) of stream and river watersheds. The results of this work assist communities in planning for the development and implementation of infrastructure improvements to mitigate potential flood damage.

We, the City of Northglenn, propose in conjunction with the Urban Drainage and Flood Control District, City of Thornton, and Adams County, to update the 1983 Master Drainage Plan and Flood Hazard Area Delineation of Brantner Gulch and Tributaries. The updated planning work will be used to develop the documentation necessary to apply to the Federal Emergency Management Agency (FEMA) for approval of the floodplain mapping revisions. It will also provide to the participating jurisdictions with the identification of solutions to stormwater drainage and flood control management problems in the Brantner Gulch watershed.

**BUDGET IMPLICATIONS**

Funding for this work is available in the 2018 Stormwater Capital Improvement Program.

**SCHEDULE/TIME IMPLICATION**

Each of the participating governmental agencies will need to approve the IGA in June, 2018 to begin the mapping efforts to support the engineering studies needed for the project.

**RECOMMENDATIONS**

If approved, this Resolution will allow the Mayor to execute an Agreement Regarding Funding between the city of Northglenn and the Urban Drainage and Flood Control District in an amount not to exceed **\$5,000**.

Staff recommends approval of the Resolution.

2018 Brantner Gulch and Tributaries Master Drainage Plan Update & Flood Hazard Area  
Delineation IGA with Urban Drainage & Flood Control District (UDFCD)  
June 11, 2018

**STAFF REFERENCE**

Kent Kisselman, PE, Engineering Manager  
Pam Acre, Stormwater Coordinator

[kkisselman@northglenn.org](mailto:kkisselman@northglenn.org) or 303.450.4005  
[pacre@northglenn.org](mailto:pacre@northglenn.org) or 303.450.8792

**ATTACHMENTS**

- ☐ Agreement
- ☐ Urban Drainage and Flood Control District Resolution Feb., 2018



## URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

# REVISED

### BOARD OF DIRECTORS MEETING

Date: Thursday, February 1, 2018

Time: 1:00 pm

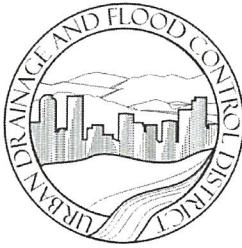
Catered Lunch – 12:15 pm

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

1. **Call to Order and Pledge of Allegiance – 1:00 pm**
2. **Introductions**
  - a. Swearing in of New Board Members
    - i. Mayor Debbie Brinkman (City of Littleton)
    - ii. Mayor Pro Tem Aaron Brockett (City of Boulder)
    - iii. Mayor Carol Dodge (City of Northglenn)
    - iv. Deputy Mayor Brendan Hanlon (City and County of Denver)
    - v. Mayor Pro Tem Ken Lucas (City of Centennial)
  - b. Visitors/Guests/Staff
  - c. Awards/Recognitions
    - i. Excellence in Financial Reporting – Government Finance Officers Association (GFOA)
    - ii. Recognition of UDFCD Past Chairpersons
3. **Roll Call – Determination of Quorum**
4. **Board of Directors Reappointment**
  - a. Reappointment of Mr. Dave Sellards to Board of Directors  
(Resolution No. 01, Series of 2018)
5. **Approval of December 21, 2017 Meeting Minutes** *(If there are no corrections "Minutes stand approved", or with corrections "Minutes stand approved as corrected")*
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. Designation of Public Place for Posting of Meeting Notices  
(Resolution No. 02, Series of 2018)
  - c. Audit and Finance Committee  
(Resolution No. 03, Series of 2018)
  - d. Additional Authorization to Participate in Drainage and Flood Control Improvements on Coon Creek at Beers Sisters Lake Reservoir, Jefferson County  
(Resolution No. 04, Series of 2018)
  - e. Authorization to Participate in a Planning Study of Lakewood Gulch  
(Resolution No. 05, Series of 2018)
  - f. Authorization to Participate in a Planning Study of McKay Lake Watershed Upstream of McKay Lake  
(Resolution No. 06, Series of 2018)
  - g. Authorization to Participate in a Planning Study of Willow Creek Tributaries Upstream of Englewood Dam  
(Resolution No. 07, Series of 2018)
  - h. Authorization to Renew Lease at Diamond Hill  
(Resolution No. 08, Series of 2018)
  - i. Authorization to Purchase and Install a New Server for the District's Computer Network  
(Resolution No. 09, Series of 2018)
  - j. Amended 2018 Legislative Committee  
(Resolution No. 10, Series of 2018)



7. **Vote on Approval of the Consent Agenda** (*Motion and roll call vote required*)
8. **Authorization to Administer a Constituent Contact Campaign in 2018**  
(Resolution No. 11, Series of 2018)
9. **Reports/Discussion**
  - a. Executive Director's Report
10. **Announcements**
  - a. Next Regularly Scheduled Meeting: **Thursday, March 15, 2018**
  - b. UDFCD Annual Seminar:  
**Tuesday, April 3, 2018 from 8 a.m. to 4 p.m.**  
**Omni Interlocken Hotel**  
**500 Interlocken Boulevard, Broomfield, CO**
11. **Adjournment**



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT  
BOARD OF DIRECTORS

December 21, 2017

MINUTES

**Members Present:**

Randy Ahrens, Mayor, City and County of Broomfield  
Herb Atchison, Mayor, City of Westminster  
Bruce Beckman, Mayor, City of Littleton  
Marsha Berzins, Mayor Pro Tem, City of Aurora  
Joyce Downing, Council Member, City of Northglenn  
Deb Gardner, Commissioner, Boulder County  
Stacie Gilmore, Council Member, City and County of Denver  
Happy Haynes, Deputy Mayor, City and County of Denver  
Mark Hunter, Engineer  
Joyce Jay, Mayor, City of Wheat Ridge  
Paul Kashmann, Council Member, City and County of Denver  
Paul López, Council Member, City and County of Denver  
John Marriott, Mayor Pro Tem, City of Arvada  
Adam Paul, Mayor, City of Lakewood  
Dave Sellards, Engineer  
Nancy Sharpe, Commissioner, Arapahoe County  
Libby Szabo, Commissioner, Jefferson County  
Charles (Chaz) Tedesco, Commissioner, Adams County  
Lora Thomas, Commissioner, Douglas County  
Heidi Williams, Mayor, City of Thornton

**Members Absent:**

Stephanie Piko, Mayor, City of Centennial  
Mary Young, Council Member, City of Boulder

**UDFCD Staff Present:**

|                   |                                                             |
|-------------------|-------------------------------------------------------------|
| Ken MacKenzie     | Executive Director                                          |
| Julia Bailey      | Information Services Specialist, Operations and Development |
| Dave Bennetts     | Program Manager, Operations and Development                 |
| Richard Borchardt | Project Manager, Stream Services                            |
| Barbara Chongtoua | Project Manager, Stream Services                            |
| Amelia Deleon     | Human Resources Manager                                     |
| Terri Fead        | Floodplain Manager, Watershed Services                      |
| Bryan Kohlenberg  | Project Manager, Stream Services                            |
| Laura Kroeger     | Program Manager, Stream Services                            |
| Morgan Lynch      | Project Manager, Watershed Services                         |
| Kelsey Mehan      | Receptionist                                                |
| Teresa Patterson  | Project Manager, Watershed Services                         |
| Holly Piza        | Standards Development Manager, Operations and Development   |
| Mike Sarmento     | Senior Construction Manager, Watershed Services             |
| Terri Schafer     | Manager, Finance and Accounting                             |
| Brooke Seymour    | Project Manager, Watershed Services                         |
| David Skuodas     | Project Manager, Stream Services                            |
| Kevin Stewart     | Program Manager, Flood Warning and Information Services     |
| Shea Thomas       | Project Manager, Watershed Services                         |

**Others Present:**

Ed Krisor                      Legal Counsel

## **How The District Works – 2017 Stream Services Projects**

In lieu of the standard How The District Works presentation, three Stream Services projects were highlighted, including:

- Piney Creek
- Big Dry Creek
- 33rd Street Outfall

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

Mayor Williams called the meeting to order at 1:05 p.m.

### **2. Introductions**

#### **a. Swearing in of New Board Members:**

The following individuals were sworn in as new board members by Mr. Ed Krisor:

- Mayor Randy Ahrens, City and County of Broomfield
- Mayor Pro Tem Marsha Berzins, City of Aurora
- Mayor Pro Tem John Marriott, City of Arvada

#### **b. Visitors/Guests/Staff**

Mr. Ken Mackenzie introduced the following new employee:

- Kyle O'Hearn, Student Intern, supporting the Watershed Services Program.

#### **c. Awards/Recognitions**

##### 2017 Perfect Attendance – Board Members

The following board members were recognized for having perfect attendance in 2017:

1. Mayor Joyce Downing
2. Mr. David Sellards
3. Mayor Heidi Williams
4. Mayor Joyce Jay

Mr. MacKenzie thanked them for their dedicated service.

### **3. Roll Call – Determination of Quorum**

Roll was called and a quorum was declared present.

### **4. Approval of November 9, 2017 Meeting Minutes** *(If there are no corrections "Minutes stand approved", or with corrections "Minutes stand approved as corrected")*

Mayor Williams asked if there were any corrections to the November 9, 2017 minutes. Hearing none, the minutes were approved as submitted.

### **5. 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 November and December 2017, has 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. Legislative Committee**

##### **(Resolution No. 66, Series of 2017)**

Resolution No. 66 establishes the 2018 Legislative Committee for the District. The Legislative Committee is appointed annually at the November Board Meeting and is comprised of the following Board Members:

1. Council Member Paul Lopez
2. Mayor Adam Paul
3. Commissioner Libby Szabo
4. Commissioner Chaz Tedesco
5. Commissioner Lora Thomas
6. Mayor Heidi Williams
7. Mr. Dave Sellards

The purpose of this committee shall include, but not be limited to; review and evaluate pending legislation, both state and federal; direct the District's lobbyists and/or Executive Director to advocate, oppose, or monitor individual bills and to receive updates and advice on activities at the city and county level, which are applicable to the District.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 66 on the Consent Agenda.

**c. Additional Authorization to Participate in Drainage and Flood Control Improvements on North Outfall at Midland Street in the City of Brighton, Adams County  
(Resolution No. 67, Series of 2017)**

This is a joint project with the City of Brighton. ICON Engineering, Inc. designed the project under contract with the District. The drainage elements of the project include installation of a new storm drain up to 84 inches in diameter and excavation of a new outfall channel to the South Platte River. Easement and right-of-way acquisition will be included in the project costs.

Phase I Construction is complete, which included installation of the storm sewer and outfall channel from the South Platte River to east of Highway 85. The final design for Phase II is ongoing and the District along with the City of Brighton desire to construct the improvements which will be managed by the District. Phase II will extend the new storm drain to the east of the Union Pacific Railroad Tracks. Construction is anticipated in 2018.

The District and the City of Brighton have identified \$5,361,000 in total project costs with the District's participation being \$1,630,000. The previous authorizations (Resolution No. 0 4, Series of 2006; Resolution No. 25 Series of 2008; Resolution No. 44 Series of 2010; Resolution No. 25 Series of 2011; Resolution No. 11 Series of 2014; Resolution No. 11 Series of 2015; and Resolution No. 24 Series of 2017) totaled \$1,105,000 in District funds to fund design and to partially fund acquisition of right-of-way and construction. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 67 authorizes an additional \$525,000 of District funds from the Special Revenue Fund - Construction to at least be matched by the City of Brighton 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. 67 on the Consent Agenda.

**d. Authorization to Participate in Drainage and Flood Control Improvements on Greenwood Gulch at Holly Street, City of Greenwood Village, Arapahoe County  
(Resolution No. 68, Series of 2017)**

This is a joint project with the City of Greenwood Village. The City of Greenwood Village desires to design, acquire right-of-way, and construct improvements along Greenwood Gulch at Holly Street in accordance with the "Little Dry Creek (Arapco) Watershed Downstream Portions Major Drainageway Planning," dated August 2004. The project includes improvements to Greenwood Gulch at Holly Street. The City of Greenwood Village already holds the necessary easements and right-of-way where the project will be carried out. The District is administering the design with Enginuity Engineering Solutions.

The District and the City of Greenwood Village desire to construct the improvements which will be managed by the District. Construction is anticipated in 2018. The District and the City of Greenwood Village have identified \$750,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$375,000 in 2018 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 68 authorizes \$375,000 of District funds from the Special Revenue Fund - Construction to at least be matched by the City of Greenwood Village 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. 68 on the Consent Agenda.



**e. Additional Authorization to Participate in Drainage and Flood Control Improvements on Jackass Gulch at Long Avenue, City of Littleton, Arapahoe County (Resolution No. 69, Series of 2017)**

This is a joint project with the City of Littleton. Merrick & Company designed the project under contract with the District. The drainage elements of the project include stream restoration, bank protection, and drop structures. The City of Littleton already holds the necessary easements and right-of-way where the project will be carried out.

The final design is now complete and the District and the City of Littleton desire to construct the improvements which will be managed by the District. Construction began in November of 2017 and is scheduled for completion in the summer of 2018.

The District and the City of Littleton have identified \$1,300,000 in total project costs with the District's participation being \$650,000. The previous authorizations (Resolution No. 22, Series of 2014 and Resolution No. 51, Series of 2017) totaled \$425,000 in District funds to fund design and to partially fund acquisition of right-of-way and construction. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 69 authorizes an additional \$225,000 of District funds from the Special Revenue Fund - Construction to at least be matched by the City of Littleton 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. 69 on the Consent Agenda.

**f. Additional Authorization to Participate in Drainage and Flood Control Improvements on West Cook Creek Downstream of Lincoln Avenue, City of Lone Tree, Douglas County (Resolution No. 70, Series of 2017)**

This is a joint project with the City of Lone Tree. Muller Engineering Company, Inc. designed the project under contract with the District. The drainage elements of the project include channel bed and bank stabilization. The City of Lone Tree already holds the necessary easements and right-of-way where the project will be carried out. The final design is now complete and the District and the City of Lone Tree desire to construct the improvements which will be managed by the District. Construction is anticipated in 2018.

The District and the City of Lone Tree have identified \$600,000 in total project costs with the District's participation being \$300,000. The previous authorization (Resolution No. 32, Series of 2016) totaled \$100,000 in District funds to fund design and to partially fund acquisition and construction. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 70 authorizes an additional \$200,000 of District funds from the Special Revenue Fund - Construction to at least be matched by the City of Lone Tree 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. 70 on the Consent Agenda.

**g. Additional Authorization to Participate in Drainage and Flood Control Improvements on Sanderson Gulch from Lipan Street to the South Platte River, City and County of Denver (Resolution No. 71, Series of 2017)**

This is a joint project with the City and County of Denver. The drainage elements of the project include channel bank and bed stabilization as well as improved road crossing structures. The final design is ongoing and the District and the City and County of Denver desire to add funds for construction, which is anticipated in 2018. An interesting and innovative element to this design is that the channel you see will only carry the low flows. The higher flood flows will go into a piped system below the low flow channel and will outfall into the river. The benefit of this approach when you are working in a very confined space

is you are able to protect some of the natural and beneficial functions of the stream, such as a riparian corridor.

The District and the City and County of Denver have identified \$17,300,000 in total project costs with the District's participation being \$2,630,000. The previous authorizations (Resolution No. 12 of 2016 and Resolution No. 19 of 2017) totaled \$1,800,000 to fund design and to partially fund acquisition of right-of-way and construction.

Resolution No. 71 authorizes an additional \$830,000 of District funds to at least be matched by the City and County of Denver for the design, acquisition of right-of-way, and construction of the drainage elements.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 71 on the Consent Agenda.

**h. Authorization for a Planning Study of Irondale Gulch Upstream of Rocky Mountain Arsenal (Resolution No. 72, Series of 2017)**

In 2014, the City of Aurora requested an outfall systems plan update for Irondale Gulch upstream of the Rocky Mountain Arsenal (RMA). The City and County of Denver agreed to participate in the study as a funding sponsor.

The previous master plan indicated most of the channels had capacity for the 5- to 10-year storm event. In addition, the previous master plan included recommendations that are no longer in line with current stream management practices, such as riprap-lined channels. This study would analyze alternatives that would convey the 100-year storm event and determine if it is feasible to replace the concrete and riprap channels with more natural channels.

Previous UDFCD studies on Irondale Gulch include:

- "Irondale Gulch and DFA 0055 Stormwater Outfall Systems Plan" (Wright Water Engineers, 1990)

The master planning costs are projected to be \$160,000 with the local sponsors contributing \$80,000. Resolution No. 72 authorizes the expenditure of the District's share not to exceed \$80,000 plus interest earned in the project's trust and agency account.

Following the presentation of Resolution No. 72, the Board had the following questions/comments.

Councilman Lopez asked to what extent is a project the District's responsibility versus the city? Mrs. Shea Thomas, Manager of the Watershed Services Program, explained that a storm sewer system is typically the focus of the local government; the District assists local governments with the major drainageways. Mrs. Thomas went on to explain that the District's focus is safe conveyance of flood flows but a master plan will typically focus on several aspects including the need for parks, trails, and open space.

Commissioner Tedesco inquired as to who was responsible for working with the RMA. During the 2013 storm event, there were a lot of failures. How are these issues addressed? Commissioner Tedesco went on to add that while he is in full support of this project, it could make the problem worse in the north and the west.

Mrs. Thomas explained that the Irondale Gulch Study has taken these issues into consideration and addresses the requirements for what is needed downstream. The master plan conducted for the Rocky Mountain Arsenal identifies improvements. Once a plan is adopted, we hope that the local governments use the plans to help prioritize their projects.

Mayor Atchison added that if the RMA doesn't make this a priority, how are they held accountable? Mr. MacKenzie will follow-up with Commissioner Tedesco as to whether or not the District has an Intergovernmental Agreement (IGA) with the RMA.



There being no further comments or questions, it was the consensus of the Board to place Resolution No. 72 on the Consent Agenda.

**i. Authorization for a Planning Study of Cherry Creek Tributaries Upstream of Reservoir (Resolution No. 73, Series of 2017)**

In 2015, the Southeast Metro Stormwater Authority (SEMSWA) requested a major drainageway plan and Flood Hazard Area Delineation (FHAD) for tributaries to Cherry Creek upstream of the Cherry Creek Reservoir. The City of Aurora has agreed to participate in the study as a funding sponsor. The study was slated to begin in 2019 but during the annual needs request in 2017, SEMSWA indicated an urgency for this study so it was moved up to 2018.

Previous UDFCD studies on the Cherry Creek tributaries include:

- “Cherry Creek Corridor Reservoir to County Line Outfall Systems” (WRC Engineering, 1999)

The FHAD budget is set at \$40,000 and the master planning costs are projected to be \$150,000 with the local sponsors contributing \$75,000. Resolution No. 73 authorize the expenditure of the District’s share not to exceed \$115,000 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. 73 on the Consent Agenda.

**j. Authorization for a Planning Study of Brantner Gulch (Resolution No. 74, Series of 2017)**

In 2014, the City of Thornton requested a major drainageway plan and FHAD for Brantner Gulch and all tributaries in the watershed. The City of Northglenn and Adams County agreed to participate in the study as funding sponsors. There have been several piecemeal studies of different portions of the watershed over the years, but one comprehensive study analyzing the entire watershed is needed to provide consistency for the community. Several regional detention basins have been constructed in public easements and need to be represented in a revised hydrologic analysis.

Previous UDFCD studies on Brantner Gulch include:

- “Brantner Gulch Major Drainageway Planning” (Sellards & Grigg, 1983)
- “Brantner Gulch Northern Tributary Watersheds Major Drainageway Planning Study” (Kiowa Engineering, 1998)
- “Lower Brantner Gulch Major Drainageway Planning Update” (Love & Associates, 2005)

The FHAD budget is set at \$60,000 and the master planning costs are projected to be \$200,000 with the local sponsors contributing \$100,000. Resolution No. 74 authorizes the expenditure of the District’s share not to exceed \$160,000 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. 74 on the Consent Agenda.

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

It was the consensus of the Board that Resolutions No. 66, 67, 68, 69, 70, 71, 72, 73, and 74, Series of 2017, and Review of Cash Disbursements dated November and December 2017 be placed on the Consent Agenda. Mayor Williams moved to adopt the Consent Agenda. Upon a roll call vote the motion was passed unanimously.

**7. Reports/Discussions**

**a. Executive Director’s Report**

Executive Director’s Goals for 2018:

Mr. MacKenzie presented the following goals he has identified for 2018:

- i. Either negotiate a new 7-year lease at Diamond Hill or move to one of three other locations being considered.
- ii. Conduct District-wide public information campaign to increase public recognition of the value UDFCD brings to the communities we serve.
- iii. Direct an effort to place a taxing question on the November 2018 ballot, asking voters to restore UDFCD statutory taxing authority of 1.0 mill (0.9 mill in Boulder and Broomfield Counties).

- iv. Prepare two separate budgets for 2019, one for the status quo scenario, and one for the scenario where the voters of the District approve the restoration of the UDFCD statutory taxing authority.
- v. Update Board Bylaws. Mr. MacKenzie will work with the Board Chair to establish an ad-hoc committee to update the Board's ByLaws, which have not been updated since 1981.
- vi. Update Employee Holiday/Vacation/Sick Leave Policy. Mr. MacKenzie will work with the Board Chair to establish an ad-hoc committee to accomplish this effort on this as well.

#### NAFSMA Board Meeting – Dec. 4 and 5

Mr. MacKenzie attended the annual NAFSMA Board meeting earlier in December. Conference highlights include meeting with the James Dalton, the Director of the U.S. Army Corps of Engineers' Civil Works Program to discuss Section 404 permitting. All of the waterways of the District are considered waters of the U.S. Mrs. Laura Kroeger and Mr. David Bennetts have worked hard at establishing solid relationships with the Corps of Engineers which has benefitted our permitting process immensely.

Mr. MacKenzie also met with Roy Wright, FEMA's Chief Operating Officer, and Mike Shapiro, the EPA Office of Water Acting Assistant Administrator.

#### Cost of Maintaining Green Infrastructure

Mr. MacKenzie announced that Holly Piza, our Standards Development Manager, co-authored a book titled "Cost of Maintaining Green Infrastructure." The book was published by the American Society of Civil Engineers (ASCE) in November and was featured at the 2017 Environmental & Water Resources Institute (EWRI) Operations and Maintenance Conference. A courtesy copy was provided to all of our local government contacts.

#### **b. Public Education Campaign**

Mr. David Bennetts provided an update on the public education campaign efforts to date. Mr. Bennetts and Mr. Steve Welchert, Public Affairs Consultant, have been busy behind the scenes building relationships, identifying vendors, and setting the budget for the coming year's activities.

Sponsors on both sides of the house (Senator Priola and Representative Coleman) have been identified for the legislative bill that will clean up the District's election provisions. The District has also hired Ms. Julie McKenna as our lobbying consultant. The District is currently looking for co-sponsors for the Bill and appealed to the Board to identify anyone who has a connection with a legislator.

A draft bill will be ready in January and will be shared with the Board on or before the Annual Meeting on February 1, 2018.

Other activities in the works, include:

- Redesign of the District's website
- Development of digital outreach/ social media campaign: Facebook, Instagram, Twitter, Next-Door, Banner Ads, etc.
- Development of television campaign (public service announcements)
- Finalizing the information flyer that would serve as a leave-behind at meetings
- Potential rebranding: logo, messaging, etc.
- Identifying whether there is a need for a Public Information Officer

Following Mr. Bennetts' presentation, the Board had the following questions/comments:

Commissioner Szabo asked if we were putting a UDFCD tax question on the ballot as a legislatively referred ballot measure. Mr. Bennetts stated that our legal analyst recommended against it because it would be too risky.

Mayor Paul recommended that it might still be worth checking on bipartisan support to do a referred measure despite the recommendation from our legal analyst.

Several suggestions were made by the Board around the information campaign, including:

- Recommending a redesign of the District logo.
- If renaming the District is seriously considered, make sure it represents the diverse political face of the District. For example: Urban Flood Prevention District
- The word 'urban' isn't inclusive and does not reflect who we represent.



**8. Other Business**

**a. Nominating Committee – Recommendation of 2018 Officers**

The Nominating Committee for 2018 officers (comprised of Mayor Atchison, Council Member Lopez, and Commissioner Sharpe) recommended the following slate of candidates for 2018 officers:

- Chair – Commissioner Chaz Tedesco
- Chair Pro Tem – Commissioner Libby Szabo
- Treasurer – Commissioner Deb Gardner
- Secretary – Mayor Adam Paul
- Member At Large – Council Member Stacie Gilmore

The board motioned and approved the recommended Executive Committee members. Mr. MacKenzie thanked the Nominating Committee for its service.

**9. Announcements**

- a. The next regularly scheduled meeting is Thursday, February 1, 2018.**
- b. The Board does not meet in January.**

**10. Adjournment**

Mayor Williams adjourned the meeting at 2:45 p.m.

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 01, SERIES OF 2018  
(Reappointment of George [Dave] Sellards to Board of Directors)

WHEREAS, the term of Mr. Dave Sellards as director of the Urban Drainage and Flood Control District ends January 31, 2018; and

WHEREAS, Subsection 204(6)(a) of the Urban Drainage and Flood Control Act provides that "On or after the twenty-first day of January of each year but on or before the last day of January in such year, a director shall be appointed to the board by such board..."; and

WHEREAS, Subsection 204(6)(b) requires that "Each director appointed pursuant to this subsection (6) shall be a professional engineer licensed by the state, an elector of the District, and not an officer in the regular employment of any public body. Each such director shall remain so qualified during his or her term of office as director."; and

WHEREAS, Subsection 204(9) provides "Except as otherwise provided in this article, any incumbent may be reappointed as director to the board."; and

WHEREAS, Mr. Dave Sellards is a taxpaying elector of the District, is not an officer, or employed by any public body, is a licensed Colorado professional engineer holding license number 5632.

NOW, THEREFORE, BE IT RESOLVED THAT:

Mr. Dave Sellards is reappointed as a member of the Board of Directors of the Urban Drainage and Flood Control District, effective February 1, 2018 for a term ending on January 31, 2020.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 02, SERIES OF 2018  
(Designation of Public Place for Posting of Meeting Notices)

WHEREAS, the Colorado Open Meeting Law requires that notice of public meetings be posted in a designated public place within the boundaries of the local public body; and

WHEREAS, the public place or places shall be designated annually at the local public body's first regular meeting of each calendar year.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors hereby designates the window area adjacent to the main entrance to the District's office at 2480 West 26<sup>th</sup> Avenue, Suite 156-B, Denver, Colorado, as the public place for posting of meeting notices.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 03, SERIES OF 2018  
(Audit and Finance Committee)

WHEREAS, Section 32-11-208(1)(b), C.R.S., provides that: "The board, on behalf and in the name of the district, has the following powers: To adopt and amend or otherwise modify bylaws and rules of procedure"; and

WHEREAS, the Board of Directors established an Audit and Finance Committee (Resolution No. 30, Series of 2017) to act in an advisory capacity to the Board to ensure that the District's financial records and statements are fairly and appropriately presented and are in accordance with Generally Accepted Accounting Principles; and

WHEREAS, the Audit and Finance Committee is a standing committee comprised of no fewer than three Board Members and chaired by the Treasurer of the Board of Directors; and

WHEREAS, each year, members of the Audit and Finance Committee shall be appointed by the Board of Directors by resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. For fiscal year 2018, the Audit and Finance Committee shall be comprised of Board Members Commissioner Deb Gardner (Committee Chair), Mayor Heidi Williams, Deputy Mayor Brendan Hanlon, and Mr. Dave Sellards.
2. The Committee's authority and powers shall be limited to those tasks specified in Resolution No. 30, Series of 2017.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



## THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

### RESOLUTION NO. 04, SERIES OF 2018 (Additional Authorization to Participate in Drainage and Flood Control Improvements on Coon Creek at Beers Sisters Lake Reservoir, 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, the Foothills Park and Recreation District, and the District cooperated in the preparation of "Dutch Creek, Coon Creek, Lilley Gulch and Three Lakes Tributary Major Drainageway Planning and Flood Hazard Area Delineation," dated December 2008; and

WHEREAS, the Board previously authorized \$700,000 for the Coon Creek at Beers Sisters Lake Reservoir project; (Table 1); and

**Table 1**  
**Coon Creek at Beers Sisters Lake Reservoir**  
**Previous Authorizations**

| Resolution No. | Series of | District Authorization | Local Share      | Work Elements           |
|----------------|-----------|------------------------|------------------|-------------------------|
| 72             | 2014      | \$150,000              | \$150,000        | Design                  |
| 81             | 2015      | \$150,000              | \$150,000        | Design and Construction |
| 29             | 2017      | \$400,000              | \$400,000        | Construction            |
| <b>TOTAL</b>   |           | <b>\$700,000</b>       | <b>\$700,000</b> |                         |

WHEREAS, Jefferson County, Foothills Park and Recreation District, and the District now desire to construct improvements along Coon Creek at Beers Sisters Lake Reservoir (Exhibit A); and

WHEREAS, the District's additional participation being authorized by this resolution is \$200,000 to at least be matched by Jefferson County and Foothills Park and Recreation District; 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. 55, Series of 2017) for calendar year 2018, which includes funds for construction of drainage and flood control improvements along Coon Creek at Beers Sisters Lake Reservoir; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 60, Series of 2017) in which the improvements along Coon Creek at Beers Sisters Lake Reservoir were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 72, Series of 2014, Paragraph 3, is further amended as follows:  
"The District's maximum contribution to the Coon Creek at Beers Sisters Lake Reservoir project without prior approval of the Board shall be ~~\$700,000~~ **\$900,000** plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by Jefferson County and Foothills Park and Recreation District."
2. All other conditions and authorizations remain as stated in Resolution No. 72, Series of 2014.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

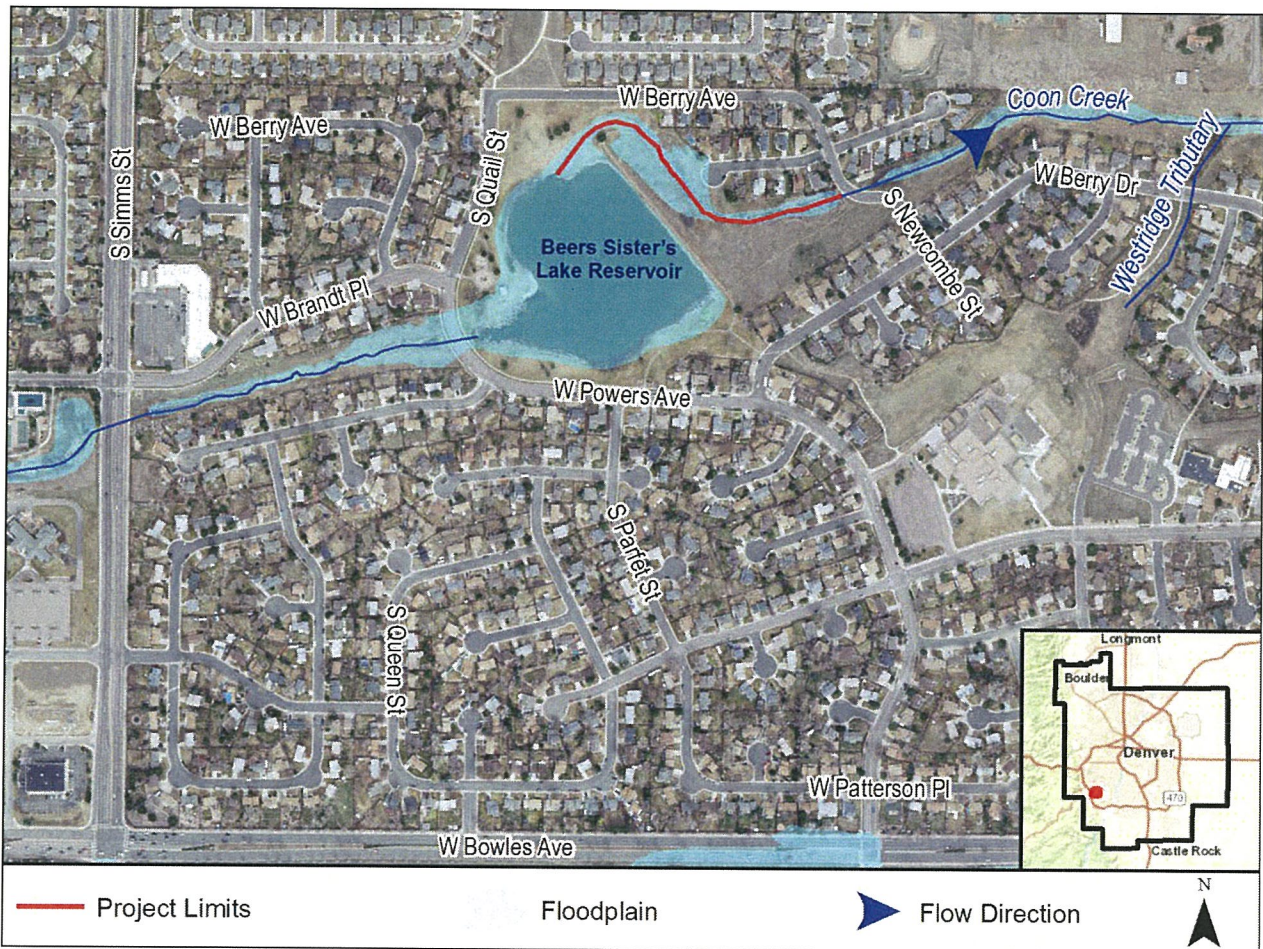
\_\_\_\_\_  
Chairperson

# THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

## RESOLUTION NO. 04, SERIES OF 2018

(Additional Authorization to Participate in Drainage and Flood Control Improvements  
on Coon Creek at Beers Sisters Lake Reservoir, Jefferson County)

### EXHIBIT A





## THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

### RESOLUTION NO. 05, SERIES OF 2018 (Authorization to Participate in a Planning Study of Lakewood Gulch)

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 Lakewood and the City and County of Denver have enacted floodplain regulations; and

WHEREAS, the Board has previously established a Work Program for 2018 (Resolution No. 59, Series of 2017) which includes master planning; and

WHEREAS, the Board previously cooperated with the City of Lakewood and the City and County of Denver in the preparation of "Lakewood Gulch Major Drainageway Plan," dated 1979; and

WHEREAS, the City of Lakewood and the City and County of Denver have expressed a desire to participate in a study leading to a major drainageway plan and Flood Hazard Area Delineation (FHAD) for Lakewood Gulch; and

WHEREAS, the Board wishes to cooperate with the City of Lakewood and the City and County of Denver in the identification of solutions to stormwater drainage and flood control management problems for Lakewood Gulch (Exhibit A); and

WHEREAS, the City and County of Denver will provide funding in 2018 to initiate the study; and

WHEREAS, the District and the City of Lakewood will contribute funds in 2019; and

WHEREAS, the cost of engineering and mapping services for the study is estimated to be \$260,000 and is expected to be divided among participating entities as follows:

| Sponsor      | Master Plan Contribution | FHAD Contribution |
|--------------|--------------------------|-------------------|
| UDFCD        | \$100,000                | \$60,000          |
| Lakewood     | \$80,000                 | -                 |
| Denver       | \$20,000                 | -                 |
| <b>TOTAL</b> | <b>\$200,000</b>         | <b>\$60,000</b>   |

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute an agreement with the City of Lakewood and the City and County of Denver to fund the required engineering and mapping services for the Lakewood Gulch 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 \$260,000 and the District's share of total costs shall not exceed \$160,000 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 Lakewood and the City and County of Denver.



(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 05, SERIES OF 2018  
(Authorization to Participate in a Planning Study of Lakewood Gulch)

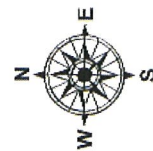
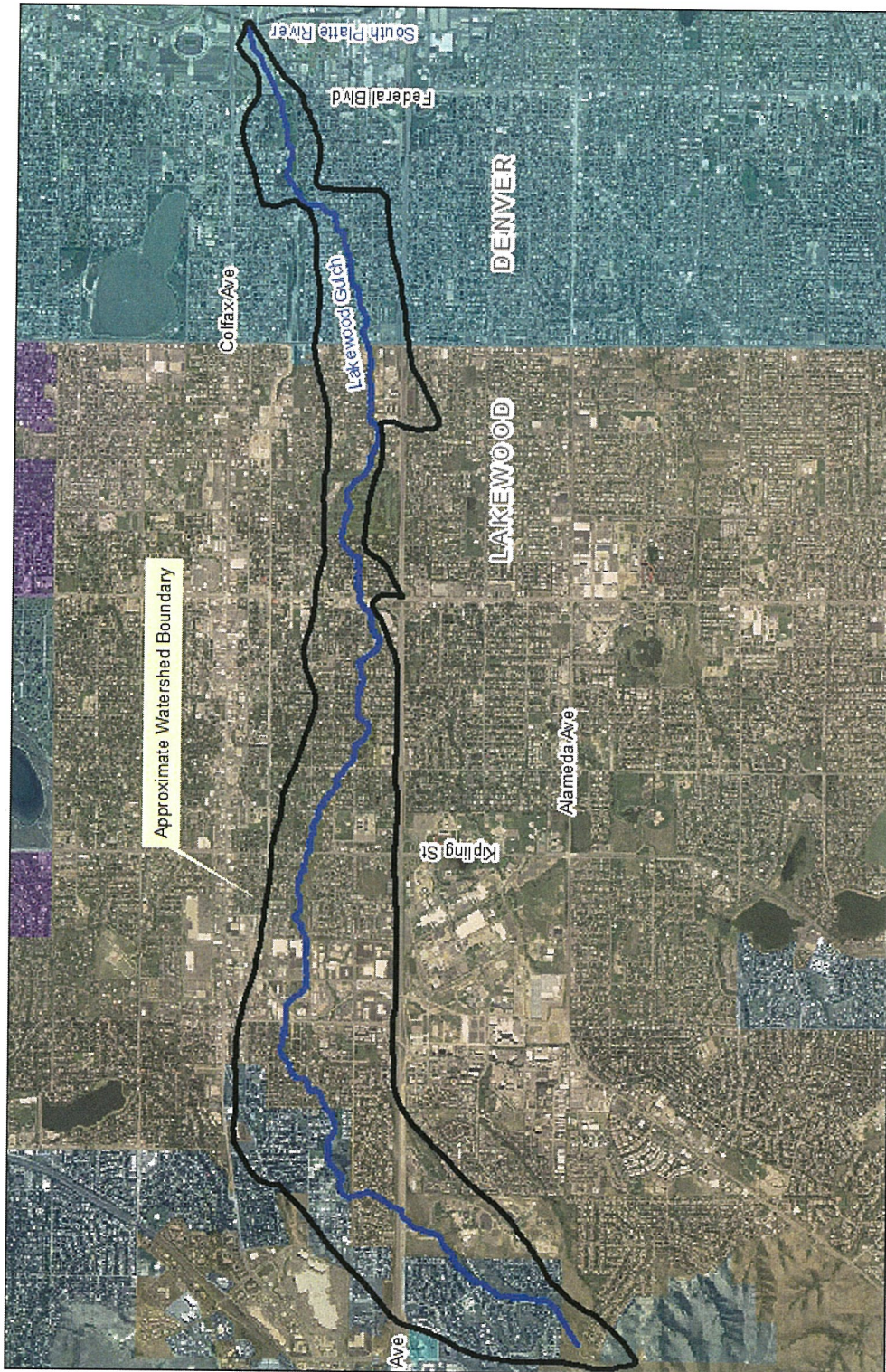


EXHIBIT A  
Lakewood Gulch MDP & FHAD  
Approximate Study Limits  
December 2017



## THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

### RESOLUTION NO. 06, SERIES OF 2018

(Authorization to Participate in a Planning Study of McKay Lake Watershed Upstream of McKay Lake)

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 and County of Broomfield has enacted floodplain regulations; and

WHEREAS, the Board has previously established a Work Program for 2018 (Resolution No. 59, Series of 2017) which includes master planning; and

WHEREAS, the Board previously cooperated with the City of Broomfield and the City of Westminster in the preparation of "McKay Lake and Quail Creek Outfall Systems Planning Study," dated 2001; and

WHEREAS, the City and County of Broomfield has expressed a desire to participate in a study leading to an outfall systems plan for drainageways within the McKay Lake watershed upstream of McKay Lake; and

WHEREAS, the Board wishes to cooperate with the City and County of Broomfield in the identification of solutions to stormwater drainage and flood control management problems for tributaries within the McKay Lake watershed upstream of McKay Lake (Exhibit A); and

WHEREAS, the cost of engineering and mapping services for the study is estimated to be \$120,000 and is expected to be divided among participating entities as follows:

| Sponsor      | Master Plan Contribution |
|--------------|--------------------------|
| UDFCD        | \$0                      |
| Broomfield   | \$120,000                |
| <b>TOTAL</b> | <b>\$120,000</b>         |

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute an agreement with the City and County of Broomfield to fund the required engineering and mapping services for the McKay Lake Watershed Upstream of McKay Lake 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 \$120,000 which shall be fully funded by the City and County of Broomfield.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 06, SERIES OF 2018

(Authorization to Participate in a Planning Study of McKay Lake Watershed Upstream of McKay Lake)

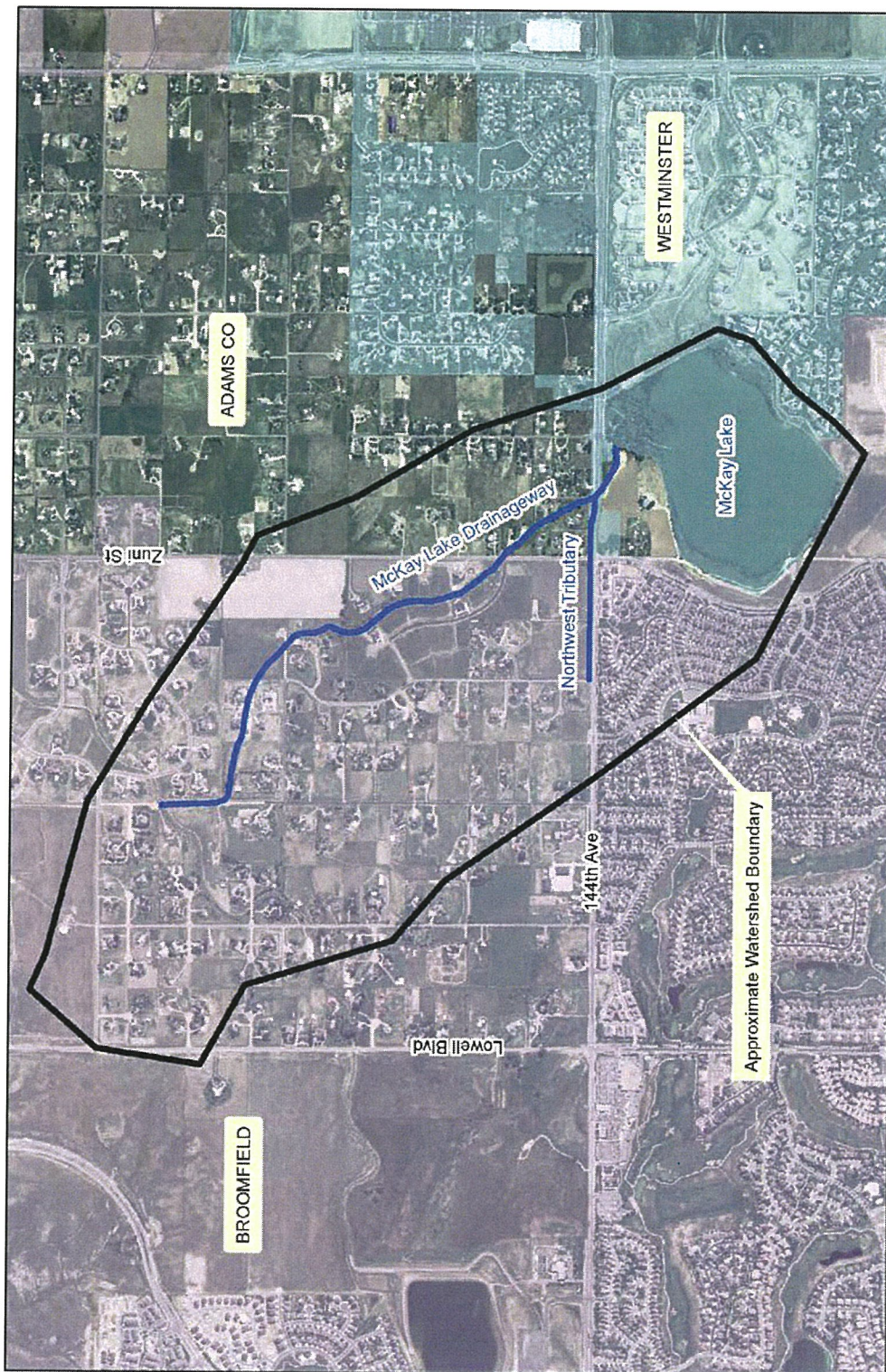
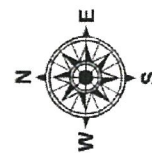


EXHIBIT A  
McKay Lake Watershed OSP  
Approximate Study Limits  
January 2018





## THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

### RESOLUTION NO. 07, SERIES OF 2018 (Authorization to Participate in a Planning Study of Willow Creek Tributaries Upstream of Englewood Dam)

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 Centennial has enacted floodplain regulations; and

WHEREAS the City of Centennial has assigned and transferred to the Southeast Metro Stormwater Authority (SEMSWA) its rights and obligation for the Willow Creek Tributaries Upstream of Englewood Dam planning study; and

WHEREAS, the Board has previously established a Work Program for 2018 (Resolution No. 59, Series of 2017) which includes master planning; and

WHEREAS, the Board previously cooperated with SEMSWA, the City of Lone Tree, Douglas County, the City of Greenwood Village, and the South Suburban Parks and Recreation in the preparation of "Willow Creek, Little Dry Creek, and Greenwood Gulch Outfall Systems Planning Study," dated February 2010; and

WHEREAS, SEMSWA has expressed a desire to participate in a study leading to a major drainageway plan for tributaries to Willow Creek upstream of Englewood Dam; and

WHEREAS, the Board wishes to cooperate with SEMSWA in the identification of solutions to stormwater drainage and flood control management problems for tributaries to Willow Creek upstream of Englewood Dam (Exhibit A); and

WHEREAS, the cost of engineering and mapping services for the study is estimated to be \$200,000 and is expected to be divided among participating entities as follows:

| Sponsor      | Master Plan Contribution |
|--------------|--------------------------|
| UDFCD        | \$100,000                |
| SEMSWA       | \$100,000                |
| <b>TOTAL</b> | <b>\$200,000</b>         |

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute an agreement with the Southeast Metro Stormwater Authority (SEMSWA) to fund the required engineering and mapping services for the Willow Creek Tributaries Upstream of Englewood Dam 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 \$200,000 and the District's share of total costs shall not exceed \$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 SEMSWA.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



# THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

## RESOLUTION NO. 07, SERIES OF 2018

(Authorization to Participate in a Planning Study of Willow Creek Tributaries Upstream of Englewood Dam)

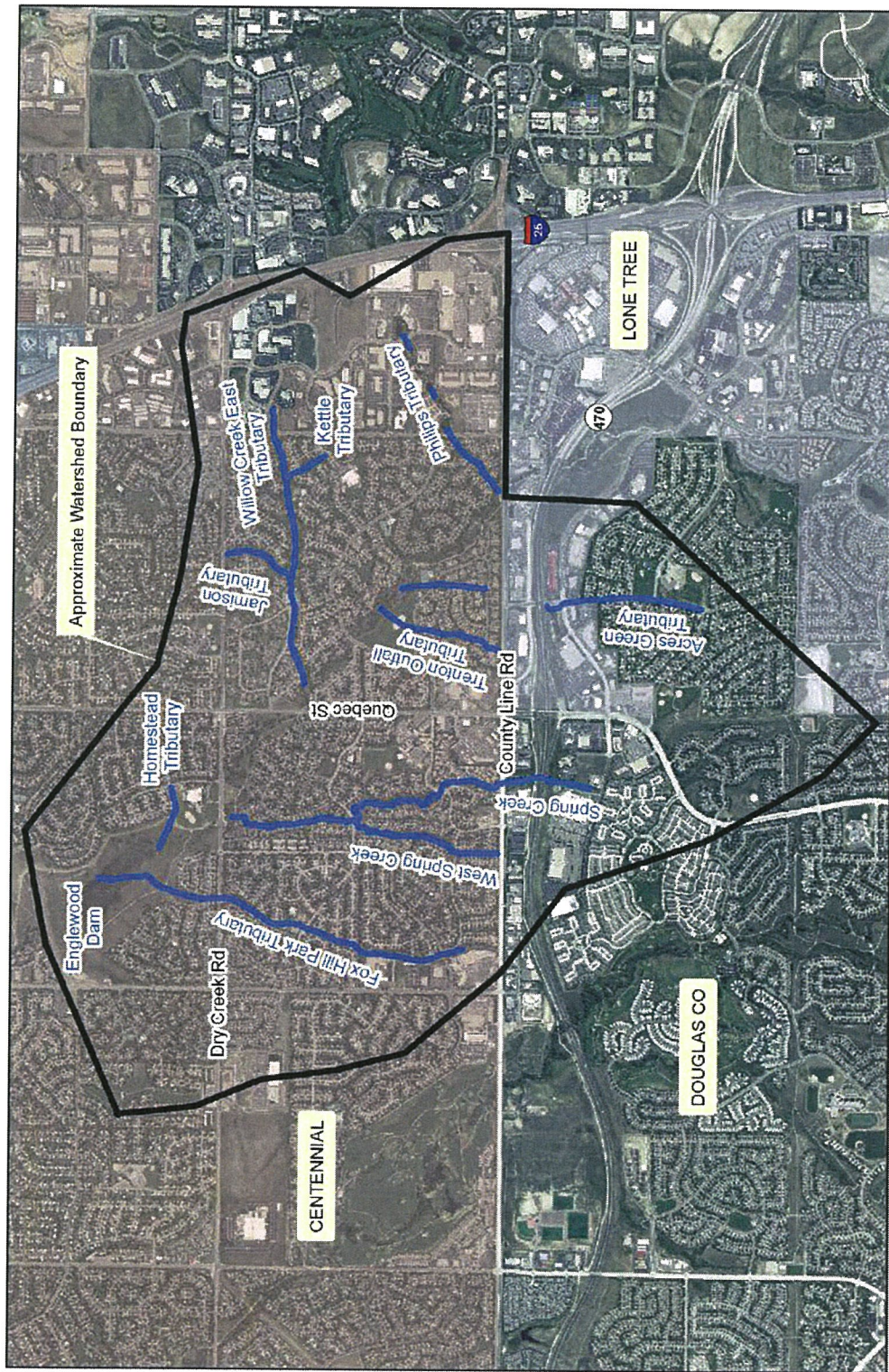


EXHIBIT A  
Willow Creek Tributaries MDP & FHAD  
Approximate Study Limits  
January 2018



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 08, SERIES OF 2018  
(Authorization to Renew Lease at Diamond Hill)

WHEREAS, District offices have been located at Diamond Hill Office Complex situated at 2480 West 26th Avenue, Suites 100B, 156B, and 310B and are managed by Gemini Rosemont Realty, LLC since 1976; and

WHEREAS, the present seven-year lease with Gemini Rosemont expires on May 31, 2018; and

WHEREAS, District staff worked with a tenant broker to negotiate a proposal for a new seven-year lease from Gemini Rosemont and also from two other building management companies for two alternative sites located at 1290 Broadway and 1391 Speer; and

WHEREAS, District staff deemed the 1391 Speer site as being inadequate with regard to floor space and parking and have therefore requested and received proposals for Diamond Hill and for 1290 Broadway; and

WHEREAS, signing a new seven-year lease from Gemini Rosemont for the Diamond Hill location represents a substantial cost savings to District compared to the 1290 Broadway location and will also eliminate the cost and disruption of moving; and

WHEREAS, Gemini Rosemont Realty, LLC agrees also to provide District with upgrades and a generous remodeling allowance; and

WHEREAS, Diamond Hill is centrally located, has excellent access to I-25 to enable District staff to readily reach member entities, and has free and convenient parking for Board members, visitors, and employees.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Urban Drainage and Flood Control District authorizes the Executive Director to negotiate and execute a new lease for office space at the Diamond Hill Office Complex for a term of seven years commencing on June 1, 2018.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 09, SERIES OF 2018

(Authorization to Purchase and Install a New Server for the District's Computer Network)

WHEREAS, the District has acquired computer equipment and developed a local area network that permits file and device sharing and Internet access by District staff; and

WHEREAS, the District's current server was purchased and installed in 2011 and has reached the end of its life cycle and service warranties; and

WHEREAS, continued use of a server beyond the recommended service life can potentially cause unplanned downtime and loss of productivity due to electronic component failures and loss of hardware support; and

WHEREAS, the estimated cost to replace the existing server infrastructure is \$100,000; and

WHEREAS, the upgrade of the server infrastructure and purchase of new equipment was planned and budgeted for implementation in 2018; and

WHEREAS, there are sufficient funds in the 2018 budget for purchasing and installing a new server.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to enter into an agreement(s) with a qualified computer hardware company, and others as necessary for purchase and installation of a new server.
2. The costs of these services shall not exceed \$100,000.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 10, SERIES OF 2018  
(Amended 2018 Legislative Committee)

WHEREAS, Section 32-11-220(1)(l), C.R.S., provides that: "The district also has the following powers: To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this article, which specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this article;" and

WHEREAS, from time to time state and federal legislation is proposed and being acted upon which would affect the operations of the District; and

WHEREAS, each year, a Legislative Committee is established by the Board of Directors for the following calendar year; and

WHEREAS, Resolution No. 66, Series of 2017 established a Legislative Committee composed of Board members but did not identify a Committee Chair; and

WHEREAS, the Board of Directors now desires to establish a chair position for the Legislative Committee, to be elected from among the Legislative Committee Members.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 66, Series of 2017, Paragraph 1, is amended as follows:  
There is hereby established in the place and stead of any previous Legislative Committee (Committee) a Committee composed of Board members Commissioner Libby Szabo (Committee Chair), Mayor Heidi Williams, Commissioner Lora Thomas, Mayor Adam Paul, Council Member Paul Lopez, Commissioner Charles (Chaz) Tedesco, and Mr. Dave Sellards selected by the Board of Directors (Board) from the members of the Board.
2. All other conditions and authorizations remain as stated in Resolution No. 66, Series of 2017.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

# THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

## RESOLUTION NO. 11, SERIES OF 2018 (Authorization to Administer a Constituent Contact Campaign in 2018)

WHEREAS, the District conducted a telephone survey of 1,200 District constituents in July 2017; and

WHEREAS, the results of the survey indicated that only 27% of the District's constituents were aware of the District's existence and of those who were aware, only 35% have a positive opinion of UDFCD; and

WHEREAS, the results of the survey indicated that once constituents were informed of the District's mission and achievements, they valued the services the District provides and were widely supportive of UDFCD; and

WHEREAS, the District contracted with the Welchert Company in 2017 to act as the District's public affairs / public information officer through July 2018; and

WHEREAS, the Welchert Company has recommended a \$1,400,000 constituent contact campaign which was included in the 2018 Budget and Appropriation of Funds (Resolution No. 55, Series of 2017 and Resolution No. 56, Series of 2017); and

WHEREAS, it is in the District's best interest to provide periodic public outreach and engagement and to make its constituents more aware of their flood risk and of flood preparedness strategies; and

WHEREAS, there are sufficient funds in the 2018 budget for this expenditure, which is comprised of the following components:

|                                     |                    |
|-------------------------------------|--------------------|
| Television and Cable Communications | \$750,000          |
| Digital Media                       | \$450,000          |
| Social and Print Media              | \$100,000          |
| Contingency                         | \$100,000          |
| <b>TOTAL</b>                        | <b>\$1,400,000</b> |

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to enter into agreements with qualified media consultants and others as necessary to administer a constituent contact campaign in 2018.
2. The costs of these services shall not exceed \$1,400,000 without amendment to this resolution.

(SEAL)

THE URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



SPONSORED BY: MAYOR DODGE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-74  
Series of 2018

18-73  
Series of 2018

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NORTHGLENN, THE CITY OF THORNTON, ADAMS COUNTY, AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING DEVELOPMENT OF A MAJOR DRAINAGE PLAN AND FLOOD HAZARD AREA DELINEATION FOR BRANTNER GULCH AND ITS TRIBUTARIES

WHEREAS, the Urban Drainage and Flood Control District (the "District") has established a Work Program for 2018, which includes master planning; and

WHEREAS, the District, the City of Northglenn, the City of Thornton, and Adams County (collectively the "Parties") desire to proceed with development of a drainageway master plan and a flood hazard area delineation report for Brantner Gulch and its tributaries; and

WHEREAS, the Parties desire to acquire mapping needing to conduct the engineering studies for the project and desire to engage an engineer to render certain technical and professional advice and to compile information, evaluate, study, and recommend design solutions in the best interest of the Parties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Intergovernmental Agreement between the City of Northglenn, the City of Thornton, Adams County, and the Urban Drainage and Flood Control District regarding the development of a major drainage plan and flood hazard area delineation for Brantner Gulch and its tributaries, attached hereto as Exhibit 1, is hereby approved and the Mayor is authorized to execute same on behalf of the City.


DATED at Northglenn, Colorado, this 11<sup>th</sup> day of June, 2018.

  
CAROL A. DODGE  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
JOHANNA SMALL, CMC  
City Clerk

  
COREY Y. HOFFMANN  
City Attorney

AGREEMENT REGARDING FUNDING OF  
MAJOR DRAINAGEWAY PLANNING AND  
FLOOD HAZARD AREA DELINEATION FOR  
BRANTNER GULCH AND TRIBUTARIES

Agreement No. 18-04.01  
Project No. 106971  
Agreement Amount \$260,000

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), CITY OF THORNTON (hereinafter called "THORNTON"), CITY OF NORTHGLENN (hereinafter called "NORTHGLENN"), and ADAMS COUNTY (hereinafter called "ADAMS"); (hereinafter THORNTON, NORTHGLENN and ADAMS shall be collectively known as "PROJECT SPONSORS" and DISTRICT and PROJECT SPONSORS shall be collectively known as "PARTIES");

WITNESSETH THAT:

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

WHEREAS, DISTRICT has previously established a Work Program for 2018 (Resolution No. 59, Series of 2017) which includes master planning; and

WHEREAS, PARTIES now desire to proceed with development of a drainageway master plan and a flood hazard area delineation (FHAD) report for Brantner Gulch and tributaries to Brantner Gulch (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. 74, Series of 2017); and

WHEREAS, PARTIES desire to acquire mapping needed to conduct the engineering studies for PROJECT; and

WHEREAS, PARTIES desire to engage an engineer to render certain technical and professional advice and to compile information, evaluate, study, and recommend design solutions to such drainage problems for PROJECT which are in the best interest of PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. PROJECT AREA

DISTRICT shall engage an engineer and obtain mapping as needed to perform or supply necessary services in connection with and respecting the planning of PROJECT of the area and watershed shown on the attached Exhibit A dated December 2017, (hereinafter called "AREA").

3. SCOPE OF PROJECT

The purpose of PROJECT is to develop a drainageway master plan and FHAD, including hydrologic information and the locations, alignments, and sizing of storm sewers, channels, detention/retention basins, and other facilities and appurtenances needed to provide efficient stormwater drainage within AREA. The proposed work shall include, but not be limited to, mapping; compilation of existing data; necessary field work; and development and consistent evaluation of all reasonable alternatives so that the most feasible drainage and flood control master plan can be determined and justified for AREA. Consideration shall be given to costs, existing and proposed land use, existing and proposed drainage systems, known drainage or flooding problems, known or anticipated erosion problems, stormwater quality, right-of-way needs, existing wetlands and riparian zones, open space and wildlife habitat benefits, and legal requirements. Schematic alternative plans shall be developed such that comparison with other alternatives can be made. Drainage system planning shall be done in three phases by the engineer engaged by DISTRICT, culminating in a drainage master plan report. During the first phase, the selected engineer shall perform all data gathering and modeling needed to prepare the baseline hydrology section of the master plan report containing an introduction, study area description and hydrologic analysis description. During the second phase, the engineer shall perform all studies and data gathering needed to prepare the alternatives analysis sections of the master plan report containing a hydraulic analysis discussion, schematics of alternatives developed and their costs along with a discussion of the pros and cons of each alternative and a recommended plan. A single alternative will be selected by PARTIES after the review and evaluation of the alternatives analysis report. The FHAD report preparation and submittal will be concurrent with the second phase of the master plan. During the third phase, the engineer shall be directed to prepare a conceptual design for the selected alternative and prepare the conceptual design section of the master plan report.

4. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

5. PROJECT COSTS

PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of, and be limited to, mapping, master planning, FHAD and related services and contingencies mutually agreeable to PARTIES. Project costs are estimated not to exceed \$260,000.

6. FINANCIAL COMMITMENTS OF PARTIES

PARTIES shall each contribute the following percentages and maximum amounts for PROJECT costs as defined in Paragraphs 5:



|              | Master Plan             | Maximum             | FHAD                |
|--------------|-------------------------|---------------------|---------------------|
|              | <u>Percentage Share</u> | <u>Contribution</u> | <u>Contribution</u> |
| DISTRICT     | 50.00%                  | \$100,000           | \$60,000            |
| THORNTON     | 40.00%                  | \$ 80,000           | -                   |
| NORTHGLENN   | 2.50%                   | \$ 5,000            | -                   |
| <u>ADAMS</u> | <u>7.50%</u>            | <u>\$ 15,000</u>    | <u>-</u>            |
| TOTAL        | 100.00%                 | \$200,000           | \$60,000            |

7. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each party's full share (THORNTON - \$80,000; NORTHGLENN - \$5,000; ADAMS - \$15,000; DISTRICT - \$160,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to COUNTY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at COUNTY request, COUNTY share of remaining monies shall be transferred to another special fund held by DISTRICT.

8. PROJECT MAPPING

No new mapping is anticipated under this Agreement for PROJECT. Upon execution of this Agreement, PROJECT SPONSORS shall provide copies of the most recent mapping within their jurisdictional area in digital format to DISTRICT to the extent such mapping is available without additional cost.

9. MASTER PLANNING AND FHAD

Upon execution of this Agreement, PARTIES shall select an engineer mutually agreeable to PARTIES. DISTRICT, with the approval of PROJECT SPONSORS, shall contract with the selected engineer, shall administer the contract, and shall supervise and coordinate the planning for the development of alternatives and of conceptual design.

10. PUBLISHED REPORTS AND PROJECT DATA

DISTRICT will provide to each of PROJECT SPONSORS access to the draft and final electronic FHAD report files and draft and final electronic report files.

Upon completion of PROJECT, electronic files of all mapping, drawings, and hydrologic and hydraulic calculations developed by the engineer contracted for PROJECT shall be provided to any PROJECT SPONSORS requesting such data.

11. TERM OF THE AGREEMENT

The term of this Agreement shall commence upon final execution by all PARTIES and shall terminate two years after the final master planning report is delivered to DISTRICT and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 7 herein.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS

- A. The contracting officer for THORNTON shall be the City Manager, 9500 Civic Center Drive, Thornton, Colorado 80229.
- B. The contracting officer for NORTHGLENN shall be the Mayor, 11701 Community Center Drive, Northglenn, Colorado 80233.
- C. The contracting officer for ADAMS shall be the Engineering Manager, 4430 South Adams County Parkway, Suite 2000B, Brighton, Colorado 80601.
- D. The contracting officer for DISTRICT shall be the Executive Director, 2480 West 26<sup>th</sup> Avenue, Suite 156B, Denver, Colorado 80211.
- E. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or PROJECT SPONSOR. Said representatives shall have the authority for all approvals, authorizations, notices, or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

14. RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with PROJECT SPONSORS the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from PROJECT SPONSORS needed to complete PROJECT in a timely manner. PROJECT SPONSORS agree to review all draft reports and to provide comments within 21 calendar days

after the draft reports have been provided by DISTRICT to PROJECT SPONSORS. PROJECT SPONSORS also agree to evaluate the alternatives presented in the alternatives analysis sections of the report, to select an alternative, and to notify DISTRICT of their decision(s) within 30 calendar days after the alternatives analysis report is provided to PROJECT SPONSORS by DISTRICT.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the County where the Project is located.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

22. PUBLIC RELATIONS

It shall be at PROJECT SPONSOR's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist PROJECT SPONSOR as needed and appropriate.



23. GOVERNMENTAL IMMUNITIES

The PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any PARTY of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq.*, C.R.S.) as now or hereafter amended or otherwise available at law or equity.

24. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified on the basis of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability and further agrees to insert the foregoing provision in all subcontracts hereunder.

25. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of PROJECT SPONSORS and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of each PROJECT SPONSOR and/or DISTRICT.

26. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PROJECT SPONSORS or DISTRICT receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

27. ILLEGAL ALIENS

PARTIES agree that any public contract for services executed as a result of this intergovernmental agreement shall prohibit the employment of illegal aliens in compliance with §8-17.5-101 C.R.S. *et seq.* The following language shall be included in any contract for public services: "The contractor certifies, warrants, and agrees that the contractor does not knowingly employ or contract with an illegal alien who will perform work under this Agreement and will confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement, through participation in the United States Department of Homeland Security and the Social Security Administration E-Verify Program or the Colorado Department of Labor and Employment (CDLE) program established pursuant to 8-17.5-102 (5)(c) C.R.S. The contractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement or enter into a subcontract with a subcontractor that fails to certify to the contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under Agreement. The contractor shall (a) not use the E-Verify Program or the CDLE program

established pursuant to 8-17.5-102 (5)(c) C.R.S., to undertake pre-employment screening of job applicants while this Agreement is being performed, (b) notify the subcontractor and DISTRICT within three days if the contractor has actual knowledge that a subcontractor is employing or contracting with an illegal alien for work under this Agreement, (c) terminate the subcontract if a subcontractor does not stop employing or contracting with the illegal alien within three days of receiving the notice, and (d) comply with the reasonable request made in the course of an investigation, undertake pursuant to 8-17.5-102 (5)(c) C.R.S, by the CDLE. If the contractor participates in the CDLE program, the contractor shall, within twenty days after hiring an employee who is newly hired for employment to perform work under this Agreement, deliver to DISTRICT a written, notarized affirmation, affirming that the contractor has examined the legal work status of such employee, retained file copies of the documents required by 8 U.S.C. Section 1324a, and not altered or falsified the identification documents for such employees. If the contractor fails to comply with any requirement of this Section or 8-17.5-101 *et seq.* C.R.S, DISTRICT may terminate this Agreement for breach and, if so terminated, the contractor shall be liable for actual and consequential damages.

DISTRICT shall notify the Colorado Office of the Secretary of State if the contractor violates this Section and DISTRICT terminates this Agreement for such a breach.

The contractor acknowledges that the CDLE may investigate whether the contractor is complying with this Section of the Agreement. This may include on-site inspections and the review of documentation that proves the citizenship of any person performing work under this Agreement and any other reasonable steps necessary to determine compliance with the provisions of this Section."


28. EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement.

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
  - B. The image of the signature of an authorized signer inserted onto PDF format documents.
- Documents requiring notarization may also be notarized by electronic signature, as provided above. All use of electronic signatures shall be governed by the Colorado Uniform Electronic Transactions Act, §§ 24-71.3-101-121, C.R.S.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatures as of the date and year below written.

URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

DS  
  
Checked By

DocuSigned by:  
Signature Ken MacKenzie  
3982FD223529485...  
Printed Name Ken MacKenzie  
Title Executive Director  
Date 17 July 2018

(SEAL)

ATTEST:

Kristen Rosenbaum  
Kristen Rosenbaum, City Clerk

APPROVED AS TO FORM:

Luis A. Corchado  
Luis A. Corchado, City Attorney

CITY OF THORNTON

By Joyce Hunt, Acting  
Kevin S. Woods, City Manager  
Date 5/24/18



ADAMS COUNTY

Signature Mary Hodge

Printed Name Mary Hodge

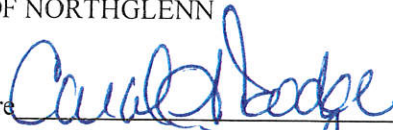
Title Chair

APPROVED AS TO FORM  
COUNTY ATTORNEY

W. Coats

CITY OF NORTHGLENN

Signature



Printed Name

Carol Dodge

Title

Mayor

AGREEMENT REGARDING FUNDING OF  
MAJOR DRAINAGEWAY PLANNING AND  
FLOOD HAZARD AREA DELINEATION FOR  
BRANTNER GULCH AND TRIBUTARIES

Agreement No. 18-04.01  
Project No. 106971

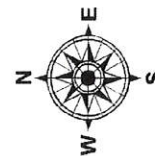
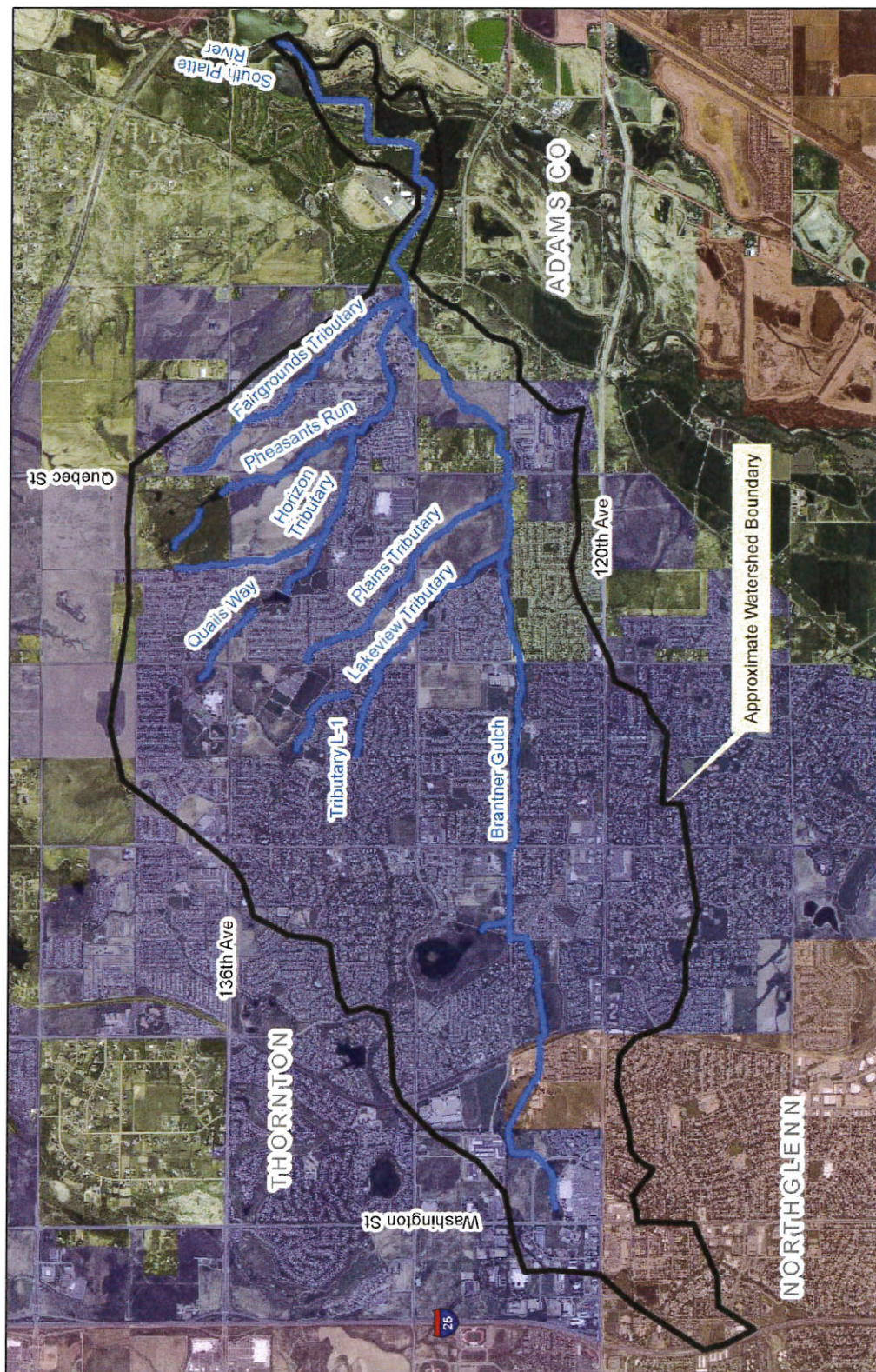


EXHIBIT A  
Brantner Gulch & Tributaries MDP & FHAD  
Approximate Study Limits  
December 2017



SPONSORED BY: MAYOR DODGE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-20  
Series of 2019

\_\_\_\_\_  
Series of 2019

A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NORTHGLENN, THE CITY OF THORNTON, ADAMS COUNTY, AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING FUNDING OF MAJOR DRAINAGEWAY PLANNING AND FLOOD HAZARD AREA DELINEATION FOR BRANTNER GULCH AND TRIBUTARIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Amendment to the Intergovernmental Agreement between the City of Northglenn, the City of Thornton, Adams County, and the Urban Drainage and Flood Control District regarding the development of a major drainage plan and flood hazard area delineation for Brantner Gulch and its tributaries, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CAROL A. DODGE  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

AMENDMENT TO  
AGREEMENT REGARDING FUNDING OF  
MAJOR DRAINAGEWAY PLANNING  
AND FLOOD HAZARD AREA DELINEATION FOR  
BRANTNER GULCH AND TRIBUTARIES

Agreement No. 18-04.01A  
Project No. 106971  
Agreement Amount \$40,000

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), CITY OF THORNTON (hereinafter called "THORNTON"), CITY OF NORTHGLENN (hereinafter called "NORTHGLENN"), and ADAMS COUNTY (hereinafter called "ADAMS"); hereinafter THORNTON, NORTHGLENN, and ADAMS shall be collectively known as "PROJECT SPONSORS" and DISTRICT and PROJECT SPONSORS shall be collectively known as "PARTIES";

WITNESSETH THAT:

WHEREAS, PARTIES entered into "Agreement Regarding Funding of Major Drainageway Planning and Flood Hazard Area Delineation for Brantner Gulch and Tributaries" (Agreement 18-04.01) dated July 17, 2018; and

WHEREAS, PROJECT was extended to include the South Platte River South Tributary 6 and the South Platte River North Tributary 7 in the master plan and FHAD, which requires additional funds.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 6. FINANCIAL COMMITMENTS OF PARTIES shall be deleted and replaced as follows:

6. FINANCIAL COMMITMENTS OF PARTIES

PARTIES shall each contribute the following percentages and maximum amounts for PROJECT costs as defined in Paragraph 6:

|            | MP<br>Percentage<br>Share | Previous<br>MP<br>Contributed | Additional<br>MP<br>Contribution | Total MP<br>Contribution | FHAD     |
|------------|---------------------------|-------------------------------|----------------------------------|--------------------------|----------|
| DISTRICT   | 41.67%                    | \$100,000                     | -                                | \$100,000                | \$60,000 |
| THORNTON   | 38.33%                    | \$80,000                      | \$12,000                         | \$92,000                 | -        |
| NORTHGLENN | 2.08%                     | \$5,000                       | -                                | \$5,000                  | -        |
| ADAMS      | 17.92%                    | \$15,000                      | \$28,000                         | \$43,000                 | -        |
| TOTAL      | 100.00%                   | \$200,000                     | \$40,000                         | \$240,000                | \$60,000 |

2. Paragraph 7. MANAGEMENT OF FINANCES shall be deleted and replaced as follows:

7. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal, or other sources of funding without limitation and without prior Board approval. Payment of each party's full share (THORNTON - \$92,000; NORTHGLENN - \$5,000; ADAMS - \$43,000; DISTRICT - \$160,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to COUNTY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

3. All other terms and conditions of Agreement No. 18-04.01 shall remain in full force and effect. WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

Signature\_\_\_\_\_

Name Ken A. MacKenzie

Title Executive Director

Date\_\_\_\_\_

\_\_\_\_\_  
Checked By



CITY OF THORNTON

(SEAL)

Signature\_\_\_\_\_

ATTEST:

Kevin S. Woods, City Manager

\_\_\_\_\_  
Kristen Rosenbaum, City Clerk

Date\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Luis A. Corchado, City Attorney

ADAMS COUNTY

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Date\_\_\_\_\_

CITY OF NORTHGLENN

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Date\_\_\_\_\_