



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

Thursday, November 19, 2009

Members Present:

Susan Beckman	Commissioner, Arapahoe County
Rick Dindinger	Mayor Pro Tem, City of Centennial
Cindy Domenico	Commissioner, Boulder County
Faye Griffin	Commissioner, Jefferson County
Erik Hansen	Mayor, City of Thornton
Bob Hoffmaster	Engineer
Marcia Johnson	Council Member, City and County of Denver
Nancy McNally	Mayor, City of Westminster
Andrew Muckle	Mayor, Town of Superior
Bob Murphy	Mayor, City of Lakewood
Alice Nichol	Commissioner, Adams County
Kathleen Novak	Mayor, City of Northglenn
Jill Repella	Commissioner, Douglas County
Nancy Sharpe	Mayor, City of Greenwood Village
Walt Spader	Mayor Pro Tem, City and County of Broomfield

Members Absent:

Jerry DiTullio	Mayor, City of Wheat Ridge
Bob FitzGerald	Mayor Pro Tem, City of Aurora
Bob Frie	Mayor, City of Arvada
Peggy Lehmann	Council Member, City and County of Denver
Chris Nevitt	Council Member, City and County of Denver
Dave Sellards	Engineer
Guillermo (Bill) Vidal	Deputy Mayor, City and County of Denver

UDFCD Staff Present:

Paul Hindman	Executive Director
Ed Krisor	Legal Counsel
Mark Hunter	Manager, Design, Construction, and Maintenance
Ken MacKenzie	Manager, Master Planning
Dave Bennetts	Assistant Manager, Design, Construction, and Maintenance
Richard Borchardt	Senior Project Engineer, Design, Construction, and Maintenance
Bryan Kohlenberg	Senior Project Engineer, Design, Construction, and Maintenance
David Mallory	Senior Project Engineer, Floodplain Management
Cindy Thrush	Senior Project Engineer, Design, Construction, and Maintenance
Barbara Chongtoun	Project Engineer, Design, Construction, and Maintenance
Shea Thomas	Project Engineer, Master Planning
Joanna Czarnecka	Construction Manager, Floodplain Management
Sandra Gonzalez	Administrative Services Manager
Margaret Corkery	Senior Administrative Assistant

1. **Call to Order – 1:00 p.m.**
Chairperson McNally called the meeting to order at 1:00 p.m.
2. **Roll Call - Determination of Quorum**
Roll was called and a quorum was declared present.
3. **Introductions**
 - a. **Swearing in of New Board Members**
No Board members were sworn in at this meeting.
 - b. **Visitors/Guests**
There were no visitors or guests attending this meeting.
 - c. **Awards/Recognition**
Paul Hindman noted that the District won the NAFSMA 2009 award for Excellence in Communication, Public – Awareness of Flooding and Flood Prevention. The award was for the brochure the Floodplain Management Program produced “Preserving the Natural and Beneficial Values of Floodplains Adjacent to Development Projects.”
4. **Approval of November 19, 2009 Meeting**
It was moved and seconded to approve the minutes as submitted.
5. **Executive Session – 2010 Staff Compensation (Pursuant to 24-6-402 (4) (f)(l) C.R.S.)**
It was moved and seconded, at 1:04 p.m., that the Board move into an Executive Session to discuss the 2010 staff compensation.
6. **Public Hearing**
After the Executive Session, which ended at 1:34 p.m., Chairperson McNally opened the Public Hearing.
 - a. **Presentation of Proposed 2010 Budget – Discussion**
Mr. Hindman noted that Resolution No. 66 adopts the 2010 budget, Resolution No. 67 certifies the levy, and Resolution No. 68 is for the appropriation of funds. The levy must be certified to the counties by December 15, 2009.

There are six budgets. The first four, General Fund, Construction, Maintenance and South Platte River derive revenue from property taxes. The other two budgets, Capital Projects Fund and Flood Emergency Contingency Fund depend on transfers from one of the four primary funds, interest and contributions from others for revenue. Included in the budget package are a budget summary explanation, summary of the six budgets, the Financial Model, detailed spreadsheets for all six budgets, budget totals, a summary of the assessed valuations, and a mill levy determination.

The budget summary explains the purpose of each fund, major components and primary revenues and expenditures. The Financial Model provides a summary of revenue and expenditures for all funds from 2008 through 2012, tracks what happened, what is happening and what is projected to happen financially, determines the total increase and decrease in property tax revenue and spending for each year, and compares property tax revenue and spending changes to TABOR limitations. The 2010 budget reflects an increase in property tax revenue of 0.83% which is within TABOR limitations. The 2010 budget also reflects an increase in total spending of 0.68%.

Resolution No. 67 certifies the tax levy of 0.569 mill in Adams, Arapahoe, Denver, Douglas and Jefferson Counties and 0.508 mill in Boulder and Broomfield Counties. This compares with 0.591 mill and 0.528 mill respectively, last year.

Chairperson McNally requested comments or questions from the public. There being none, the Public Hearing was closed.

7. **Consent Agenda**

a. **Review of Cash Disbursements**

Cash Disbursement list dated October and November was 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. **2010 Staff Compensation (Resolution No. 65, Series of 2009)**

Chairperson McNally noted that this item was discussed in Executive Session and the Board requested the following percentages be placed in the resolution:

The Board approves the recommendation of the Personnel Committee to adjust the 2010 pay ranges by 1.3%. For compensation of the present full-time and part-time regular District employees for 2010, the Board approves an average of 2.9% to be distributed, at the discretion of the Executive Director, towards realignment and/or merit increases. This 2.9% is not in addition to the 1.3% range adjustment.

It was requested by Commissioner Beckman that this item be taken off the consent agenda and considered in a separate vote.

Mayor Muckle commented that the Personnel and Executive Committee reviewed and discussed this item at an earlier joint meeting. The Committees initially considered a 3.6% increase. However, because of local economic struggles, the Committees agreed to reduce the increase to 2.9%.

A request was made that in the future, the Board be provided information as to the financial impact on the budget of proposed pay increases.

On a Motion by Mayor Novak the Board was polled for the vote on Resolution No. 65, Series of 2009. The resolution was approved on a vote of "Yes" 12, and "No" 3. Those Board members voting "No" were: Commissioner Beckman, Mayor Pro Tem Dindinger, and Commissioner Repella.

c. **Adoption of 2010 Budget (Resolution No. 66, Series of 2009)**

This item was discussed during the Public Hearing portion of the meeting.

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

d. **Certification of Tax Levy (Resolution No. 67, Series of 2009)**

This item was discussed during the Public Hearing portion of the meeting.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 67 on the Consent Agenda

e. **Appropriation of Funds for 2010 (Resolution No. 68, Series of 2009)**

This item was discussed during the Public Hearing portion of the meeting.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 68 on the Consent Agenda

f. **Authorization to Participate in Drainage and Flood Control Improvements On Babi Yar Tributary, Yale Avenue to Parker Road in City and County of Denver (Resolution No. 69, Series of 2009)**

This is a joint project with the City and County of Denver. The City and County of Denver desires to design and construct improvements along the Babi Yar Tributary to Cherry Creek in accordance with the "Schematic Design for Babi Yar Park" prepared for Denver Parks and Recreation dated October, 2009. The

project will include about 15 grade control structures, retaining walls, and edging for the low flow channel.

Babi Yar Tributary flows through Denver's Babi Yar Park so the necessary easements and right-of-way are already in place. The District is administering the design of the channel improvements with Icon Engineering Company. This work will be closely coordinated with the renewal of the park by Denver Parks and Recreation.

The District and the City and County of Denver desire to construct the improvements which will be managed by the District. The District and the City and County of Denver have identified \$1,500,000 in initial project costs for the design and partial funding of construction with the District's participation being \$750,000. Construction is anticipated in 2011.

Resolution No. 69 authorizes \$750,000 of District funds from the Special Revenue Fund - Construction to at least be matched by the City and County of Denver 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. 69 on the Consent Agenda

g. Authorization to Participate in Drainage and Flood Control Improvements on Kinney Creek, Tributary C in Douglas County (Resolution No. 70, Series of 2009)

This is a joint project with Douglas County. Douglas County desires to design, acquire right-of-way, and construct improvements along Kinney Creek, Tributary C in accordance with the "Kinney Creek and Founder Draw Watersheds, Outfall Systems Planning, Conceptual Preliminary Design Report" dated December 2004. The project includes improvements to the spillway and likely repairs to the outlet structure of an existing detention pond.

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 Douglas County desire to construct the improvements which will be managed by the District.

The District and Douglas County have identified \$75,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction. The District's participation at this time will be zero. Douglas County will likely request District participation in the near future as the project progresses. Construction is anticipated in 2010 or 2011.

Resolution No. 70 does not authorize any District funding participation, but recognizes the establishment of a Trust and Agency fund to accommodate current and future funding 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. 70 on the Consent Agenda

8. Vote on Approval of the Consent Agenda

It was the consensus of the Board that Resolutions No. 66, 67, 68, 69, and 70, Series of 2009, and Cash Disbursements for October and November 2009 be placed on the Consent Agenda. Mr. Hoffmaster moved to adopt the Consent Agenda. Upon a roll call vote the motion was passed unanimously.

9. Reports/Discussion

a. 2009 – 2013 Five-Year Capital Improvement Program

The draft Five-year Capital Improvement Program was sent to local governments in September asking for comments to be returned to the District by October 19. Comments and requests were received from two-thirds of the local governments and they have been incorporated into the CIP to the extent possible. All requests cannot be accommodated because there are more requests than there are funds available. The draft Five-year CIP update was made available to Board members as part of the Board packet on the District website.

The District welcomes CIP requests throughout the year, but the opportunity to change the Five-year CIP is limited once it is adopted in December. Over the next month there may be some minor revisions to the draft CIP for years 2009 and 2010. If major changes are desired there is more CIP funding flexibility in years 2012 and 2013 and projects can also be shifted from year to year. Demand for District participation is strong so it is difficult to add a new project unless another project can be removed or postponed.

Proposed construction expenditures listed in the budget and in the Five-year CIP are now shown as equal. This is typically a temporary situation as there is some necessary flexibility in the funding levels because matching funds from local governments tend to change throughout the year for these large CIP projects. The final Five-year CIP will be presented at the December meeting for adoption pursuant to a public hearing.

b. Draft 2010 Maintenance and South Platte River Work Program

In December the Board will be asked to authorize 2010 maintenance activities. Authorization will be for the total amount of \$8,302,102 in the Maintenance Fund and \$1,770,000 in the South Platte River Fund. Adoption of the 2010 budget will limit expenditures in each county to each county's share determined by property tax revenue contribution.

The Maintenance Work Plan is developed to guide maintenance activities for routine, restoration and rehabilitation projects on a county-by-county basis. A draft 2010 Maintenance Work Plan and a draft South Platte River Work Plan were included in the Board packet.

Maintenance Work Plan priorities are based on the following:

District owned facilities.

Facilities constructed with District assistance.

Facilities owned by other public entities, but not constructed with District funding assistance.

Unimproved urban drainageways.

Unimproved rural drainageways.

The Work Plans are based on adding routine maintenance for facilities completed in 2009, continued commitment to facilities owned by the District or constructed with District assistance, staff knowledge of condition of drainageways, annual requests from local governments of maintenance needs, and staff contacts with local entities. Work is listed by county and category of work and includes the local government where the work is located, location, description of work, and the estimated cost.

Total allocated budget for routine maintenance, which is mostly mowing and trash and debris pickup and now includes regular sediment removals, is \$1,921,250. Most of the funds are for restoration work which is now projected to be \$5,641,000. Total preservation funds are budgeted at \$315,000. There is also a contingency of \$424,860 or 5.1% of the maintenance budget. Costs range from a few hundred dollars for a silt removal to \$530,000 for a Cherry Creek drop structure just upstream of Havana Street in Denver. Staff will continue to work with local governments providing input to the Work Program before requesting authorization for 2010 maintenance activities at the December meeting.

- c. Master Planning Program**
Ken MacKenzie reviewed the schedule of master drainage planning projects for 2010.
 - d. Fastracks/West Corridor Drainage Update**
Bryan Kohlenberg reviewed the proposed schedule and project for the West Corridor.
 - e. Executive Director's Report/Annual Summary**
The Executive Director's Report and Annual Summary were distributed to the Board Members.
- 8. Other Business**
Mr. Hindman mentioned that Cindy Thrush has accepted a job in Portland with the Army Corps of Engineers. The Board and staff wished Cindy success in her new position.
- 9. New Business**
There was no new business to discuss.
- 10. Announcements**
Chairperson McNally reminded the Board that the next scheduled meeting will be held on December 17, 2009.
- 11. Adjournment**
Chairperson McNally adjourned the meeting at 2:15 p.m.