



Minutes of the Southeast Metro Stormwater Authority Board Meeting
December 16, 2009

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, December 16, 2009, at 76 Inverness Drive East, Suite A, Englewood, CO 80112. A full and timely notice of this meeting had been posted and a quorum was present. The meeting was called to order by Board Chairman Bart Miller at 1:32 p.m.

Directors Present: Director Bart Miller/ Chair
 Director Rod Bockenfeld/Vice-Chair
 Director Ron Weidmann/Secretary-Treasurer
 Director Jim Dyer (arrived @ 1:34 p.m.)
 Director Linda Lehrer
 Director Andrea Suhaka

Staff present: John A. McCarty, Executive Director
 David Agee, Director of Finance and Administration
 Ed Krisor, SEMSWA Attorney
 Mike Vinson, CIP Program Manager
 Monica Bortolini, Floodplain and Master Planning Program Manager
 Mason Staub, Maintenance Program Manager
 RoxAnna Jones, HR/Office Manager

SIGN-IN-SHEET SUMMARY:

Name	Representing	Contact
Information		

None

1. Administrative Items

- Motion to approve the November 18, 2009 meeting minutes:

Motion to approve: Director Weidmann
Second: Director Suhaka
In favor: All

2. Public Comments for Non-Agenda Items - None

3. Cash Disbursements & Summary of Financial Reports

- Dave Agee pointed out the \$122,365.45 expenditure on Line 15 to L&M Enterprises for the East Tollgate Creek project.

- Motion to approve the Cash Disbursement Detail, as presented by Mr. Agee, in the amount of \$494,574.91:

Motion to approve: Director Weidmann
 Second: Director Bockenfeld
 In Favor: All

- Mr. Agee briefly discussed the November Financial Reports. Line 45001 reflects funds received from Arapahoe County for CIP projects. Overall, revenues are exceeding budget and all major expenditure categories are within budget.
- Director Lehrer asked about the System Development Fees on page 3 of the Financial Reports. John McCarty reported there are projects in the City of Centennial and Arapahoe County that have stopped as developers are not ready to sign an SIA or submit necessary funds.
- Director Lehrer asked about the status of the \$30,000 balance on page 5 of the Financial Reports, National Flood Insurance Program. Mr. McCarty will check with Monica Bortolini and send an email to the Board with the requested information.

4. Prepayment of Loan with Colorado Business Bank

- Motion to approve **Resolution No. 09-53** (Prepayment of Loan with Colorado Business Bank); this is the 2011 payment to be paid on January 4, 2010:

Motion to Approve: Director Weidmann
 Second: Director Suhaka
 In Favor: All

- Director Lehrer asked how often SEMSWA performs an analysis on annual fees and the allocation of fees. Mr. McCarty reported that AMEC established the methodology at the time SEMSWA was established. Mr. Agee said that there were two components of annual fees: 1) revenue estimation accomplished through the budget process; and 2) allocation of cost between rate classes, based on actual impervious area and total area of each parcel. Mr. McCarty also said that SEMSWA will need three to five years to evaluate the review and inspection fee revenue stream.

5. Three Party Reimbursement Agreement for Pond L-1

- Motion to defer **Resolution No. 09-47** (Authorization to Enter Into a Three Party Reimbursement Agreement for Construction of Pond L1 East – SEMSWA/ACWWA & Sunborne 16 XVI LTD) to the January 27, 2009 Board Meeting:

Motion to defer: Director Bockenfeld
 Second: Director Weidmann
 In Favor: All

6. Intergovernmental Agreement /Parker Jordan

- Ed Krisor noted the changes made to the IGA with Parker Jordan since the item was deferred from SEMSWA's November board meeting. The Parker Jordan Metro District Board Meeting will be held on December 17, 2009, and will consider the IGA at that time.
- Motion to approve Resolution No. 09-52 (Authorization to Enter Into an Intergovernmental Agreement With Parker Jordan Metropolitan District Regarding Storm Drainage Improvements On Upper Cherry Creek):

Motion to approve: Director Weidmann
Second: Director Suhaka

- Director Miller asked to move forward to Agenda Item No. 7 and to delay the vote until Director Dyer returned to the meeting. Director Weidmann agreed to accept a ten minute delay at 2:00 p.m. Director Dyer returned at 2:02 p.m., during discussion and voting of Agenda Item No. 7.
- Discussion returned to the Parker Jordan IGA issue. Director Weidmann revised his motion of **Resolution 09-52** (Authorization to Enter Into an Intergovernmental Agreement With Parker Jordan Metropolitan District Regarding Storm Drainage Improvements On Upper Cherry Creek), conditional upon Parker Jordan Metropolitan District's acceptance of the IGA:

Revised motion to approve: Director Weidmann
Second: Director Suhaka

In Favor: Directors Weidmann, Suhaka, Bockenfeld, Miller
Opposed: Director Dyer
Approval: 4 in favor, 1 opposed

7. Agreement for Services with Curbside, Inc.

- Motion to approve **Resolution No. 09-54** (Authorization to Execute Addendum No. 3 to the Agreement for Services with Curbside, Inc.):

Motion to approve: Director Suhaka
Second: Director Weidmann
In Favor: All

8. Award Construction Contract for Spring Creek Otero/Newport Project

- Motion to approve **Resolution No. 09-55** (Authorization to Award the Construction Contract for the Spring Creek Otero/Newport Project):

Motion to approve: Director Suhaka
Second: Director Dyer
In Favor: All

9. Executive Director Update

- Mr. McCarty noted that the SEMSWA Holiday Party was a huge success. He expressed thanks to the Board Members who were able to attend and show support to SEMSWA staff.
- Private Property and Budget Committee meetings are scheduled for January 21, 2010.
- The Budget Committee agenda will include discussion of Amendment 60, which is a November 2010 ballot issue, and fee analysis for plan checking and inspections.
- SEMSWA vehicles will now be parking in the spaces behind the building.

10. Legal Counsel Update

- Ed Krisor gave a brief report on his progress in collecting fees from the USPS. He reported that he had spoken to their legal counsel, who said that each individual postmaster pays utilities for their own property; if it is a drainage fee, the policy is to not pay it. The Board authorized Mr. Krisor to continue to talk with other entities regarding a group lawsuit or to pursue a lawsuit on behalf of SEMSWA.

11. Water Quality and Special Projects Program Presentation by Lanae Raymond

12. CIP Presentation by Mike Vinson

13. Other Items - None

14. Adjournment - The Board Meeting was adjourned by Director Miller at 3:20 p.m.

Board meetings will be held at 1:30 p.m. on the following dates:

- January 27, 2010
- February 24, 2010
- March 24, 2010