



Minutes of the Southeast Metro Stormwater Authority Board Meeting
June 16, 2010

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, June 16, 2010, 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 Director Miller, Chairman, at 1:34 p.m.

Directors Present: Director Bart Miller/Chair
 Director Rod Bockenfeld/Vice-Chair
 Director Ron Weidmann/Secretary-Treasurer
 Director Dyer (arrived at 1:36 p.m.)
 Director Linda Lehrer
 Director Andrea Suhaka

Directors Absent: Alternate Director Jacque Wedding-Scott

Staff Present: John A. McCarty, Executive Director
 David Agee, Director of Finance and Administration
 Ed Krisor, SEMSWA Attorney
 Mike Vinson, CIP Program Manager
 Lanae Raymond, Water Quality & Special Projects Program Manager
 Monica Bortolini, Floodplain & Master Planning Program Manager
 Denny Welker, Land Development Program Manager
 Mason Staub, Maintenance Program Manager
 Andy Kuster, GIS Manager
 Kevin Rierden, GIS Specialist
 Ashley Byerley, Water Quality & Special Projects Coordinator
 RoxAnna Jones, HR Manager

SIGN-IN-SHEET SUMMARY:

| Name | Representing | Contact Information |
|-------------|-------------------------|----------------------------|
| Gary Atkin | ACWWA | 303-790-4830 |
| Robert Cole | Collins, Cockrel & Cole | None |

1. Public Comments for Non-Agenda Items

- Gary Atkin reported that the ACWWA Board of Directors had given instruction to its staff and legal counsel to reconvene discussions regarding the transfer of ACWWA's Non-Standard MS4 Permit to SEMSWA.

2. Discussion of Cash Disbursements and Financial Reports

- SEMSWA received payment of \$264,000 for the IKEA development: \$213,000/collateral; \$36,000/SDFs; \$15,000/permitting fees.

3. Consent Agenda Items

- Meeting Minutes – April 28, 2010
- Cash Disbursements – April 23, 2010 to June 11, 2010
- Resolution 10-20 (Approval of Detailed Employee Benefits Plan)
- Resolution 10-21 (Reauthorization to Enter Into an Agreement with Arapahoe County Water and Wastewater Authority and Approval to Accept Indemnification Provision with Government Entities)
- Resolution 10-22 (Authorization to Award the Construction Contract for the Cottonwood Creek Restoration Project)
- Resolution 10-23 (Additional Funding for the Cherrywood Circle Storm Sewer Project)
- Resolution 10-24 (Authorization to Execute Agreement regarding Funding of Major Drainageway Planning (MDP) and Flood Hazard Area Delineation (FHAD) for West Toll Gate Creek with UDFCD)

4. Adoption of Consent Agenda

| | |
|------------------|-------------------|
| Motion to Adopt: | Director Weidmann |
| Second: | Director Suhaka |
| In Favor: | All |

5. Discussion and Vote on Items Moved from Consent Agenda - None

6. Resolution 10-25 (Adoption of Fee Reduction Policy for Review and Permit Services)

| | |
|------------------|---------------------|
| Motion to Adopt: | Director Weidmann |
| Second: | Director Bockenfeld |
| In Favor: | All |

- The Executive Director shall report to the Board when fee reductions have been granted.
- The Fee Reduction Policy expressly prohibits granting a fee reduction to any entity that is not current in its payment of the SEMSWA annual fee.
- The Fee Reduction Policy shall be reviewed annually, as part of the SEMSWA budget process.

7. Grant Program Presentation

- The Executive Director shall report to the Board when Grant Program funds have been awarded.
- No Grant Program funding will be awarded to any entity that is not current in its payment of the SEMSWA annual fee.
- Grant Program funding shall be reviewed annually, as part of the SEMSWA budget process.

8. Executive Director Report

- APRD is requesting a reduction in fees for projects that they are building in the City of Centennial. APRD is delinquent in the payment of stormwater fees for the years 2009 and 2010, in the amount of approximately \$21,000. Discussions will continue and Mr. McCarty will report back to the Board.
- Mr. Krisor will draft a resolution for board consideration which opposes Amendments 60 and 61 and Proposition 101.
- An employee pay philosophy was proposed by staff and discussed by the Board. It was decided not to take any further action at this time.
- Mr. McCarty reported that the start-up contract with CH2M Hill has been closed and the last task, website maintenance, was transferred to SEMSWA staff.
- Jeremiah Unger, SEMSWA Drainage Technician, received a \$500 college scholarship from CCOERA.
- Jon Nelson, SEMSWA CIP Project Manager, received his Professional Engineer's license.

9. Legal Counsel Update

- The Denver Water Board has the capability to bill the post office for stormwater fees and is waiting on approval of the process from their legal counsel.
- ECCV will bill the Smoky Hill Post Office for SEMSWA fees on a monthly basis.

10. GIS Program Presentation - Andy Kuster

- Andy Kuster introduced new employee Kevin Rierden, GIS Specialist.

11. Maintenance Program Presentation - Mason Staub

12. Other Items - None

13. Executive Session pursuant to 24-6-402(4)(b) C.R.S. for the purpose of receiving legal advice in regard to the possible transfer of the Holly and Englewood Dams from UDFCD to SEMSWA.

Executive Session opened at 3:07 p.m.

Motion: Director Miller
Second: Director Suhaka
In Favor: All

- Director Weidmann recused himself from the Executive Session, as a member of the UDFCD Board.
- Director Dyer stated that he represented District 2 of Arapahoe County and that the properties to be discussed were in his district.
- Mr. Krisor recused himself from the Executive Session, as legal counsel for UDFCD.

Executive Session closed at 3:40 p.m.

Motion to instruct SEMSWA's legal counsel to go forward with negotiations with UDFCD as stated in the memo of May 14, 2010, which was included in the board packet:

Motion: Director Suhaka
Second: Director Dyer

Discussion: Director Bockenfeld opposed the motion because he felt there was no economic benefit for SEMSWA to take ownership of the Englewood and Holly Dams and was concerned with increased liability. Directors Suhaka and Dyer believed that SEMSWA should own the facilities that manage flood control in SEMSWA's region.

In Favor: Directors Miller, Dyer, and Suhaka
Opposed: Director Bockenfeld
Abstain: Director Weidmann

Motion passes: 3 in favor, 1 opposed, 1 abstention

14. Adjournment - The Board Meeting was adjourned by Director Miller at 3:42 p.m.

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

- August 25, 2010
- September 22, 2010
- October 27, 2010
- November 17, 2010
- December 15, 2010