



Minutes of the Southeast Metro Stormwater Authority Board Meeting  
August 26, 2009

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, August 26, 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 1:35 p.m.

Directors Present:        Director Bart Miller/Chair  
                                 Director Rod Bockenfeld/Vice-Chair  
                                 Director Ron Weidmann/Secretary-Treasurer  
                                 Director Jim Dyer (left @ 4:15 p.m.)  
                                 Director Linda Lehrer (left @ 3:55 p.m.)  
                                 Director Andrea Suhaka  
                                 Alternate/Jacque Wedding-Scott (left @ 4:15 p.m.)

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, Master Planning & Floodplain Program Manager  
                                 RoxAnna Jones, HR/Office Manager

**SIGN-IN-SHEET SUMMARY:**

Name	Representing	Contact Information
Alan Leak	ACWWA	303-757-8513
Steve Miller	Arapahoe County	303-795-4578

**1. Administrative Items**

- a) Motion to approve the July 20, 2009 meeting minutes with the following modification:

The first paragraph will be changed to reflect that the meeting was held on Monday instead of Wednesday.

Motion for approval: Director Weidmann  
Seconded: Director Suhaka  
Abstain: Director Bockenfeld  
In favor: Directors Miller, Weidmann, Dyer, and Suhaka

**2. Public Comments for Non-Agenda Items - None**

### 3. Cash Disbursements & Summary of Financial Reports

- Dave Agee noted SEMSWA's loan repayment to Colorado Business Bank in the amount of \$805,797.91 on Line 69 of the Cash Disbursements List.
  - Mr. Agee explained that the \$1,641.03 expenditure on Line 130 – Xcel Energy was for monthly electric service for the SEMSWA office.
- a) Motion to approve the Cash Disbursement Detail, as presented by Mr. Agee, in the amount of \$1,351,792.49:

Motion for Approval: Director Weidmann  
Seconded: Director Dyer  
Approved: All

- b) Financial Report: The balance sheets reflected that SEMSWA had over \$9 million in checking and \$1.5 million in ColoTrust. Discussion followed regarding interest rates, cash flow, encumbrances, etc.

### 4. Fee Delinquency Policy Revision

- a) Staff recommended a revision of the fee delinquency policy. The late charge for single family residential parcel would change to a flat delinquency fee of \$15 per year. Non-single family residential delinquency fees would change to the greater of \$15 or 1.5% when the bill becomes delinquent, with an additional 1.5% charged every month thereafter, but not compounded. Waivers of delinquency charges were discussed; staff will brief the Budget Committee when these waivers are considered.
- b) Motion to approve **Resolution No. 09-35** (Revision of Stormwater Fee Delinquency and Collection Policy):

Motion for Approval: Director Weidmann  
Seconded: Director Suhaka  
Approved: All

### 5. CDOT's Failure to Pay SEMSWA Fees and Further Action

- a) Ed Krisor brought to the attention of the Board that, although SEMSWA has been in contact with CDOT beginning in October 2008, CDOT has not paid approximately \$5,277.20 in fees due from it dating back to 2007. Although CDOT has committed to pay a majority of the fees due, no payment has been received to date. Ed Krisor requested the Board authorize a lawsuit, if necessary, against CDOT to collect the fees due.
- b) Motion to file a lawsuit against CDOT for its stormwater fees that have not been paid by CDOT:

Motion for Approval: Director Miller  
Seconded: Director Weidmann  
Approved: All

## 6. Cottonwood Creek, Easter to Briarwood Design Project

- a) Motion to approve **Resolution No. 09-36** (Authorization to Fund the Construction Engineering Services for the Cottonwood Creek, Easter to Briarwood Design Project):

Motion for Approval: Director Suhaka  
Seconded: Director Dyer  
Approved: All

## 7. Outfall C Construction Project

- a) Motion to approve **Resolution No. 09-37** (Authorization to Fund and Enter Into Agreements for the Construction of the Outfall C Project):

Motion for Approval: Director Bockenfeld  
Seconded: Director Weidmann  
Approved: All

## 8. Goldsmith Gulch Improvement Funding

- a) Motion to approve **Resolution No. 09-38** (Authorization for Funding the Design and Construction of Goldsmith Gulch Improvement Between Peakview Avenue and Caley Avenue):

Motion for Approval: Director Dyer  
Seconded: Director Suhaka  
Approved: All

## 9. Funding of Coal Creek MDP and FHAD

- a) Motion NOT to adopt **Resolution No. 09-39** (Authorization to Execute Agreement with UDFCD regarding Funding of Major Drainageway Planning (MDP) and Flood Hazard Area Delineation (FHAD) for Coal Creek (District Boundary to Colfax Avenue)):

Motion not to adopt: Director Weidmann  
Seconded: Director Bockenfeld  
Vote not to adopt: All

## 10. Funding of Outfall Systems Planning Study for Piney Creek

- a) Motion to approve **Resolution No. 09-40** (Authorization to Execute Agreement with UDFCD regarding Funding of Outfall Systems Planning Study for Piney Creek (Downstream of Arapahoe/Douglas County Line)):

Motion for Approval: Director Weidmann  
Seconded: Director Dyer  
Approved: All

## **11. Executive Director Update**

- Budget Calendar – The following was discussed regarding the 2010 budget and budget calendar:
  - AMEC anticipates a 1-2% increase in impervious area. A 1% increase is equal to approximately \$80,000 in increased stormwater fee revenue.
  - Directors and staff discussed the automatic 5% fee increase for 2010. A resolution will be presented at the September board meeting for Board consideration.
  - Mr. McCarty discussed the projected fund balance for the 2009 year-end. He proposed to the Board that some of this fund balance be used for early payoff of SEMSWA's startup loan, as significant interest savings would be realized by paying off the loan early. This will be discussed further at the September Budget Committee meeting.
  - Mr. McCarty noted that three full-time employee positions had been proposed by staff for the 2010 budget. A final recommendation will be presented to the Budget Committee in September.
- Mr. McCarty received direction from the Board to vote for Pat Mulhern as a director for the Colorado Special Districts Association, allowing him to continue to represent SEMSWA.

## **12. GIS Presentation by Andrew Kuster**

- Andrew Kuster gave a brief overview to the Board in regard to the progress that has been made in SEMSWA's GIS asset tracking program. He noted that currently approximately 60% of the project has been completed.

## **13. Maintenance Program Presentation by Mason Staub**

## **14. Other Items**

- Ed Krisor gave a brief summary of his opinion letter regarding the ACWWA permit transfer.
- Director Weidmann asked that "Legal Counsel Report" be added to the SEMSWA Board's monthly agenda.
- Directors Suhaka and Weidmann complimented Monica Bortolini for her work on the SEMSWA Floodplain Open Houses.

## **15. Adjournment -** The Board Meeting was adjourned at 4:50 p.m.

## **16. 2009 Board Meeting Schedule -** Board meetings will be held at 1:30 p.m. on the following dates:

- September 23, 2009
- October 28, 2009
- November 18, 2009
- December 16, 2009