



Minutes of the Southeast Metro Stormwater Authority Board Meeting
May 27, 2009

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, May 27, 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 Ron Weidmann/Secretary-Treasurer
 Director Rod Bockenfeld
 Director Linda Lehrer
 Director Andrea Suhaka
 Director Jacque Wedding-Scott

Directors Absent: Director Jim Dyer

Staff present: John A. McCarty, Executive Director
 David Agee, Director of Finance and Administration
 Ed Krisor, SEMSWA Attorney
 Mike Vinson, CIP Program Manager
 Mason Staub, Maintenance Program Manager
 Monica Bortolini, Floodplain and Master Planning Program Manager
 Beth Bradley, Customer Service and Administration

SIGN-IN-SHEET SUMMARY:

| Name | Representing | Contact Information |
|-------------------|---|----------------------------|
| Gary Atkin | ACWWA | 303-790-4830 |
| Stephanie Stewart | Highfield Business Park LLC | |
| Ron Lambert | Inverness Water and Sanitation District | |
| Edward Stafford | City of Centennial Land Use Department | |
| Bret Packard | Sunborne | 303-708-8590 |
| Cathy Noon | CenCon/SDF Task Force | 303-766-2523 |

1. Administrative Items

a) Motion to approve the April 22, 2009, meeting minutes as presented:

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

2. **Public Comments** – Director Miller asked that comments concerning the SDF Policy and Credit Policy be deferred until those items were under consideration. There were no other public comments.

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

- a) Cash Disbursement Detail: Director Weidmann asked Dave Agee about Line 130 disbursement to Urban Drainage and Flood Control District for \$50,000. Mr. Agee explained that the disbursement was for SEMSWA's contribution for the design stage of the Eco Park Project which has already been budgeted and approved by the Board.
- b) Motion to approve the Cash Disbursement Detail, as presented by Mr. Agee, in the amount of \$971,165.51:

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

- c) Financial Report: Mr. Agee reported that cash flow is very good. 2009 fees collected by Arapahoe County were 54% as of April 30, 2009, which is within 1% of 2007 and 2008 collections at this time.

- Director Weidmann asked Mr. Agee about Page 5 Line 1 "Property and Liability Insurance" that shows as over budget. Mr. Agee explained that the insurance has not increased but the premium is slightly higher than the budgeted amount. The budget was approved before the actual bill was received from the insurance company.
- Director Weidmann asked Mr. Agee about Page 11 Line 01-0811001-50000 because the amount shown as disbursed is much higher than the amount budgeted. Mr. Agee responded that it appeared to be an error in the figure shown as the budgeted amount. He will research the figures and correct as necessary. (Mr. Agee mailed a revised Financial Report to the Board on May 28, 2009)

Addition to the Agenda

- a) Director Miller asked that an item be added to the agenda concerning the Quit Claim Deed for the second easement filed for Lot 4, Block 1, Dove Hill Subdivision and consideration of **Resolution 09-25** (Authorization to Quit Claim Easement for Lot 4, Block 1, Dove Hill Subdivision).
- b) Motion to approve **Resolution 09-25** (Authorization to Quit Claim Easement for Lot 4, Block 1, Dove Hill Subdivision):

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

4. SEMSWA Flexible Benefit Plan and Code Section 125 Plan

- a) Motion to approve **Resolution No. 09-18** (Adoption of the Amended and Restated Southeast Metro Stormwater Authority Flexible Benefit Plan) and **Resolution No. 09-19** (Adoption of the Summary of Material Modifications for the Code Section 125 Plan and Authorization of the Executive Director to Effectuate this Resolution)

Motion for Approval: Director Weidmann

Seconded: Director Suhaka

Approved: All

5. System Development Fee Policy, Fee Structure, and Credit Policy

- a) Director Miller suggested that **Agenda Items 5, 6 and 7** concerning the System Development Fee Policy and the Credit Policy be discussed together.

- b) Discussion led by John McCarty:

Major considerations concerning SDFs:

- Criteria for basin similarities to insure legality
- Proportionality between fees charged and actual impact of development on stormwater system and infrastructure needs
- Long time frame for managing stormwater projects as there is a large gap between fees that will be collected compared to capital investment needs

- c) Public Comments:

- Gary Atkin, ACWWA
- Stephanie Stewart, Highfield Business Park
- Ron Lambert, Mulhern MRE
- Bret Packard, SunBorne

- d) A Work Session for the Board to review the SDF and Credit Policies was scheduled for Friday, June 12, 2009, from 10 am-1:00 pm at the SEMSWA office.

- e) Director Miller requested that the adoption of Resolution 09-20 09-21 and 09-22 be tabled until the June 24, 2009 Board Meeting.

Motion for Approval: Director Bockenfeld

Seconded: Director Suhaka

Approved: All

8. Piney Creek Stream Stabilization Funding

- a) Motion to approve **Resolution No. 09-23** (Authorization to Increase Funding to the Piney Creek Stream Stability Improvements and Bridge at Caley Drive Project):

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

9. Eminent Domain/Acquisition of Easements for Outfall C Project

- a) A Review of the Design and Function of the Outfall C Project will be added to the Agenda for the June 12 Work Session.
- b) Motion to approve **Resolution No. 09-24** (Authorization to Utilize the Powers of Eminent Domain in Regard to the Acquisition of Easements for the Outfall C Project in Centennial, Colorado)

Motion for Approval: Director Bockenfeld
Seconded: Director Suhaka
Yea: Directors Miller, Director Bockenfeld, Director Suhaka
Nay: Director Weidmann
Approved: 3 to 1

10. CIP Projects were reviewed by Mike Vinson.

11. The Floodplain and Master Planning Presentation was postponed until the June 24, 2009, Board Meeting.

12. Other Items

- Linda Lehrer requested that she be allowed to attend the June Board Meeting by phone. All agreed.
- Mr. McCarty reported on the negotiations with the owner of Lincoln Executive Center about the conveyance of three detention ponds near Caley Avenue and Peoria Street to SEMSWA.
- There was discussion concerning the reporting of differences or variances between SEMSWA recommendations on development plans and what the City of Centennial or Arapahoe County actually approved. The Board requested that it be informed if there are significant conflicts that might impact the SEMSWA rate payers. The Executive Director was asked to develop proposals on how to notify the Board when major variances from SEMSWA's requirements/recommendations were approved by the City or the County.

13. Adjournment - The Board Meeting was adjourned at 4:34 p.m.

- The next SEMSWA Board Meeting will be held on Wednesday, June 24, 2009 at 1:30 p.m.