



## Minutes of the Southeast Metro Stormwater Authority Board Meeting October 28, 2009

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, October 28, 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 1:30 p.m.

Those present were: Director Bart Miller/Chair  
Director Rod Bockenfeld/Vice-Chair  
Director Ron Weidmann/Secretary-Treasurer  
Director Jim Dyer (by phone)  
Director Linda Lehrer  
Director Andrea Suhaka

Directors not present: Director Jacque Wedding-Scott/City Alternate

Also present were: John A. McCarty, SEMSWA Executive Director  
David Agee, SEMSWA Director of Finance and Administration and  
Ed Krisor, SEMSWA Attorney  
Mike Vinson, SEMSWA CIP Program Manager  
Dennis Welker, SEMSWA Land Development Program Manager  
Monica Bortolini, SEMSWA Floodplain and Master Planning Program Manager  
Beth Bradley, SEMSWA Administrative Assistant

### **SIGN-IN SHEET SUMMARY**

<b>Name</b>	<b>Representing</b>	<b>Phone/E-mail</b>
Bret Packard	Sunborne	303-708-8590

#### **1. Administrative Items**

- Director Miller suggested that only actionable items be considered at today's meeting and that reports be postponed until the November meeting.
- Motion to Approve the September 23, 2009, meeting minutes as presented:

Motion for Approval: Director Weidmann  
Seconded: Director Suhaka  
In Favor: All

## 2. Public Comments for Non-Agenda Items:

There were no Public Comments.

## 3. Cash Disbursements & Summary of Financial Reports

Dave Agee pointed out two items of interest to the Board: Line 37 (SEMSWA paid UDFCD \$583,000.00 for Outfall C Project); Line 67 (CH2MHILL name change to Critigen, LLC for IT Management Services).

- a) Motion to Approve the Cash Disbursement Detail, as presented by Mr. Agee, in the amount of \$897,893.74:

Motion for Approval: Director Weidmann

Seconded: Director Bockenfeld

In Favor: All

- b) Mr. Agee gave a brief summary of the Financial Reports and noted that collection of stormwater and other fees have exceeded the budget for 2009.
  - Director Weidmann inquired about two items: (1) Page 3 of 12 Miscellaneous Revenue. Mr. Agee gave an overview of funds that are deposited into this account. (2) Pages 11 & 12 of 12: \$3 million that does not show specific project allocations for CIP. Mr. Agee commented that these are still planned for expenditure but numbers are not assigned for future projects. Amounts will rollover to 2010 if project is still on future projects list. Mike Vinson reviewed project list on pg. 12.

## 4. Director Miller asked that Item #6 – Resolution No. 09-44 (Termination of Automatic 5% Fee Increase) be acted on next.

- a) Motion to Approve Resolution No. 09-44 (Termination of Automatic 5% Fee Increase Per Year-Further Amendment of Resolution No. 5, Series of 2006):

Motion for Approval: Director Weidmann

Seconded: Director Bockenfeld

In Favor: All

## 5. Public Hearing: Adoption of 2010 Budget

The Public Hearing was opened.

John McCarty noted a change in the proposed budget concerning the amount budgeted for Workers' Compensation Insurance. Due to a review of job classifications, there may be a \$25,000 increase in Workers' Compensation contributions. That increase would be covered by \$25,000.00 appropriations added to the Workers' Compensation line item.

There were no Public Comments on the Budget.

The Public Hearing was closed.

**6. Adoption of 2010 Budget and Appropriation of Funds**

- a) Motion to Approve **Resolution No. 09-43** (Adoption of 2010 Budget and Appropriation of Funds):

Motion for Approval: Director Weidmann  
Seconded: Director Suhaka  
In Favor: All

**7. Award of Construction Contract for Dove Creek Pond D-1 Project**

Mike Vinson noted that there were only ten bidders on this Project and that the lowest bid was \$10,000 over the engineer's estimate. Also, it was noted that the design costs went up due to the fact that an interim water quality feature was added until Pond D-2 can be constructed.

- a) Motion to Approve **Resolution No. 09-45** (Authorization to Award the Construction Contract for the Dove Creek Pond D-1 Project):

Motion for Approval: Director Bockenfeld  
Seconded: Director Miller  
In Favor: Directors Bockenfeld, Dyer, Miller, Suhaka  
Opposed: Director Weidmann

**8. Agreement with Arapahoe County to Participate in Funding and Maintenance of Yale-Wabash Bridge Project**

- a) Motion to Approve **Resolution No. 09-46** (Authorization to Enter Into an Agreement with Arapahoe County and Participate in the Funding and Maintenance of the Yale-Wabash Bridge Project):

Motion for Approval: Director Bockenfeld  
Seconded: Director Weidmann  
In Favor: All

**9. Three Party Reimbursement Agreement for Pond L1 among SEMSWA, ACWWA, and Sunborne**

- a) Motion to Continue until the November Board Meeting **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):

Motion to Continue: Director Bockenfeld  
Seconded: Director Weidmann  
In Favor: All

**10. Non-Standard Easement Deed and Revocable Storm Drainage License and Non-Standard Stormwater Facility Maintenance (Key Bank/Boston Smoky Hill LLC)**

- a) Motion to Approve **Resolution 09-48** (Approval of Non-Standard Easement Deed and Revocable Storm Drainage License Agreement) and **Resolution No. 09-49** (Approval of Non-Standard Stormwater Facility Maintenance Agreement (Key Bank/Boston Smoky Hill LLC)):

Motion for Approval: Director Weidmann  
Seconded: Director Suhaka  
In Favor: All

#### **11. Funding of Outfall Systems Planning Study and Flood Hazard Area Delineation for Littles Creek with UDFCD**

- a) Motion to Approve **Resolution No. 09-50** (Authorization to Execute Agreement regarding Funding of Outfall Systems Planning Study (OSP) and Flood Hazard Area Delineation (FHAD) for Littles Creek (Upstream of Broadway) with UDFCD):

Motion for Approval: Director Weidmann  
Seconded: Director Suhaka  
In Favor: All

#### **12. Other Business:**

- Agenda Items #12-16 postponed to November Board Meeting. Mr. McCarty reminded the Board that the November meeting has been moved to the third Wednesday: November 18, 2009.
- Director Weidmann suggested that the Board use a consent agenda in the future. Director Miller and Mr. McCarty will develop a procedure for the Board to consider.
- Director Suhaka requested a report of the percentage of SEMSWA expenditures that are for Arapahoe County projects and the same for the City of Centennial for 2009. Mr. Agee will provide this report and suggested that he will prepare the report based upon the expenditures from SEMSWA's inception to date.

#### **13. Adjournment**

- The Board Meeting was adjourned at 2:50 p.m.
- The next SEMSWA Board Meeting will be held on Wednesday, November 18, 2009, at 1:30 p.m.