

**5-2-1 Drainage Authority
Minutes Of The Board
January 21, 2009**

**5-2-1 Drainage Authority Offices
575 West Crete Avenue, Suite 203, Grand Junction, Colorado**

Board Members present:

Jim Doody, Chairman	City of Grand Junction Representative
Mel Mulder, Vice-Chairman	City of Fruita Representative
Dave Walker, Treasurer	Town of Palisade Representative
Craig Meis	Mesa County Representative

Technical and Authority Staff present:

John Ballagh	Grand Valley Drainage District, Manager
Nathan Boddy	Town of Palisade, Town Planner
Julie Constan	Mesa County, Engineer
Ken Haley	City of Fruita, Engineer
Eileen List	City of Grand Junction, Environmental Svcs Manager
Trent Prall	City of Grand Junction, Engineering Manager
Eric Mende	5-2-1 Drainage Authority, Manager
Janice McDonald	5-2-1 Drainage Authority, Office Administrator

Guests Present:

Steve Acquafresca	Outgoing Mesa County Representative (left at 3:12 p.m.)
Vohnnie Pearson	Citizen, 630 Broken Spoke, Grand Junction, CO
Bill Wilson	WRC Engineering Inc., Principal Engineer

Steve Acquafresca's Outgoing Message

Former Authority Director Acquafresca expressed his thanks and appreciation for support given to him during his tenure on the 5-2-1 Drainage Authority Board, and he feels this is a good time for Craig Meis to come on Board as the Authority is now a fully functional entity. Mr. Acquafresca assures all that Director Meis has been kept well apprised of the Authority's activities and Director Meis' engineering background will be of great benefit to the Authority. Mr. Acquafresca left the meeting at 3:12 p.m.

Called to order

Chairman Doody called the meeting to order at 3:13 p.m. and declared a quorum present. It was noted that Director Bowman was out on a scheduled absence.

Oath of Office – New Board Member Craig Meis

Director Meis was given the Oath of Office by Janice McDonald and welcomed aboard.

Review and adoption of the agenda:

Director Walker requested the addition of a discussion of a new meeting space if time allowed. Chairman Doody asked for a motion to adopt the agenda.

Motion for approval: Director Walker
Seconded: Director Mulder
In favor: All
Opposed: None
Motion passed with voice vote 4-0

Consent Agenda: **Agenda Item 1 – Review and adopt minutes of December 17, 2008**
 Agenda Item 2 – Financial Reports
 Agenda Item 3 – Authorize Manager to sign copier lease

Chairman Doody presented the Consent Agenda Items one through three. Chairman Doody asked the Board, Staff and guests if anyone had objections to proceeding with the consent agenda for these items. No objections heard.

Motion for approval of Consent Agenda: Director Mulder
Seconded: Director Walker
In Favor: All
Opposed: None
Motion passed with voice vote 4-0

End of Consent Agenda

Agenda Item 4 -- Authorize \$1000 Sponsorship of Palisade Bluegrass Festival

The Town of Palisade will be producing a Bluegrass Festival in June 2009. The Authority has been invited to participate as a sponsor of the event. There are three levels of sponsorship: \$500, \$1,000, and \$5,000. The TAC believes this is a good opportunity to increase name recognition for the Authority, and recommends a sponsorship level of \$1,000. The TAC also recommends the Authority supplement their sponsorship with an informational booth at the event, which appears doable, possibly in partnership with the Palisade Chamber of Commerce, or the Colorado Environmental Coalition.

Director Meis asked what the Authority would get for its sponsorship. Nathan Boddy gave a quick overview of the festival. The Bluegrass Festival was formerly known as the North Fork Bluegrass and Roots Festival held in Hotchkiss, Colorado, the last five years. This event is moving to Palisade this year as a joint effort between the event organizers and the Town of Palisade. Attendees will be primarily from Colorado and the surrounding states with a few international fans as well. The audience demographics and size allow for good exposure to sponsors. Manager Mende adds that the TAC would like to have a manned booth at the festival and the Authority could share a space with the Palisade Chamber of Commerce or the Colorado Environmental Coalition. According to the sponsorship information, the Authority would have a total of 28,000 marketing impressions at the event.

Director Doody asked what activity occurs at the 5-2-1 Drainage Authority booth and if there is an educational piece. Manager Mende responded that it's dependent on the attendee. Some people just come by for the free stuff such as magnets, coloring books, etc., while others will ask questions.

Director Meis asked if other events in the area have also been considered as there are many throughout the county. In addition, Mesa County has drawn a hard line on sponsorships as they generally are not relevant to government. If this is for the public education component, he could support it, but to provide a sponsorship just because you are a governmental entity is not good use of government funds and not a good precedent to set. Director Meis stated the County would not support this.

Director Walker stated the Festival is a three-day event which would provide a lot of opportunities for public outreach and education for the amount of the sponsorship. Exposure would also be in the Palisade newsletter, website for the festival, and on-stage acknowledgements. The Festival will be held in the west end of Riverbend Park in the natural area and will offer camping facilities as well.

Director Meis asked what the Authority's requirement is for public outreach. Manager Mende shared the only specific citation is to attend some type of public event. Currently the Grand Valley Drainage District's program description for public education is the only program description that requires having a trade show booth. The Authority will have a booth at the annual Home and Garden Show, and will also sponsor the Children's Water Festival. These events are not required by the State, however these activities are included in the contracting parties' annual reports.

Director Meis inquired if the TAC had considered all the events in the Valley that are available to sponsor and weighed good versus bad to make this decision. Manager Mende indicated the Authority has participated in the Home Improvement Show, Home and Garden Show, Children's Water Festival, River Clean Up, Mesa County Fair, and Farm and Ranch Days in Fruita.

John Ballagh stated the Bluegrass Festival is located in Riverbend Park next to the Colorado River providing an outdoor environment example to the attendees.

Director Meis indicated his concern of attendees coming to the booth and asking if this is a governmental entity. Director Walker responded that the Authority currently advertises on a billboard and public service announcements on television.

Manager Mende suggested the possibility of having a competition with an educational approach such as a poster contest with the prize being tickets to the Festival to foster public participation and education.

Director Mulder added the idea of participating in the Bluegrass Festival could go along the same line as what's been done in Fruita, but feels it is vital to man the booth. This is a lot of man hours to commit to. This will also be a way to measure future sponsorships of booths and their effectiveness.

Manager Mende stated that five years from now when the 5-2-1 Drainage Authority is well known, sponsorships probably won't need to be considered. Right now the Authority's name is not well known and the real work is just beginning. This festival would allow for good name exposure.

Chairman Doody indicated his support of tying the event in with the Colorado River. Trent Prall stated it would be nice if the stage announcements were more than just the organization's

name such as connecting the Authority's name with, "When It Rains, It Drains" to improve public education about the Authority.

Director Meis indicated his agreement with Mr. Prall's statement. Trent Prall continued that having a water quality component would be nice. Director Walker suggested sponsoring trash receptacles at future events. Director Mulder stated the Authority does not have an advertising strategy.

Director Walker asked Board members if they have any discomfort with his voting on this item due to his connection with the Town of Palisade. The Board indicated they felt no discomfort. Chairman Doody stated there are events all over the Valley that occur in each Board member's area of representation. Director Meis added he would still oppose this even if it was at the Mesa County Fairgrounds.

Motion for approval: Director Walker

Seconded: Director Mulder

In Favor: Walker, Mulder, and Doody

Opposed: Meis

Motion passed with voice vote of 3-1

Agenda Item 5 -- Sole Source services contract with Rex Burns

Ayers Associates is currently under contract to the Authority for preparation of hydrologic models, floodplain mapping, and cost estimates for the Orchard Mesa Floodplain Study project. Part of the contracted scope of services with Ayers is the preparation of a Pre-Disaster Mitigation (PDM) grant application to FEMA through the Colorado Water Conservation Board (\$3M grant with \$1M match).

Rex Burns is a named sub-consultant to Ayers Associates tasked specifically with preparing the Orchard Mesa PDM grant application paperwork. He has expert knowledge and experience preparing PDM grant applications and is the right person to be doing our work. Rex Burns also works for Larimer County. Ayers Associates will soon be submitting a proposal on work funded by Larimer County, and to avoid potential conflicts of interest, Ayers has asked if the 5-2-1 Drainage Authority would be willing to reduce their contract by the value of Rex Burns' work, and subcontract with him directly.

The value of the work is \$5,000. This amount and type of service meet the guidelines of the Mesa County Purchasing Policies (as adopted by the Authority) for exception to competitive procurement. Other than a little paperwork, there are no detrimental impacts to the Authority in accommodating this request and the Authority Manager believes it is in the best interest of the Authority. Ayers and Mr. Burns have both agreed that work performed to date by Mr. Burns will not be billed to the Authority until a determination is made on this issue.

Manager Mende asked for guidance from the Board. Director Mulder asked if this will keep the grant application in line as to what the Authority wants done. Manager Mende shared that yes this is what the Authority wanted. Last fall the Authority ran out of time and had extended the timeframe for the grant application which Manager Mende said was good for the Authority. This extension will allow the TAC to have time to review the scope of actual improvements to be included in the grant application prior to submittal. This is important because once submitted, the scope of improvements becomes set in concrete. The risk the Authority took of not

completing this last fall was that we knew the grant money was available for 2008, and we don't know if it will be available in 2009.

Director Meis asked if he understood what is being proposed: The Authority is currently under contract with Ayres; Ayres is asking the Authority to remove \$5,000 for the grant application preparation from their contract; and enter into a subcontract with Rex Burns for the same cost and work. Manager Mende indicated Director Meis' understanding was correct.

Manager Mende continued that the Authority added the PDM grant application work last fall to Ayres contract for the Orchard Mesa Floodplain Study. John Ballagh stated the grant application was in the original list of qualifications, and Ayres has very high qualifications. Manager Mende added the Authority did not accept the task of the grant application in the original contract.

Manager Mende indicates the change in the contact still meets all of the rules and guidelines of the Mesa County Purchasing Policies which the Authority adopted last year.

The Board advised Manager Mende to move forward with this process.

Agenda Item 6 – Board Retreat

Both Director Walker and Director Bowman are out of town most of the month of February. Manager Mende feels it is vital that all Board members be in attendance for a retreat, therefore, selecting a date that works for all Board members is of primary importance for discussion today.

Chairman Doody's preference is to get out of town, and he has suggested Gateway as a location. An overnight stay the night before the retreat has also been suggested. There is adequate budget under our Professional Development line item to cover all foreseeable expenses.

APPLICABILITY TO AUTHORITY GOALS AND OBJECTIVES

Manager Mende believes the Authority is at a critical juncture in its life. An aggressive budget is set for 2009, the Authority has basin studies planned or underway, and as of January 1st, the Authority is now responsible for the "real" work associated with the Phase II permit programs. The long term viability of this organization will be determined by its success over the next two years. To measure success a clear identity and a (Board) defined set of priorities going forward is needed.

Are we primarily an environmental protection organization or are we primarily a water management organization? Do we focus our efforts on flood control and basin planning while maintaining the minimum level of permit compliance, or do we go "above and beyond" in the areas of environmental education and compliance, and address flood control and basin planning as a secondary activity? We have a given set of compliance activities that must be done, but after that, how do we prioritize the rest of our time and money?

The primary goal of this retreat is to establish the priorities and goals of the Board over the next two years, and align the work of the staff to match these priorities and goals. To measure success, I need a yardstick. Please help me plan a successful retreat.

Director Walker asked why an all day retreat was needed. Manager Mende responded it was an important time for the Authority as we are at a juncture. The Authority needs a clear direction

for both the short-term and long-term future. The Authority will be consolidating the MS4 permits as of April 1, 2009, and as our charter states, we also need to look at stormwater quantity issues, basin master plans, flood control projects and maintenance. Does the Authority do just the minimum compliance? Does the Authority go above and beyond for public education? Do we need to take a more active role in illicit discharge activities? These are the type of questions that need answers along with the general retreat activities of strategic planning and globally how do we implement this plan.

Director Walker asked if the TAC would attend the retreat. Manager Mende replied it was his intent to have them at the retreat, however, it is up to the Board. Chairman Doody shared that this Board has not done much together and a lot of the dynamics have changed. Some attention does need to be given to short-term funding, looking at a rate, and possible grants. Discussion also needs to occur regarding talking to the federal legislators about water that flows from federal land onto our local lands.

Director Mulder reminded the group of the public excitement that was generated with the permit fee meetings. The Authority needs to continue to get information out to the public in order to set our priorities. This is an important task for the Authority. The retreat is a good venue to do this, and help us decide water quality or flood control.

Board members shared available calendar dates for the retreat. The consensus for a date was March 26, 2009, for the Board retreat.

Chairman Doody asked the Board for its preference for location and the format of an early evening meeting; stay overnight and hit it hard to next morning; finishing by 4:00 p.m. Director Meis stated he is not a big fan of overnight due to the cost more than anything. Director Walker added he feels silly driving off site although there is some validity as the overnight stay allows bonding with the exchanging of ideas that occurs in the social time.

The consensus of the Board was to have a one-day retreat locally and start early with a breakfast.

Agenda Item 7 – Administrative Discussion

With the changeover of Board membership from Steve Acquafresca to Craig Meis, and the pending retirement of Chairman Doody, some glitches have been discovered in the bylaws on how the “terms” of appointments are defined. In addition, the Authority’s attorney has some interesting feedback on our administrative rules. We’ve placed this item on the agenda to bring the Board up to speed on these issues, and get some feedback on potential administrative (Bylaw) changes.

Manager Mende reviewed a handout of Board member terms. Appointments are suppose to be for four-year terms, however there is no provision in the Authority’s By-Laws addressing how the term of a Board member leaving mid-term would be filled. Does a new Board member fill a vacant position by completing the existing term or starting a new four-year term? The four-year term provision conflicts with another part of the By-Laws where it states Board members will serve at the discretion of their governing body.

The By-Laws state the minutes will be attested by the Secretary. However, in the Authority's minutes of November 24, 2004, the Board adopted a motion approving the minutes be signed by the Board Chairman.

The By-Laws require a Budget Committee and this has never been done.

The Authority's attorney, Larry Beckner, shared with Manager Mende that Special Districts were organized under Colorado Revised Statutes Title 32. The Authority is organized under C.R.S. Title 29 and is not required to go by the Special District calendar or filing deadlines. An example of this would be an annual resolution requiring Special Districts to name where the meeting notification and agendas will be posted for the next year. This rule only applies to Special Districts under Title 32 not the Authority. The Authority has, however, adopted many of the Title 32 requirements for transparency sake, even though it is not legally required.

Director Mulder asked if this needs to be a retreat item and stated he had never seen a copy of the Authority's By-Laws. Manager Mende indicated he would prepare a copy of charter documents, including the By-Laws, for Director Mulder and Director Meis.

Chairman Doody shared that most of the contracting party entity board members will switch between different boards during their tenure. The Authority is not so glamorous of an entity that these board members are asking to be a part of it. The Authority doesn't have that luxury. Director Walker added if the Authority had a rate, it would be a bigger deal.

John Ballagh stated that the IGA and By-Laws were put together with the assumption of how things were going to run. It is easier to bring the By-Laws into conformance than try to conform to By-Laws that don't work for the Authority. The structure of officers is important as on rare occasions, as today, this Board has no Secretary.

Manager Mende will put proposed By-Law changes together and have them available for the next Board meeting.

Agenda Item 8 – Manager's Report

Public Education Programs:

- The Public Service Announcements on local TV will run through the end of January.
- The Authority is signed up for a booth at the Home and Garden Show (February 6-8). The Authority needs help for this event, particularly for setup and booth coverage on Friday February 6th. Jesse is in class all day, Janice is the support person for the classes, and Eric will be facilitating a stakeholder group meeting from 11:30 to 1:30. The Show runs Friday 12:00 to 7:00, Saturday 9:00 to 5:00, and Sunday 9:00 to 1:00. GVDD has committed to providing people to help staff the booth, but we have no commitments from any of the other partners.
 - Julie Constan asked that a sign-up sheet be sent to her as it was never asked prior to this.
- The Authority will sponsor and participate in the Children's Water Festival, May 18 and 19, 2009.
- A planning meeting was held January 8, 2009, to discuss Drainage Authority sponsorship and organization of a 2009 Stormwater Expo, tentatively in April, 2009. The Expo was previously held in 2007 as a two-day event and in 2008 as a one-day event at the Mesa County Fairgrounds, and included speakers, training classes and vendor exhibits. Eileen

and Julie, with support from Linda Smith at WCCA organized the previous Expo's. Under the IGAs, organizational efforts for these types of events will now fall to the Authority. It was decided we didn't have adequate time to plan a spring Expo, and we felt it important to survey the community on what they would like to see in an Expo. We are continuing to gather input and will try to pull it off in the fall.

Hotline: There were two calls in December. One concrete washout, and one mud-tracking.

Billboard: The billboard is now located on HWY 340 (Broadway), just before the Albertsons.

Orchard Mesa Floodplain Study: Ayers Associates provided us with revised 5, 10, 50, and 100 year floodplain maps. (They are tacked to the wall of the conference room for now) There is not much difference between the 5 and the 100 year map, which is (probably) beneficial for the Benefit Cost Analysis of the PDM grant application. Work continues on the cost estimates.

Stakeholder Process for policies and procedures: As we committed to doing during the Stormwater Permit hearings, we are starting a stakeholder process to gather input on how the new Authority permit review and inspection procedures will be implemented. The first meeting is Friday (1/23). 23 groups or individuals, covering a broad cross section of builders, developers, contractors, and engineers have been invited to participate. Most have confirmed.

MS4 Permit Application: The IGAs require the Authority to submit a draft CPDS MS4 Permit Application to the Contracting Parties for legal review by March 01, and to submit the final application to the State by April 01. Manager Mende is preparing proposed Program Description inclusions (e.g., "commitments") which are being reviewed and discussed by the TAC. These will come before the Board for discussion at the February meeting. The intent is to create a program description that is less specific and more flexible which is still measureable, and probably more robust in terms of frequency. (Quarterly versus annually)

Director Walker inquired if the Stormwater Inspector is on board with the Authority and what is keeping her busy. Manager Mende indicated that Jesse Kirkpatrick, the 5-2-1 Drainage Authority Stormwater Inspector, has been on board as of December 1, 2008, and has been very busy writing policies and procedures. Director Walker asked if she will be attending future Board meetings. Manager Mende replied, yes, if the Board would like her to attend.

Added Agenda Item – Meeting Location

Director Walker requested that future Board meeting location changes from the 5-2-1 Drainage Authority's office as the conference room is not large enough to accommodate everyone. An option would be the Mesa County Courthouse Multipurpose Room.

General Board Discussion:

Chairman Doody shared that the upcoming stakeholder process is huge progress and good for the Authority. Manager Mende added he is trying hard to sell the Authority not as a regulator, but as an agency who can keep them out of trouble. Director Walker stated there are risks that go with that when the State finds a site in non-compliance. Manager Mende agreed it is a risk and the industry needs to take an active role and the Authority has to have a program and policies in place that follows the State rules and guidance.

Director Meis inquired as to the use of local and state permits and when both are required. Manager Mende answered anything over 5 acres requires both a local and state permit; for 1-5 acres, a State permit can be avoided only if there is a qualified local program (QLP) with the State's blessing. We intend to work on that designation.


Director Meis indicated this is a discussion for the retreat as paying for state and Authority fees affects the bottom line of the contractor. Manager Mende stated there are no QLP options over 5 acres. Director Meis agreed that is the case unless legislation can be changed and handled locally only. Manager Mende stated that currently permits are only required in the urbanized area. Director Walker asked if it would be possible to review the Authority's boundaries and find out what is happening outside of those boundaries.

Julie Constan informed the Board that the State will be reorganizing the urbanized areas sometime in 2009. Ms. Constan indicated the boundaries will grow. This growth could include all of Orchard Mesa and come close to the Fruita city boundaries if based solely on population size; however the State has the discretion to pull in an area even when criteria is not met. Montrose is an example of this as they did not meet the population size, but the State decided they needed to be pulled into the urbanized area anyway.

Director Walker advised the group he would not be at the next meeting.

Chairman Doody adjourned the meeting at 4:36 p.m.

The next 5-2-1 Drainage Authority Board Meeting will be on Wednesday, February 25, 2009, at 3:00 p.m. at a location to be determined.



Jim Doody, Chairman