

**5-2-1 Drainage Authority
Annual Meeting and Regular Meeting
Minutes Of The Board
April 22, 2009**

**Mesa County Courthouse
544 Rood Avenue, Training Room B, Grand Junction, Colorado**

ANNUAL MEETING

Board Members present:

Mel Mulder, Vice-Chairman
Dave Walker, Treasurer
Richard Bowman, Secretary
Craig Meis
Linda Romer Todd (to be sworn in)

Technical and Authority Staff present:

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

Guests Present:

Steve Acquafresca	Former 5-2-1 Drainage Authority Board Member
Phil Bertrand	Grand Valley Irrigation Company
Rita Crumpton	Orchard Mesa Irrigation District
Gail Gnirk	U.S. Congressman John Salazar Representative
Joe McBurney	U.S. Congressman John Salazar Representative
Jerry Otero	U.S. Senator Michael Bennet Representative
Vohnnie Pearson	Citizen, 630 Broken Spoke, Grand Junction, Colorado
Gaspar Perricone	U.S. Senator Mark Udall Representative
Charles Pope	Environmental Health & Safety Coordinator, School District 51

Called to order

Vice-Chairman Mulder called the meeting to order at 3:07 p.m., and declared a quorum present.

Introduction of Visitors and Guests

Vice-Chairman Mulder asked that we go around the room and have everyone introduce themselves.

Review and adoption of the Annual Meeting agenda:

No changes requested, Vice-Chairman Mulder asked for a motion to adopt the agenda.

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

Annual Meeting Agenda Item 1 – Swearing in of Linda Romer Todd

Office Administrator McDonald administered the Oath of Office for Ms. Romer Todd.

Annual Meeting Agenda Item 2 – Recognition of former Board member Steve Acquafresca

In recognition of Steve Acquafresca's service on the Board of the Authority, Manager Mende presented him with a small token of appreciation. Manager Mende presented Mr. Acquafresca with a plaque mounted on a wood stave reading the following inscription:

*Steve Acquafresca
5-2-1 Drainage Authority Board Member
January, 2007 to January, 2009*

This piece of wood stave came from a historic water line which provided many years of service to a developing Grand Valley. It is a fitting symbol for your service to the development of the 5-2-1 Drainage Authority. Thank you.

Mr. Acquafresca expressed his thanks and stated he felt his tenure on the 5-2-1 Drainage Authority Board was during a very important time of the organization's development. He plans to stay in touch with what is happening with the Authority through Mesa County Commissioner and current Board Member, Craig Meis. Mr. Acquafresca also expressed his gratitude to the Authority's TAC for all of their hard work.

Annual Meeting Agenda Item 3 – Election of Officers

Vice-Chairman Mulder stated all positions of the Authority's Board were up for election and need nominations from the Board members. Director Romer Todd nominated Director Walker for Chairman and President of the 5-2-1 Drainage Authority.

Motion for nomination of Chairman: Director Romer Todd
Seconded: Director Meis
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

Vice-Chairman Mulder turned the meeting over to Chairman Walker. Director Romer Todd nominated Director Mulder as Vice-Chairman of the 5-2-1 Drainage Authority.

Motion for nomination of Vice-Chairman: Director Romer Todd
Seconded: Director Bowman
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

Director Mulder nominated Director Bowman as Secretary of the 5-2-1 Drainage Authority.

Motion for nomination of Secretary: Director Mulder
Seconded: Chairman Walker
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

Director Romer Todd nominated Director Meis as Treasurer of the 5-2-1 Drainage Authority.

Motion for nomination of Treasurer: Director Romer Todd
Seconded: Chairman Walker
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

Director Mulder made the motion to declare all Board Members not holding the office of Chairman, Vice-Chairman, Treasurer, and Secretary as Assistant Secretaries for the Board as directed by the Authority By-Laws.

Motion: Director Mulder
Seconded: Director Meis
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

Annual Meeting Agenda Item 4 – Presentation / Discussion – Drainage Authority History, Current Activities, and Future Goals

Manager Mende gave a MS PowerPoint presentation about the history and development of the 5-2-1 Drainage Authority and its current focus and challenges. Manager Mende stated the Authority has a lot of work to do to become a Valley-wide resource but feels if we work together, a consistent and coordinated approach to stormwater management will be the result.

Director Bowman stated it was a good presentation and reiterated the point of an unfunded mandate which has created the financial burden for local governments and yet the water is coming from federal lands.

Director Mulder asked if there were any grant applications in progress. Manager Mende indicated the Authority has one grant from CWCB for Adobe Creek in place, and there may be an opportunity for additional CWCB grant monies available for the Big Salt Wash Study. In addition, we plan to apply for a large pre-disaster mitigation grant through FEMA in November 2009. Director Romer Todd suggested that be verified as that money may have been reallocated by the Legislature.

Director Meis shared that we support the cleaning of drainage throughout the Grand Valley but what it is concerning to us is that many of the improvements that need to be made to fix some of the drainage issues are the result of water coming off Federal lands. It is simply a function of our geology and native environment. Director Meis stated his office sent a letter to U.S. Senator Udall's office today stating concerns about water quality and water chemistry issues.

Chairman Walker stated the NPDES process is a federal mandate with no funding and all the contributing parties to the Authority are being forced to use their general funds to satisfy these NPDES requirements.

Manager Mende was asked how many basin studies the Authority has completed. Manager Mende responded the Authority has completed eight studies. Each basin plan costs \$150,000 to \$200,000 and presents a series of alternatives to fix the issues found in the study. Most of the Valley is already developed so there are very few large areas where you can put a large detention basin. Referencing the displayed map, Manager Mende showed that most basins extend up to the Mesa and Bookcliffs on Federal land, which then flow on to the Valley and into its stormdrains.

Ms. Gnirk asked if the Authority has had any interaction with the Federal Agencies. Has there been any outreach? Manager Mende answered that there has been very little interaction. The Authority has worked with FEMA regarding flood mapping.

Director Meis indicated the Federal agencies do not have any incentive to work with us as we are the stormwater discharge points yet the impact on these discharge points are coming from Federal land so we are the ones having to clean up. Director Meis stated that the Federal authorities should establish a baseline at the edge of the Federal property, and then we would be happy to take over from there.

It was asked if we have brought these issues to the BLM? Mr. Ballagh responded that specific sites have not been taken to the federal agencies. Any discussions have been generalities. The BLM has only two rangers in the entire district. There was some discussion with the site below Mt. Garfield however those broke down and were never reinitiated.

Director Romer Todd indicated there are current discussions and possible new legislation in DC due to irrigation spills not following the Clean Water Act. This will have a large impact on us if this legislation passes. Director Romer Todd asked that our Congressman and Senators vote against this legislation. Manager Mende added that if numerical limits are placed on stormwater discharges, it would make it very difficult for us to effectively manage stormwater.

Mr. Perricone asked, if we could have two ideal changes, what would they be? Manager Mende responded that in a general sense, if we construct some large detention basins on federal property there are significant environmental reviews. The project would be to improve water quality so we'd like to see a way to expedite the review process, for example a 'finding of no significant impact.'

Mr. Otero and Ms. Gnirk asked that a letter from the Authority be sent to their respective offices stating the Authority's concerns. Manager Mende asked if the representatives had any advice on working with the federal agencies here in the Valley. Mr. Perricone indicated the Authority is welcome to use U.S. Senator's office as a resource.

Ms. Crumpton reiterated that Manager Mende was correct that one size does not fit all. This is true for Orchard Mesa Irrigation District as the water comes off federal land and we have to manage it. The only power I have if I see someone doing something wrong is to call someone so why should I have to pay for a stormwater permit?

Mr. Pope added he was also wondering how School District 51 fits in to the NPDES program as a special district. Some of the stormwater management municipalities on the Front Range are hitting school districts hard with fees, and all of you know the schools don't have money for these fees. How did the school districts get pulled into this? The logic also is confusing as the fastest growing school, Fruita High School, is not in the Authority's boundaries thus not requiring a local permit, and yet the smaller Palisade High School is included in the Authority's boundaries, what is the logic for this? Chairman Walker explained the Authority's boundaries were drawn to the urbanized areas based on census data. Mr. Pope indicated Mesa County and the City of Grand Junction have been very helpful, however the School District is having a difficult time meeting its stormwater requirements. Chairman Walker asked if the School District 51 Board has considered uploading the permit process to the Authority. Mr. Pope stated he is the conduit between the Authority and the School District 51 Board, and has met with Manager Mende a number of times. They plan to move forward with this idea.

Chairman Walker asked if there any additional comments. No additional comments, Chairman Walker adjourned the Annual Meeting at 4:00 p.m.

REGULAR MEETING:

Board Members present:

Dave Walker, Chairman
Mel Mulder, Vice-Chairman
Richard Bowman, Secretary
Craig Meis, Treasurer
Linda Romer Todd, Assistant Secretary

Technical and Authority Staff present:

John Ballagh	Grand Valley Drainage District, Manager
Nathan Boddy	Town of Palisade, Town Planner
Julie Constan	Mesa County, Senior Engineer
Ken Haley	City of Fruita, City Engineer
Eileen List	City of Grand Junction, Environmental Srvs Manager
Eric Mende	5-2-1 Drainage Authority, Manager
Jesse Kirkpatrick	5-2-1 Drainage Authority, Stormwater Inspector
Janice McDonald	5-2-1 Drainage Authority, Office Administrator

Guests Present:

Vohnnie Pearson Citizen, 630 Broken Spoke, Grand Junction, Colorado

Called to order

Chairman Walker called the meeting to order at 4:05 p.m. and declared a quorum present.

Review and adoption of the Annual Meeting agenda:

No changes were requested. Chairman Walker asked for a motion to adopt the agenda.

Motion for approval: Director Romer Todd
Seconded: Director Meis
In favor: All
Opposed: None
Motion passed with voice vote 5-0

Consent Agenda: **Agenda Item 1 – Review and adopt minutes of March 25, 2009**
 Agenda Item 2 – Financial Reports
 Agenda Item 3 -- Resolution 2009 -03 Amended Budget Resolution

Chairman Walker presented the Consent Agenda items one through three, and asked the Board, Staff and guests if there were any objections to proceeding with the consent agenda for these items. No objections were heard.

Motion for approval of Consent Agenda Items: Director Meis
Seconded: Director Mulder
In Favor: All
Opposed: None
Motion passed with voice vote 5-0

End of Consent Agenda

Agenda Item 4 –Hotline Coverage for Non-Business Hours

The following background information regarding the Authority’s hotline was prepared by Manager Mende and distributed to the Board and TAC:

Interest was expressed at the Retreat, and at the most recent TAC meeting to modify our policy concerning coverage for the Hotline phone number managed by the Authority staff. Currently, the Hotline is physically covered during normal business hours only, with the phone rolling to a voice mail message at night and on holidays and weekends. The current voice message is as follows:

You have reached the 5-2-1 Drainage Authority Hotline. If you are experiencing a stormwater pollution or drainage emergency, please hang up and dial 911. This hotline coordinates response to stormwater pollution and drainage issues throughout the Grand Valley. Hotline messages are monitored during normal business hours which are Monday through Friday 8:00 a.m. to 5:00 p.m. If you are calling after hours and need non-emergency assistance, you may call the Mesa County Police Dispatch at (970) 242-6707. Otherwise please remain on the line to leave a message.

We do not receive a lot of Hotline calls – generally about 6 per month. However, we have missed a couple Hotline calls during business hours, because the Hotline gets tied up with a fair number of normal business calls. Since the Hotline was set up as a dedicated line, a second caller gets rolled immediately to the voice mail message. We’ve recently fixed that problem by having the phones re-programmed such that a busy Hotline during business hours now rolls to our other business phone lines. If the phone is not answered in this situation, it then rolls back to the Hotline voice mail message.

For non-business hour service, most of the TAC staff believe that the public’s expectation is that a phone number that is heavily advertised as a “Hotline” needs to have a “warm body”

answering the phone, regardless of time of day. We've discussed various options to accomplish this, including:

Roll the phone call to the Manager's cell phone. This is "free" but does not guarantee a pick up. Roll the phone to another staffed phone, such as Sheriff Dept. dispatch, or Persigo. This burdens the other entity and would require training on handling unfamiliar stormwater calls.

Answering service. Provides a "guaranteed" warm body, but does cost money. There is only one local answering service – Mountain Message, and their rate for weekend and night time coverage is \$68/month plus .68 cents per minute. With an estimated 30 minutes per month, this annualizes to \$1,060 per year.

Staff prefers alternative c. The answering service can filter out marketing calls and wrong numbers and then call the Manager as warranted. The cost of the service would come under the Public Participation budget line item which has \$4000 allocated, of which \$2500 is unspecified at this time. End of prepared report.

Chairman Walker asked if we had a contract with the Grand Valley Drainage District as they have had a 24-hour designee we've used in the past. Manger Mende explain that since the Authority moved out of the GVDD office and opened separate offices, the hotline was no longer forwarded to the Grand Valley Drainage District's on-call person.

Mr. Ballagh indicated that when the GVDD received hotline calls, it was their practice to go out and check it out. He estimated that 70% of the time they needed to go out to respond to the calls. If there was water coming out, we would go out. The goal was always for us to chase down the responsible agency, and we just found it was easier and the best practice to go out. The remainder of the calls revolved around drainage or irrigation questions. The GVDD averaged six calls per month in the summer months.

Director Romer Todd asked why those calls couldn't be routed to 911. Ms. Constan responded that the intent was to have one number to call throughout the Valley, and the TAC felt you should get a live person when you did call. This is why monies have been spent on getting the hotline number out to the public such as on magnets, website, and the billboard. Director Romer Todd indicated if she had a drainage/flooding emergency, she would not call the billboard number, but instead 911. Director Meis asked if the hotline was primarily for illicit discharge problems. Mr. Ballagh stated it is mostly used for water flowing or ponding where it shouldn't be.

Manager Mende reviewed the current hotline message as it directs callers to call 911 if they are experiencing an emergency. In addition, the message provides non-emergency callers the police dispatch number which has 24-hour coverage. If the intent is to have a warm body answer, the hotline could be forwarded to Authority staff cell phones or a message service.

Chairman Walker asked why there was only one option given for a messaging service for their review. Ms. McDonald explained that is the only service locally. We do have the option to look at a national service, but question if they would provide as personalized service as the local agency.

Chairman Walker asked what happens if someone calls 911 with drainage/flooding issues now, and have the 911 staff been taught to call the Authority. Ms. Constan indicated 911 staff call the Mesa County Public Works Director for emergency after hour calls that are within Mesa County jurisdiction. Director Meis indicated 911 knows the right people to call if it is an emergency. Ms. List shared that there have been some instances in the past when it is confusing who the consumer should call.

Director Bowman stated it seems like a lot of money for the service when it could be taken care of by 911. Director Bowman continued that at a former work place they had a call down list and maybe that would work here. Manager Mende indicated the message received on the hotline could be modified and give a specific cell phone number of Authority staff.

Director Mulder stated a warm body would be nice, but it is too expensive, and feels 911 is the best alternative. He can't see any reason for Authority staff to answer the hotline after hours. Director Meis stated his agreement with Director Mulder's statement. Director Romer Todd also expressed her agreement with using 911 for emergencies.

Chairman Walker stated his concern with having other agencies handling the emergency and the Authority not knowing there was a problem. Communication between these agencies and the Authority needs to happen so the Authority can follow up and continue to coordinate any on-going issues. Ms. Constan indicated that it would be wise for the Authority to educate the staff at 911 about the Authority. Manager Mende indicated there needed to be some type of documentation from these calls that 911 handles and a process needed to be developed so the Authority is kept in the communication loop. Director Meis suggested if a contracting party receives a 911 referral, TAC members can communicate these back to Authority Staff.

Chairman Walker asked the TAC if they had any additional comments. Ms. List indicated the TAC was not aware of the high cost of the message service. Chairman Walker asked if cost was not a factor, would the TAC still be in favor of the message service option. Ms. Constan stated, yes, as it would be nice to have warm body to talk to, and TAC was provided with the costs at the same time the Board was, in the Board meeting packets.

Agenda Item 5 – Manager's Report

The following written report was reviewed with the Board and Staff by Manager Mende:

Audit Report Paul Miller has completed the draft of the 2008 Annual Audit of our financial records. Everything is in order. I need to write the MD&A (Management Discussion and Analysis). The Audit will be in your May Board Packet. The Audit needs to be filed with the State by July 30th.

As reported in last week's Friday memo, our attorney Larry Beckner rendered an opinion that the Authority is not subject to TABOR limitations when receiving State grant monies. Mr. Meis has requested County Attorney Dechant provide a peer review of that assessment. I have not heard anything back from Mr. Dechant. I have copies of a 2007 letter from Larry to John Ballagh on this topic, and a more recent opinion from an attorney in Denver if anyone is interested in reading more.

Public Education I am scheduled to speak to the AMGD monthly meeting on May 6th, and at the WCCA Board meeting on May 13th. I will continue to pursue speaking engagements with other

stakeholder groups as the opportunities arise. All of the Authority staff and all of the TAC will be supporting the Children's Water Festival on May 18/19.

Hotline There were 2 hotline calls in March, one on chicken fat dumping to a floor drain at Walmart, and one from a lady wanting to know where her irrigation tail water should go downstream from her garden. There have been three calls to date in April.

Billboard The billboard is now located on North Avenue, between 4th and 5th, facing west.

Adobe Creek Channel Capacity Analysis Olsson Associate presented draft/-final results of the Adobe Creek analysis to the TAC on Wednesday April 15. The good news is that minor (2 year event) flooding can be addressed relatively cheaply and efficiently. The bad news is that none of the 13 structures (road crossings) are sized properly to pass even the 10 year event, let alone the 100 year event. Olsson will have a draft report with recommendations and cost estimates in a couple weeks, and will give a presentation to the Board on May 27th.

MS4 Permit Upload TAC and staff continue to work on the paperwork side of the MS4 permit upload process. The Draft Policy & Procedure Manual was completed April 3rd, and is being reviewed by TAC. A draft "enforcement referral" procedure and draft Authority Program Description (the basis of the consolidated MS4 permit) were issued earlier and are also in review. Next in line are draft IGA changes. In addition, it is becoming evident that a revision process for Chapters 15 and 16 of the Stormwater Management Manual (SWMM) should probably occur in conjunction with preparing the other documents, to make sure we achieve the cross-document consistency and enforceability we need. This may be particularly important for the County, because the County believes any Authority policies and procedures which are different than the current SWMM are not enforceable by the County unless and until they are adopted by the BOCC, either individually or through an adopted SWMM revision. The Authority can still create and implement their own policies and procedures, but the County potentially won't be able to enforce them if needed. A SWMM update will likely include a public input (stakeholder) process.

Inspection Upload As mentioned in a previous Friday memo, our attorney Mr. Beckner does not see a need for an IGA modification for the Authority to begin performing inspection services on active City/County permits issued prior to January 1st, 2009. A draft letter of agreement has been prepared. We're close to being able to go to work.

First Authority Stormwater Permit issued We issued our first Stormwater Construction Permit on Friday the 17th to Palisade Constructors for the Airport Parking Lot Reconstruction Project.

CSWMP and Drainage Plan Reviews Total review packages to date are 16, of which two were returned without review. One was an incomplete submittal (no CSWMP to review), and one was for a project where the construction was already completed.

Shirt Order We are ordering polo shirts for the Board and staff. Please give Janice your size. End of written report.

Director Meis indicated the Mesa County Health Department went through the same TABOR issues and was told the opposite of what Larry Beckner is stating so it is good Manager Mende is getting a second assessment from Mesa County Attorney Dechant.

Mr. Ballagh shared that School District 51 has been very helpful. The artwork provided for the Authority's first hotline billboard came from the School District as well as current artwork that is being used to create stickers. The School District also gets to claim the use of the billboard as part of their commitment for the state permit.

Manager Mende added that Mesa County is planning to study improvements needed on the K Road corridor in late 2009. The Adobe Creek Channel Capacity Analysis has determined the K Road structure cannot pass the 100-year flood standards, and he will be meeting with Mesa County to discuss.

Manager Mende asked if the group felt a stakeholder process should take place for the SWMM update process. Director Meis indicated he would like to see a stakeholder process. Director Mulder also stated the stakeholders need to be involved.

Chairman Walker asked Ms. Kirkpatrick how the inspection/permitting processes were going. Ms. Kirkpatrick stated she had the Authority's first pre-construction meeting with Palisade Constructors out at the airport yesterday. Ms. Kirkpatrick feels the pre-construction meetings will be a good compliance assistance tool as discussions during this meeting cover the expectations and how to stay in compliance. Much of Ms. Kirkpatrick's time has been spent reviewing SWMPs and assisting people through the pains of pulling their plans up to par.

Ms. List added that the City of Grand Junction will have their incomplete 2007 & 2008 projects to Ms. Kirkpatrick sometime next week.

Director Meis asked the Authority to develop some kind of customer feedback form/process.

Chairman Walker asked if everyone was happy with the meeting calendar. The consensus was the current meeting calendar of the 4th Wednesday of the month at 3:00 p.m. was working for most of the Board Members.

Chairman Walker adjourned the meeting at 4:47 p.m. The next 5-2-1 Drainage Authority Board Meeting will be on Wednesday, May 27, 2009, at 3:00 p.m. at the 5-2-1 Drainage Authority offices, 573 West Crete Circle, Suite 203, Grand Junction, Colorado.

David R. Walker, 5-2-1 Drainage Authority Chairman