



521 Drainage Authority  
Minutes of the Regular Board Meeting  
December 8, 2010  
Mesa County Courthouse  
544 Rood Avenue, Training Room B, Grand Junction, Colorado

**Board Members Present:**

Richard Bowman, Chairman  
Craig Meis, Vice-Chairman  
Dave Edwards, Director  
Mel Mulder, Secretary

**Board Member Absent:**

Tom Kenyon, Treasurer

**Technical and Authority Staff Present:**

Trent Prall	City of Grand Junction, Engineering Manager
Bud Thompson	Mesa County, Project Manager
Mike Meininger	Mesa County, Engineering Director
Julie Constan	Mesa County, Engineering
Pete Baier	Mesa County
John Ballagh	Grand Valley Drainage District Manager
Ken Haley	City of Fruita, Engineer
Jim Shanks	5-2-1 Drainage Authority Manager
Mary Sparks	5-2-1 Drainage Authority Admin Assistant

**Guests Present:**

Tim Moore	City of Grand Junction Public Works and Planning Director
Kevin Williams	Grand Valley Drainage District
Greg Moberg	City of Grand Junction Planning Supervisor
Clint Kinney	City of Fruita City Manager

**Called to Order**

Chairman Bowman called the meeting to order at 3:00 p.m. Roll was called.

**Review and Adoption of the Board Meeting Agenda**

Motion to adopt the agenda: Director Edwards  
Seconded: Director Mulder  
In favor: All  
Opposed: None  
Motion passed with voice vote 4-0

Manager Shanks suggested discussion items 3 and 4 may be related to each other and need further discussion before action is taken.

**Consent Agenda:**

1. Agenda Item 1 – Review and adopt minutes of the August 25, 2010, Board Meeting for the 5-2-1 Drainage Authority
2. Agenda Item 2 – Financial Reports

Move to accept consent agenda: Director Edwards  
Seconded: Director Mulder

**Financial Reports**

Overview of Financials – Bank Reconciliation, Transaction Detail by Account, Budget vs. Actual, Summary Balance Sheet

This financial report is through October and all the financial reports for a yearend report will be at the next meeting. The adopted budget is tracking on schedule. Overall net loss for the year is tracking with what was adopted in the 2010 budget. The following checks were signed by the Board:

1. 5-2-1 Drainage Authority – Check No. 1445: \$50,000, fourth quarter contract payment to the City of Grand Junction.
2. 5-2-1 Drainage Authority – Check No. 1446: \$5,000.00, reimbursement for October Stormwater Training to Altitude Training.
3. 5-2-1 Drainage Authority-Check No. 1447: \$2,218.46, insurance renewal for 2011 to Home Loan & Investment Company.
4. 5-2-1 Drainage Authority-Check No. 1448: \$100.00, PO Box annual fee for 2011.

Motion to approve Consent Agenda: Director Mulder  
Seconded: Director Edwards  
In Favor: All  
Motion Passed with voice vote of 4-0

End of Consent Agenda

**Discussion Items**

**3. City of Grand Junction Contract Extension**

Overview by - Jim Shanks

On December 31, 2009, The 5-2-1 Drainage Authority and the City of Grand Junction entered into an Intergovernmental Agreement for Services for the City of Grand Junction to provide administrative and operational services to manage and operate the Authority for a sum of \$200,000 per year to be payable in quarterly installments. The terms of the contract say that services may be extended for a period of one year through a written agreement on mutually acceptable terms to the parties. A draft agreement between the City of Grand Junction and the

5-2-1 Drainage Authority is attached for Board consideration. The draft agreement would extend the term one year with the same terms and conditions as the original agreement. The adopted 2011 budget is based on continuing with this contract.

Tim Moore, City of Grand Junction Public Works Director - We feel we have made good progress over the last year and have a good team that have an understanding of how things function and work best. We have cleaned up the paperwork and have a good system underway. We look forward to spending another year using that knowledge base and moving forward to doing even better in 2011. A couple of things making it easier are having a professional staff on board and having additional resources from which we can draw. We are committed to the idea of having the 5-2-1 continue even with the downturn and not seeing a lot of new development. The most important item now is managing the state permit for all the entities. We are comfortable with where we are in terms of staff and the level of resource and are anxious to continue for 2011.

Chairman Bowman – Expressed concern with Manager Shanks' contract ending in January. We took a step back from having complete autonomy of the 5-2-1 staff to now having the City run the program through the first year and have had good people assigned to the 5-2-1. What is going to happen this year? My concern is that there may be more than one person assign to the manager's position if indeed Mr. Shanks does not have his contract renewed. It seems like we have taken a step backwards in terms of having a focal point with one person to represent the authority.

Tim Moore-The agreement is pretty clear that we are going to assign a manager or lead person. When we wrote the agreement, we tried to write a performance standard identifying the duties the City would perform in managing the 5-2-1. One of the things we agreed to do is assign a manager and there will be one person in charge and that will be their job to manage the 5-2-1. We are prepared to renew Jim's contract in January. We signed a contract for one year with Jim because we agreed a year ago the City would do this for two years with the understanding we would come back in a year to see if Jim would like to continue.

Chairman Bowman-There are different facets to the state permit. There is the audit of the state to the 5-2-1, good housekeeping audits, plan reviews, inspections and public education. Will that one person be responsible for all of the functions or is it going to be split up?

Tim Moore-The City proposes to have the same team of people for 2011 as in 2010. It has worked well and we are going to continue with the same staff.

Director Mulder - City of Fruita's position is that this is an acceptable level of service for operation of the 5-2-1 and commitment by the City of Grand Junction to provide the same level of professional services for the 2011 is very satisfactory.

John Ballagh, Grand Valley Drainage District – On the paperwork end, the tracking system is an excellent step forward. The communication of the report of Hotline calls is far superior to what it was a year ago and would hate to see that work be degraded over a period of time. If the team could be held together we would be very much in support of that.

Director Meis – I have not received a single concern since the City has taken over which is much different from what it was prior to. I view that as a positive.

Tim Moore – We wrote a performance standard and we would meet those performance standards which is what you would use to measure how we are doing and not by who is doing what. We would like to continue with the same agreement and conditions by measuring our performance and staff appropriately.

Chairman Bowman – I have been really happy with the performance and the way things have gone.

Chairman Bowman – Regarding discussion Item 4 the Lewis Wash 31 and D ½ Road bridge project, Mesa County has requested that the project be managed through the 5-2-1 Drainage Authority. My concern was related to Discussion Item 3 not knowing how the City would respond to the team they would have to manage the contract for the next year. My concerns have been answered and I feel comfortable.

Move to accept the amendment to the City contract for 2011: Director Edwards

Seconded: Director Mulder

In Favor: All

Opposed: 0

Motion Passed with voice vote of 4-0

#### **4. Lewis Wash – 31 & D ½ Road Bridge Project**

Overview by - Jim Shanks

The Lewis Wash drainage master plan is a project that the 5-2-1 has worked on for some time. Mesa County is in the process of widening D ½ Road and will have to make improvements to drainage structures as well. They are looking at reconstructing the structure at 31 Road and D ½ Road over Lewis Wash. In addition to it being a transportation project it is also consistent with the Lewis Wash basin master plan as far as building the structure large enough to carry the 100 year storm through it. The 5-2-1 DA was approached by Mesa County to possibly manage this project to give the 5-2-1 more exposure by participating in a construction project. The project will alleviate flooding in the major basin.

Pete Baier , Mesa County Public Works – This is an opportunity to get the 5-2-1 Drainage Authority moving to the next step to implement solutions. Mesa County approached Eric Mende a couple of times with drainage projects hoping he would move forward with those projects and nothing ever happened. This is an opportunity since the basin study was recently completed. Mesa County is not asking for any financial obligation but help on the management of the project and use of engineering resources from

the City. If Mesa County only did their piece, it may or may not impact the City's D Road bridge downstream. The County would widen out the bridge and all we have done is shove the flood waters down to flood others without thinking of the overall master drainage plan. Having the 5-2-1 manage the project the public would start seeing some improvements. With more public exposure ultimately you have the ability to go back to the public and ask for various sources of funding for future drainage if that is the direction the 5-2-1 chooses.

Chairman Bowman – City of Grand Junction and 5-2-1 Drainage Authority would be looking at additional man power or additional hours of resource, is there a concern from the manager's stand point?

Manager Shanks – The majority of the engineering would be David Donohue who has been working on Bosley Wash and would work with the structural consulting engineer to do all the engineering work. If Mesa County wants the money to go through the 5-2-1 there would have to be some type of letter agreement with the County and another letter agreement with the City for engineering services. At the same time the City has a project for a bridge at D Road and 31 Road just downstream a half mile. The City would design the D Road bridge at the same time the D ½ Road bridge is being designed so the two would be designed together so one would not affect the other. Agreement wise, it would take two simple amendments to the current IGA's to detail who does what. The 5-2-1 would be overall program manager.

Tim Moore – Regarding the manpower issue, we will continue with David Donohue, project engineer from the City of Grand Junction and the consultant Schmueser, Gordon, and Meyer will be designing both the D Road and D ½ Road bridge structures. Schmueser, Gordon, and Meyer contracted with the City of Grand Junction which takes away the liability component to the 5-2-1.

Pete Baier - The City has the resource to provide hydraulic modeling of the channel. The County is also looking to move the 5-2-1 towards more visibility and expertise in modeling.

Director Mulder – Two questions; Jim are you comfortable with this proposal and second of all it looks like there are two changes to be made to the IGA's one from the County and one from the City? Can those changes be approved at the administrative level or do we have to have another board meeting to approve those? Does this have any effect on the Bosley Wash project?

Manager Shanks – Yes, I am comfortable with the agreement. If you agree to the overall concept the board could authorize the chairman to be able to sign those agreements. I would be glad once they are drafted to send them out to each of the board to have you look at them. This has no effect on Bosley Wash.

Chairman Bowman – Do we need to have Larry Beckner, 5-2-1 Drainage Authority Attorney, look at the agreement?

Manager Shanks – If you would like Larry look at the agreement on behalf of the 5-2-1, I think it would be appropriate since the City attorney office and the County attorney office will look at them from their perspective. The County would be responsible for any Right of Way acquisitions.

“Move to accept the Lewis Wash proposal contingent on receiving two changes in the IGA. One from City and one from the County to be reviewed by the attorney and signed by Richard Bowman”: Director Mulder  
Seconded: Director Edwards

Manager Shanks – One question would this somehow would trigger the 5-2-1 insurance policy going up? We need to check with our insurance group. Also, if County funds are managed through the 5-2-1 we would have to amend the 2011 budget.

Director Mulder - Would you feel more comfortable to amend the motion to include the insurance question or ultimately the paper for the IGA does comes to you, that would mean it has been satisfied in an administrative way.

Chairman Bowman – Yes

Director Mulder - Leave motion stated as it is.  
Seconded: Director Edwards

In Favor: All  
Opposed: 0  
Motion Passed with voice vote of 4-0

## **5. Cost Allocation Proposal**

Overview by - Jim Shanks

At the Board meeting held on Aug 25, 2010, the Board asked that a preliminary 2012 cost allocation be prepared to determine how the costs of operating the 5-2-1 Drainage Authority could be apportioned among the 5 member entities.

The 2011 budget 5-2-1 will still operate from the existing fund balance. The projected end of year fund balance would be approximately \$50,000. For 2012 there would have to be some influx of funds from somewhere to sustain the 5-2-1 operations.

The adopted 2011 budget was used as a basis for determining the net cost to operate the Authority. The operating costs were broken down in the following categories:

1. City Contract – 5-2-1 Administration costs including Construction permits, Hotline costs, public education (billboards).
2. 5-2-1 Admin costs includes insurance, audit and legal fees.
3. NPDES Phase II – Includes Training and CDPHE permit fees
4. Capital – Bosley Wash
5. Contingency

Director Meis ~ From the historical perspective, the County contributed a large sum of money for mostly capital projects. I don't know if we achieved outcome of those capital projects and we are now using

that fund balance we had for capital projects to now operate on.

Pete Baier – The County had dollars available for a drainage budget which included the 5-2-1. The hope was to make the 5-2-1 self sufficient and being able to go out and look for other sources of funding.

Director Meis – Were there projects we were hoping to achieve that the up-front capital we put into the 5-2-1 offset operations? The capital projects are not going to happen largely because we are going to use them to operate on. The County wants to be a team player, just wants recognition that there was some intent by the County to put funds in for projects that is now being whittled away to fund operations. The allocation was a fair assessment of how it was broken down.

Pete Baier – The County put a lot of money into 5-2-1 and as we saw that the model was not working, we did start pulling some of it out and doing projects ourselves. A lot of the fund balance that the 5-2-1 is operating on came from the first year.

John Ballagh – My recollection is a little different. We were working toward capital projects but I think the first couple of years the work consisted mostly of studies.

Pete Baier – The County did include studies because they are in our capital plans.

Trent Prall – A majority of the work consisted of basin studies.

Director Meis – The County will largely be opposed to a utility fee. The County is happy to commit to the 5-2-1 and will find ways to commit to it financially in the future.

Director Mulder – With this being a no motion required agenda item, I am assuming Mr. Shanks will treat this as an ongoing problem and as soon as he has what he feels is a viable resolution to present.

Director Meis – I would be interested in hearing the board talk more about the capital piece and whether we want to consider this as a team effort with regard to future capital projects as shown on spreadsheet two, or those who want to do capital projects need to find partners to do it and allocate the costs accordingly.

Director Edwards – I personally believe we should be using the first sheet. I can't see Palisade paying for these projects all over the county. We do have concerns where things have been allocated. I do not understand why allocating equally is fair. Equally means Palisade is the same as Grand Junction. Grand Junction has got almost 20 times the people. We should compute a mill rate to come up with the \$230,000, then that ratio for each municipality would be the amount or ratio used for these expenses.

Director Meis – There was a rate study done and looked at different ways of allocating or funding. This study was more for utility fee use and not assessed values. There is not a single formula that we are going to find that is going to make everyone happy. The County has helped to subsidize a lot of the operation from past contributions. This is a partnership agreement. The fact if all of us had our own program, there is no way any one of us can operate for the costs we are paying here as partners. There is no way under this structure that Palisade could operate for \$10,000, have their stormwater program, have a plan, follow it, do the training, and all those mechanisms associated with it individually. The

same holds true for all the other entities.

Clint Kinney, Fruita City Manger – The City of Fruita is not even a part of this program yet, but in the spirit of partnership, we know in 2011 or 2012 we will have to come on line and there is going to be significant expense. We have been paying our fair share knowing in 2012 we will be brought on line.

Chairman Bowman - We would like to see a recalculation of where the shared equally is broken up in percentages and stay with the first example sheet.

Manager Shanks –If the shared equal items are reduced to 5%, it would drop Fruita's and Palisade's contribution from \$10,000 to \$5,000. The City, County and Grand Valley Drainage District contributions would go up.

Chairman Bowman – There is no action needed today, it is a discussion item.

## **6. Managers Report**

### **Stormwater Training:**

The 5-2-1 Drainage Authority held two training classes in October:

October 18 – CDOT Erosion Control Supervisor Certification Class

October 19 – Developing and Implementing Stormwater Management Plans

The cost of each class was \$150. There were a total of 49 participants for total revenue of \$7,350. The total cost of the class was \$5,000 for the training consultant and \$132.28 for coffee and credit card merchant fees. The net income to the Authority was \$2,217.72. The spring training had a net loss of about \$2,700. The two day class on conducting compliance inspections is expensive and we haven't had a lot of demand for it. We didn't offer this class in October. The training that we have done still meets the state requirement of training twice a year.

**Office Furniture Auction:** The office furniture has been removed by Buster Cattles auction service and was auctioned at the City/County surplus auction. The net amount of the sale (after the auctioneer commission) was \$711.03 which was deposited to the 5-2-1 checking account on November 23.

**Construction Stormwater Permits and Inspections:** The attached spreadsheet shows the status of constructions projects that have active Constructions stormwater permits. It also shows projects that are currently being reviewed.

**Public Education:** Jim Shanks made presentations regarding the function of the 5-2-1 Drainage Authority to the following: 9/28 - Grand Valley Drainage District maintenance crews, 10/14 - Grand Junction Chamber of Commerce Leadership class (at the Ute Water Plant), 11/23 - Mesa State College Construction Management class. Mr. Shanks also attended the Colorado Stormwater Council and quarterly MS4 meeting in Denver on 10/27. The State CDPHE is going to audit all MS4 permit holders. We have no idea when we will be selected. The 5-2-1 has to audit each of the entities municipal good housekeeping programs. We are in the process of doing that now. We are in the process of gathering



all our program elements that we are required to do in one spot in anticipation of a CDPHE audit. The annual report requirement is a little different as it is more quantitative in nature.

There is an effort in the valley to meet with Scott Tipton about some of the environmental issues that are affecting various agencies. EPA is looking at rules in middle of 2011 to change the rules regarding the discharge of nutrients which targets wastewater plants but may target MS4's as well. Those are the kinds of things that are coming down from the Federal level to the State level. This may be something that we want to consider for the annual meeting. We plan to invite the local representatives of the Congressional and Legislative delegations and incorporate them as part of our annual meeting at the end of March 2011.

**Illicit Discharge (Hot Line) Complaints:** Hotline calls and follows from August 2010 to present. There were a total of 15 hotline calls.

**Meeting Calendar:** The next meeting will be the annual meeting scheduled for March 23, 2011 at 3:00 p.m.

Grand Junction Mayor, Teresa Coons has been selected by EPA to look at rules that impact small and large communities. Invite her to the annual meeting to give her some feedback. Mayor Coons might be selected to serve on a subcommittee to represent water issues or air quality issues.

Discussion items for March 23, 2011 meeting:

- Cost allocation for each entity for 2012 budget

Meeting adjourned 4:40 p.m.



**Richard Bowman, Chairman**