

**5-2-1- DRAINAGE AUTHORITY
MINUTES OF THE BOARD**

June 25, 2008

**City of Grand Junction, Administration Conference Room
Grand Junction, Colorado**

Chairman Jim Doody called roll of the Board Members.

Board Members Present:

Jim Doody, Chairman	City of Grand Junction
Mel Mulder, Vice-Chairman	City of Fruita
Dave Walker, Treasurer	Town of Palisade
Steve Acquafresca, Asst. Sec.	Mesa County Commissioner
Richard Bowman, Secretary	Grand Valley Drainage District

Also Present:

Eric Mende (5-2-1 Drainage Authority, Manager), **John Ballagh** (Grand Valley Drainage District, Manager), **Trent Prall** (City of Grand Junction, Engineering Manager), **Mike Meininger** (Mesa County, Engineering Manager), **Vohnnie Pearson** (Citizen), **Mike Saccone** (Daily Sentinel, Reporter), **Yvonne Charlesworth** (5-2-1 Drainage Authority, Recording Secretary),

Chairman Jim Doody opened the meeting at 3:00 p.m.

Agenda:

Eric Mende requested that Agenda Item 4, the URS presentation on Douglas Wash, be moved to the end of the agenda as URS representatives were caught in construction traffic. Chairman Jim Doody asked for a motion to adopt the agenda with the change. Steve Acquafresca made the motion. Richard Bowman seconded. Motion passed on voice vote.

Minutes:

Chairman Jim Doody asked for a motion to approve the Minutes of May 28, 2008. Dave Walker made the motion to accept the minutes as presented. Mel Mulder seconded. Motion passed on voice vote.

Action Items:

Before moving to Action Item 1, Eric Mende covered a couple of housekeeping items: New cover sheets have been added for each agenda item. These will be standard inclusions in the Board packets. Concerning Board packet distribution, Eric asked for input on the format. This month all agenda items were e-mailed in one large word document. Eric recommended that, starting in July, hard copies of the meeting packets will be hand delivered to the Board Members by the Friday before the meeting. The Board concurred, but Dave Walker and Richard Bowman stated they will be okay with e-mails if it is difficult to hand-deliver their copies.

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Agenda Item 1: Spending for Public Education and Public Participation programs:
Eric Mende asked the Board to provide him with the ability to spend an estimated \$25,660 for the public education and public participation programs for the remainder of this year. He presented a list of items the money will be spent on. Proposed spending is within budget. The spending level for public education and public participation in the budget is \$30,000, and for hotline advertising is \$12,000. Eric wants to renew the lease for the billboard sign to run through August 2009. Other expenditures include public service announcements, brochures in Spanish, giveaways that people won't throw away, and booth rentals for the remaining festivals for this year. Eric asked for feedback on the festivals. The Board decided the 5-2-1 DA should sign up for the Mesa County Fair, and provide brochures and giveaways at the other entities booths for the Palisade Peach Fest and Farmers Market. The Palisade Wine Festival and Fruita Fall Festival will be skipped.

Before new brochures are printed, staff recommended local information replace the generic information on the existing brochures. Potential new brochures on how to get permits need to be printed. Since the 5-2-1 DA is trying to reach as many people as possible, new brochures in Spanish were recommended. Jim Doody asked whether brochures could be made bi-lingual, but it might not be feasible to make them a part of the existing brochures due to space problems.

Other items include reimbursing the City of Grand Junction for costs of putting on the Stormwater EXPO and Stormwater training programs over and above the amount raised from the events. The cost of this year's EXPO was \$987.20. Eileen List is putting together a BMP meeting and the estimated spending overage was arbitrarily set at \$500.00.

The Board and Eric discussed Eric's ability to conduct day-to-day business without having to come to the board for approval of every expenditure. The public education and public participation expenditures are a part of the NPDES permit requirements and are budgeted, but until the Board is comfortable with the job Eric is doing, Eric will be asking that the Board approve major expenditures such as these items.

Steve Acquafresca made the motion to authorize the 5-2-1 DA Manager to make purchases for public education and public participation programs, and to renew the billboard lease for one more year, up to the available budget of approximately \$28,000. Dave Walker seconded the motion.

The roll call vote results:	Contracting Party	Vote
	Town of Palisade	yes
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	City of Grand Junction	yes

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Agenda Item 2: Office space lease:

The Board was provided with a map of four locations of presently available office space. The first choice is a building located on W. Crete Circle. It is a brand new building in the process of being finished. It has room for employee growth, a reception area, a conference room, offices enough for 7-8 people, a bathroom and a coffee bar. Connectivity is by high speed internet. There is no ADA access because it is on the second floor accessible only with stairs. However, the ADA guidelines specify access to programs and activities rather than the physical space, and accommodations can be made if needed by providing information at another ADA accessible location such as the Court House or Grand Junction City Hall. There is plenty of parking for employees and company vehicles.

The Horizon Complex on Horizon Drive was designated as the second space. It is pretty beat up and the owner would need to remodel, repaint and re-carpet. Connectivity is questionable. The wires come out of the ceiling. Dave Walker advised that this is a troubled building and should not be considered as an alternative.

The third space is an office of 1300 sq. ft. in a strip mall close to 25 Road and Patterson. It is a first floor space with an open concept and good connectivity. It would be good for short term (approximately two years) only.

The Alpine Bank building is the fourth space. It is accessible to downtown but there are parking problems and personnel will have to use elevators to get to the office. It does have the best lease terms and is the least expensive.

These alternatives are the best of the ones available within the budgeted amount of \$34,000 for the year, also allowing for outfitting the office with furniture, office equipment, etc. The lease would be a commercial lease with a deposit and month to month rent.

Dave Walker asked if there was a need for warehouse or garage space. After discussion, it was determined that at this time there is no need for a warehouse or garage space as the equipment used by the inspectors can easily be carried into the office and stored there. They will be doing mostly paperwork at this time. O&M and other services will be contracted out. Parking is outside for all the locations. Jim Doody asked if the intent was to hold future Board meetings at the new office. Eric answered that was the Chairman's prerogative, but yes, he wanted the capability. Also, if a conference room is available, there is the opportunity to hold all other meetings there as well as doubling as a library, use it for training and review of plans, and many other day-to-day business activities.

Steve Acquafresca mentioned there is no room for additional personnel at the space being used at the Mesa County building. They are already measuring Eric's current space for

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someone else's use. It has always been the objective of the 5-2-1 DA Board that individual office space would be provided as soon as possible. Because all personnel will be County employees at first, the only requirement by Mesa County is that there be connectivity to the County computer system. That can be provided by high speed internet at a remote location.

To expedite being able to move into real office space, Eric asked for approval to negotiate the lease, pass it by Larry Beckner for legal review, and on to Jim Doody for signature.

Mel Mulder moved that the Board direct the Manager of the 5-2-1 Drainage Authority to negotiate final lease terms and conditions for office space, at a term not to exceed three years, at a cost not to exceed \$2200 per month for a gross lease or \$2400 per month for a full service lease, and furthermore authorizing the Chairman of this Board to execute said lease on behalf of the full Board, after review by the Board's legal counsel. Steve Acquafresca seconded the motion.

The roll call vote results:	Contracting Party	Vote
	Town of Palisade	yes
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	City of Grand Junction	yes

Agenda Item 3: Financial Report:

Eric Mende reviewed the May 2008 financials. All the financials are in order and within budget. Eric will be devising a different format for the financials. At this time there is no coding system. The financials need to be consistent with State and Special District policies and procedures.

SDA membership was questioned. John Ballagh advised that membership is required because of insurance requirements. Insurance amounts are going to need to be adjusted for vehicle and office space requirements.

Jim Doody asked for a motion to accept the financials. Dave Walker made the motion. Richard Bowman seconded it.

The roll call vote results:	Contracting Party	Vote
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	Town of Palisade	yes
	City of Grand Junction	yes

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Reports:

Agenda Item 5: Office Manager/Inspector positions:

The Office Manager position was advertised in the paper on Sunday and is on the Mesa County website. It is a Grade 9 exempt position with a salary range of \$3,257 - \$3,745/mo. The application process closes on July 3. Sandra Alexander will prepare a short list of people to interview. Eric, Julie and Mesa County HR personnel developed the job description. The job grade and salary range were developed from the Office Administrator position at the GVRTC because it was a perfect model for this position. The priority is to hire this position first and then concentrate on the Inspectors.

Agenda Item 6: Lewis Wash, Red Canyon, Gold Star DFIRM open houses:

Mike Meininger, Mesa County Engineering Manager, gave a summary of two open houses that were held. FEMA is updating its mapping of the floodplains for these three drainage systems. The floodplain insurance requirements coming from this mapping effort will be final within one year. Lewis Wash is in Clifton and the other two washes are on the Redlands. A news release was made and mailers were sent out. Two outreach meetings were held last week on Monday and Tuesday. Out of 435 mailers sent to the residents within the Lewis Wash floodplain, 11 people attended the meeting. Out of 215 mailers sent out for the Redlands washes, 15 people attended the meeting. The people that attended wanted to know how this affects them.

If people get their flood insurance now, it will cost considerably less than if they wait until the government implementation process is completed. If insurance is bought now, it will cost around \$350 per \$250,000 of coverage. If people wait for government implementation, it will cost \$1200 to \$1300 per \$250,000 of coverage. The insurance agents don't know this.

There are still opportunities to communicate this information as different steps of the government mapping approval process transpire.

Discussion Item:

Agenda Item 7: Permit Consolidation IGA/Service Fee Structure:

Eric introduced the topic. A draft of the boiler plate IGA is included in the packet. The different fonts and bolded text show areas of disagreement and discussion among DATS members and reflect policy issues that will need to be settled by the Board. Legal staff has not yet reviewed the document. The purpose of today's discussion is to get the Board to think about how we differentiate between requirements and goals within the IGA; particularly as it pertains to the single permit idea, and to other non-NPDES services. In large part the single permit text of this agreement will be determined by what the State will allow. Eric is scheduled to have an extensive conversation with Nathan Moore at CDPHE.

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Regarding the first WHEREAS paragraph, the 5-2-1 DA will not be providing actual facilities at this time. The IGA focuses on the six minimum measures in the NPDES permit that we have to meet, so Eric stated there is no reason for this text to be in there. Contractors will install facilities to allow us to meet the requirements of the permit.

Eric stated the second WHEREAS poses problems of enforcement. Is accepting responsibility for the formation IGA a requirement or a goal? If we don't have enforcement capabilities, accepting authority for the NPDES permit will be a huge problem. Nathan Moore will be consulted.

Regarding fee for services in the third WHEREAS, Eric asked whether it is appropriate to charge a fee. After some discussion, the Board decided that a fee is appropriate to be charged to anyone outside the contracting parties who want to become a part of the 5-2-1 DA permit. There will be costs for time and labor as well as a cost for the permit itself.

Eric stated that services that can be provided by the 5-2-1 DA right now are outlined in 1a-d (public participation, public education, pre- and post-construction), whereas 1e-f require enforcement capabilities (illicit discharge and municipal operations). Part of the services portion of the IGA (public participation and public education) are being handled now by the 5-2-1 DA. Timing of uploading of the other two services to the 5-2-1 DA needs to be decided.

Eric stated that under the single permit concept, the State will require the 5-2-1 DA to have enforcement capabilities for the pre- and post-construction inspection programs, as well as the illicit discharge and municipal operations part of the IGA (1e-f). Enforcement is one of the key parts of the IGA. The 5-2-1 DA would need iron clad agreements with all entities for enforcement capabilities. If the permit is with the 5-2-1 DA only, the State will come back to the 5-2-1 DA as the responsible party. John expressed concern that the State might hold us to parts of the IGA we may not have the ability to perform right now. He referred the issue to Dick Bowman who stated that the IGA should cover those programs that the 5-2-1 DA has control over. Do the illicit discharge and municipal operations parts need to be in the IGA at this time? The IGA has to be consistent with State requirements. If the State says "no," the 5-2-1 DA is covered.

The IGA should only require that the 5-2-1 DA hold the permit "to the best of its abilities." Eric stated that the 5-2-1 DA will be held responsible for everything in the permit application, not the individual entities. An exit strategy from the permit should be provided that protects each entity as well as the 5-2-1 DA. If an entity doesn't perform, there needs to be a way to return the entity to its own permit. Each entity's protocols are different. There needs to be consistency when the IGA and the permit are put into place.

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The Board decided to eliminate 1g from the application as it is not applicable to the permit services at this time. Regarding 1h, the 5-2-1 DA will have the capability and responsibility to review Stormwater Management Plans as part of the permit application, but does not have the staff capacity at this time to review all Drainage Reports. Eric stated he could review larger developments (over 40 acres) for consistency to Master Plans, but the review would be as an external agency, and all Drainage Report approval should stay with the individual entities. Trent Prall agreed Drainage Report issues should come out of the IGA, but 5-2-1 DA review and approval of drainage reports needs more discussion.

Regarding item 2, Jim Doody stated that it will be understood by the new entities (OMID, District 51 & GVWU) that they will not have a seat on the Board. However, Eric stated that Dr TAC will have a space available for a representative from each entity.

Item 3 has not been reviewed. Part c. means the individual entities would do their own audits on municipal operations. Dick Bowman stated he liked part d. but it needs to be strengthened to have the 5-2-1 DA copied on permit related correspondence, not just informed about it. Part g. needs to be modified to include enforcement fines – the enforcement agency would collect the fines.

Eric stated item 5c does not include the contracting parties, but is geared more to the three non-contracting entities that want to become a part of the permit.

It was the general consensus of the Board to remove everything not specifically related to NPDES/CPDS permit services from the document. There will be no references to studies, drainage facilities, drainage reports, etc.

Eric stated we will continue to look at the draft IGA next month. Once the boiler plate IGA is approved, the different entities will be able to formulate their individual IGA's. There will be differences, especially for Fruita who doesn't have a permit yet. The individual IGA's are going to take awhile.

Eric will create a clean draft of the permit IGA for staff to look at and to take to Larry Beckner. Until clear direction is received from the State, Eric doesn't want to get too far along on the final text.

URS didn't get to the meeting until 5:00. It was decided to reschedule the presentation for the next meeting. URS requested the timing to be between 4:00 and 5:00.

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Adjourn:

The meeting adjourned at 5:10 p.m.

Jim Doody, Chairman

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