

**5-2-1 Drainage Authority
Minutes Of The Board
August 27, 2008**

**5-2-1 Drainage Authority Conference Room
Grand Junction, Colorado**

Chairman Jim Doody called roll of the Board Members. Board Members present:

Jim Doody, Chairman	City of Grand Junction
Steve Acquafresca, Asst. Secretary	Mesa County
Dave Walker, Treasurer	Town of Palisade

Technical Staff and Managers present:

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

Guests Present:

Bill Wilson	WRC Engineering, Inc., Principal Engineer
Vohnnie Pearson	Mesa County, Citizen
Joel Jones (entered at 4:15 p.m.)	URS, Presenter
John Griffith (entered at 4:15 p.m.)	URS, Presenter

Chairman Doody declared a quorum was present and called the meeting to order at 3:03 p.m. Director Bowman and Director Mulder excused for out-of-town business.

Adopt Agenda:

Chairman Doody asked for a motion to adopt the agenda. Director Acquafresca made the motion to accept the agenda as presented and Director Walker seconded the motion. Motion passed on voice vote.

Review and adoption of July 23, 2008 Board minutes:

- Eric Mende reviewed changes with group to the minutes from Julie Constan.
- Director Walker asked for clarification of dates mentioned in Agenda Item 8 by Eric Mende. Eric Mende provided information to Director Walker and no edits were made.
- Director Walker asked for clarification of statement by Eric Mende on page 10, third paragraph regarding, 'If the permit is uploaded...' Eric Mende explained the

uploading of permits to the 5-2-1 is dependent on State of Colorado approval. No edits were made.

- Director Acquafresca made the motion to approve the minutes with discussed changes and Chairman Jim Doody seconded the motion. Motion passed on voice vote.

Action Item 1 – Terminate Grand Valley Drainage District administrative services contract

- Eric Mende presented a letter from the Grand Valley Drainage District (GVDD) stating in accordance with their contract, GVDD was terminating administrative services to the 5-2-1 Drainage Authority, as new personnel were now ready to proceed on their own. GVDD also provided its final invoice and statement along with a listing of office furniture and two vehicles donated to the 5-2-1 Drainage Authority.
- Director Acquafresca asked if the contract between the GVDD and the 5-2-1 Drainage Authority contains any special termination language. Eric Mende indicates the contract states it may be terminated by either party in writing with no special termination language.
- Director Acquafresca made the motion to approve the termination of the GVDD's administrative contract and Director Walker seconded the motion. Motion was passed on voice vote.
- Director Acquafresca asked that a letter be drafted to the GVDD thanking them for their long-standing relationship, expertise, time and resources over the last several years. Eric Mende will draft this letter from the Board. Director Acquafresca offered his thanks to John Ballagh, GVDD Manager, and asked that John Ballagh also thank the GVDD Board.

Action Item 2 – Financial Reports

- Eric Mende presented the 5-2-1 Drainage Authority financial reports from July, 2008. These reports included the Profit and Loss Budget Performance, Check Register Summary, Balance Sheet, Checking and Savings Reconciliation Summaries, and Revenue Summary and Offsets. In addition, a separate report was included showing the current expenditures made to setup the new office.
- Julie Constan asked what check 1189 to Builder Fusion for Hotline Advertising was for specifically. Janice McDonald stated she did not know and would follow up with the specifics to all 5-2-1 Staff and Board members.
- Julie Constan asked that all advertising ad copy be distributed to all contracting parties for their review prior to publishing.
- Director Acquafresca asked how much did the Board approve for office setup. Eric Mende responded \$21,000. Director Acquafresca indicated we were well under budget. Eric Mende stated this was primarily due to the purchase of used furniture versus new.
- Director Acquafresca asked how the 5-2-1 Drainage Authority is performing expenses vs. budget year-to-date. Eric Mende stated the 5-2-1 Drainage Authority is well under budget year-to-date. This is primarily due to labor costs. The annual budget had included hiring of a Manager and Office Manager much sooner than actually occurred.

Labor costs will be less than 50% of budget at year end. In addition, the office rent will be less than half of anticipated.

- Director Walker made the motion to accept the financial reports as presented and Director Acquafresca seconded the motion. Motion was passed on voice vote.

Action Item 3 – Appoint Eric Mende as proxy for Special District Association of Colorado (SDA) Meeting

- Eric Mende received an Official Proxy from the SDA for the SDA Annual Meeting Thursday, September 18, 2008. Eric Mende reminded the Board that John Ballagh of the GVDD, is on the Board of Directors of the SDA and his term is up for re-election at this annual meeting. Eric Mende planned to attend the meeting and would like to represent the 5-2-1 Drainage Authority at the meeting and recommended the Board direct him to vote for John Ballagh.
- Director Acquafresca made a motion to approve Eric Mende as the proxy for the 5-2-1 Drainage Authority with specific direction to vote in favor of John Ballagh for re-election from Region 2 and Chairman Jim Doody seconded the motion. Motion was passed on voice vote.

Reports – Manager’s Report

- Recruitment – Eric Mende welcomed Janice McDonald as the newly hired Office Administrator. Advertisement for the Inspector position has begun. Applications will be ready for review by mid-September with the interview process taking place late in September. Eric Mende is envisioning the new inspector being on board with the 5-2-1 Drainage Authority by mid-October.
Eileen List asked Eric Mende to prepare a letter to Yvonne Charlesworth for her time, diligence and dedication to the 5-2-1 Drainage Authority. Director Acquafresca agreed. Eric Mende stated he would prepare a letter from the Board to thank Ms. Charlesworth for her service.
- Office Space – Eric Mende shared with the Board the new 5-2-1 Drainage Authority office was now fully functional.
- Public Education – The 5-2-1 Drainage Authority billboard contract with Colorado West Outdoor Advertising is being renewed for an additional 12 months. A copy of the new vinyl cover was distributed to meeting members.
Julie Constan asked that future advertising of the 5-2-1 Drainage Authority Hotline be reviewed by the contracting parties prior to public display. This request comes not only to keep everyone in the communication loop, but also it is part of the NPDES Phase II contract commitment the contracting parties have made to the State of Colorado. Julie Constan stated she and Eileen List had never heard about this billboard advertising. John Ballagh stated this had been discussed at a previous meeting. Eric Mende stated his impression was that upon his hire, the Board directed him to move the 5-2-1 Drainage Authority ahead and make the necessary decisions to do so. Julie Constan reminded the group that as part of the contracting parties NPDES Phase II commitment, they need to know what Public Education is occurring. Director Walker agreed that if

the contracting parties have a commitment, then the 5-2-1 Drainage Authority should include them in the process of advertising/public education involving the NSDES Phase II commitment. Eric Mende asked Janice McDonald to make a note to discuss this at the next 5-2-1 Drainage Authority Technical Staff meeting.

Director Acquafresca informed the group that he hosted Eric Mende on his monthly Conservation Connection radio show on KAFM on August 21, 2008. This provided good exposure and education to the general public on the 5-2-1 Drainage Authority's mission, and the show went very well.

- Permit Consolidation IGAs – Draft IGAs were sent to all seven permit holders in late July. Grand Valley Water Users and Orchard Mesa Irrigation District responded immediately saying they would bring this to their respective Boards in August. City of Grand Junction has completed their internal and attorney reviews and provided a revised draft.
- Chairman Doody asked when the inspector will be ready to hit the ground running. Eric Mende stated with the approximate hire in mid-October, he was not sure what the learning curve of the new Inspector might be. The goal is for the 5-2-1 Drainage Authority to be uploading and issuing permits by January 1, 2009. All IGAs and policies and procedures need to be in place first. The City of Grand Junction and Mesa County have varying policies and procedures and this makes it challenging to come together with one set of standard operating procedures.
- Chairman Doody asked where people would go to get their permit. Eric Mende indicated the intent is to have the public come to the 5-2-1 Drainage Authority office to pull their permit. This will require development of forms, processing and backup of drainage reports. Chairman Doody asked whose desk would this paperwork cross. This process will need to be worked out between Eric Mende and the inspector.
- Director Walker wanted to know why there are two different permit implementation dates of January 1, 2009 and April 1, 2009. Eric Mende stated there are two different types of permits. A Construction Stormwater Permit is the process where a developer or builder pulls a local permit for site construction controls from (currently) Mesa County or the City of Grand Junction. The MS4 permit is the permit held by local entities that is issued by the State. State approval is required first for the MS4 permit to be uploaded. Director Walker asked if the January 1, 2009, date is for uploading (e.g. actually performing) the Construction Stormwater Permit process. Eric Mende stated that was correct as long as the IGAs and the new hire are all up to speed.
- Director Walker reminisced to the group this uploading process is the entire reason the 5-2-1 Drainage Authority was formed and the result of four years of meetings. Eric Mende reminded the group that he was hired only very recently, May 30, 2008, and there is a lot of work yet to do to complete the uploading of permit processes. Director Acquafresca asked if anyone has seen or heard about any of the applicants for the inspector position. Both Julie Constan and Eric Mende stated it isn't likely Mesa County Human Resources will let them see anything prior to the closing of the announcement. Chairman Doody asked the contracting parties whose permit processes will be taken

over by the 5-2-1 Drainage Authority to report back to the Board on how much work is alleviated once the process is uploaded.

- Eric Mende shared that he met with Grand Valley Water Users Association and Orchard Mesa Irrigation District representatives and they are not currently interested in participating in the permit upload process as they feel it will cost them money. When you compare standard and non-standard permits side by side, there is a vast difference. Grand Valley Drainage District's permit is very detailed whereas Orchard Mesa Irrigation District, Grand Valley Water Users and School District 51 permits are very barebones-- so bare that the State may say they are not adequate.
- Director Walker asked what the difference was between Standard MS4 and Non-Standard MS4 entities. Eric Mende explained the primary difference was that the Standard MS4 entities have land use controls and the Non-Standard MS4 entities have no land use controls. Standard MS4s are required to have programs that regulate and monitor stormwater activities of both public and private activities within their jurisdictions, whereas Non-Standard MS4s are mostly focused on themselves. Currently the GVDD has nine public educational programs listed. Orchard Mesa Irrigation District has two programs listed. The first is their website and the second is attending the Children's Water Festival. Eric Mende was not sure this would be considered adequate public education, or whether they actually attended and provided funding for the festival or whether they were just claiming credit for others work. Standard MS4 entities with land use controls put public education programs into place and coordinate them with other entities such as billboards and funding festivals. Standard MS4s have construction and post construction elements as well. Site plan review and detailed illicit discharge and municipal operations are similar. It's really a matter of scale. Julie Constan informed the group that non-standard MS4s don't have ordinances. The State has not given them the ability to enforce them. John Ballagh added that the non-standard MS4s rely on others' rules. If they have any enforcement issue, the non-standards kick it up to those who can take action.
- Director Walker asked why the Grand Valley Water Users and Orchard Mesa Irrigation District are not interested in participating in the permit uploading process to the 5-2-1 Drainage Authority. Eric Mende stated because it will cost them money. Julie Constan inquired how much are they currently paying for their permit. Eric Mende indicated it was about \$350. Eric Mende reports their programs have holes with no realistic audit processes and procedures. The 2009 Annual Report to the State will require all seven entities to document procedures. Director Acquafresca questioned whether the irrigation districts are not regulated by the Clean Water Act. Eric Mende stated both Orchard Mesa Irrigation District and Grand Valley Water Users feel they should be exempt from the permit fees and that they are being taken advantage of. Director Acquafresca indicates there have been new developments approved against their protest. Eileen List stated the irrigation districts are seeing the impacts of urbanization.
- Eric Mende reiterated the City of Grand Junction IGA has been through its internal reviews and will bring it to the next Board meeting. Julie Constan indicated Mesa County would have their draft back at the 5-2-1 Drainage Authority's Technical Staff

meeting next week. Eric Mende indicated he would like the IGA approval process to be completed by October 15, 2008, in order to meet the January 1, 2008, uploading date. The 5-2-1 Drainage Authority attorney, Larry Beckner, has yet to review any of the IGAs. Eric Mende stated he will send finalized drafts to the attorney before sending to the Board members. Director Acquafresca asked if School District 51 has responded to the draft IGA. Eric Mende indicates they have not. Julie Constan stated she would be surprised if we heard from them. Director Acquafresca empathizes that the school district is probably buried with the start of school.

- Manager's September Schedule – Eric Mende will be attending the Colorado Association of Stormwater and Floodplain Managers (CASFM) meeting September 9-12, 2008, and the Special District Association (SDA) annual meeting September 17-19, 2008.
- Director Acquafresca asked if we have received many Hotline calls particularly as a result of the August 8, 2008, heavy rains. Eric Mende advised we have received two hotline calls: One regarding a drain that the Grand Valley Drainage District was already working on and a second call regarding spilled antifreeze. No calls regarding the localized flooding resulting from the August 8, 2008, storm. Eileen stated the flood levels on South Seventh Street Grand Junction from the August 8, 2008 storm reached the level of a 50-year event.

Discussion Item #5 – Bosley Wash Land Swap

- The GVDD has been pursuing the acquisition of a 10-acre parcel located in the Bosley Wash watershed. This parcel is located within the proposed footprint of a large flood control detention basin identified in the Bosley Wash Master Plan which makes it very desirable in terms of implementing the Master Plan. John Ballagh explains the owner wants a 1031 exchange and is a willing seller with reasonable requests. It was asked if this is a GVDD or 5-2-1 Drainage Authority role. John Ballagh indicated the 5-2-1 Drainage Authority owns the Bosley Wash Master Plans now, but it is the GVDD and Mesa County who are working the real estate end right now. Julie Constan indicates they are working with Property Acquisition.

Discussion Item #6 – Adobe Creek Hydraulic Study Grant Application

- Eric Mende informed the Board that Kevin Houck at the Colorado Water Conservation Board (CWCB) notified us in late July that there was grant money available for flooding related projects and applications needed to be submitted by August 15, 2008. John Ballagh, Julie Constan, and Eric Mende submitted a grant application for the Adobe Creek Channel Capacity Analysis. The grant proposed \$25K from CWCB and \$25K in matching funds from the 5-2-1 Drainage Authority. Eric Mende indicated staff feels this is good use of 5-2-1 Drainage Authority funds as the budget is available and it is multijurisdictional. Kevin Hauck has told Eric Mende the project is a “go.” The Request For Proposals has also been prepared but not yet advertised. Julie Constan reminds us that this project would assist the property owners on Adobe Court who have experienced significant annual flooding. Director Acquafresca asked how many residents. Jon Peacock indicates 4-5 and asked what the timeline for this analysis. Eric

Mende stated the grant approval would be 2-3 weeks and we want to finish most of the work before the end of the year although it will probably carry forward to 2009. The capacity analysis is to prioritize the corrective steps. There are some Fruita ties as well with the Adobe Creek Golf Course and the Harvest Moon subdivision. Eric Mende confirmed that the analysis can be completed for the \$50K funded. The Request For Proposals will be done with the Mesa County process requiring a competitive bid. Julie Constan advised this is a good starting point and will be used as a boiler plate. The Board concurred that the 5-2-1 Drainage Authority staff should move ahead with the RFP process as this project meets the criteria of being multijurisdictional and it is possible hazard to property and loss of life.

- Eric Mende mentioned the need for a defined priority list and/or general policy from the Board for master plan or study projects. It remains on the near term to do list.

Discussion Item #7 – C-SWMP Permit Fee Structure and Implementation Timeline

- Eric Mende open the discussion by stating the implementation timeline of uploading the construction permit process by January 1, 2009, is based on an inspector being hired by mid-October and all IGAs from the contracting agencies being in place hopefully by the October 2008 Board Meeting. Director Walker feels that tailoring the fee to cover the salary of an inspector is not OK. Some justification for the fee needs to be provided. Director Acquafresca agrees with Director Walker that the fee should be based on value of work performed. Eric Mende is proposing a four-tier fee process, as noted on the Alternative Fee Analysis handout. The fee levels were developed from Trent Prall's previous work as well as reviewed with Julie Constan. Eric Mende continued by stating the fee levels were set such that if the fees were challenged, they are in all cases less than the calculated cost to perform the work. Director Walker inquired as to why not charge actual cost. Eric Mende stated the actual cost is going to vary based on the property which is time consuming to track, and because the permit is paid for prior to the inspection of the property. Director Walker asked if fees should be based on the cost of the project like a building permit. Jon Peacock stated the more complex the project the higher the fee. Eric Mende agreed there are multiple ways to set up a fee structure. The same amount of paperwork is required for a two acre parcel as a larger parcel. Jon Peacock asked what the difference would be if a 20 acre development had 4 large structures versus the same site having 80 structures developed on it. Julie Constan stated the infrastructure would be more complex. Director Acquafresca and Jon Peacock ask if the complexity lays with acreage disturbed. Eric Mende and Julie Constan confirm that is correct. Eric Mende also stated there are political issues as we don't know how the public will react to assessment of this fee. Julie Constan stated she didn't receive any negative feedback when presenting this concept. The request (from the development community) that Julie Constan did receive was setting of fees at easily calculated values so they can budget them. Jon Peacock asked if the fee structure is for disturbed acreage. Eric Mende advised that the fee is not. The entire parcel size is used to determine the fee. The permit numbers for this year so far are 20 for the City of Grand Junction, 1 for the Town of Palisade, and 2 for Mesa County. Julie Constan stated

Mesa County's are low due to only applying the permit within the urbanized boundaries. Jon Peacock advised that building permits are down 49% from last year. Eric Mende stated that with those numbers we will have to boost the current fee, or subsidize the inspector with general fund dollars. Director Walker inquired at 30 permits per year, is the inspector position justifiable. Eric Mende stated yes, however if they went down to 15-20 permits per year the position would not be justifiable. Jon Peacock asked if the number of acres acre tied to how long each inspection will take. Eric Mende stated that based on 60% utilization along with post construction and auditing the 30 permits per year is justifiable.

- This discussion was tabled due to time constraints and will be added to the September 24, 2008, 5-2-1 Drainage Authority Agenda.

Discussion Item #8 – Preliminary 2009 Budget

- This item was postponed due to time constraints, and will be added to the September 24, 2008, 5-2-1 Drainage Authority Agenda.

Presentation #9 – Douglas Wash Basin Master Plan

- The Douglas Wash Basin Master Plan was presented to the group

Adjournment –

- Chairman Doody adjourned the meeting at 5:05 p.m.

Jim Doody, Chairman