

**CITY OF COLORADO SPRINGS/EL PASO COUNTY  
DRAINAGE BOARD MEETING SUMMARY  
November 2, 2017**

The City of Colorado Springs/El Paso County Drainage Board held its meeting at 3:00PM, Thursday, November 2, 2017 in the City Council Chambers at City Hall at 107 N. Nevada Avenue.

**MEMBERS PRESENT:** Bob Irwin, Jim Houk, Vince Crowell, Jonathan Moore, John Schwab (joined meeting during item 4d), and Darin Moffett

**MEMBERS ABSENT:** Rhonda McDonald

**OTHERS PRESENT:** Brian Kelley (City), Carol Medina (City), (City), Mary Murray (City), Steve Rossoll (City), Lois Ruggera (City), Anna Bergmark (City), Erin Powers (City) Gilbert LaForce (County), Jim Morley, (Morley Companies), Eric Howard (Morley Companies), Chaz Collins (Morley Companies), Dave Lethbridge (DRL Bridge Consulting), Virgil Sanchez (M & S Civil Consultants)

**Item 1:** Meeting called to order by Bob Irwin at 3:02pm

**Item 2:** Approval of the minutes from the September 7, 2017 Drainage Board Meeting  
Motion by *Jim Houk* to **approve** the minutes  
Motion seconded by *Jonathan Moore*  
Motion passed 5-0

**Item 3:** Old Business – None

**Item 4:** New Business – **Discussion of November 2, 2017 agenda** (Brian Kelley requested items 4b and 4c be postponed until next Drainage Board Meeting. Board agreed)

**a) Drainage Reimbursement for Powers Pointe – (City)**

**ACTION REQUESTED:** This action is requested to reimburse to TSG Colorado Springs, LLC for drainage facilities constructed with Powers Pointe. The total request from the Sand Creek Drainage Basin fund for drainage facilities is \$228,255.00.

Item was presented by Steve Rossoll with staff *recommending approval*.

Motion was made by *Jonathan Moore* to **approve** to reimburse TSG Colorado Springs, LLC \$228,255.00 for the drainage facilities from the Sand Creek Drainage Basin fund. Motioned seconded by *Darin Moffett*.

**Motion Passed 5-0**

**b) Drainage Reimbursement for Forest Meadows Filing I Phase 4 — (City)**

**ACTION REQUESTED:** This action is requested to reimburse to Informa, Inc. for drainage facilities constructed in Forest Meadows Filing 1, Phase 4. The total request from the Sand Creek Drainage Basin fund for drainage facilities is \$248,653.63.

**\*This requested action item has been postponed until the next Drainage Board Meeting.**

**c) Drainage Reimbursement Black Forest Road Storm Sewer — (City)**

**ACTION REQUESTED:** This action is requested to reimburse to Informa, Inc. for drainage facilities constructed in Black Forest Road. The total request from the Sand Creek Drainage Basin fund for drainage facilities is \$110,181.50.

**\*This requested action item has been postponed until the next Drainage Board Meeting.**

**d) Drainage Reimbursement for the Box Culvert at Sand Creek Pond 6 – (City)**

**ACTION REQUESTED:** This action is requested to reimburse to Informa, Inc. for the 10% engineering that was not included in the July 2017 Drainage Board approval for the same facility. The total request from the Sand Creek Drainage Basin fund for drainage facilities is \$33,955.35.

Darin Moffett explained that he had no conflict of interest on any Morley applications being considered.

Item was presented by Steve Rossoll with staff *recommending denial* of request due to lack of sufficient supporting financial documentation demonstrating as paid invoices for engineering design.

Further discussion was held by the Board as to the best course of action in light of the engineering firm being part of the developer's company when project was designed approximately a decade ago.

Jim Morley stated that his company did not do internal receipts for services and wants to make sure the history is interpreted properly. Dave Lethbridge stated that the submittal doesn't meet the letter of the law but it's all we had from the developer. Virgil Sanchez stated that he worked for the applicant, under the company name ESI (Engineering & Surveying, Inc.), at the time and was paid a salary so no there was no invoice to provide, and that ESI did all of the civil engineering for the project minus the structural portions. When asked by Bob Irwin whether the \$33,955.35 requested represents the 10% engineering, Virgil stated that the cost being requested was probably low.

Jonathan Moore believes the testimony, but feels it's the bigger picture issue of setting a precedent so he is on the fence about this application. John Schwab joined the meeting midway through this item and therefore did not vote on this item.

Further discussion by the Board continued about whether a reimbursement was justified, and all agreed that further discussion is needed going forward on how we're going to address incomplete project submittals, noting that the work was completed so a reimbursement is in order to some degree. Steve Rossoll iterated that continuing to make a mistake, by allowing an incomplete request without proper documentation, isn't the right way ahead.

Motion was made by *Jonathan Moore* to **deny** reimbursement of \$33,955.35 to Informa, Inc. for the 10% Engineering that was not included in the July 2017 Drainage Board approval for the same facility of Sand Creek Drainage Basin fund. Motioned seconded by *Vince Crowell*.

**Motion Denied 3-2**

Since the motion was not approved, denial meaning that the City staff recommendation did not pass, discussion continued for a move to approve the reimbursement request. Darin Moffett stated that he was hung up on the fact it is an issue of documentation and that the developer is entitled to it, and suggested that a letter be submitted by the engineer of record to ensure costs, with PE stamp, are reasonable based on the amount requested. Board discussed that it is not considered a precedent but is considered a case by case decision.

Motion was made by *Darin Moffett* to **approve** reimbursement of \$33,955.35 to Informa, Inc. for the 10%

Engineering that was not included in the July 2017 Drainage Board approval for the same facility, contingent on receiving a letter from Virgil Sanchez stating that the \$33,955.35 is a reasonable fee for the engineering design, of Sand Creek Drainage Basin fund. Motioned seconded by *Jim Houk*. Moore and Crowell voted No.

**Motion Passed 3-2**

**e) Resumption of Accrued Interest Allocation – (City)**

**ACTION REQUESTED:** To allow the City to resume payout of accrued interest in the Drainage Reimbursement Program as per existing policy, to include immediate payment of \$281,156 to the City for administrative fees from January 2009 through September 30, 2017, and payment of the final quarter of 2017 administrative fees in January 2018, after which the remaining accrued interest be distributed in the basins with the January payouts.

Motion was made by *Bob Irwin* to **approve** to resume payout of \$281,156 for the accrued interest in the Drainage Reimbursement Program Administrative fees from January 2009 thru September 30, 2017, and payment of the final quarter of 2017 administrative fees in January 2018, after which the remaining accrued interest be distributed in the basins with the January payouts. Motioned seconded by *John Schwab*.

**Motion Passed 6-0**

**f) 2018 Fee Study and Recommendation (City)**

**ACTION REQUESTED:** Approve a market adjustment of 5.7% to the City wide drainage basin fees, bridge fees and pond facility and pond land fees for 2018 as shown on Exhibit A.

Motion was made by *John Schwab* to **approve** a market adjustment of 5.7% to the City wide drainage basin fees, bridge fees and pond facility and pond land fees for 2018. Motioned seconded by *Vince Crowell*. (El Paso County / Gilbert LaForce also requested to move the adjustment of 5.7% to the County as well).

**Motion Passed 6-0**

**g) Informational**

Drainage Board Member Terms Update: John Schwab and Rhonda McDonald terms expiring in March 2018.

**h) Housekeeping**

Annual Drainage Board Luncheon and Meeting: Agreed date is Thursday, January 25<sup>th</sup>, 2018, elections of new Chair and Vice Chair will take place at this meeting.

**i) Open Discussion**

- The Board discussed the need for better procedures to be followed for reimbursements in order to ensure that the best possible application makes it to the Drainage Board for consideration.
- Lack of applicant documentation – board requested that current guidelines be followed more strictly and that the guidelines be updated by staff for future Board approval
- Staff discussed intent to require applicants to submit all reimbursement paperwork prior to being issued a 'Probationary Inspection Letter' for constructed drainage facilities, thereby promoting the completion of reimbursement requests while all paperwork to include as paid invoices, certifications and bid items are in order. The Board concurred.
- Board suggested that an independent third party, chosen by the City, could possibly review the more complex applications at the developer's expense.
- Discussion of deferred fees by the Finance Department. Staff recommended and Board discussed the possibility of granting credit only up to the deferred fee amounts in those cases of incomplete documentation, upon City inspection and acceptance of the constructed facility.

**Item 5:** Adjourned 5:08pm