

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY
MEETING MINUTES
JUNE 23, 2011

DIRECTORS PRESENT: Larry Lorentzen
Lee Tucker
Ken Sampley

DIRECTORS ABSENT: Vic Meline

PRESIDING: Ken Sampley

ALSO PRESENT: Rex Burns, Authority Manager
Lisa Work, Recording Secretary
Ron Winne, Larimer County Project Engineer
Andrea Faucett, Ayres Associates
Mark Peterson, Larimer County
Dave White
George Reed

1. Call to Order

The meeting was called to order by Director Sampley at 4:08 p.m.

Director Lorentzen moved and Director Tucker seconded appointing Director Sampley to be acting President Pro-Tem for meeting. With all in favor the motion passed.

Manager Burns explained that Director Lorentzen has resigned from Recording Secretary and that Lisa Work with LGS will be taking over that role starting with this meeting.

Manager Burns introduced George Reed to the Board as an applicant to the Board of Directors and that he is at the meeting to observe the proceedings tonight.

ADDITIONS OR DELETIONS FROM THE AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

2. Review and approve minutes of May 26, 2011

Director Tucker noted that Henry Obermeyer's name still appears on the bills to be paid and it needs to be removed. Both Director Sampley and Director Lorentzen agreed that needs to be addressed and it won't appear again next month.

Director Lorentzen moved to approve the minutes of May 26 as written. Director Sampley seconded. The motion passed 2 to 1 with Director Tucker opposed.

The Directors had a discussion about majority vs. quorum when voting as there are only 3 members present this meeting.

3. Public comment

None

4. Election of Authority Board of Director Officers

Director Sampley explained that there are two board vacancies. One is currently being filled on an on going basis by Vic Meline who is a joint City of Fort Collins and Larimer County appointed rep. Vic has applied for the position with the City of Fort Collins approving and Larimer County intending to appoint.

There was a meeting with County staff earlier this week. It was discussed that it would be helpful to have a full Board to take action on items with the outcome being staff to talk with Commissioners to get process of appointing a Board member moving forward.

Director Lorentzen moved to postpone item 4 – Election of Authority Board of Director Officers - to the July 27th meeting. Director Tucker seconded and with all in favor the motion passed.

5. Coal Creek Flood Hazard Mitigation Project

Ron Winne, Project Engineer with Larimer County Engineering Department presented the project update noting:

- The CR 7 Bridge has been opened to traffic. There was a bit of a delay due to weather this spring but the project is completed.
- Main work at reservoir right now: the dewatering site under construction and the berms are being constructed. The site is wet in lower areas but drying out. The contractor is putting 14" OD HDPE pipe in 400' sections to eventually hook to the dredge.
- The canal crossing is completed. Access is much improved.
- Right of Way negotiations continue with CDOT and BNSF railroad. CDOT agreement is very close to signing. Continuing to work with railroad agreement. Director Sampley asked about any issues/ hanging points. Ron explained that there were some issues with insurance and the right of way that they are working out with North Poudre Irrigation Company. Also all on site needing to take safety training. But mainly just working with a huge bureaucracy and those things are moving forward.
- All permits in place and in compliance with all laws regarding air quality, water quality, dewatering and stormwater discharge. The contractor has brought on consultant to act as the erosion control supervisor.

- Ready to do initial hydro survey. Consultant doing that work getting their equipment in order and should start next week. Should have initial mapping of the bottom of the reservoir to start referencing the dredging work to make sure pulling out the amount of material called for. Director Sampley asked for a time frame. Ron explained it should only take a couple of days.
- Dredge scheduled to arrive week of July 4th. Anticipate dredging to start mid-July.
- Budget items. There are 2 change orders that have been implemented. One for Canal Crossing structure for approx. \$3200 for rock to bed the pipe that was not in the specifications due to the weather/wetness of the soil. The second was negotiated for the sheet piling for \$169,000. Bust in quantity from engineer so increased from 3500 to 7500 square feet. Value engineering done on the piling itself and were able to come up with a less expensive piling section that ended up being about \$2 less a square foot. Under initial appropriation.

Director Tucker had questions regarding who purchased the culvert pipe from North Poudre that was to be re-used. Ron explained that the pipe was not able to be re-used as it was too short even with end sections so a new pipe with beveled ends was purchased. This change was in an addendum to the bid documents so was included in the project cost.

Director Tucker asked why when water was shut off and the area dried up wasn't the contract re-negotiated to put that pipe in when area was dry. Ron agreed that in hind sight that would have been a good thing to do.

6. Progress Reports Eastside Storage and Middle Basin Projects

Director Sampley noted that the rep from Ayres not present and asked if Manager Burns was going to present progress update. Manager Burns explained that rep from Ayres is on the way to meeting to present update and also to be involved in executive session and recommended that the Board move on the next agenda item until Ayres rep arrives. Board agreed to move forward.

7. Financial Report for May 2011

Manager Burns explained that before the meeting there was some discussion that there was incomplete information in the board packet regarding individual invoices. Manager Burns explained the process that has been followed for the last several meetings is to send out an initial email from the LGS office to the CPA's office and the individual board members that contain the individual invoices. Then the responding information returned from the CPA's office is posted on the website and emailed to the board members.

Director Sampley pointed out that on the budgetary comparison on page 3 of the financial information has an error in the percentages column. He also explained that the Board is more interested in the actual dollar amount than the percentages but that there is an error in that column.

Manager Burns discussed with the board that in early June funds were transferred between accounts to keep balances below \$250K that isn't reflected in the CPA reports that are for the time

period through the end of May. Also in June the City of Fort Collins remitted \$106,810 to the authority and it has been deposited.

Manager Burns requested a motion to approve the audit with the management letter presented last month and in the current board packet and on the website. Director Lorentzen brought up that the packet contains the draft audit and the manger's letter does not have the change requested in last months meeting. Director Lorentzen requests a clean copy for the Board before approving the audit. Manager Burns does have a clean copy and will get it distributed as soon as possible. Director Sampley requested the next week or two to review the clean copy and provide comments to Manager Burns and have presented at next month's meeting for approval.

Manager Burns requested a motion to approve the claims for the month of May. Director Lorentzen moved to pay goods and services in the amount of \$16,366.71. Director Sampley seconded the motion. Motion passes 2 to 1 with Director Tucker opposed.

8. Manager's Report

Manger Burns distributed his monthly Manager's Activity report to the Board outlining time spent on public relations activities noting that he is sending out a monthly newsletter to BBRSA website subscribers and also posting on the website. All agendas for board meetings are sent to the subscribers list. The monthly board packet is placed on the website. LGS has developed an in house capability for updating the website which is more cost effective and timely.

There was a second work session with the Board held on June 17th for authority fee structure development in an interactive approach. There was discussion about what to do with the vast range of property sizes and impervious areas in the sample 553 properties. LGS has proposed an approach that would use the median impervious area within each tier of the residential rate structure. That may still be problematic as some of the County properties will be charged a higher amount than previously charged. There was also discussion about lessening that fee for the larger properties based on a discounting approach based on the rational approach.

Work is also moving forward on development of a database for billing properties in the unincorporated parts of the Service Area. Manager Burns has obtained a list broken down by city, county, and town that will enable, once a fee structure is determined, calculation of the amount to be billed to the 3 jurisdictions.

Manager Burns continues to work with Ayres to investigate the feasibility of CSU's ARDEC site. This negotiation is requiring the development of additional materials to evaluate alternatives both at ARDEC and alternative sites. Manager Burns requested the Board move into an Executive Session to brief the board in more detail to build a case for the purchase of right of way for the facility that the University real estate office can take to the Board of Governors of the CSU system.

Manager Burns and Andrea Faucett continue to meet with the Town of Timnath to discuss the configuration of improvements that would work to meet the Town and the Authority's needs and more meetings are planned.

Director Sampley and Director Lorentzen discussed a meeting that took place on Monday with representatives from the County, City of Fort Collins, and Town of Wellington including managers, attorneys and utility staff. Conversation was around proposed amendments to the IGA but more particularly the Counties request to put a 'sunset' into the IGA. The group is requesting that the Authority put together spreadsheets or models with the different scenarios taking cash flow and time for completion into account. There is complication by whether Timnath comes in or doesn't. Director Sampley added that the request from Larimer County for the sunset is in response to public inquiries with regard to length of fees, what fees are used for, lower fees during a maintenance period, cost for replacement. Entities agreed this is a reasonable request. Director Sampley suggests a work session toward the later part of July to look at different approaches for example, bonded or pay as you go, to put together models.

Manager Burns and Andrea Faucett met with Don Toronto of Timnath on Tuesday and he is asking the same questions regarding the big picture as to how much the entities are paying, time frame, bonding. Manager Burns suggested the formation of a committee for more direction.

Director Sampley brought up that if Timnath is going to participate there needs to be a discussion regarding Timnath being responsible for some of the costs of putting information together and administrative costs. Manager Burns will relay this information to Mr. Toronto. Director Sampley would like discussion of this at the July 1, 2011 meeting where Timnath is presenting its scenario to Fort Collins.

Manager Burns is working on putting together a Board field trip on the 21st of July. Trip to start at the LGS office then move to the Clark operation. Next stop to be presentation at ARDEC a presentation by Windsor Reservoir Company about Cobb Lake. The Board will have lunch at the ARDEC facility. After lunch the tour will continue downstream to the location of the Middle Basin improvements. Finally down to the intersection of the Larimer/Weld Canal and Boxelder Creek. Part of the purpose of the field trip is to acquaint the new Board member of the Authority projects and what the Authority is about.

6. Progress Reports Eastside Storage and Middle Basin Projects

Andrea Faucett distributed the East Side project update and the Middle Basin update.

- New grading plan for ARDEC. They are ok with removal of material from the center pivot area to create additional storage to allow for lowering the height of the damn by 3 feet and reduce footprint of damn base by 18 feet. Have not presented to ARDEC yet by have meeting with them on July 6th.
- Middle Basin- Ayres has begun work on modifying the existing HEC-RAS model to include the flood bench area on the west side of the channel. They have requested additional survey data of the road crossings on CR 48, CR 50, CR 52, and CR 54. The previous model was based on existing aerial topographic data which is not accurate enough. The survey is

scheduled to occur next week and was included in the scope and fee estimate so no additional cost for the survey.

- East Side Storage Facility does impact the Middle Basin analysis. Decision made to move forward with current discharge values that Ayres came up with from ARDEC and these numbers will give close enough results for cost estimating.
- By July meeting Ayres should have the roadway crossing sized and possibly an exhibit showing the extent of flood bench needed to contain flows within Boxelder flood plain.
- May have cost estimating done by the July meeting that would help with the models talked about earlier.
- One of the discussions with the Town of Timnath was the ability to obtain another PDM grant. This should be added to the model options as discussed above.

Manager Burns and Andrea Faucett requested an Executive Session of the Board for further discussion of the East Side project update. Director Lorentzen requested a 5 minute break to look up voting requirements for Board to approve moving into Executive Session.

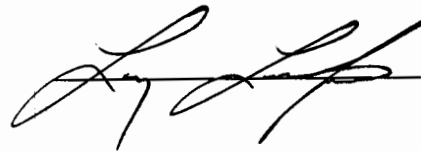
7. Executive Session on right of way negotiations having to do with East Side Storage Project

Director Sampley polled members regarding decision to move into an Executive Session. Director Tucker opposed. Director Lorentzen asked for clarification of urgency to discuss at this meeting. Manager Burns explained his request but also stated that not urgent to discuss tonight. Director Lorentzen and Director Sampley both moved to postpone discussion and not move into an Executive Session at this meeting.

10. Adjournment

Director Sampley moved and Director Tucker seconded to adjourn meeting. With all in favor the meeting was adjourned at 5:40 p.m.

Approved this 22nd day of July, 2011

A handwritten signature in black ink, appearing to be "Ayres", written over a horizontal line.