

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY
SPECIAL MEETING MINUTES
APRIL 15, 2011

DIRECTORS PRESENT: Larry Lorentzen
Lee Tucker
Ken Sampley
Vic Meline

DIRECTORS ABSENT: None

PRESIDING: Ken Sampley

ALSO PRESENT:

Greg White, Authority Attorney
Rex Burns, Authority Manager
Mark Peterson, Larimer County Engineering
Martina Wilkinson, Larimer County Engineering
Todd Juergens, Larimer County Engineering
Ron Winne, Larimer County Engineering
Andrea Faucett, Ayres Associates

1. Call to Order

The meeting was called to order by Director Sampley, President Pro-Tem for meeting by consensus of Board, at 1:36 p.m.

ADDITIONS OR DELETIONS FROM THE AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

1. Discussion with County Staff regarding the Coal Creek Flood Hazard Mitigation Project and MOU – Larimer County.

Manager Burns explained the purpose for the special meeting, public hearing and the possible need for an executive session for negotiations concerning the MOU with the County on the Clark Reservoir Project. He explained the County Staff is in the process of awarding a bid for the Clark Reservoir/Inlet Canal project and some of the information about the bids is still confidential.

Martina Wilkinson explained the County could not award the project until they know adequate funds have been appropriated by the Authority Board to cover amounts over the FEMA grant and local matches. Director Lorentzen explained discussion of amending the budget for additional appropriations for the project was not allowed in executive session, but some of the issues could possibly be dealt with as an amendment to the MOU, and the negotiations on an MOU amendment could be done in executive session. Greg White questioned what information the County needed to be kept confidential.

Martina Wilkinson explained the County had received nine proposals for the project. All proposers intended to finish the dredging within 2011. Costs came in around the engineers estimate, some higher, some lower. The two highest ranked proposers also had the lowest cost proposals, within about \$100,000 of each other. County staff intends to interview these two next week.

Todd Juergens stated they would like to have contingency funds appropriated 20% above the proposal amount to cover potential change orders. Normally 15% would be adequate but a mistake was discovered on the quantity of sheet piling with the estimated amount shown in the request for proposals only about half of what would be needed.

Director Tucker questioned if the Board was receiving enough information to even proceed with considering an additional appropriation.

Martina Wilkinson distributed a breakdown of projected costs, available funds, and projected 2011 and 2012 payments indicating a total project cost of \$5.2 million and a need for an additional appropriation of \$360,000 in 2011 to cover a \$650,000 contingency based on the higher of the two proposals under consideration. It was noted the written breakdown would be considered work product and not public information yet.

Director Sampley questioned the cash available to the Board to be able appropriate the additional funds for the Clark Reservoir project and continue with the East Side Storage and Middle Basin design and land purchases.

Director Lorentzen stated the current budget covers the projected 2011 costs without contingency, and the MOU requires the Authority to cover costs over the grant and local match, so the County should be able to award the contract prior to the Board amending the budget and appropriating additional funds. Considering public concerns over adequate public hearing notice he would prefer to continue the public hearing to the regular meeting of April 28th.

Director Tucker stated he wanted to know exact costs and schedules prior to moving forward with any further appropriation. He also questioned if proper notice of the public hearing had been provided.

There was further conversation about the schedule for award, signed contract and start date of the project and the intent of the Authority to meet the terms of the MOU in funding the project.

2. Executive Session for the purpose of determining issues relative to matters that may be subject to negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(E) C.R.S. regarding the Clark Reservoir Project and the MOU with Larimer County.

The Board agreed by consensus no executive session was needed.

3. Public Hearing – Supplemental Appropriation to the 2011 Budget

Manager Burns presented a petition signed by 25 individuals with the following statement to the Board:

“We, the undersigned, highly object to additional monies being requested to compensate for overrun of funds to complete the Clarke Reservoir project, due to the mismanagement and the procrastination of the project. The Boxelder Authority has collected fees for 2 years, with this project appropriated for as well as the monies that have been funded by way of a FEMA grant. The Board had set up a budget and must live within this budget or withdraw from the project.”

Director Lorentzen moved to continue the public hearing to the regular Board meeting of April 28th. Director Meline seconded. With all in favor the motion passed. It was noted the continuation would be advertised, posted to the website and distributed through the email subscription list.

4. Other business

None

5. Adjournment

With no further business, acting President Pro-Tem Sampley adjourned the meeting at 2:42

Approved this 26th day of May, 2011

Kate C. Sampley
Acting President Pro-Tem