

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

P.O. Box 1091
Wellington, CO 80549
970 443-9505

AGENDA

Boxelder Basin Regional Stormwater Authority Board of Directors

April 28, 2011

Leeper Center

3800 Wilson Avenue
Wellington, CO 80549

4:00 P.M.

1. Call to order
2. Review and approve minutes of Meeting of March 24, 2011
3. Public Comment
4. Coal Creek Flood Hazard Mitigation Project Update
5. Continued Public Hearing on proposed supplemental budget appropriation for Coal Creek Flood Hazard Mitigation Project.
6. Proposal for Engineering Eastside Improvements and Working with Town of Timnath
7. Authority Fee Structure planning
8. Financial Report
9. Manager's Report
 - Activities Report
 - Web Site
 - Monthly Subscription newsletter
10. Adjournment

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY
MEETING MINUTES
March 24, 2011

DIRECTORS PRESENT: Henry Obermeyer
Larry Lorentzen
Lee Tucker
Ken Sampley
Vic Meline

DIRECTORS ABSENT: None

PRESIDING: Henry Obermeyer, President

ALSO PRESENT: Rex Burns, Authority Manager
Mark Peterson, Larimer County Engineering
Martina Wilkinson, Larimer County Engineering
Andrea Faucett, Ayres Associates

1. Call to Order

The meeting was called to order by President Obermeyer at 4:10 p.m.

ADDITIONS OR DELETIONS FROM THE AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

2. Review and approve minutes of Meeting of February 24, 2011

Director Meline moved and Director Sampley seconded approving the minutes of January 24, 2011 as submitted. The motion carried 4-1 with Director Tucker opposed.

3. Public comment

Dr. James Fry, 6016 Trotwood CT, objected to the adopted policies on the public comment portion of the agenda, saying they interfered with the democratic process. He objected to the policy of having public comment on non-agenda items only in the

public comment portion of the meeting and in particular he took exception to the policies that individual Board members should not be expected to interact with speakers or give answers to questions immediately.

He stated the meeting agendas were only sporadically posted on the website making it difficult for the public to know when it was important to come to a meeting.

Director Meline moved to discontinue the general policies concerning the public comment portion of the agenda. Director Tucker seconded the motion. President Obermeyer stated he agreed the policies were no longer needed as we were not getting significant numbers of individuals at the meeting wishing to speak. Director Lorentzen stated he was opposed to dropping the rules believing it is necessary to have such rules in place to fall back on when necessary to be able to conduct the business we were put on the Board to do. Are rules are similar to the policies of most public boards. Director Sampley stated he was also opposed to eliminating the rules. The Board president had the ability to relax the rules as necessary to accommodate the public. The motion passed 3 to 2 with Directors Lorentzen and Sampley opposed.

4. Coal Creek Flood Hazard Mitigation Project Update

Martina Wilkinson distributed the project update report noting:

- Final processing of the amended Environmental Assessment should be completed within the next 10 days.
- Re-review of mechanical excavation feasibility was completed and furnished to the Board at President Obermeyer's request.
- The amendment of the construction agreement with North Poudre Irrigation Company was completed. Director Tucker requested a copy of the final agreement.
- The abutments are mostly complete, girders in place, deck forming underway and channel excavation nearing completion on the CR 7 bridge construction)
- Three agreements with CDOT, the Railroad and the County still need to be finalized prior to starting the channel construction in the fall.
- The Request for Proposals for the Clark Reservoir project was advertised March 14th. A pre-proposal meeting is scheduled for potential proposers on March 29th, with proposals due 2:00 pm on April 8th. The bid award is scheduled for the 18th. There has been substantial interest nationally from contractors

Director Tucker questioned whether the public would be allowed to view the proposals at the opening on April 8th. Ms. Wilkinson replied if anyone from the public attended, all

they would be able find out is the number of proposals received and names of the companies submitting proposals. The proposals would not be opened at that point so the bid amount or other details of the proposals would not be available. Director Sampley requested a summary sheet be prepared listing the proposers.

Director Lorentzen stated if the bid amount and schedule of the recommended proposal indicted a 2011 non-grant reimbursable need over the Authority's budget, a budget amendment by the Board would be necessary. The scheduled award is on April 18th, but the next regular Authority meeting is not until April 28th.

After discussion it was agreed to schedule a special meeting for the morning of the 18th for the purpose of amending the budget to appropriate additional funding if necessary.

Director Sampley stated he would like to see signage identifying the project when it started.

5. East Side Storage Project update:

Andrea Faucett presented an update noting:

The dam design was revised to reflect 5 foot freeboard requirement by the State Engineer.

A determination was made of the outlet configuration (through hydraulic modeling) which created the least inundation impact on ARDEC site during more frequent storm events

A cross section exhibit of dam and plan view of grading was prepared for a meeting with ARDEC. Manager Burns noted it would likely take at least a year to actually acquire the land for the dam after ARDEC agreed to the concept.

A contract for an analysis and cost estimate on the middle basin projects is needed to determine optimal balance in the size of the east side storage reservoir vs. middle basin improvements from an economic point of view. Moving forward on this contract is currently on hold due to cash flow concerns until contract amount for the Clark Reservoir construction project is known.

6. Preliminary Authority Fee Structure planning

Manager Burns distributed a memo concerning potential changes in the rate structure. He stated actual impervious area of residential properties is generally higher than the 2,000 square feet currently being used. Assuming the proposed service area boundary is adopted, with three residential tiers based on lot size, his sample calculation indicate an overall rate of \$0.277 could provide the same overall revenue to the Authority without raising the fees currently being paid by most residential customers. Director Sampley

stated he believed more residential tiers would be necessary to provide equity in the fees. He said he believed we need to look at the issue from the financial needs to complete the projects irrespective of whether this may raise residential rates.

Manager Burns reminded the Board of the "Partner's" meeting scheduled for April 4th at the Commissioner's Hearing room, stating this was not a scheduled Authority meeting but the Board members were invited to attend.

7. Financial Report

Manager Burns distributed the budget-to-date revenues and expenditures & cash position handouts. He also distributed a report titled Projected Sources and Uses of Funds which indicated unobligated funds of 1.4 million dollars which could be available through 2012 to cover expenses on the Clark Reservoir project above the amount in the FEMA grant and local matching funds and in-kind services.

Manager Burns stated the audit is well under way and the auditor will probably report to the board at the May Board meeting.

Director Sampley moved and Director Lorentzen seconded paying the claims for goods and services in the amount of \$18,799.62. The motion passed 4 to 1 with Director Tucker voting against.

Director Tucker questioned why funds had not been transferred from the bank account with Points West to bring it under \$250,000 as requested at previous meetings. He also stated Mr. Burns had been requested to provide information about ColoTrust. The rest of the Board members stated they had received the ColoTrust information by email. Director Tucker questioned why he was not getting emails from the Manager.

8. Manager's Report

Manager Burns distributed his progress report for the previous month along with a copy of the first monthly subscription newsletter. He stated the newsletter in addition to being posted on the website will be emailed directly to subscribers who sign up through the website.

Manager Burns stated he would be making a presentation at the April 4th Partners meeting. One of the important points to be made is the downstream properties get limited benefit from the Clark Reservoir project, so the benefits in Fort Collins will not be seen unless the East side storage and middle basin improvements are completed. He noted representatives from the Town of Timnath will be present at the meeting. Timnath needs to identify the reduction of residual flows they desire for the Authority to calculate the necessary resizing of improvements and costs to accomplish this flow reduction.

The Board discussed getting all the information including minutes, progress reports and

action items for a Board meeting on the website prior to the meeting, not just the Agenda. It was agreed the packet of information should be posted to the website by the Monday before a meeting.

9. Adjournment

Director Tucker moved to adjourn with Director Meline seconding. With all in favor the meeting was adjourned at 6:17 p.m.

Approved this _____ day of _____, 2011

President

DRAFT



ACCOUNTANT'S COMPILATION REPORT

To the Board of Directors
Boxelder Basin Regional Stormwater Authority
Wellington, CO

We have compiled the accompanying governmental fund balance sheet of Boxelder Basin Regional Stormwater Authority (the Authority) as of March 31, 2011 and the related statement of governmental fund revenues, expenditures and changes in fund balance for the year then ended. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

The management of the Authority is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist the management of the Authority, in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has not presented a statement of net assets or statement of activities, which are required to present a complete set of financial statements in accordance with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Authority's financial position and results of operations. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Management has not presented the management's discussion and analysis information that the governmental Accounting Standards Board has determined is required to supplement, although not required to be a part of, the basic financial statements. Management does not require complete financial statements to manage the affairs of the Authority on a monthly basis and has determined not to include the above statements, footnote disclosures and management's discussion and analysis. Consequently, as presented, the financial statements are not in conformity with accounting principles generally accepted in the United States of America.

The budgetary comparison information, on pages 3 through 4, is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have compiled the supplementary information from information that is the representation of management, without audit or review. Accordingly, we do not express an opinion or any other form of assurance on the supplementary information.

The supplementary schedule of changes in cash position information, on page 5, is not a required part of the basic financial statements. We have compiled the supplementary information from information that is the representation of management, without audit or review. Accordingly, we do not express an opinion or any other form of assurance on the supplementary information.

We are not independent with respect to the Boxelder Basin Regional Stormwater Authority.

Rickards & Company, LLP

Rickards & Company, LLP

April 14, 2011

Boxelder Basin Regional Stormwater Authority
Governmental Fund Balance Sheet
As of March 31, 2011

	General Fund	Capital Improvements Fund	Total Governmental Funds
<u>Assets</u>			
Deposits and Investments			
First National Bank	\$ 287,906	\$ -	\$ 287,906
Points West Community Bank	251,763	-	251,763
COLO Trust	277,422	-	277,422
Due from other Governments	-	-	-
Interfund receivable	-	676,759	676,759
Prepaid items	724	-	724
	<u>817,815</u>	<u>676,759</u>	<u>1,494,574</u>
Total Assets	<u>\$ 817,815</u>	<u>\$ 676,759</u>	<u>\$ 1,494,574</u>
 <u>Liabilities and Fund Balance</u>			
Liabilities			
Accounts payable	\$ 9,925	\$ -	\$ 9,925
Interfund payable	676,759	-	676,759
	<u>686,684</u>	<u>-</u>	<u>686,684</u>
Total Liabilities	<u>686,684</u>	<u>-</u>	<u>686,684</u>
Fund Balances			
Assigned	-	676,759	676,759
Unassigned	131,131	-	131,131
	<u>131,131</u>	<u>676,759</u>	<u>807,890</u>
Total Fund Balances	<u>131,131</u>	<u>676,759</u>	<u>807,890</u>
Total Liabilities and Fund Balances	<u>\$ 817,815</u>	<u>\$ 676,759</u>	<u>\$ 1,494,574</u>

Boxelder Basin Regional Stormwater Authority
Statement of Governmental Fund Revenues, Expenditures and Changes in Fund Balance
For the Three Months Ended March 31, 2011

	General Fund	Capital Improvements Fund	Total Governmental Funds
<u>Revenues</u>			
Fees			
Service	\$ 159,474	\$ -	\$ 159,474
Interest income	417	-	417
	<hr/>	<hr/>	<hr/>
Total revenues	159,891	-	159,891
	<hr/>	<hr/>	<hr/>
<u>Expenditures/Expenses</u>			
Current			
District management and administration	22,114	-	22,114
Insurance	595	-	595
Office Expense	349	-	349
District accounting	4,607	-	4,607
Professional fees	1,620	-	1,620
Mapping	210	-	210
Website	21	-	21
Advertising	1,463	-	1,463
Capital outlay			
Engineering	228	5,535	5,763
	<hr/>	<hr/>	<hr/>
Total expenditures/expenses	31,207	5,535	36,742
	<hr/>	<hr/>	<hr/>
Excess of revenues over (under) expenditures	128,683	(5,535)	123,148
	<hr/>	<hr/>	<hr/>
Fund balance, January 1, 2011	2,448	682,294	684,742
	<hr/>	<hr/>	<hr/>
Fund balance, March 31, 2011	\$ 131,131	\$ 676,759	\$ 807,890
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

Supplementary Information

Boxelder Basin Regional Stormwater Authority
 Budgetary Comparison Information
 January 1 through March 31, 2011

General Fund	2010 Un Audited Actual	2011 Adopted Budget	2011 Revised Budget	Actual Through 3/31/2011	Budget through 3/31/2011	Variance through 3/31/2011	% Budget through 3/31/2011	2012 Adopted Budget
Revenues								
Fee revenue	\$ 491,380	\$ 800,000	\$ 800,000	\$ 159,474	\$ 200,000	\$ (40,527)	79.74%	\$ -
Interest and other Income	1,579	5,000	5,000	417	1,250	(833)	33.36%	-
Total Revenue	492,959	805,000	805,000	159,891	201,250	(41,360)	79.45%	-
Expenditures								
Accounting	6,911	8,000	8,000	2,107	2,000	107	105.36%	-
Audit	5,375	6,000	6,000	2,500	1,500	1,000	166.67%	-
Board Meeting Costs	-	1,000	1,000	-	250	(250)	0.00%	-
Insurance	2,576	2,000	2,000	595	500	95	119.05%	-
Legal	4,830	10,000	10,000	1,620	2,500	(880)	64.80%	-
Management	68,779	70,000	70,000	22,114	17,500	4,614	126.37%	-
Office and Other	2,306	2,500	2,500	559	625	(66)	89.48%	-
Web Site and Public outreach	3,450	6,000	6,000	1,484	1,500	(16)	98.91%	-
Engineering	14,651	-	-	228	-	228	100.00%	-
Service Area Rate Study	-	-	-	-	-	-	0.00%	-
Transfer to capital projects fund	384,000	691,500	691,500	-	172,875	(172,875)	0.00%	-
Contingency	-	8,000	8,000	-	2,000	(2,000)	0.00%	-
Total Operating Expenditures	492,878	805,000	805,000	31,207	201,250	(170,043)	15.51%	-
Revenues over (Under) exp	81	0	0	128,683	-	128,683	100.00%	-
Beginning Fund Balance	2,367	2,448	2,448	2,448	2,448	-	100.00%	-
Ending Fund Balance	\$ 2,448	\$ 2,448	\$ 2,448	\$ 131,131	\$ 2,448	\$ 128,683	5356.67%	\$ -

Boxelder Basin Regional Stormwater Authority
 Budgetary Comparison Information
 January 1 through March 31, 2011

Capital Projects Fund	2010 Un Audited Actual	2011 Adopted Budget	2011 Revised Budget	Actual Through 3/31/2011	Budget through 3/31/2011	Variance through 3/31/2011	% Budget through 3/31/2011	2012 Adopted Budget
Revenues								
System Development Fees	\$ 14,510	\$ 25,000	\$ 25,000	\$ -	\$ 6,250	\$ (6,250)	0.00%	\$ -
Transfers in from General Fund	384,000	691,250	691,250	-	172,813	(172,813)	0.00%	-
Loan Proceeds	-	50,000	50,000	-	12,500	(12,500)	0.00%	-
Total Revenues	398,510	766,250	766,250	-	191,563	(191,563)	0.00%	-
Expenditures								
Coal Creek Project								
Non grant reimburseable expenses - CLOMR	65,908	500,000	500,000	-	125,000	(125,000)	0.00%	-
Project Management	1,716	2,000	2,000	-	500	(500)	0.00%	-
Intergovernmental	289,742	-	-	-	-	-	0.00%	-
Indian Creek Floodwater Facility								
Engineering	97,012	150,000	150,000	5,535	37,500	(31,965)	14.76%	-
Legal and Right of Way	-	50,000	50,000	-	12,500	(12,500)	0.00%	-
Project Management	1,864	10,000	10,000	-	2,500	(2,500)	0.00%	-
Contingency	-	-	-	-	-	-	0.00%	-
Total Expenditures	456,242	712,000	712,000	5,535	178,000	(172,465)	3.11%	-
Revenues over (under) Exp	(57,732)	54,250	54,250	(5,535)	13,563	(198,000)	-40.81%	-
Beginning Fund Balance	740,026	682,294	682,294	682,294	682,294	-	100.00%	-
Ending Fund Balance	\$ 682,294	\$ 736,544	\$ 736,544	\$ 676,759	\$ 695,857	\$ (198,000)	97.26%	\$ -

Boxelder Basin Regional Stormwater Authority

Supplementary Schedule of Changes in Cash Position for the period February 28, 2011 to March 31, 2011

<u>First National Bank</u>	
Balance as of February 28, 2011	\$ 147,231.81
Service Fees	146,308.48
Service Fees	13,165.02
Ayers Associates	(5,762.87)
Poysti & Adams	(2,500.00)
Rickards & Company, LLP	(1,596.15)
Gregory A. White, Attorney	(1,350.00)
Jason Polly	(135.00)
Local Government Solutions	(7,455.60)
Balance as of March 31, 2011	<u>\$ 287,905.69</u>
<u>Points West Community Bank</u>	
Balance as of February 28, 2011	\$ 251,452.74
Interest Earned	310.01
Balance as of March 31, 2011	<u>\$ 251,762.75</u>
<u>COLO Trust</u>	
Balance as of February 28, 2011	\$ 277,388.97
Interest Earned	33.45
Balance as of March 31, 2011	<u>\$ 277,422.42</u>
<i>Total Cash Balance as of March 31, 2011</i>	<u><u>\$ 817,090.86</u></u>

Boxelder Basin Regional Stormwater Authority
P.O. Box 1091
Wellington, CO 80549

Date: April 21, 2011

Claims made for March 31, 2011, goods and services

<u>Check #</u>	<u>Name</u>	<u>Amount</u>
97	Gregory A White	225.00
98	Local Government Solutions	9,188.94
99	Rickards & Company, LLP	511.00
		<u>\$ 9,924.94</u>

Approved for payment:

Henry K. Obermeyer, President

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

P.O. Box 1091
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Manager's Activity Report Board of Directors Meeting – April 28, 2011

1. **Public Relations Activities**

During this period, Local Government Solutions LLC (LGS) met with property owners from the Waverly Area who are concerned about the proposed Authority Service Area Boundary as it would be revised. I visited their properties, and later met with them in the Office to show them a computer projection of the proposed revised boundary in their area. They have asked some additional questions about the boundary further north and I plan to meet with them individually in the field to address those questions

2. **Fee Analyses**

LGS is continuing to investigate the relationship between the amount of impervious area of to the size of properties within the proposed Service Area. For this purpose, we obtained a complete listing of all properties in the revised Service Area. This list was reorganized with logical operators to sort out sizes and types of properties. From the list of all properties, we created a random sampling of about ten percent of the improved properties across the entire Service Area, and we are in the process of determining the amount of impervious area on each of those properties. That information will be used to create scatter diagrams of the relationship between impervious area and lot or tract size. When this information is complete, we intend to convene a meeting of representatives from all three entities to discuss the number of tiers for residential properties. We also have obtained a GIS listing of all properties within unincorporated portions of the revised service area, and have begun to assemble a "list" of customers in that area. This will allow us to estimate revenue for a given fee base rate.

1. **Service Area Boundary Revision**

Greg White has prepared a draft of an amendment to the IGA relative to the Boundary Revision, Boundary Maintenance provision, Base Rate bracket change, and hydrologic rules for non-tributary basin determinations. LGS prepared two versions of the boundary map – one which shows the various respective areas and colors and cross hatching, and a second map in pdf form with a thin boundary line and without colors so that it can be projected digitally at a very detailed scale to show exactly where the boundary falls on individual properties.

2. **Presentation to Government Partners Meeting**

The Authority was asked to make a presentation summarizing the Authority projects and the proposed IGA Amendment at a Government Partners meeting on April 4. The

purpose of the presentation was to familiarize the representatives with how the system of Authority improvements will work, advantages to downstream properties, and how the Town of Timnath might participate. The meeting was attended by Larimer County Commissioners, City of Fort Collins Mayor and City Manager, and Town of Wellington Manager and Mayor. Attendees from Timnath included Don Taranto, contract engineer for the Town, and Ms. Jill Grossman Belisle, Mayor of the Town. Mayors of Wellington and Fort Collins commented favorably on the Authority along with the County Commissioners.

3. Customer Contact Program

The first newsletter for the customer contact program went out on April 1 by e-mail to all subscribing customers. The newsletter contained information about the Authority's purpose and upcoming meetings and events. Since the newsletter was sent out, we have used the contact list to distribute agendas and notices concerning upcoming meetings. A second newsletter is planned for send out on May 2.

4. Progress on Eastside Floodwater Storage Project

A meeting was held with Mr. Mayo Sommermeyer, General Counsel to the Larimer-Weld Irrigation Companies to discuss possible collaboration on future projects. Larimer-Weld Canal which crosses Boxelder Creek about ¼ mile north of East Vine Street (County Road 48) will be the site of improvements built as part of the Middle Basin Projects. A facility is needed ta that site to allow floodw water to spill into Boxelder Creek from the Larimer-Weld Ditch. Other facilities owned by Larimer Weld or Windsor Reservoir system include Cobb Lake and Reservoir No. 8, No. 8 Annex, and Elder Reservoir. The Larimer -Weld companies are in process of planning reconstruction of the spillway on Elder Reservoir.

2. Meeting with Timnath Contract Engineer

LGS and Ayres representatives met with Mr. Don Taranto, whose firm is contract engineer for the Town of Timnath to discuss participation by the Town of Timnath in more depth. Discussion during the meeting included alternatives for addressing the needs of the Town, how participation might be structured, how participation might be funded and how to proceed with investigation of this possibility.

6. Website Materials

Website materials have been updated to show current status of activities being undertaken by the Board.