

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY
MEETING MINUTES
February 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
Linsey Chalfant, Ayres Associates

1. Call to Order

The meeting was called to order by President Obermeyer at 4:07 p.m.

ADDITIONS OR DELETIONS FROM THE AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

2. Review and approve minutes of Meeting of January 27, 2011

Director Sampley requested the following amendments to the minutes:

- Spell out the name of the engineering company Camp Dresser & McKee rather than CDM.
- On last bullet of downstream advantages downstream of CR56 change from City of Fort Collins to City of Fort Collins Growth Management Areas (GMA).
- Several typographical and grammatical errors were noted and corrected

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

3. Public comment

Richard Seaworth, 4283 White Deer Lane, explained he received a Letter of Map Revision on a portion of his property north of CR 70 where he was feeding cattle. He stated the Authority was working off a FEMA map showing CR 70 was submerged and this was not true as it had been changed by his re-mapping. He stated FEMA had sent his request for the map revision to federal agencies and in his case the EPA had delayed the re-mapping by another five years by determining his feed lot was no longer a small animal feeding operation. He expressed concern FEMA would send the LOMR request to the Natural Resource Conservation Agency for review and they would take exception because of the issue with potential change in the hazard rating of the SCS dams on Boxelder and Coal Creek.

4. Coal Creek Flood Hazard Mitigation Project Update

Martina Wilkinson distributed the project update report and bid schedule for the project:

- The CLOMR has been approved by FEMA. A CLOMR is a statement that if we build the project as designed FEMA will issue a Letter of Map Revision (LOMR).
- County staff are working on approval for minor amendments to the EA to eliminate the local improvements in Wellington and several crossings of the inlet canal that were determined, during the design stage, not to be needed. This should be completed by March 15th.
- The agreement with North Poudre needs to be amended to allow the dredging to take place over two irrigation seasons since the bid documents allow the dredging to continue into 2012.
- Ms. Wilkinson outlined the bid process. Proposals will be reviewed and awarded based on bid amount, qualifications, dredging plan and schedule.

President Obermeyer expressed his concern with the large increase in estimated unit costs of dredging and suggested getting an alternate bid from the contractors to drain the reservoir and mechanically excavate. If bids come in substantially less to excavate then it may be worthwhile reconsidering amending the Environmental Assessment. Ms. Wilkinson stated it would take six to eight months to revise the Environmental Assessment and the cost would be on the Authority. The Board requested County Engineering staff re-examine the costs for mechanical excavation so everyone has that information when deciding on awarding a bid for the dredging or rejecting all bids and starting over with a new Environmental Assessment.

The Authority Board and Larimer County Engineering staff continued with further discussion on the bidding process and construction options, costs and schedule.

Helmut Roy, owner of the Wellington KOA located north of Clark Reservoir and east of the Fenno property, stated he had earlier indicated he did not want any of the dredged material. He is now concerned about the height of material on the Fennel property,

odor, and blowing dust from the property. Ms. Wilkinson noted a meeting is being scheduled with Mr. Roy. She agreed to get Mr. Roy a copy of the grading plan.

5. East Side Storage Project update:

Linsey Chalfant updated the Board on a meeting they had with the ARDEC staff to look at potential issues they may have to the use of their site. Ayres is going to stake the dam limits with heights so ARDEC staff can better visualize the effect of the dam on their daily operations. She stated the process to get an easement for the dam and flood inundation would take 9 months to a year after a decision is made to proceed with the project at this site.

6. Preliminary Authority Fee Structure planning

Manager Burns distributed a memo he had prepared stating the County is planning to hold a public hearing on the proposed IGA revisions on April 25th. They have asked the Authority to make a presentation about why the changes in the IGA have been proposed and it would be useful and helpful to be able to give the public and the Board of Commissioners a picture of how the fee structure would be changed if the changes in the IGA are adopted. He stated he has assembled a database of information about all of the properties in the revised Service Area and is working to establish accurate estimates of average residential impervious areas for three bracketed ranges of lot sizes.

Director Sampley asked if the County is using a tiered rate structure. Mark Peterson answered the County looked at the actual average impervious of residential properties in the unincorporated areas and found they were higher than the assumed 2000 sq. ft. per single family residence adopted by the Authority. Charging the residential properties based on only 2,000 square feet would put an unfair burden on the commercial properties. Therefore the County charges \$.0277 per square foot impervious to generate the amount of money owed the Authority.

Director Sampley stated he believed Fort Collins had paid the Authority at \$.03 on the actual square footage of residential properties rather than the \$60 calculated from \$.03 x at an assumed 2000 square feet of impervious surface.

7. Financial Report

Manager Burns distributed the budget to date revenues and expenditures and cash position handouts, pointing out the current cash balance as of January 31st was \$702,000. A question had been raised at the worksession on the Clark Reservoir project about how much above the grant amount the Authority could cover if bids came in high. With 2011 revenue we will have a balance of around 1.4 million dollars with 1.3 million dollars after operating expenses at the end of 2011. The 2011 budget includes a \$500,000 line item for overage of the Coal Creek Project.

Director Lorentzen moved and Director Sampley seconded authorizing President Obermeyer to sign the engagement letter with Rickards & Company for accounting

services. Director Sampley asked about the term of the agreement. Manager Burns answered the Board will have the opportunity to renew or not annually. With all in favor the motion passed.

Director Sampley moved and Director Lorentzen seconded paying the claims for goods and services in the amount of \$26,808.59. The motion passed 4 to 1 with Director Tucker voting against.

8. Manager's Report

Manager Burns distributed his progress report for the previous month.

He explained he has about 6,500 post cards being printed to send to all customers within the service area advising them they can subscribe to an Authority email newsletter through the website.

He explained his company, Local Government Solutions, hired Lisa Work to perform clerical work, which should lower costs to the Authority, as her billing rate will be \$25.00 per hour and she will be more efficient than he with clerical processes.

President Obermeyer stated he wished to reiterate his earlier concerns about the potential costs of the Coal Creek project, stating he wanted to make sure enough flexibility was given to potential contractors to ensure we get the project completed for the lowest cost.

9. Adjournment

Director Tucker moved to adjourn with Director Meline seconding. With all in favor the meeting was adjourned at 6:10 p.m.

Approved this 24 day of MARCH, 2011


Henry Obermeyer, President