

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. The rules are similar to those for other public boards. Director Sampley stated he was also opposed to eliminating the rules since they help provide for an orderly meeting and the Board president has 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.

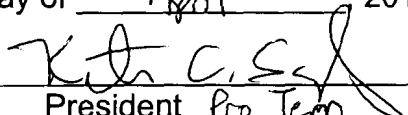
The Board discussed getting all the information including minutes, progress reports and

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 28th day of April 2011



President Pro Tem