

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY
MEETING MINUTES
October 27, 2011

DIRECTORS PRESENT: Ken Sampley
Larry Lorentzen
Vic Meline
Lee Tucker
George Reed

DIRECTORS ABSENT: None

PRESIDING: Ken Sampley

ALSO PRESENT: Rex Burns, Authority Manager
Lisa Work, Recording Secretary
Todd Juergens, Larimer County Construction Manager
Andrea Faucett, Ayres Associates
Mark Peterson, Larimer County Engineer
Martina Wilkinson, Larimer County Project Manager
Lew Gaiter, Larimer County Commissioner
Jim Fry
Richard Seaworth
Dave White
Mrs. Tucker
Mr. Day

1. Call to Order

The meeting was called to order by President Sampley at 4:15pm.

ADDITIONS OR DELETIONS FROM THE AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

2. Review and approve minutes of September 22, 2011 and October 6, 2011.

President Sampley requested that on page 2, second paragraph change to "The Board is going to provide a sample format for LGS's use." Also, on page 4, under number 5 last bullet, change spelling of Kevin's last name to Houck.

Director Lorentzen moved to approve the minutes of September 22, 2011 as corrected. Director Meline seconded motion. President Sampley polled Board. With all in favor the motion passed unanimously.

Director Lorentzen moved to approve the minutes of the October 6, 2011 as written. Director Reed seconded. President Sampley polled the Board. With all in favor the motion passed unanimously.

3. Public comment

Jim Fry addressed the Board voicing his concerns about the Authority incurring debt without the public having a chance to vote. He suggested that the Board recommend to the 3 entities that with completion of Phase 1 the Authority be terminated. Finally he suggested that in evaluating Local Government Solutions, the Board look at the big picture as laid out in the Final Boxelder report of 2006.

Richard Seaworth addressed the Board voicing his concerns about the length of time the project is taking to complete. He also expressed that the Board needs to be sure things are getting done and to either stop the project or change managers.

4. Coal Creek Flood Hazard Mitigation Project Update

Todd Juergens, Construction Manager with Larimer County Engineering Department presented the project update noting that:

- Dredging finished today. They have removed 170,000 cubic yards of material from Clark Lake. A final survey will be done tomorrow to certify the volumes removed.
- Sheet Pile Retaining Wall is also complete.
- Containment berms around oil wells scheduled to start next week.
- Clark Lake Spillway Modifications are scheduled to start the 14th of November.

Director Lorentzen asked the status of the easement with the Railroad. Mr. Juergens stated the negotiations are still in progress.

President Sampley asked if any change orders are upcoming. Mr. Juergens stated that none are upcoming or anticipated.

Director Lorentzen asked how long it will take to get the remainder of the water out of the ponds and regrade the site as he had heard concerns from the KOA regarding dust in the spring. Mr. Juergens agreed that is a valid concern. They are also discussing what is going to happen over the winter. The contractor has committed to maintain a presence over the winter to address concerns as they come up.

President Sampley requested to discuss item 7 on the agenda before item 6. The Board agreed to the change.

5. Discussion about Right of Way Acquisition for Eastside Storage Project

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Manager Burns explained the reason for investigating the different sites to include ARDEC, the City of Thornton property and the Gray Lakes site. There is a meeting set with the City of Thornton on November 9, 2011.

Andrea Faucett with Ayres Associates distributed an exhibit of the Gray Lakes site. She explained the concept of the site and that no modeling or grading has been done on this potential site. Ms. Faucett mentioned that this plan would not benefit the flood plain to the north of CR 52 as the other sites would. Manager Burns explained that the above site is being explored to keep things moving forward in the event the Thornton site isn't available.

Director Meline asked if the Gray Lakes are used to recharge the aquifer and if the above plan would interfere. Ms. Faucett explained that the concept would be to add to the storage of the site like the shared storage with Clark Reservoir.

President Sampley explained that reasons for looking at other sites are to increase regional participation, such as Timnath, and to reduce needed improvements and reduce cost. The Edson site didn't work in its current configuration as originally envisioned in the master plan because it didn't provide the needed storage. Ms. Faucett added it would have required condemnation of homes. A siting study was done and it identified why Edson was not the best site and why the ARDEC site would be a better site. Ms. Faucett added that with the participation of Timnath, the original goals have changed to include a need for increased storage.

6. Planning for Authority Billing of Unincorporated areas

Manager Burns distributed a memo to the Board members. Local Government Solutions, LLC is putting the County information from 2010 billing into an Access database. LGS, LLC is currently building the tables and queries needed to create the forms and reports to generate the invoice to send out. Manager Burns is proposing to bring a resolution to the Board in November to set forth the terms for the billings as noted in the memo and also a recitation of the fee schedule. President Sampley suggested that in addition to spelling out the late fee that if the bill goes to the County Treasurer there are additional fees involved.

7. Recommendation to Member Entities about Financial Scenario

Manager Burns distributed a bound report to the Board members titled Project Funding and Timing Scenarios Executive Summary and presented a summary of the report.

Director Meline pointed out that if costs from the master plan in 2006 are being used then the 3.5% cost increase needs to be used for the construction costs in the rest of the comparison.

President Sampley requested dates the first improvements could begin be included in the summary.

Director Lorentzen explained the reason behind the financial analysis requested by the entities was to answer the question if a sunset was included in the IGA how far out that would need to be. The path forward is to complete the projects. He feels there is enough information to provide a recommendation to the entities regarding timing of a sunset provision. The other item the Board

has talked about adding is whether it would be worthwhile to borrow money to do projects earlier. He added that the Board and the entities need to look at the philosophy and purpose of the project which is to save property and possibly save lives by getting the improvements done.

Director Tucker asked about the current PDM grant and who would be signing a new PDM grant. Director Lorentzen explained that Larimer County made the application for the current PDM grant and that if a new grant is awarded the Authority would need to sign that grant.

President Sampley requested on the tables to write out the actual number (millions) instead of abbreviating the numbers.

Director Lorentzen moved that the report as corrected tonight be given to the 3 entities with the recommendation from the Board that any sunset provision put into the IGA be at least 25 years out to allow for finishing of the projects and pay off of any debt. And if the IGA is amended with a sunset also include an amendment to say the preference would be to bond the projects so the improvements could be completed in a timely manner with the caveat that the 3 entities still have to unanimously approve the terms of any borrowing or any debt. Director Reed seconded the motion. President Sampley polled the Board. With Director Tucker opposed the motion passed 4 to 1.

Manager Burns requested the Board members, in talking with the Commissioners about the above recommendation and report, also give a progress report. President Sampley asked Manager Burns to put together an update for the Board to comment and then send out to the Commissioners.

8. Financial Report

President Sampley pointed out that the Board did not receive copies of the invoices and timesheets for payment. Manager Burns will email the invoices to the Board members for review.

Director Lorentzen moved to approve payment for goods and services rendered in the amount of \$26,571.78 subject to Manager Burns sending out invoices to the Board members and with the Treasurer and President in agreement that payment should be rendered. Director Meline seconded the motion. President Sampley polled the Board. With Director Tucker opposed the motion passed 4 to 1.

Manager Burns requested a motion from the Board for the Manager to prepare a revised 2011 Budget and the 2012 Budget and to designate the November meeting as the Budget Hearing and to direct the Manager to post a notice in the newspaper.

The Board agreed to move the November meeting to Tuesday November 29, 2011.

Director Lorentzen moved to direct Manager Burns to prepare the revised 2011 budget and the 2012 budget and present to the Board in accordance with State statute and set the public hearing

date for the draft budget for the November 29, 2011 meeting. Director Tucker seconded the motion. President Sampley polled the Board. With all in favor the motion passed unanimously.

9. Manager's Report

Progress Report

Web Site

Monthly Subscription Newsletter

President Sampley requested that the Board review the report included in the Board packet for the Managers Report and if they had any questions to email the Manager.

10. Manager Performance Evaluation

President Sampley explained that the Board has provided detailed comments to Local Government Solutions, LLC and they expect LGS, LLC to prepare a revised evaluation to be distributed to the Board by Friday November 18, 2011.

11. Adjournment

Director Meline motioned to adjourn. Director Lorentzen seconded. President Sampley polled the Board. With all in favor the motion passed. Meeting was adjourned at 7:47 pm.

Approved this 29th day of November, 2011

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