

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

HELD
May 21, 2024

The Board of Directors of the Boxelder Basin Regional Stormwater Authority held a special meeting, open to the public, via videoconference at 9:30 a.m. on May 21, 2024. Notice of the Meeting was duly posted.

ATTENDANCE:

Directors in Attendance:

Richard Seaworth, President
Tim Singewald, Secretary
Jen Dial, Director
Eric Tracy, Treasurer
Jeni Arndt, Director

Also in Attendance:

Matthew Poznanovic; Hayes Poznanovic Korver LLC
Marshall Haworth; Wright Water Engineers
Patti Garcia; Town Administrator, Town of Wellington
Kevin Mitts; Pinnacle Consulting Group, Inc.
Bob Gowing; Director of Public Works, Town of Wellington
Ken Sampley; Director of Stormwater/Wastewater Engineering, City of Fort Collins

ADMINISTRATIVE
MATTERS

Call to Order: The Meeting was called to order at 9:31 a.m. by Mr. Mitts, noting that a quorum was present.

Agenda: The Board considered the agenda. Upon motion duly made by Director Seaworth, seconded by Director Arndt, and upon vote, it was

RESOLVED to approve the agenda, as presented.

Public Comments: The Board opened the meeting to public comment. There were no comments made by members of the public and this portion of the meeting was closed.

Director Comments: Director Singewald commented on ESDF modifications dealing with the monitoring of water noting that they may not be following guidelines previously agreed upon.

LEGAL MATTERS

Agreement for the Rental of the use of Certain Fully Consumable Water of the City of Fort Collins: Mr. Poznanovic presented the Agreement for the Rental of the use of Certain Fully Consumable Water of the City of Fort

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Collins to the Board and answered questions. Mr. Poznanovic noted that this total came out to \$3,200.00, once finalized Mr. Poznanovic will provide a copy of the Agreement to the Board.

EXECUTIVE SESSION

Executive session, pursuant to Colorado Open Meeting Law §24-6-402(4)(b) and §24-6-402(4)(e), C.R.S., to consult with and receive legal advice from legal counsel regarding the filing for the well permit application for phase 2 of the dewatering system, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning proposed agreement to obtain a 600 foot spacing waiver for the well from the owner of wells located on the property known as the authority property and day property.

Mr. Poznanovic advised the Board that it was permitted, upon compliance with requisite statutory procedures under the Colorado Open Meetings Law, for the Board to convene an executive session, pursuant to § 24-6-402(4)(b) and §24-6-402(4)(e), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to the filing for the well permit application for phase 2 of the dewatering system, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning proposed agreement to obtain a 600 foot spacing waiver for the well from the owner of wells located on the property known as the authority property and day property. Upon a motion duly made by Director Seaworth, seconded by Director Tracy, and upon vote, unanimously carried, it was

RESOLVED to convene an Executive Session, pursuant to § 24-6-402(4)(b) and §24-6-402(4)(e), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to the filing for the well permit application for phase 2 of the dewatering system, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning proposed agreement to obtain a 600 foot spacing waiver for the well from the owner of wells located on the property known as the authority property and day property.

It is the 21st day of May 2024, and the time is 9:48 a.m. For the record, I, Richard Seaworth, am the presiding officer. This session is subject to the attorney-client privilege and therefore, pursuant to the Open Meetings Law, is not being recorded. Also present at this Executive Session are: Directors Tim Singewald, Jen Dial, Eric Tracy and Jeni Aendt. District Legal Counsel, Matthew Poznanovic. District Manager; Kevin Mitts; Pinnacle Consulting Group, Inc. Marshall Haworth; Wright Water Engineers, Patti

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Garcia; Town of Wellington, Bob Gowing; Larimer County, Ken Sample; City of Fort Collins.

This is an Executive Session for the following purpose: Receiving legal advice from general counsel related to specific legal questions.

The Executive Session was adjourned at 10:38 a.m. All participants were in the Executive Session at adjournment.

No decisions or actions were taken in the Executive Session.

For the record, if any person participating in the Executive Session believes any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or any improper action occurred during the Executive Session in violation of the Colorado Open Meetings Law, I ask you state your concerns for the record.

No objections were stated.


ADJOURNMENT

There being no further business to come before the Board and upon motion duly made by Director Seaworth seconded by Director Arndt, it was unanimously

RESOLVED that the meeting adjourned at 10:41 a.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,


Keyesia Conaway, District Administrator