

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

HELD
April 26, 2023

The Board of Directors of the Boxelder Basin Regional Stormwater Authority held a regular meeting, open to the public, via videoconference at 1:00 p.m. on April 26, 2023. Notice of the Meeting was duly posted.

ATTENDANCE:

Directors in Attendance:

Richard Seaworth, President
Tim Singewald, Director
Theresa Connor, Secretary
Eric Tracy, Treasurer

Directors not in Attendance (Excused):

Jeni Arndt, Director

Also in Attendance:

Matthew Poznanovic; Hayes Poznanovic Korver LLC
Mark Peterson; Larimer County
Jen Dial; City of Fort Collins
Eric Fuhrman; Town of Timnath Engineer
Marshall Haworth; Wright Water Engineers
Calvin Miller; Miller Ground Water
Sarah Bromley, Kevin Mitts, Nicole Wing, Brendan Campbell, and Doug Campbell; Pinnacle Consulting Group, Inc.
Kelly Day; Community Member

CALL TO ORDER

The Meeting was called to order at 1:07 p.m. by Director Seaworth, noting that a quorum was present.

AGENDA

The Board considered the agenda. Ms. Bromley requested an amendment to the agenda. Upon motion duly made by Director Connor, seconded by Director Tracy, and upon vote, carried three to one, with Director Singewald opposing, it was

RESOLVED to approve the agenda, as amended to add the following item:

III D. Consider Approval of HydroGeo Resources, PLLC contract for East Side Detention Facility SWSP Monthly Accounting.

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APPROVAL OF
MINUTES

The December 20, 2022, Special Meeting Minutes were presented for the Board’s consideration and approval. Upon motion duly made by Director Singewald, seconded by Director Connor, and upon vote, it was unanimously

RESOLVED to approve the minutes of the December 20, 2022, Special Meeting, as presented.

PUBLIC COMMENT

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

There were no comments made by the Directors.

APPOINTMENT OF
CITY OF FORT
COLLINS/LARIMER
COUNTY AND CITY
OF FORT COLLINS
REPRESENTATIVES

Ms. Bromley provided an update on the Appointment of City of Fort Collins/Larimer County and City of Fort Collins Representatives and answered questions. Ms. Bromley explained Board members may continue to serve past term expirations if there are not currently any other candidates. Ms. Bromley reported Fort Collins City Council will meet in May to appointment a new Board member as the City of Fort Collins and Larimer County Representative.

ELECTION OF
OFFICERS

Ms. Bromley explained Director Connor’s term has expired and she will no longer serve on the Board of Directors following this meeting. The Board will need to elect a new Board member to fill a vacant Secretary seat. Following review and discussion and upon motion duly made by Director Seaworth, seconded by Director Connor, and upon vote, it was unanimously

RESOLVED to elect Director Singewald to fill the vacant Secretary seat in the interim of appointment of a new Board member.

FINANCIAL ITEMS

Ratification of Claims for Payment: Mr. Campbell discussed with the Board the payments that have been collected to date and answered questions. Following review and discussion and upon motion duly made by Director Tracy, seconded by Director Singewald, and upon vote, it was unanimously

RESOLVED to approve the ratification of payments as presented.

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Finance Managers Report: Mr. Campbell reviewed and discussed the financial document with the Board which included financial statements as of December 31, 2022, revenue by member, cash position report, and financial management projects. Mr. Campbell reported \$650,000 has been placed in reserve within the 2022 Budget. Director Seaworth requested confirmation of the total assets on the balance sheet. Mr. Campbell stated he will review the balance sheet and confirm the total.

OPERATIONAL MATTERS

Update of ESDF De-Watering Project: Director Seaworth requested the ESDF De-Watering Project be placed on hold until the agreement with the Days is settled. Mr. Haworth explained the irrigation proposal from Quality Well and Pump for system improvements could be utilized for negotiations with the Days. Mr. Miller noted monitoring needs to continue in the interim of the pending agreement with the Days.

Wright Water Engineers, Inc. Project Agreement: Ms. Bromley presented and requested approval of the Wright Water Engineers, Inc. Project Agreement to the Board and answered questions. Following review and discussion and upon motion duly made by Director Connor, seconded by Director Tracy and upon vote, carried three to one, with Director Singewald opposing, it was

RESOLVED to approve the Wright Water Engineers, Inc. Project Agreement to not exceed \$45,000 with the option to terminate the agreement if needed.

Discussion to address controlling cattails at ESDF: Director Tracy discussed a couple for options in controlling the cattails at ESDF with the Board and answered questions. Director Tracy requested to utilize the option of the type three burn with Weed District of Larimer County rather than mowing and spraying the cattails as this option will not fully eliminate them. Director Seaworth requested to utilize the option of mowing and spraying the cattails to reduce costs. It was the consensus of the Board to move forward with mowing and spraying the cattails.

HydroGeo Resources, PLLC contract for East Side Detention Facility SWSP Monthly Accounting: Ms. Bromley presented and requested approval of the HydroGeo Resources, PLLC contract for East Side Detention Facility SWSP Monthly Accounting and answered questions. Following review and discussion and upon motion duly made by Director Connor, seconded by Director Tracy and upon vote, it was unanimously

RESOLVED to approve the HydroGeo Resources, PLLC contract for East Side Detention Facility SWSP Monthly Accounting.

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LEGAL ITEMS

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 Collins to the Board and answered questions. Following review and discussion and upon motion duly made by Director Tracy, seconded by Director Connor and upon vote, it was unanimously

RESOLVED to approve the Agreement for the Rental of the use of Certain Fully Consumable Water of the City of Fort Collins subject to legal making changes requested by the Board.

AUTHORITY MANAGER MATTERS

Authority Managers Report: Ms. Bromley presented the Authority Manager's Report to the Board and answered questions.

Discussion to provide Larimer & Weld Irrigation Companies CAD drawings pertaining to Larimer and Weld Canal Crossing Structure to support the NEWT3 pipeline: Ms. Bromley discussed providing Larimer & Weld Irrigation Companies CAD drawings pertaining to Larimer and Weld Canal Crossing Structure to support the NEWT3 pipeline with the Board and answered questions. With guidance from legal counsel, it was the consensus of the Board to direct legal counsel and District Management to retrieve CAD files from Ayres Associates Inc. and provide them to owners of the property.

OTHER ITEMS

There were no Other Items brought in front of the Board.

EXECUTIVE SESSION

At approximately 2:30 p.m. Mr. Poznanovic requested the board invite the representatives from Larimer County, the Town of Timnath, Wright Water Engineers, and the consultants from Pinnacle Consulting Group, Inc. to an Executive Session.

Director Connor moved that pursuant Colorado Open Meeting Law §24-6-402(4) to consult with or receive advice from attorney regarding filing of the well permit application for construction of Phase 2 of the de-watering system and to determine position relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators concerning proposed agreement to obtain a 600 feet spacing waiver for the well from the owner of the wells located on the Day and Authority property.

The Board reconvened from executive session at approximately 2:51 p.m. and affirmed that no action was taken in executive session.

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At approximately 2:54 p.m. Mr. Poznanovic requested the board invite the representatives from Larimer County and the consultants from Pinnacle Consulting Group, Inc. to an Executive Session.

Director Singewald moved pursuant to Colorado Open Meeting Law §24-6-402(4) to consult with or receive advice from attorney regarding the rights and obligations of the parties to the Coal Creek Flood Mitigation and Operation Agreement and the Amended Intergovernmental Agreement for Stormwater Cooperation and Management.

The Board reconvened from executive session at approximately 3:04 p.m. and affirmed that no action was taken in executive session.

ADJOURNMENT

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

RESOLVED that the meeting adjourned at 3:05 p.m.

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

Respectfully submitted,

Kevin Mitts

Kevin Mitts, District Administrator