

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

HELD
August 31, 2022

The Board of Directors of the Boxelder Basin Regional Stormwater Authority held a special meeting, open to the public, via videoconference at 1:00 p.m. on August 31, 2022. Notice of the Meeting was duly posted.

ATTENDANCE: Directors in Attendance: (Via Teleconference)
Richard Seaworth, President
Tim Singewald, Director
Eric Tracy, Treasurer
Jeni Arndt, Director

Directors not in Attendance (Excused):
Theresa Connor, Secretary

Also in Attendance: (Via Teleconference)
Kirsten Starman, Brendan Campbell, Sarah Bromley, Nicole Wing, Kevin Mitts,
and Molly Brodlun; Pinnacle Consulting Group, Inc.
Matt Poznanovic; Hayes Poznanovic Korver LLC
Patti Garcia; City of Wellington
Mark Peterson; Larimer County
Eric Fuhrman; Town of Timnath Engineer
Marshall Haworth; Wright Water Engineers
Charity Campfield; Town of Wellington
James Newberry; Benesch
Calvin Miller; Miller Ground Water
Elliot Moery; The Adams Group, LLC

CALL TO ORDER The Meeting was called to order at 1:00 p.m. by Director Seaworth, noting that a quorum was present.

AGENDA The Board reviewed the agenda. Upon motion duly made by Director Tracy, seconded by Director Arndt, and upon vote, it was unanimously

RESOLVED to approve the agenda as presented.

APPROVAL OF MINUTES The August 1, 2022, Special Meeting Minutes were presented for the Board's consideration and approval. The minutes were amended as follows. Under Operational Matters, the third sentence will read, "Director Singewald agreed with the assessment about the standing water and was in favor of the mitigation effort to date. "Upon motion duly made by Director Singewald, seconded by Director

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Arndt, and upon vote, it was unanimously

RESOLVED to approve the amended minutes of the August 1, 2022, Special Meeting.

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.

FINANCIAL ITEMS

2021 Audit: Mr. Moery presented the 2021 Audit report for the year ended December 31, 2021, to the Board and answered questions. Mr. Moery reported the Authority received a clean opinion and that the financial statements were free of material misstatements. Following review and discussion, upon motion duly made by Director Arndt, seconded by Director Singewald, and upon vote, it was unanimously

RESOLVED to approve the 2021 Audit.

Public Hearing to Amend 2022 Budget: Director Seaworth opened the meeting for public comment. There being no public comment, Director Seaworth closed the Public Hearing.

Amended 2022 Budget; Resolution to Adopt Budget; and Appropriate Sums of Money: Mr. Campbell presented the Amended 2022 Budget, Resolution to Adopt Budget, and Appropriated Sums of Money and answered questions. Mr. Campbell noted the updated changes per the request of the Board during the last meeting, which included the Debt Service Fund and the Clark Reservoir Project. Mr. Fuhrman stated that the Timnath Development Authority would have sufficient funds to pay the increased debt service costs resulting from the Amended 2022 Budget because the Authority will be under budget on the ESDF Modification Project for 2022. The budget and funds were amended as follows:

Original Adopted Debt Service Fund: \$1,066,705
Original Adopted Clark Reservoir O&M Fund: \$1,200

Amended Debt Service Fund: \$1,626,705
Amended Clark Reservoir O&M Fund: \$31,200

Following review and discussion, upon motion duly made by Director Singewald, seconded by Director Arndt, and upon vote, it was unanimously

RESOLVED to approve the Amended 2022 Budget; Resolution to Adopt Budget; and Appropriate Sums of Money.

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Public Hearing regarding Proposed 2023 Budget: Director Seaworth opened the meeting for public comment. There being no public comment, Director Seaworth closed the Public Hearing.

2023 Budget; Resolution to Adopt Budget; and Appropriate Sums of Money: Mr. Campbell presented the 2023 Budget, Resolution to Adopt Budget, and Appropriated Sums of Money and answered questions. Mr. Campbell noted the adjustment of the System Developer Fee revenue was decreased from \$160,000 to \$130,000 per request of the Board. The budget and funds are as follows:

General Fund: \$166,968
Debt Service Fund: \$1,066,705
ESDF Project Fund: \$650,000
ESDF O&M Fund: \$100,822
Clark Reservoir O&M Fund: 1,200

Following review and discussion, upon motion duly made by Director Singewald, seconded by Director Arndt, and upon vote, it was unanimously

RESOLVED to approve the 2023 Budget; Resolution to Adopt Budget; and Appropriate Sums of Money as presented.

OPERATIONAL MATTERS

Update of ESDF De-Watering Project: Ms. Starman reported that with the installation of the additional lateral line discussed in the previous meeting, Phase One of the ESDF De-Watering Project was complete. Minor reseeding would occur in the area of the lateral within the month. Director Seaworth stated that he and Director Tracy toured the ESDF site, as well as Clark Reservoir with Ms. Starman and Ms. Bromley from Pinnacle Consulting Group, Inc.. Ms. Starman and Ms. Bromley reported they learned a lot about the project and the history and function of the authority.

LEGAL ITEMS

There were no legal items brought in front of the Board.

AUTHORITY MANAGER MATTERS

Authority Managers Report: Ms. Bromley introduced the Pinnacle Consulting Group, Inc. team and stated she will be sending a follow-up welcome email with her direct information. Director Singewald requested that less people from Pinnacle Consulting Group, Inc. be present at future meetings. Ms. Starman stated that at future meetings there will be an announcement at the beginning as to who present from the Pinnacle Consulting Group, Inc. and will clarify who is present for training purposes. Director Seaworth requested that Ms. Bromley work with Mr. Haworth on scheduling another special Board meeting.

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OTHER ITEMS

Director Tracy requested to have additional mowing at the east/west section and to have Larimer County Weed and Control District mitigate the cat tail issue. Director Tracy stated this would allow them to see where the water is coming from, where the water is accumulating, and where the low depressions are. Following review and discussion, upon motion duly made by Director Singewald, seconded by Director Arndt, and upon vote, it was unanimously

RESOLVED to authorize Larimer County Weed and Control District to mow and mitigate the cat tails on the east/west section.

EXECUTIVE SESSION

At approximately 2:02 p.m. Director Tracy requested that the board invite the representatives from the Town of Timnath, Wright Water Engineers, and Larimer County, and the consultants from Pinnacle Consulting Group, Inc. to an Executive Session.

Director Seaworth moved that pursuant to C.R.S. Section 24-6-402(4)(b) and Section 24-6-402 (4)(e) the Board enter into executive session for the purpose of receiving legal advice 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 property. Upon motion duly made by Director Tracy, seconded by Director Arndt and, upon vote, upon unanimous vote the Board moved into executive session for the above-stated purpose.

The Board reconvened from executive session at approximately 2:52 p.m. and affirmed that no action was taken in executive session.

Extension of Monitoring Agreement: Director Seaworth suggested directing legal counsel to proceed with requesting an extension to the current monitoring agreement with the Days with a timeline determined by legal counsel. Following review and discussion, upon motion duly made Director Arndt, seconded by Director Tracy, it was unanimously

RESOLVED to direct legal counsel to proceed with requesting an extension to the current monitoring agreement with the Days.

ADJOURNMENT

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

RESOLVED that the meeting adjourned at 3:00 p.m.

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

Respectfully submitted,

Nicole Wing

Nicole Wing, District Administrator