

# RECORD OF PROCEEDINGS

## MINUTES OF THE SPECIAL MEETING OF BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

HELD  
August 1, 2022

The Board of Directors of the Boxelder Basin Regional Stormwater Authority held a special meeting, open to the public, via videoconference at 2:00 p.m. on August 1, 2022. Notice of the Meeting was duly posted.

ATTENDANCE:                      Directors in Attendance: (Via Teleconference)  
Richard Seaworth, President  
Tim Singewald, Director  
Eric Tracy, Treasurer  
Theresa Connor, Secretary  
Jeni Arndt, Director \* Arrived at 3:17 P.M.

[\*Arrived when indicated]

Also in Attendance: (Via Teleconference)  
Kirsten Starman, Brendan Campbell, Elaina Cobb, Nicole Wing, Kevin Mitts, and Dawn Clark; 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  
Ken Sampley, City of Fort Collins  
Charity Campfield, Town of Wellington

CALL TO ORDER                                      The Meeting was called to order at 3:01 p.m. by Director Seaworth, noting that a quorum was present.

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

**RESOLVED** to approve the agenda as presented.

APPROVAL OF MINUTES                                      The April 4, 2022, Special Meeting Minutes were presented for the Board’s consideration and approval. The minutes were amended to correct the following: to change the word “release” to “lease” under Legal Items, to correct the spelling of Director Singewald, and to include that Director Connor abstained from voting on the Agreement for the Rental of the use of Certain Fully Consumable Water of the City of Fort Collins. Upon motion duly made by Director Singewald, seconded by Director Connor, and upon vote, it was unanimously

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**RESOLVED** to approve the amended minutes of the April 4, 2022, Special Meeting.

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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.

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OPERATIONAL MATTERS

Update of ESDF De-Watering Project: Ms. Starman reported that the Phase 1 North-South Segment of the ESDF De-Watering Project is substantially complete. The team is working to mitigate remaining standing water on the northeast end by extending a lateral from the main drain line. Director Singewald agreed with the assessment about the standing water and was not in favor additional mitigation efforts. She reported that the project is projected to come in under budget and substantial completion occurred within the projected timeframe. Ms. Starman stated that reseeded of disturbed areas remains to be completed. Director Seaworth noted he and a few other Board members have been out to see the project and that everything looked good. Mr. Fuhrman reported he has met with Ms. Bauer with Colorado Dam and Safety for inspection on the east side detention area of the dam. Ms. Starman requested an inspection schedule.

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LEGAL ITEMS

Ratification of Consumable Supplies Rental Agreement: Mr. Poznanovic discussed the Consumable Supplies Rental Agreement with the Board and reported that the lease was executed on June 1, 2022. Mr. Poznanovic explained the agreement was based off of the best survey that was completed due to the deadline and that a conservative amount of water was leased. In light of the potential reduction in exposed groundwater which resulted from construction of the North-South segment of the ESDF De-Watering Project, Mr. Poznanovic will coordinate with Ryan Van Pelt on whether less water can be leased in the upcoming year. Mr. Poznanovic explained he has been in communication with the Division of Water Resources and will provide an update on the project to the state once he coordinates with Ms. Starman and Mr. Haworth. Mr. Haworth stated he collected data up until June 1, 2022 and will gather more additional information for the next meeting.

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FINANCIAL ITEMS

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

**RESOLVED** to approve the ratification of payments as presented.

Finance Managers Report: Mr. Campbell reviewed and discussed the financial document with the Board which included financial statements as of June 30, 2022, revenue by member, cash position report, and financial management projects. Mr. Campbell noted thus far the Authority is trending under budget on expenses and has

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received more revenue than budgeted as of June 30, 2022 and will propose an amended 2022 Budget at the next meeting, which will include the Debt Service, the ESDF project, and the Clark Reservoir project. Mr. Peterson reported that the bathymetric/topographical survey of Clark Reservoir sediment cost more than anticipated due to miscommunication between Ayers and North Poudre Irrigation. Mr. Campbell stated that if the survey shows more than a 10% loss in storage capacity, then the Authority is responsible for the cost to restore the capacity to 2012 post-dredging conditions. Mr. Campbell reported that the 2017 IGA Audit Committee met in July and that the committee's opinion is that the Authority is in compliance with the IGA. Mr. Campbell also reported that the annual financial audit would be presented at the next board meeting.

Review Draft of 2023 Budget: Mr. Campbell reviewed and discussed the Draft 2023 Budget with the Board which included information related to Authority operations, ESDF project, O&M Funds for ESDF and Clark Reservoir, and the Authority's loan allocations. The Board discussed paying off the loan related to the LWCCS project by the end of 2022 and contributing an extra \$50,000 into each of the ESDF and Clark Reservoir O&M funds. Mr. Campbell and Mr. Fuhrman will work together on the financial impact on the Timnath Development Authority if the Authority were to make accelerated loan payments this year. Ms. Starman reviewed the ESDF modification project funds. Ms. Connor requested that the full cost of a possible phase 2 of the ESDF modification project be included into the budget. Mr. Campbell stated there will be a meeting at the end of August or beginning of September to approve the 2023 Final Budget.

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### AUTHORITY MANAGER ITEMS

Authority Managers Report: Mr. Campbell reviewed the contents in the Manager's Report with the Board and answered questions. Director Seaworth expressed concerns about the change of managers for the Authority and proposed a walking tour of the ESDF facility with the new Authority Manager. Ms. Starman stated she would take the lead on getting that scheduled.

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### ADJOURNMENT

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

**RESOLVED** that the meeting adjourned at 4:53 p.m.

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

Respectfully submitted,

  
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Nicole Wing, District Administrator