

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
ST. MARY'S GLACIER WATER AND SANITATION DISTRICT
HELD
JANUARY 28, 2019

A regular meeting of the Board of Directors of the ST. MARY'S GLACIER WATER AND SANITATION DISTRICT (referred to hereafter as the "Board") was convened on Monday, the 28th day of January 2019, at 6:00 P.M., at Alice School House, 271 Silver Creek Road, Idaho Springs, Colorado, 80452.

ATTENDANCE

Directors in Attendance Were:

Bruce Hohne, President/Secretary
Glenn Clark, Secretary
Peter Hansen, Director

Also, in Attendance Were:

Peggy Dowswell; Pinnacle Consulting Group, Inc.
Traci Miller; Pinnacle Consulting Group, Inc. (via teleconference)
Colin Mielke; Seter & Vander Wall, P.C.
Chris Oeland; St. Mary's Glacier Water and Sanitation District Employee
Mike Creazzo; ORC Water Professionals
Bob Orsatti; TZA Water Engineers

Bart Bockman, Chuck Thienport, Marc Lamoureux, and Robert Lancaster; St. Mary's Glacier Community Members

Director Hohne called the meeting to order at 6:15 P.M.

Director Hohne confirmed that a quorum of the Board was present.

DISCLOSURE MATTERS

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member affirmed their conflicts of interest, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

ADMINISTRATIVE MATTERS

Agenda: Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Clark and, upon vote, unanimously carried, the agenda was approved as presented.

Appointment of Offices: The Board acknowledged Mr. Ray Hodge's letter of resignation from the Board of Directors. Ms. Dowswell informed the Board that they will need to reappoint officers. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board appointed Director Hansen as Secretary, and Director Clark as Treasurer of the Board of Directors.

Public Comments: Director Hohne opened the meeting for public comment.

Mr. Chuck Thienport inquired about the District's current mill levy rate and whether the District has the ability to hold an election in May or November of 2019 in order to raise the mill levy rate to increase revenue. Mr. Mielke stated that the District's current mill levy is 4.885 and is kept low because the primary source of revenue is collected through user fees. Mr. Mielke discussed the Board's ability to hold an election regarding mill levies. Mr. Mielke stated that holding an election can be expensive and noted that it may be beneficial to determine the public's view on a mill levy increase before incurring the expenses to prepare for an election.

Mr. Marc Lamoureux asked that the Board provide confirmation that he can trickle his water line without having to pay an overage fee. Mr. Mielke stated that the District sent a letter to all residents in 2017 to inform residents that trickling was no longer allowed. Mr. Mielke also addressed a question regarding responsibility for service line maintenance and confirmed that District's rules state that the service line from the home to the main line is the responsibility of the property owner. Mr. Oeland further explained the process and responsibilities for service line maintenance. Mr. Lamoureux further explained his situation and the need to trickle water during winter.

Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board approved Mr. Lamoureux to trickle his service line without receiving an invoice for overage for the remainder of this winter, provided that he trickles water through the meter on his side of the curb stop. The Board further stated that the service line for the property must be repaired before next winter, or the District will invoice the property for water overages during all future years.

Mr. Bart Bockman reported that Debra Abeyta is a property owner in the District and a real estate agent, and has proposed having her real estate company pay for the District's postage costs related to the District's mailings in return for including a real estate advertisement with those mailings. The Board made no determination on the proposal at this time.

There being no further comments made by the community members present, Director Hohne closed the public comment period.

Minutes: The Board reviewed the minutes of the November 26, 2018 regular meeting and the December 19, 2018 special meeting of the Board of Directors. Following review and discussion, upon motion duly made by Director Hohne,

seconded by Director Clark, the Board approved the minutes of the November 26, 2018 regular meeting and the December 19, 2018 special meeting of the Board of Directors as presented.

FINANCIAL
MATTERS

Review and Consideration of Payables: Ms. Dowswell reviewed claims for the period ending January 24, 2019 totaling \$82,944.17.

Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board ratified the EFT payments and the claims for the period ending January 24, 2019 totaling \$82,944.17.

Board Member Pay: Ms. Dowswell informed the Board that they are eligible to be paid \$100 per meeting, up to \$2400 per year. The Board determined that the board members will remain unpaid volunteers. Mr. Mielke confirmed his understanding that the Board has never paid its board members for serving on the Board, despite it being briefly considered in prior years.

Mr. Robert Lancaster informed the Board that he is interested in serving on the Board. Following discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board appointed Mr. Lancaster to fill one of the vacant seats on the Board, pending confirmation of his qualifications.

DISTRICT
MANAGER ITEMS

TZA's Report: Mr. Orsatti informed the Board that TZA Water Engineers is currently going through a re-branding process as Lamp Rynearson.

Director Clark inquired about the proposed list of priorities, costs, and timeline for the water system project, and whether the District could complete some of the scope of work on its own, and thereby reduce the amount of debt the District would need to incur. The Board discussed Availability of Service Fees ("AOS Fees") and Mr. Mielke noted that Colorado law caps the AOS Fees at 50% of service fees, and that they can be used only for debt service payments. The Board continued to discuss with Mr. Orsatti the scope of work for the water system project and various levels of work that are anticipated to be performed. Mr. Orsatti further presented the Board with a Well #1 Treatment Upgrade Report and described the plan to identify and remedy GWUDI and copper issues at the well site. Mr. Orsatti stated that Lamp Rynearson will cover the costs of doing an Environmental Assessment for the wellsite if it is required by the federal government.

Mr. Orsatti presented the proposal to provide wastewater improvements to the Board, noting that a wastewater needs assessment was previously completed. Mr. Mielke provided the Board with a brief history of the District's prior engineering. The Board reviewed a proposal from Lamp Rynearson in an amount not to exceed \$30,000 to create a detailed analysis of the recommended wastewater system repairs,

which can be used to apply for a design and engineering grant for wastewater system repairs. The Board reviewed the proposal and discussed the potential wastewater system repairs and potential grant, and upon motion made, seconded and unanimously carried, the Board approved the proposal.

Mr. Orsatti reviewed the written January progress update with the Board.

ORC's Report: Mr. Creazzo reviewed the written report with the Board, noting that well #1 is in good operational condition and that the flow meter that needs to be replaced is not a priority and can be replaced during the water system's capital improvement projects.

Mr. Creazzo reported that the copper samples that were taken are over the limit, and will require a public notice to go out. ORC is compiling data to determine the best course of action to take to limit the copper leaching.

Mr. Creazzo reported that Xcel Energy discovered a voltage anomaly coming into the plant, and Xcel will continue to monitor and gather data to determine the cause.

Operations Report: Mr. Oeland reviewed the written report with the Board, noting that there was a water main break on Beaver Road early in the month that he was able to repair. Mr. Oeland also reported that there is a leak on the main line near Pine Way that has been difficult to find with the weather and terrain, and he will call Leak Detectors to assist him.

Manager's Report: Ms. Dowswell reviewed the written manager's report with the Board, noting that the owner of St. Mary's Lot 2, Unit 1 has expressed interest in selling the lot to the District and believes it would provide District personnel with a good access point to the wastewater treatment plant. Following review and discussion, it was the consensus that the Board is not interested in purchasing the lot at this time, and noted that the District does not utilize that property to access the wastewater treatment plant. Mr. Mielke confirmed that the District has a 10-foot wide access easement along the lots boundary lines as well.

LEGAL MATTERS Approval of Annual Administrative Resolution for 2019: The Board reviewed the annual administrative resolution for 2019. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote, unanimously carried, the Board approved the annual administrative resolution for 2019 with changes as discussed.

The Board reconfirmed its regular meetings are scheduled for the fourth Monday of each month, at 6:00 pm. They will be held at Alice Schoolhouse, 271 Silver Creek Road, Idaho Springs, CO 80452.

Chris Oeland will post meeting notices at Alice Schoolhouse, the Community Board and the Metro District Building.

Mr. Mielke provided the Board members with the director qualification affidavits and the general conflict forms to update.

Discussion Regarding Tap Fees for 716 and 717 Texas Drive: Mr. Mielke reported that the District Manager was contacted by a real estate agent who has a potential buyer for both properties. Both properties are currently vacant. Lot 717 is charged AOS Fees, but Lot 716 is charged the District's service fees. The current owner has stated that the system development fee was paid for on Lot 716, but is not able to provide a record of payment. There is not a completed application in the District files. Prior to the board meeting, the real estate agent asked for confirmation that the system development fees have been paid for Lot 716.

Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Clark and, upon vote unanimously carried, the Board approved extending the expiration date of the system development fee until February 1, 2020, by which time the property must have a home constructed and connected to the District's water and wastewater systems. In addition, that the property owners must continue to pay the District's service fees during that time period.

Discussion Regarding Service Line Maintenance Requirements in District's Rules: The Board discussed a request from Tom Meyers to repair the service line for 44 Beaver Road. Mr. Oeland stated that the wastewater service line has slipped from its connection to the District's main line, and identified potential causes of the slip. The Board and consultants discussed that normally repairs to service lines are the responsibility of the property owner. The Board noted that in this instance, the wastewater service line was recently installed by the District and that certain factors have made it difficult to determine whether the installation was the cause of the slip or whether other factors were the cause of the slip. The Board agreed that the District would repair the wastewater service line for the property in this instance, and noted that the repair would take place in the summer when conditions allow.

Discussion Regarding Lot Combination Request for Unit 4, Lots 624 and 625: The Board discussed a request from Michael Herring of Lots 624 and 625, St. Mary's Subdivision Unit 4 to combine the two lots into a single lot, and specifically (1) that the Board waive any objection to the combination of those two lots, and (2) the Board vacate easements that exist between the two lots. Chris Oeland has evaluated this situation in the field and found no issue with allowing Mr. Herring to combine these lots.

Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board determined that (1) it does not object to the combination of the two lots; and (2) the District agrees to vacate the easement interests it may have solely for the 5-foot side lot utility easements located between the two lots, subject to the combination of those lots being approved and completed by Clear Creek County. Furthermore, the District reserves any easement rights it may have on other areas of the lots, including but not limited to the entirety of the easements along street lot lines, rear lot lines, and other side lot lines for the lots.

Discussion regarding Video Broadcasting Meetings. Mr. Mielke informed the Board that Director Hohne had received a request for the Board to consider video broadcasting meetings. Mr. Mielke was asked for his legal advice regarding that request. Mr. Mielke noted that live broadcasts or video recordings of board meetings are authorized but not commonly used by special districts. Mr. Mielke explained the legal considerations surrounding live broadcasts of board meetings and noted that video broadcasting could deter people from serving on the Board

Discussion regarding District Transparency. Mr. Mielke informed the Board of a request by a property owner for additional transparency related to District documents, and particularly whether board meeting packets could be distributed to the public prior to board meetings. Mr. Mielke noted that some information in board meeting packets may be prohibited from being distributed to the public under the Colorado Open Records Act. Mr. Mielke also noted that board meeting packets may have other sensitive information that should not be disclosed, such as personal email addresses, contact information, and financial information of water and sanitation district users. Mr. Mielke noted that the District's general information such as budgets and financial reports can be provided upon request to avoid unintended disclosure of personal information.

DIRECTORS
MATTERS

Director Hohne reported that Beth Ramsey is a property owner who is well versed in grant writing and has offered to assist the District in applying for various grants as necessary. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Hansen and, upon vote unanimously carried, the Board approved Ms. Ramsey to assist the District.


EXECUTIVE
SESSION

At approximately 9:25 p.m., Director Hohne moved that pursuant to section 24-6-402(4)(f) C.R.S. and upon an affirmative vote of at least two-thirds of the Board members present for the motion, the Board enter into executive session for the sole purpose of discussing personnel matters related to the District's operations technician. The District's manager confirmed that the operations technician had been informed of the planned executive session discussion and approved of the discussion taking place in executive session. Upon second and unanimous vote, the Board approved the motion to enter into executive session for the above-stated purpose.

The Board reconvened from executive session at approximately 9:45 p.m. and affirmed that no actions had been taken during executive session.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 9:47 p.m.

By: 
Secretary for the Meeting