

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
BACA GRANDE WATER AND SANITATION DISTRICT

April 19, 2023- 9:00 AM

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom

ATTENDANCE

Directors in Attendance:

Vivia Lawson

John Loll

Mike Smith

Rick Hart

Also in Attendance:

Marcus Lock, District Legal Counsel

JoAnn Slivka, District Manager

Gary Potter, District Director of Utilities

Natalie DeBon, District Administrative Services Manager

(for a portion of the meeting)

Nick Marcotte, District Engineer (for a portion of the meeting)

Cathy Fromm, District Accountant (for a portion of the meeting)

Community Members and Guests:

Charles Whipple

William Folk

Daniel Gray

Michael Scully

Bill Peck

CALL TO ORDER

President Lawson opened the meeting at 9:01 AM.

Board Roll Call: Directors Lawson, Loll, Smith, and Hart were present.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Attorney Lock has discussed with the Board the requirements pursuant to Colorado law to disclose any potential conflicts of interest to the Baca Grande Water and Sanitation District Board of Directors and to the Secretary of State. It was noted that a quorum was present and members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No new disclosures were made.

AGENDA

M/S/P: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE AGENDA.

CONSENT AGENDA

The board considered the following consent agenda items:

- Approve Minutes from the February 23, 2023 Special Meeting
- Approve Minutes from the March 15, 2023 Regular Meeting
- Accept the unaudited financial statements for the period ending March 31, 2023 and current schedule of cash position

M/S/P: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SMITH, SECONDED BY DIRECTOR LOLL AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CONSENT AGENDA.

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA ONLY. NO ACTION MAY BE TAKEN).

The district is subject to the Colorado Open Meetings Law, which states that no Board discussion or action will take place until a later date, if necessary. Please limit your comments to three minutes or less.

Daniel Gray, 3898 Ridgecrest Way spoke and commented regarding:

- the District’s lift station pumps,
- his opposition to a new Administrative Building,
- the health of the District’s operator,
- his desire to be notified personally of meetings,
- his desire for in-person meetings, and
- issues related to District security.

President Lawson acknowledged that Mr. Gray had several good comments but cautioned Mr. Gray against personal attacks.

Director Hart stated he appreciates Mr. Gray’s participation but requested that he engage in civil and respectful discourse.

President Lawson’s final comment to Mr. Gray is that the Board will hear comments from the Public but generally they do not respond until a later date if it is something the Board would like to address in the future.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending April 19, 2023 as follows:

General	\$ 9,389.80
Capital	\$ 7,420.00
Enterprise	<u>\$ 63,410.65</u>
	\$ 80,220.45

M/S/P: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING APRIL 19, 2023.

Operations:

TRENCH and SHORING EQUIPMENT BUDGET REQUEST

Mr. Potter presented a request for a Build-A-Box trench system that was not included in the 2023 budget. This system provides more versatility than the current trench box system the district currently owns. It will improve the safety for staff.

M/S/P: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR HART AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE EXPENDITURE OF \$20,650.00 FOR THE BUILD-A-BOX SYSTEM.

BOARD AND STAFF REPORTS

The board reviewed and discussed the reports incorporated herein by this reference.

Board Matters

President Lawson reflected on where the district is right now and expressed her appreciation of staff. She also reminded board members of their responsibility to stay involved in the master planning process.

President Lawson is currently focused on the following three things:

Preparation/Contingency Planning: This falls under the category of what the Board's role is when something happens at a high level, to be sure structures are in place to protect the District when the unexpected happens. An example are the recent notices from CDPHE (3). This warning letters have not been in our written materials. This is a Board concern; they need to be sure they are aware on how they can support the District.

Personnel Committee: Director Loll and she are looking at the overall picture of District functions and personnel and how to handle it when/if key roles are vacated; how will they go about filling these roles. They will engage the board more fully as appropriate.

Public Information Our doors are open and we turn around requests quickly. We have implemented a website refresh which now includes a blog, newsletters, and email blasts. Overall, she hears the community is happy and they appreciate us. She thanks all of us.

Engineer's Report:

Mr. Marcotte reported on the following activities Element Engineering has been working on for the District this past month.

Wastewater Treatment Plant Improvements (Project No. 0010)

The Environmental Report (ER) has been drafted. They are waiting for final responses from the State Historic Preservation Office (SHPO) and other agency responses to finalize the ER. The RDApply application is being processed and drafted by Element and District staff.

Water Treatment System Improvements (Project No. 0011)

The draft Preliminary Needs Assessment (PNA) is nearly complete with an internal review by Element staff. They are on target to provide the draft to District staff by the end of April. Afterwards, the final draft will be submitted to the Board for its review.

590CR Hillcrest Overlook Extension

The Hillcrest Overlook plans and cost estimate have been submitted to the District. A meeting was held with the developer to review the plans. The next step is to bid the project for construction. Director Hart inquired as to an estimated cost of this project. The estimated cost for construction of only the line extension is ~\$112,000. Questions followed regarding details of a line extension. President Lawson requested staff put together an information packet that would help citizens understand the process and related costs for a line extension.

Casita Park Lift Station Analysis:

President Lawson inquired as to the status of the Casita Park lift stations. Element performed an analysis per the District's request regarding the lift station pumps. Everything is currently working fine.

District Manager Report:

Ms. Slivka presented highlights from her report. Everything is in place for the Elections and voters have already started dropping off their ballots.

Working with Element Engineering on Grant administration for the CDPHE Water Project and the RDApply funding application.

Interest continues with the website; this month Utility Billing Specialist, Jennifer Jenkins contributed a couple of entries to the blog, a calendar has been added that includes not only district events but related community events such as the "Are You Ready" event presented by Emergency Management and the Baca Grande POA to be held at the POA Hall later in the month. Also, the "Rio Grande State of the Basin Symposium" is coming up in early May.

Directors Smith and Hart accompanied staff in a meeting with the county commissioners to discuss county held lots. It was a good meeting; District personnel appreciated the time with the commissioners to speak and better understand our roles and how they intersect together. We look forward to continuing conversations. A brief discussion followed regarding our ARPA Grant application.

Administrative Manager Report:

Natalie DeBon presented the statistics in her administrative report; property transfers continue to keep staff busy; water/sewer hookups have slowed down a bit. She has received the 50% reimbursement of safety grant funds from our insurance company. She is excited to report that Saguache County approved our grant application for security equipment for the office/shop complex.

Ms. DeBon continues to enjoy all that she is learning with the SDA Leadership Academy and shared the current topic of "Positivity" and the impact it has not only on our daily lives but on being a great leader as well.

Utility Director Report:

Mr. Potter has submitted his annual reports for the Biosolids and Regulation 85.

We will have a new seasonal operator on staff beginning May 1. Summer projects including the fire hydrant maintenance and collection system cleaning and inspections are in process now. Unaccounted water was high in the month of March at 63%.

LEGAL MATTERS
EXECUTIVE SESSION

M/S/P: PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), AND (E), UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH AND, UPON AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE QUORUM PRESENT, THE BOARD ADJOURNED TO EXECUTIVE SESSION AT 10:53 A.M. FOR THE PURPOSE OF DISCUSSING MATTERS SUBJECT TO NEGOTIATIONS REGARDING THE WATER SERVICE AGREEMENT, THE TOWN OF CRESTONE, AND YESHE KHORLO.

M/S/P: DIRECTOR SMITH MOVED; DIRECTOR HART SECONDED TO RECONVENE TO REGULAR SESSION AT 11:35 AM.

UNITED STATES FISH AND WILDLIFE SERVICE (USFWS):

TOLLING AGREEMENT BETWEEN THE UNITED STATES FISH AND WILDLIFE SERVICE AND THE BACA GRANDE WATER AND SANITATION DISTRICT

M/s/P: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE DISTRICT ENTERING INTO A TOLLING AGREEMENT WITH USFWS (SUBJECT TO NON-MATERIAL REVISIONS), TO BE EXECUTED BY PRESIDENT LAWSON, THAT WILL ALLOW THE DISTRICT AND USFWS TO CONTINUE WORKING TOWARDS A NEW WATER SERVICES AGREEMENT.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 11:40 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
May 17, 2023

Respectfully submitted,

JoAnn Slivka

THESE MINUTES ARE APPROVED AS THE OFFICIAL April 19, 2023 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Vivia Lawson

John Loll

Mike Smith

Rick Hart

ATTORNEY STATEMENT

Regarding Privileged Attorney-Client Communication

Pursuant to §24-6-402(2) (d.5) (II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Baca Grande Water and Sanitation District, I attended the executive sessions on April 19, 2023, and it is my opinion that the portion of the executive session that was not recorded constituted attorney-client privileged communications.

Marcus J. Lock

General Counsel

Baca Grande Water and Sanitation District