

Tabernash Meadows Water & Sanitation District
Board of Directors Meeting Minutes
779 Aster Drive, Tabernash, CO 6:00 p.m.
February 13, 2024

1. Call to Order: 1 minute.

- a. Anderson called the meeting to order at 6:00 p.m.
- b. Attendance – Board Members and Staff Present: President Bill Anderson in person, Member-at-Large Richard Tarde via video, Member-at-Large Scott Cote in person, Member-at-Large David Peters via video, Accountant Donette Schmiedbauer via video, and Manager Thom Yoder in person.
Board Members Absent: Treasurer James Drewett.
Consultants: Russ Newton General Legal Counsel via video.
Public: Resident Steve Pinedo in person.
Additional Disclosures: None.

2. Possible Election of Officers: 1 minute.

Anderson motioned to table the election discussion until the next meeting. Motion carried 4-0.

3. Possible Approval of Financials, December 2023, and January 2024: 37 minutes.

Schmiedbauer reviewed the check register detail. She explained that the district finished the 2023 year with higher revenue than they originally budgeted. Schmiedbauer said there was a total of \$280,000 saved at the bottom line. She also explained that there was substantial savings due to a lack of a second operator for the plant. She updated that they have currently used 4% of the budget year to date. Pinedo asked for clarification on what the salaries and benefits budget included, Yoder explained that they have included one operator and one office staff in the 2024 budget. Pinedo also asked if that included contract professional fees, to which Yoder clarified that is under a separate budget line and include the fees for the rate study and engineers. Anderson motioned to approve December 2023 and January 2024 Financials as presented. Cote Seconded. Motion carried 4-0.

4. Possible Approval of Minutes, December 12, 2023: 6 minutes.

Newton explained he would like some minor corrections, the first being under item 7 B should include “motion carried”, and item 7 C there was a typo and “bond” should be changed to “pond”. He also said that under number 8 there was a typo, and it should say “unit purpose”, not “unite”. Cote motioned to approve the December 12, 2023, minutes with the mentioned edits. Peters Seconded. Motion carried 4-0.

5. Possible Approval of 2023 Financial Audit Engagement: 5 minutes.

Yoder explained that the Schilling auditor gave a price for \$9,400 for the year, they also scheduled the start day for June 3rd and plan to be on site for a total of three days. Yoder

said Schmiedbauer will be present during the audit to help with any questions or information needed. Anderson motioned to approve the 2023 Audit Engagement. Cote Seconded. Motion carried 4-0.

6. Water Quality Discussion, Tarde: 26 minutes.

Tarde explained that a concerned citizen, Susan Bolk, had sent pictures from the district's wetlands where she believes Conroy Excavation is depositing snow from the Safeway parking lot into the wetlands. Tarde explained that Bolk raised some concerns to him that there may be some risks for the water safety due to potential chemicals in the snow from the parking lot. He said that Ms. Bolk contacted Grand County and CDPHE, and they both said they would not be able to step in. He said Ms. Bolk had also spoken with the Army Corp of Engineers and got a response from them saying that it was a potential site violation. Yoder informed Tarde that he spoke to their water engineer, and they informed him that they are unable to put monitoring wells in the wetlands. Yoder explained that he is not concerned since the melt flows toward the Fraser River, not towards the wells. Newton asked Tarde for clarification on if any regulations or codes are being violated in his opinion, Tarde explained that the potential contamination may be violating state runoff mandates. Anderson said that he believes the district does not have jurisdiction but directed Yoder to move forward with contacting Conroy and viewing the site, then report back to the board. Newton also said that he would like more information and to find out who has jurisdiction of the area and what the regulations are. Newton gave the suggestion to table the discussion until the next meeting so that more information can be gathered, the board agreed to table it until the next meeting. Tarde closed by updating that Susan Bolk informed him the snow collection is being packed by loaders and is in the willows of the wetlands.

7. Managers and Operations Report:

- a. **Operations Report: 16 minutes.** Yoder updated that he has fixed the calibration issue that he was experiencing last month. He also updated that the \$13,000 in charges for the marijuana dumping incident have been completely paid off by Conroy and the incident has now been closed. He noted a charge for \$1,000 and explained that was for a bobcat mobile-repair visit. Yoder said he has been contacting 1-2 customers per week for high water consumption, the primary reason being running toilets.
- b. **Water Rights Update and Possible Approval of Annual Rich Ditch Agreement: 4 minutes.** Yoder said he is working with David Kueter in filing and responding to questions that were submitted to the district from the "opposers". Yoder reported Jim Pierce with Canyon Waters is also supporting the filing process. Yoder presented the new annual Rich Ditch agreement and updated that there is a new stakeholder and recommended approval. Cote motioned to approve the Rich Ditch Agreement as presented, Yoder will email the documents to DocuSign and Denver Water will return the fully executed agreement. Anderson Seconded. Motion carried 4-0.

- c. **Update of Financial and Engineering Projects:** 2 minutes. Yoder explained that he spoke with the Financial Planner from PFM, Matt Stoffel and, Stoffel plans to have a draft for the next board meeting for comments from the board, he hopes to have a final available by April dependent on comments. The engineers are working on updating probable costs for expansions and PFM will be reviewing tap and service fees.

8. Seter Status Report:

- a. **Possible Approval of Resolution for Cost Recapture Agreement:** 6 minutes. Newton updated that the resolution is prepared but it requires a 30-day notice to be published, so he plans to get it published and have the formal approval in April. He said for the current meeting he needs the board to approve the first amendment to the agreement and also to have that incorporated into the fee resolution. He reminded the board that it will not affect the district financially. Cote motioned to approve the first amendment to the Tabernash Water Main Recapture Agreement. Anderson Seconded. Motion carried 4-0.
- b. **Ratification of Streamline Website ADA Compliance Contract:** 8 minutes. Newton followed up the prior conversation regarding the website's requirement to meet ADA compliance by July 2024, explaining that his firm has vetted and negotiated an agreement with Streamline. Yoder explained that he went forward with the agreement per the board's direction at the prior meeting.
- c. **Red Hawk Ranch and Inclusion Properties Update:** 1 minute. No update on RHR. Newton is in regular contact with Ward property attorney on their status, Russ told them opinions of probable cost should be available soon.
- d. **Possible Approval of Annual Admin. Resolution:** 5 minutes. Newton explained that this resolution covers meeting schedule and location, designated posting location, etc. for the district. He noted that he will need to fix his law firm's name in the resolution. He also informed that this resolution will allow board members to opt in for \$100 compensation per meeting up to \$2,400 per year. Cote motioned to approve the Annual Administrative Resolution. Anderson Seconded. Motion carried 4-0.
- e. **Board Member Qualification and Disclosure Certifications:** 5 minutes. Newton explained that this document allows his firm to confirm board member qualifications. He also included a conflict-of-interest disclosure certification for each board member which allows them to have record of conflicts of interest and allows him to file them with the secretary of state.
- f. **Possible Executive Session:** Not needed.

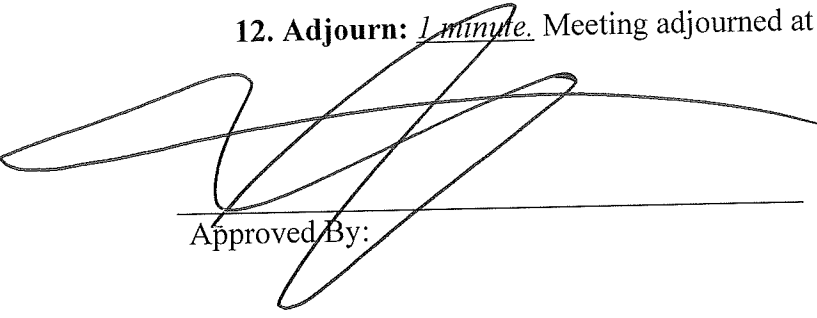
9. Old Business: None.

- 10. New Business:** 12 minutes. Yoder explained that he has been unable to backup data to the cloud, and he recommends finding a new internet provider. He said he has priced using Starlink and said it would be \$600 for the equipment and \$80 monthly subscription.

Yoder also recommended not renewing the subscription with GoToMeeting and using service included with Microsoft 365.

11. Public Comment: None.

12. Adjourn: 1 minute. Meeting adjourned at 8:19 p.m.

Approved By: 

3-12-24
Date