

Eldorado Springs LID Advisory Committee Minutes

June 18th, 2020

Video Conference Meeting

The meeting was called to order at approximately 6:35pm by Ken Sheldon.

Members Present: Ken Sheldon, Cathy Proenza, Jeff Mason, Vija Handley

Guests: Gabby Begeman (ORC), Peter Spraitz, Janet Robinson, Heidi Gerstung

Staff: Mark Ruzzin, Jon Adam

Approval of Minutes: Jeff Mason made a motion to accept last month's (May's) meeting minutes, as presented. Ken Sheldon seconded the motion, which passed unanimously.

Peter Spraitz

Mark thanked Peter for joining ESLAC this evening and for meeting with Gabby and Ken last Friday. The discussion item is to outline next steps and have a dialogue with the committee over the grinder pumps and repairs to the sewer access line on Peter's property. Peter began by expressing that he was onboard with the requests from the committee. Peter presented two questions; one about clarification of things he had seen in the video of the inspection and the other about the name of the company that had completed the original sewer collection system engineering and construction. Ken noted that Fraschetti was the engineer who designed the system and Fisher Construction of Longmont had built it. Peter informed the committee that he had hired Fisher to attach his property to the collection system, and asked if there were drawings he could use to get started on his repair work. Ken responded that the only records he knows of are of the LID infrastructure maps, but did not know of any records pertaining to private sewer lines. He suggested that Peter contact Fisher.

Mark added that staff can connect Peter with Pete Salas, who would have the best knowledge of additional records. Peter indicated that he is moving forward on the repairs and has already contacted a plumbing contractor to give him an estimate of the work needing to be done on his property. Ken Sheldon pointed out that the main concern was sand and sediment getting into the system causing E1 pump failures. Peter acknowledged from the prior meeting that he was going to be looking for the source of the sand and grit in his part of the system.

Peter expressed again that he wanted to move forward on the repairs and wanted to know who best to keep in contact with updates. Mark replied that it was best to contact him, Jon Adam or both, and that staff would share information as things move forward. Peter left the meeting at approximately 19 minutes.

Mark continued the discussion after Peter left, specifically regarding the draft letter intended that had been drafted to send to Peter. Cathy suggested following up with a "nice" letter or email after Mark

made the recommendation, and setting up a date for Peter to follow up on. Ken suggested having hard dates in response to the meeting he had with Peter last Friday, included a hear back date, a work completion date, and payback date. Mark suggested Peter come to the July ESLAC meeting to present his plan. Cathy agreed. Mark stated he could have the email sent to Peter by next Monday, and that staff would copy ESLAC.

ORC Operations

Gabby arrived at the meeting at approximately 30 minutes. Mark reported that Peter had questions for Gabby and that he would add her to the email exchange. Gabby reported that flows into the WWTF were wonky given the COVID situation and the TIN level was back to normal. The exterior hatches were rewelded due to normal wear and tear.

Gabby asked that we make sure that the trees along Barber Lane, before the access lane, get pruned on a schedule. Mark brought up who will pay for the work given that the trees are technically on private property. Mark also referenced the Boulder County Emergency Access regulations that we could include with an email to the property owners which dictate property owner responsibilities. Ken's main intent is to use this document as a set of guidelines for the property owners to maintain access. Jon mentioned, having seen the trees and the access road, that he could look at options from the County's end. Ken mentioned the 4 properties, the Sween's, Scott Lehman's, Neil Cannon's and Chip Ruckgrabber's. Mark brought up that the county doesn't have right-of-way along Barber Lane and so doesn't have the authority to do the tree trimming work, therefore it's the responsibility of the property owners to get the work done. Jeff Mason asked if the County has an easement for the access road? Mark will reach out to the attorneys to find out. Ken suggested writing a polite informational letter to the property owners, including the Emergency Access guidelines, and asking for the trees to be trimmed twice a year. Cathy brought up that Scott usually gets on the job pretty quickly when asked. Gabby noted that trimming is most needed from the end of the cul de sac to the gate.

Cathy asked Gabby about the reported sewage smell situation. Gabby relayed a complaint from Janet about sewage smell in the neighborhood. Nothing was found and the smell had disappeared. Gabby was not concerned about a leak because flow data to the plant doesn't indicate a leak. Gabby and Heidi left the meeting at 47 minutes.

Invoices

Mark shared both the ORC April and May 2020 invoices and the running expenses spreadsheet. Only the expenses that have been paid to date are included on the spreadsheet. Mark also included a running table of ORC expenses outlining their base contract and other expenses like testing, chemicals, maintenance, and labor. Jeff pointed out that the LID is \$3,000 over on the capital improvement fund, which is projected to go up. Mark also noted the upcoming purchase of a spare SBR pump at approximately \$12,000. Mark will work on having all updated expenses from Dawn at the next ESLAC meeting.

New/Old Business

1. **WWE Alternatives Analysis.** Mark referenced the Alternatives Analysis video meeting that was held with Wright Water Engineers last week. Jeff mentioned that he thought WWE was more interested in the stream flow analysis than he previously thought and having the meeting with WWE made a huge difference. Cathy noted that Kevin Tone brought up the location of the stream gauge during the meeting, and that the meeting was informative and she wants more meetings with WWE. Mark relayed Jane Clary's message that the Alternatives Analysis was the only way forward for CDPHE to accept the LID's findings in respect to a modified operating permit. Mark also noted that the WWE scope of work will include six meetings with the Eldo LID. Mark asked if the LID is comfortable with the WWE scope of work so that he and Jon could get the ball rolling with Boulder County Public Health on the contract. Mark and Jon would be reaching out to ascertain the committee member's decisions.

Cathy brought up that WWE mentioned 3 different analyses and would like to see the others before WWE and the LID makes a final decision on which analysis to fully evaluate. She also wants feedback on the stream flow gauge and that we should prioritize installing the stream gauge and set a timeline. Mark referenced the WWE scope of work, which includes a 12-week timeline for evaluating stream gauge locations. Cathy mentioned that we should have the stream gauge installed by November of this year. Cathy also asked about the contract and how it was going to be paid. Mark explained that the contract will be added to an already existing contract with Boulder County Public Health and that it will be determined how the LID will pay the county who will pay BCPH.

Both Jeff and Cathy brought up concerns about the LID's ability to afford the Alternatives Analysis and asked if the county might be in a position to help with the cost. Mark replied that he will get the most current budget numbers from Dawn Page and we can also ask the County if there are other means of support that could be used to help pay for the contract. Mark also noted that the current property tax assessment will be retired in 2025 and that the LID will need to soon begin discussing new revenue opportunities. Mark referenced analysis that's been done to evaluate how much funding will be needed to operate and maintain the WWTF and that a certain percentage of the existing tax assessment could be preserved after 2025 to fund the WWTF. The LID would want to start engaging with community members about these options in advance of any future ballot measures, and may want to focus on a potential ballot measure in 2023.

2. **Rules and Regulations.** Mark referenced a meeting Jon and he had this morning with Kate Burke from the County Attorney's office. Kate believes that the rules and regs state that any member who increases their EQRs will have to apply for and receive a modified permit, as stated in section 4.2.1c of the rules and regulations. Everyone on the WWTF system had already been granted a permit by resolution when the system was first put in place. Kate also stated that the LID has the authority to request a modified permit and that nothing needs to be changed in the

rules and regs to require a modified permit from any member of the district. Furthermore, Kate agrees that through section 4.2.1 the district can require EAS to install discharge flow meters as a part of the modified permit. Kate also suggested that the rules and regs could be improved in a comprehensive manner and she is planning to start on that analysis with the comments provided by Cathy and Vija. Kate will present her findings for the committee.

Ken raised his concern about the time needed to debate if this process should be done with an MOU or through a permit. Both Cathy and Jeff prefer to require a modified permit for moving forward with EAS. Mark brought up that a modified permit could be incorporated into the regular building permitting process, for residential or business members, in discussion with the county's Community Planning and Permitting department, which is reviewing the EAS building permit applications.

Mark referenced the \$83,000 PIF that EAS will be paying to the LID and that that money could be used to invest in the new proposed holding tank for the WWTF plant and could also be used to split the cost of the discharge flow measuring devices. Cathy expressed opposition to the idea of sharing the cost of EAS's monitoring equipment with respect to all the rate payers having to, in a sense, pay for this.

Mark and Jon brought up issues that the LID could negotiate with EAS while working through a modified permit: a parking easement for sludge hauling (the McDonald Farm issue) and other related work; the First Bridge South Boulder Creek stream gauge; and the cost of the discharge monitoring equipment. Mark noted that the LID could share the cost of the discharge monitoring equipment in exchange for parking easements and access to First Bridge to install the stream gauge. Cathy agreed that we should bundle all of this together in an initial offer but that we shouldn't make the offer to pay half the cost of the monitoring equipment up front, but instead use it a bargaining tool. Jon Adam agreed that we could approach negotiations with EAS in that way.

Jeff Mason left the meeting at 1hr and 43 min.

Before moving on to the last topic, Mark wanted to ensure we had full closure with the EAS permit process. First, Kate doesn't see any need to change the rules and regulations to negotiate further with EAS, but a modified permit would require some changes that need to be agreed upon by the committee. Kate could continue to look at ways we could update the rules and regulations separately. Ken agreed with this process. Mark also brought up how we can move forward with negotiations and who from the committee should be involved in the negotiations with EAS. Cathy agreed that we should have an ESLAC committee member present along with the county attorney. Vija brought up that we need to make sure there is the ability to shut off service to EAS if they overload the system. Cathy and Ken pointed out that it was previously established that the rules and regs gave the committee that authority, but that Mark would check again with Kate Burke.

Mark and Jon brought up the final issue of a complaint from a resident about people parking at the WWTF to access open space. Locking the gate was raised, but Cathy suggested the first step should be to update signage (no parking and towing) at the gate and at the WWTF.

Furthermore, if we do eventually decide to close the gate, that we start by not locking the gate and have the space for people to walk around the gate who want to utilize the open space. Jon Adam brought up having a tumbler lock and distributing the code to the people and businesses that use it if we find that locking the gate is eventually required.

Public Comment

Janet, at 1hr and 58 minutes, brought up that ESLAC should require full transparency of any negotiations with EAS and any further negotiations with potential businesses regarding the use of the WWTF. All members present agreed to her request.

The meeting adjourned at 1hr and 59 minutes.