

Eldorado Springs LID Advisory Committee Minutes

October 15th, 2020

Video Conference Meeting

The meeting was called to order at approximately 6:35pm by Jeff Mason.

Members Present: Jeff Mason, Vija Handley, Kevin Tone, David Levin

Guests: Gabby Begeman (ORC), Janet Grey, Stephen Sangdahl, Heidi Gerstein

County Staff: Mark Ruzzin, Jon Adam, Kate Burke, Darla Arians

Approval of Minutes: Jeff Mason made a motion to accept last month's (September) meeting minutes. Vija Handley seconded the motion to accept the minutes.

Invoices

Jon Adam started with invoices until Gabby Begeman (ORC) logged into the meeting. Jon combined the invoices into one document in order to keep invoices in order to reduce the number of different attachments in an email. He asked the committee if that was helpful. Jon shared his screen and explained how he added notes to the invoices to explain how they were added to the budget spreadsheet. Kevin asked about the secure message format that arrived with the email. Darla explained that new County policy requires that sensitive documents, like to year to date budget actual, are automatically sent via secure message and that it was a newly implemented policy. Darla helped the committee members through the sign-up process.

ORC Operations

Gabby joined 10 minutes into the meeting. Kevin Tone noted better (Total Inorganic Nitrogen) TIN values. Ammonia went down, TIN was at 6mg/L. Flows without the pool were at 52.85% average for the month of September. Kevin noted that except for a high Total Suspended Solids (TSS) value at 747mg/L, everything else looked good last month.

Gabby reported that the pool is getting rid of its old grinder pit in order to replace it with the new one and that she would take the E-One pump out as a spare. Kevin Tone asked Gabby if she has seen EASi's designs yet. Gabby replied she hasn't seen the final designs yet for the pool grinder pit but she has talked with EASi about the requirements for the duplex unit. Kevin replied that he was curious where the pool's sampling manhole was located, how it would be accessed and that it would be acceptable to the LID's monitoring needs. Gabby asked if we'd want the ability to sample occasionally or to be able to sample constantly through the manhole. Kevin replied that we'd probably want the ability to sample routinely if needed though we'd certainly want the flow to be measured routinely. Gabby provided EASi some examples of monitoring equipment and manhole types that could be installed for the pool and eventually the ballroom.

Kevin expressed to county staff that it was a point of concern that EASI's team didn't have the specific equipment worked out yet. That the committee needs to have some level of review of what they put in the ground and that we can follow up with EASI.

David asked Gabby to clarify that there were 3 grinder pumps, one for the pool, one for the ballroom and one for a spare. Gabby replied that there would be a duplex unit with a double wide bell-shaped tank, 450 gallon capacity. There would be two pumps for the pool pit and she wasn't sure how many pumps for the ballroom yet, most likely one. She stated that additional capacity in the larger tank allows for more pumping over time therefore not over running the WWTF. Kevin asked if the pumps would be different than the pumps we currently use for residential use. Gabby said they'd be the same as there aren't different pumps available for our climate. It's the housings for the pumps that will be different and we will be using the higher capacity more robust tanks that allow pumping into the system to be better managed over time. Kevin also noted that using the same residential pumps would mean we could easily trade them out and have more spares.

Mark Ruzzin shared that county staff will work with Doug Larson and Gabby to ensure EASI purchases and installs the equipment requested by the LID in the MOU. Mark shared section B of the MOU that explains the required equipment.

David asked if the West pump pit and manholes will be in the same location as the current one or be in a different place. Gabby replied that that conversation hasn't happened yet.

Stephen Sangdahl asked if the 450 gallon tank is for the East or the West project. Kevin replied that each project will have a 450 gallon tank as stated in the MOU. David was concerned about the difference between the 70 gallon units and the 150 gallon units which are residential use and the 450 gallon units which will be used for East and West Projects. Gabby replied that the pumps provided by Ambient are the same now matter the size of the unit/tank to provide better and consistent repair service. Kevin reiterated that EASI provide the plans for what will be installed for the LID to review before final installation.

Jon went back to the Invoices and went back over the notes for the ORC invoice he had provided. He explained that the notes on the invoice explained where each line item in the invoice was budgeted. Jon reviewed the other invoices.

Jon showed the year to date budget. Jon also included that the budget will be switched over to Oracle projects. Kevin asked Gabby if they planned another sludge haul before the end of the year. Gabby replied that there should be one more before the end of the year. Kevin replied that we should plan for more sludge hauls in the budget than the budget currently allows. Jon shared a new Excel table of ORC expenses on the second tab of the budget spreadsheet and asked for committee feedback. Kevin asked that "extra" or "additional" be added to line item 5, Maintenance and Labor.

Gabby left the meeting at 50 minutes

New/Old Business

LID bylaws presentation by Kate Burke, Boulder County Attorney for the LID

Jon introduced Kate Burke, the LID attorney. Kate provided the committee a PowerPoint presentation on the legal principles of Boulder County Boards, including Open Records, Open Meetings Law and Ethics and Conflicts of Interest which could be added to the LID By-Laws rewrite. A copy of the PowerPoint presentation will be supplied to the committee members and be made available on the LID webpage.

Kevin asked if setting aside some time during the committee meeting for public comment was considered a public hearing. Kate replied that in her opinion when the public is welcome to join in on a public meeting that it is not a public hearing. It would be a public hearing if the committee needed to make a decision and is looking for a specific response from the public in order to make the decision. Kevin replied that since the committee is an advisory board, that they would generally not be having public hearings. David disagreed, since the public could speak during the committee meetings. Kevin added that it's up to county staff to determine if there will be a public hearing. Vija Handley added that the committee was an advisory board and was therefore not making decisions as would be the case in a public hearing. Mark Ruzzin added that the three minutes for public comment at the end of a committee meeting is the same as the County Commissioners' monthly public participation meetings, where no decisions are being made and members of the public can comment on any issue. Kate also added that a public hearing generally deals with one specific issue during which a decision needs to be made. David added that the committee is an advisory committee, but the committee's decisions carry weight on issues relating to the LID. Kate acknowledged the weight of the committee's decisions but that the decisions weren't legally binding decisions.

Kate ended her presentation at 1 hr and 13 minutes.

David asked about the potential conflict of interest when the chairman of the board did not recuse himself during discussions related to the EASi MOU for the pool and ballroom as the chairman had done work for EASi. Kate asked that a discussion about a specific person and incidence not be brought up in this setting, but that David could bring the matter up with the LID attorney outside of this meeting. David also asked if it was against the rules of a quorum for a single member of the committee to speak to the county coordinator about a specific issue. Kate replied that the quorum rule applies to making a decision.

Kate showed the LID's existing by-laws and pointed out parts of the existing by-laws that she would expect to see in a typical by-law document. She pointed out the LID by-laws have a quorum of two, not three and perhaps that number worked at the inception of the LID. The current LID by-laws are adequate but bare bones and Kate offered to help the LID create a more comprehensive set of by-laws in the future. Kate also pointed out that there are pros and cons to adding more to the by-laws and therefore discussions would need to occur around adding information to the by-laws.

Vija asked if we could choose to have a larger number quorum. Kate said that we could change the numbers of a quorum and like any changes they would have to be presented to the Board of County Commissioners for final approval. Vija suggested that we keep, changing the number of the quorum in mind, as we engage in the by-laws rewrite.

David stated that he always thought a quorum meant, the majority of the committee members. Kate agreed with his definition and found it interesting the LID by-laws had a quorum of two.

Kevin brought up Jon's issue with tree removal earlier in the summer and how the decisions were made and how county staff could help guide the committee in making those decisions in the future. Kevin further asked if the committee can make decisions outside of the monthly meetings, via email or by talking amongst committee members. Kate replied that it would be wise to be able to make some decisions outside of a monthly meeting and that we would need to be clear what those procedures are in the by-laws. Kevin clarified his question to Kate, asking if all of the committee members need to be present when making decisions outside of committee meetings. Somehow the whole committee needs to be informed and what guidance could be added to be the by-laws. Kate replied that the process for informing the members of the committee of decisions outside of the monthly meeting could be added to the by-laws.

Mark added that issues in the past have brought us to where we are now and talking about updating our by-laws is a good opportunity to move forward with a better more relevant set of by-laws for the LID. Jeff concurred that we need a better set of by-laws.

Kate left the meeting at 1hr and 34 minutes

261, 267, 277 Eldorado Springs Drive

Jon asked if everyone got a chance to read the final letter he was proposing to send to the property owner and if there was anything that the committee members would like to see changed in the letter. David brought up that the properties are up for sale and that we should move on this quickly.

Jon added that in the August ESLAC meeting the property owner wanted assurance from the LID that if the sewer pipes were inspected and no structural problems were found that the LID would not charge the property owner for failures due to normal wear and tear. But that the LID could charge the property owner if failures occurred due to undiscovered issues not yet found in the property owner's inspections. David added that there is no way for sand and debris to get into the LID's grinder pump other than through a property owner's system because the LID's system is pressurized. Other things are sometimes confused with sand, like flushable cat litter. Jon then brought up that the pump failures could have been the result of past tenants of the owner's properties.

Jon referenced Vija wanting to know more about the property owner's tenants. Vija replied that we need to find out if the pump failures were occurring when the property owner had tenants or if/when the properties were vacant. The owner requested a lot of detailed information from the LID so the LID should request a lot of detailed information from the property owner. David seconded what Vija had said.

Jon asked about 2 weeks being the right amount of time to have the property owner pay the half of the pump repairs and investigation before placing that amount as a lien on the properties. Kevin replied two weeks was plenty. Jeff Mason agreed we should proceed with the final letter and potential lien on the property owner. Kevin added that there is no further need for the LID or the property owner to further investigations as there is no question the failures were due to the property owner's sewer lines. Jeff asked that language be added to the letter stating that if the expected amount is not paid by the property owner that amount would be applied as a lien. Jon replied he is waiting on the language from county staff regarding liens.

Vija asked if the property owner sells the property and the problems arise again, what could we do to make sure the new owners take care of the issue. Jon replied that he would talk to County Planning department about having that information available for the property owner.

Jon also stated that he emailed Boulder County CPP's policies and procedures document to the committee and that the committee should consider using them to write up policies and procedures for the LID for future violations.

Alternatives Analysis

Jon gave a recap of the South Boulder Creek and Community Ditch tour with City of Boulder Water Resources staff, Wayne Lorenz from Wright Water Engineers and Doug Larson from EASI earlier that day. Everyone in attendance agreed that the first bridge, aka Barber lane bridge was the right place to install a stream flow gauge. The City of Boulder already wanted to install a stream gauge below the Community Ditch and they agreed to install one at the first bridge. Kevin stressed that we need to start collecting stream flow data as soon as possible as the stream gets diverted into the Community Ditch in November.

Jon added that county staff proposed to Wayne Lorenz that we set up the first meeting with the LID the next week and sought input from the committee which day and time would work. Probably the next Thursday. Jon added that he discussed with Wayne that we'd want to talk about the specifics of the stream gauge along with other alternative ways we could work with CDPHE on the new antidegradation limit.

David asked about how the City and Wright Water Engineers could set up the stream flow gauge. Jon replied that there were discussions about how we could set up the stream flow gauge with something as simple as attaching a staff gauge to the North wall of the bridge. Kevin added that water always flows along the North bridge abutment even in low flow.

David suggested a flume. Jeff Mason wanted to make sure we get data that the CDPHE would accept and Kevin asked that we run our concept by CDPHE as well.

Jon also shared that Boulder City staff suggested that the City of Lafayette could continue to divert it's share of the water going into the Community Ditch back into the South Boulder Creek and could pick it up again downstream of Eldorado Springs and the WWTF. Kevin brought up the San Souci water plant just above the town of Marshall. Mark and Jon will have to look further into this in conversations with the City of Lafayette.

Jon also brought up that the City intends to put some of its allotment from the, to be determined, Gross Reservoir expansion back into the South Boulder Creek in an effort to boost the health of the South Boulder Creek and that the County could enter into an Intergovernmental agreement with the City which we could also bring to the table with CDPHE negotiations. Kevin said he had heard that the base flow of the South Boulder Creek could be as high as 10 cfs after the Gross Reservoir expansion.

Jon will send an invite for the first meeting with Wright Water Engineers on Thursday. Kevin asked that the meeting not be Thursday morning and would prefer the afternoon, after 1:30pm.

Tree Management

Jon is committed to getting two additional quotes for tree management around the WWTF as Kevin and Jeff pointed out that tree roots are already infiltrating the underground storage tanks of the WWTF. Jeff agreed that we should just focus on the area around the WWTF and not include the effluent line.

Public Comment

Stephen Sangdahl asked Jon to send the agenda out earlier and he also thanked Kate Burke for her presentation.

The meeting was adjourned at 2 hours and 4 minutes by Jeff Mason.