

Eldorado Springs LID Advisory Committee Minutes

November 19th, 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, Cathy Proenza

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

County Staff: Mark Ruzzin, Jon Adam

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

Invoices and Budget

Jon Adam started with invoices until Gabby Begeman (ORC) logged into the meeting. Jon combined the invoices into one document in order to reduce the number of different attachments in an email. Jon shared his screen and explained how he added notes to the invoices to explain how they were added to the budget spreadsheet. Jon was unsure where the addresses were in the Ambient invoice for pump repairs and will wait for Gabby to share information pertaining to those addresses. One of the pump repairs was in the ORC invoice on 81 Barber Lane. David inquired about the locate for the EASI. Jeff Mason answered that it was probably a locate related to the pool construction.

Jon explained how he recalculated all the lines and totals in the year to date actual budget spreadsheet for October. He highlighted places where the LID has or will potentially exceed the annual budget projections for those line items by the end of the year. Jeff Mason asked why the line item for the sludge haul was red as it wasn't over budget. Jon replied that at the last ESLAC meeting Kevin had asked Gabby if ORC expected another sludge haul this year and she said yes. Kevin asked that we don't indicate budget overages until they occur and that we should ask Gabby again about a sludge haul when she joins the meeting.

Kevin asked if the budget will reflect the repair to the damages caused by the vandalism. Jon replied that since we are submitting those repairs for an insurance claim that we won't be putting that amount on the budget to actual report. Cathy asked how much the damage repairs will cost. Jon replied that ORC expects the total cost to exceed \$4000.

261, 267, 277 Eldorado Springs Drive

Jon informed the committee that the property owner decided at the last minute to allow the LID fines placed on him to go to a lien on the properties. Jeff Mason made a motion that the committee recommends the county placing the lien. Cathy seconded it. The committee passed it unanimously.

ORC Operations

Gabby joined 23 minutes into the meeting. Kevin asked Gabby about the pump replacements, the Ambient pump repairs and if ORC plans on doing a sludge haul before the end of the year. Gabby replied that she will need to check on conditions before doing a sludge haul this year, but most likely not this year. She also pointed out that the Covid issue has created a need for more sludge hauling at many of their other wastewater facilities ORC manages.

Jon asked if the residential pumps had failed before to the best of Gabby's knowledge. 81 Barber Lane had 3 previous failures but nothing out of the ordinary given the timing of the previous replacements. David asked why there was sand in the pumps. Gabby replied that they will have to keep an eye on that pump. The second pump on the Ambient invoice was installed at three locations in its life and was pulled from the pool during construction to save as a spare for the District.

No one had any questions for Gabby about the Ops report.

New/Old Business

LID Security and Vandalism

Gabby gave an overview of the vandalism response. The ORC operator, Paul, found the air conditioning/heater unit on the North side of the facility was pulled out and damaged with a hammer left onsite next to the unit. The facility control panel inside was turned off and wires were pulled out of the cabinet. Paul restored power to the facility, and they watched for what was still not working correctly throughout the evening. They found that the facility sequencing was not working correctly, and the effluent valve was not opening so Paul stayed to operate the plant manually until the rest of the crew arrived to repair the facility the next day. The effluent valve had been pulled out by the vandal and part of the venting system was most likely damaged by the hammer. The repair crew got everything replaced and up and running. There haven't been any further issues with the system nor has anyone come around to cause more damage since. Both ORC and county staff decided that locking the gate and installing remote sensing solar lights was needed in the interim for additional security. Gabby did say that the estimate may be closer to \$10,000 being that they will need to get a new replacement effluent valve.

David Levin commented that the gas fired auxiliary power should be locked as it could be damaged easily and is expensive to replace. Gabby agreed.

Cathy Proenza began the conversation by saying that we are all on the same team even though we may disagree on how we approach security at the plant. She stated that she was dismayed how decisions were made with regard to the interim security measures and that we need to consider all the opinions of the advisory committee and the community. Cathy stated that she didn't agree that putting up the lights and locking the gate were effective security

measures and that we should begin with the most likely cause of the vandalism, the suspected vandal. She also stated concern about naming the potential suspect in this forum. Jon agreed with Cathy about not using the actual name of any potential suspect(s) during the meeting due to potential retribution concerns. Cathy stated that there is one individual in the community with a track record of similar past vandalism to LID property and that we should pursue an investigation of that person first as the best way to prevent further vandalism. David Levin agreed and said that we should have been consulted by county staff on the interim security measures. He also stated that locking the gate is not an effective way to deter future vandalism. David asked who paid for the lock and the extra light. Jon replied that the additional motion activated solar lights and lock was paid for by ORC and will be included in the invoice for the damages being submitted to the insurance company. County Risk division has all the information and is awaiting the damage invoice from ORC to submit to the insurance company.

Vija added that we need to look at the process in the future and that the folks who initially responded to the damage had to do what they needed to do in the interim. She did say keeping the gate locked in the future is not in our best interest as it would be better to have people walking and keeping a presence around the facility. She does agree that having a remote sensing light is a good deterrent.

Janet Robinson spoke next and she shared her past experiences with the suspect, who she named as being her neighbor. Janet spoke of occurrences of past vandalism on their shared LID residential infrastructure as well as other issues. She implored anyone to call the police due to this individual's past history. Gabby asked for the suspect's address. Janet responded that the suspect had two properties in town. Janet pointed out the fact that this most recent act of vandalism at the facility occurred once the suspect arrived back in town and that Gabby should be careful since the suspect in question often walks around with wire cutters. Jeff did assure Janet that the police are taking the investigation seriously.

Jeff agrees with the decisions ORC and the County made to respond to the vandalism. He supports locking the gate and keeping lights up in the future. He stated the County is responsible for protecting the property and the advisory committee will be making future security decisions.

Kevin agreed with Jeff, though he feels the gate is a minor deterrent. Kevin did state that the existing light over the door was always set up as a motion detecting system though it no longer functions and should be replaced. Kevin asked why the sheriff is not taking more action on the suspect.

Cathy agrees with Vija that there should have been an immediate response by the County and ORC. Cathy did want more input on putting up the lights as she thinks they are not a deterrent and that they disrupt neighbors. She liked Kevin's idea of repairing the light above the door and that any new lighting should be in compliance with Boulder County outdoor

lighting ordinances. Cathy also pointed out that LID infrastructure is located throughout the town and is all potentially exposed to vandalism.

Stephen Sangdahl spoke as a resident. He has no problem with the gate being locked and realizes that the gate at least symbolizes a level of protection but still allows residents to walk on the property as people can simply walk around the gate. Stephen asked if the insurance company requires the gate to be locked, do residents have a say in what type of security is utilized/enacted and has County staff considered putting up a wildlife camera.

David added that he doesn't disagree with the interim security measures, but he does disagree with county staff not asking the committee about the interim security measures that were put in place. David doesn't think that locking the gate was useful as it wasn't an emergency.

Ken Sheldon agrees with Cathy about the types of lighting we should use at the facility and he thinks people would still be able to walk around the gate if it's locked to access the trails. He is not sure if we need to go as far as installing a camera being that this has been the only time vandalism has occurred at the facility since its inception.

Cathy personally doesn't mind having the gate closed and locked, but she has heard from some residents that the closed gate makes it harder for walking/riding bikes with kids and dogs. Cathy doesn't feel the gate is a deterrence and she asks us to consider who we are really trying to deter and that neither a gate nor additional security lights will be effective against the prime suspect in the police investigation.

Ken Sheldon added that the gate was locked many years ago and the reason the LID stopped locking the gate was that the prime suspect would cut the lock. He said we could keep the gate closed and simply establish another path around the gate for pedestrian and bike access. The gate is less intrusive than lights coming on in the middle of the night. The gate will keep people from driving back and even camping as had happened in the past.

Jeff Mason thinks the gate is a good deterrent to keep people from driving back and camping as Ken stated. He does think that the LID didn't do enough to deal with the prime suspect in the past and not doing so has allowed the suspect to go this far. We can work on making the gate closed and still be accessible for residents.

Gabby added that the security decisions they made are 100% reversible. The lights are cheap Harbor Freight lights that can be simply removed at any time and the lock can be removed at any time and the gate could be left open again. ORC didn't spend a lot of money or time adding temporary security measures other than getting the plant secure and operational again. Gabby stated that no response would have seemed an insufficient response and the County deputy who took the report did ask what security measures were in place at the time of the incident. The County deputy suggested that the LID could invest in a game camera as a security measure. Gabby did say that security cameras at other facilities they manage often

get stolen and would want to know who would manage the video data and how. She did say for the security of her staff and the plant that lights do work from her experience.

Cathy replied that there is a difference between turning on lights when staff is present vs having motion sensor lights turning on and off all night. Cathy suggests that temporary lights be removed and that we repair the light over the door. Cathy is strongly supportive of a camera and a sign that says the area is under surveillance at the gate. Cathy did motion for the committee to make this recommendation and David seconded it. The committee voted 3 nays to 2 in favor.

Mark added that we've had conversations with Boulder County Risk Management staff and it would be helpful for the committee to hear what steps ORC has taken that should remain while Risk assesses next steps to ensure the facility and county property are secured in alignment with County policy.

Jon continued with Mark's statement. He said that the BC Risk Division asked what security steps the LID did take in response to the vandalism and that such steps now and into the future would be important for the insurance claim. Jon reiterated that Gabby had stated earlier in the meeting that the costs might be closer to \$10,000 dollars which would be a huge expense for the LID's budget. Jon stressed that we must make sure we can do all we can to ensure the facility and facility operators are safe and that we don't miss an opportunity to have insurance pay for the damages. Jon did say that Risk will be performing risk assessments county wide in the spring of 2021 and that risk will be considering all of the LID infrastructure located throughout the Eldorado Community. Jon brought up that damage to LID property had occurred at Janet Robinson's house by the suspect and that the LID paid for those costs. He did assure everyone present that Risk doesn't see the need to limit historical access to the LID property that residents enjoy. Jon said we all will have to make sure we make the best decisions to balance the security of the facility and staff while taking into consideration the interests and needs of the community. Jon likes the idea of at least fixing or replacing the light above the door.

Jon also shared all the information he received from County Deputy Steven Kruse. The charge for the vandalism would be a lower level felony. The hammer found at the site was taken as evidence and that a case will have to be brought before the County DA first to approve fingerprints and DNA testing of the hammer. Jon did stress that anyone who has evidence or information to share should report that to the Deputy in order to help our case. Cathy did stress that there is a good chance that the suspect in question is going to leave town again soon. Jon did say that he is working with the Deputy to get in touch with Cathy as she saw the suspect in the area the night of the vandalism and that he has taken reports from Janet Robinson. The Deputy did pull all of the suspect's past police records and Jon has provided all of the LID's historical files to him as well for the report. All of this information is now listed in the case report.

Cathy brought up that the temporary lights that were installed after the incident are not compliant with Boulder County code. She requests that future lights are not visible on the horizontal and that they are compliant with County code. Jon replied that the lights were temporary. Gabby replied that ORC had gotten bids on code compliant motion sensor lights that would cost in the range of \$2500 including installation. ORC got the cheapest easy to install lights they could get and can take them down at any time.

Stephen Sangdahl pointed out that the person of interest's fingerprints are on record with the police department and that if a deputy goes and speaks with the person of interest, that the person may just spill the beans. Stephen shared that the ESLAC minutes with discussions pertaining to the person of interest are from October through November 2015.

David Levin brought up Jon's email on the community listserv recommending people don't walk over to the facility in the interim was highly objectionable. He stated that the light over the door is code compliant and it still works, just needs a new bulb. The new lights are not code compliant or hooded. The light over the door is hooded, projects light downward and is code compliant.

Jeff Mason stated that we shouldn't be taking the lights down while there is still an open investigation, but we could do things to make them less intrusive. We need to prove that we are doing everything possible to show we are doing everything we can for security.

Cathy responded that we should determine an end point for when the lights will be changed. Jeff replied that it's dependent on the investigation and we are doing everything possible to maintain security. Jeff agreed we should use lights that are code compliant and less obtrusive. Cathy brought up that cameras are a good idea and that prosecuting the person of interest is the most important step. Cathy did stress the lights need to be compliant with Boulder County code and wanted a time frame for when they will be changed.

Mark suggested that Jon and he will work with county Risk and Facilities along with ORC staff to identify the types of lighting that will be best for the facility and do that as soon as we can. Mark stressed that the current security is an interim step, but County staff will find the right solution. Cathy asked to be updated on the status.

Alternatives Analysis

Jon stated that the City of Boulder Water Resources Division and he installed a staff gauge at the Barber Lane bridge and that they had taken two flow measurements. The flow was measured just below 2 cubic feet per second both times. From this point forward we will need to take several stream flow measurements at different stream heights to determine the rating curve by which all future measurements will be compared. Given the nature of the South Boulder Creek flow throughout the winter, the curve may not be established until the Spring when the stream's normal flow is returned. The City intends to install a radar-based

stream gauge and data logger that would be mounted under the bridge directly over the water in order to continue taking regular and automatic measurements. In the meantime, ESLAC can continue to take water level measurements at least once a day from the staff gauge. The City staff did ask if they could be informed of any significant changes in the water level so they can take additional flow measurements for the rating curve. That could be after a snowstorm or a melting event that could change the stream height for example. Including a significant drop in the water level.

Jeff asked if it was just the height on the gauge we would need to be recording. Jon replied that the height is all we need to be recording at this time as any data we take will be compared to the rating curve in the future. The City will take care of measuring the stream flow for the rating curve. Kevin stated that the flow from the Lafayette Diversion is stable throughout the winter months and he has noticed a pretty consistent stream height on the gauge.

Kevin stated that we are going to need to start measuring and recording stream height data on a spreadsheet. Cathy asked who will be taking the readings and how we will be doing so. Kevin and Jon explained that all we need to do is continuously measure the stream height and the City of Boulder staff will measure the flow periodically to establish the rating curve. Cathy suggested we set up a sharable spreadsheet that anyone measuring the stream heights can add data to, like a Google doc. We could also take pictures of each measurement.

Jeff agreed with Cathy that we should begin taken stream height measurements. Kevin asked if the state will accept residents taking stream measurements. The City Water Resources Division did say that keeping a spreadsheet of regular measurements is acceptable. Jon also explained that the City will be installing a radar gauge and that he will try to expedite the city doing so. Jeff asked Jon to create that spreadsheet and send it to the committee members.

David suggested that we may have to look at upgrading the facility in 2024. Kevin disagreed in that all we need to do is demonstrate to the state there is enough stream flow to dilute the effluent coming out of the facility which is about 0.5 cfs. At the current rate of flow in the South Boulder Creek, even during times of low flow there is enough water to dilute the effluent. We need to move forward on convincing the state there is enough water year-round to sufficiently dilute the effluent.

Tree Management

Jon has obtained quotes from two tree management companies and two other companies that either didn't want to do the quote or would charge a fee for the quote. Jon also sought the advice of Boulder County Parks and Open Space who saw the two quotes and said they were a good price and that the companies they use for tree management probably wouldn't be able to match the quotes. The quotes came from Mountain Tree Care and Urban woods who were both in the ballpark of \$1500 to remove the trees just around the plant. Urban Woods would

utilize a concentrated Epsom Salt solution as an Herbicide and Mountain Tree Care would use a more traditional herbicide poison if needed. Jon stated that Boulder County POS has no problem with either method of herbicide though they had no experience with the use of Epsom salt solution. Jeff asked Jon to mail out the quotes again to the committee.

Cathy was dismayed at the excessive removal of trees over the summer and wants to know how safe the herbicide is for dogs and other wildlife. Gabby added that the roots of the trees surrounding the facility are already infiltrating the subsurface infrastructure of the facility. Jeff asked if Jon could provide a map of the area in question and he agreed to do so.

Kevin added that we need to have a full discussion of the tree management around the facility and that damage to the underground tanks will be very expensive fixes to a facility that has a 50-year expected lifespan.

Public Comment

No further public comments.

The meeting was adjourned at 2 hours and 6 minutes by Jeff Mason.