

Leadville Sanitation Meeting Minutes for August 3, 2022

The monthly Leadville Sanitation District (LSD) board meeting was held at the District's office located at 911 S. Highway 24, Leadville at 5:00 pm on 8/3/2022. Board members present: Chair Ken Berger, Directors Robert Vigil, Joe Hren, Dan Osborn and Jane Gowing; Staff present: John Volk, ORC and Joe Passalacqua, plant operations manager; Angelina Salazar, Office Manager; Joe Fattor, Attorney; Bart Miller, Special Counsel; Chelsea Fagan, JVA Consulting.

- A. At 5:00 pm Chair Berger called the meeting to order. Director Osborn moved for the board to move into Executive Session, seconded by Director Vigil, pursuant to Section 24-6-402(4)(b). C.R.S. The purpose of the session was to confer with the District's legal counsel regarding specific legal questions pertaining to the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division's proposed civil penalty for a notice of violation of the District's discharge permit.
- B. At 5:15 pm Director Osborn moved to close the Executive Session, seconded by Director Hren. The public portion of the meeting resumed at 5:16 pm. The first item of business was to vote on the CDPHE Accept/Reject Settlement. Director Osborn moved to authorize Bart Miller to move forward with the Energy Outreach Colorado Settlement Agreement to satisfy the CDOHE fine levied against the District, Director Gowing seconded, all voted in favor.
- C. Public Comment was the next item on the agenda. No public comment was presented.
- D. The next item was the Four Seasons HOA – Nobody was at the meeting from the Four Season's HOA.
- E. 1813 Ridgeview Drive/Melissa Kovalaske and Jeff Romer were next on the agenda. The property owners were protesting the District's assessments of additional tap fees. After a contentious discussion, the item was tabled so staff can research the order of events and the board will revisit the issue after all the information is presented and reviewed.
- F. Michael Yermin from Southern Colorado Economic Development District (SCEDD) was next on the agenda with a short presentation about developing affordable housing within the Leadville/Lake County community. SCEDD was at the meeting to ask the District for a letter of support for SCEDD's grant application to DOLA for infrastructure installation. Director Osborn made a motion to work with Michael Yermin and draft a letter supporting Lake County's innovative housing initiative work for the County's September grant submittal. The motion was seconded by Director Vigil, all voted in favor.
- G. County Partner Wildfire Fuels Mitigation with COSWAP was the next agenda item. Andy Lurch with the Arkansas River Partnership and Lake County Commissioner Sarah Mudge provided the board with a short presentation on the proposed fuels mitigation work (tree thinning) that has been going on in Lake County. Director Osborn asked what was needed for the District to participate aside from the \$2000 funding. Mr. Lurch said an Access Agreement is required, or per Commissioner Mudge access could be granted through a

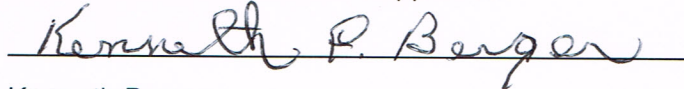
Memorandum of Understand (MOU). Commissioner Mudge will forward an MOU template to Attorney Fattor for review prior to the September board meeting. Director Osborn moved to approve, Director Gowing seconded, all voted in favor.

- H. Next on the agenda were numerous updates from JVA's Chelsea Fagan.
 - a. Rules and Regulations Notice-the publication was published 3 weeks ago with no public comment to date, per Office Manager Salazar.
 - b. RV Receiving Station update was the completion of the Traffic Study on July 4, 2022 and JVA will forward to CDOT for their review/comments.
 - c. Development Reviews-Jeremy Paddock's development has been approved. The District is waiting for him to come to the District's office to sign the Construction Agreement and pay his cash bond. Attorney Fattor will contact Mr. Paddock with a reminder to complete the paperwork with Ms. Salazar. The Hollingsworth development is still under review by JVA. Updated plans were submitted to JVA yesterday. Cooper must still provide a final approval of the plans and a legal description to Attorney Fattor so he can draft the Construction Agreement. Mr. Hollingsworth was reminded that a cash bond of 20% of the construction costs is due when he signs the Construction Agreement. Director Osborn moved to conditionally approve the Hollingsworth subdivision pending final approval of sanitary sewer design specifications by JVA (Resolution #5), finalization of the Construction Agreement and paying a 20% cash bond.
- I. Meeting minutes of July 6, 2022 was the next agenda item. With no edits Director Vigil moved to approve, seconded by Director Hren, Director Osborn abstained, with remaining board members voting to approve.
- J. The Check List Approval was next. The Check List Approval was tabled until the September meeting due to the office computer malfunction.
- K. Attorney Fattor had updates on the following items:
 - a. Eric Scott and Mountain Laundromat V. LSD – The only new information is that a Trial Setting Conference is scheduled for December 2022. Otherwise, Attorney Fattor and Special Counsel Josh Marks, have not heard Mr. Scott's attorney.
 - b. Regulations for Low pressure Forced Line. Attorney Fattor asked Ms. Fagan to research other sanitation district's policies with regard to the Low Pressure Forced main lines policies.
 - c. CJK Slag Pile project update was next. Attorney Fattor sent a letter to CJK granting access permission for CJK to move forward with the easement project for the District's sewer main.
- L. Daily/Plant Report was next on the agenda. Operator Passalaqua informed the board that some electrical upgrades are required before the new generator can be utilized. In addition, a new Transfer Switch should be installed. Chair Berger moved to allow Operator Passalaqua to gather the specification information, including itemized costs, and move forward with the upgrades. Director Vigil seconded, all voted in favor.

M. Office report was the next agenda item. Ms. Salazar's office computer quit working. Given the computer's age and time factor involved trying to find an IT person to fix it, she has ordered a new computer. In addition, Ms. Salazar notified the board that the District's Office Assistant resigned, effective immediately. Ms. Salazar will place an ad in the Herald Democrat for the vacated position. Finally, the board had a brief discussion about staffing, duties and overall organization management and documents. A future work session will be held to parse through these organizational items, especially with the upcoming 2023 budget season.

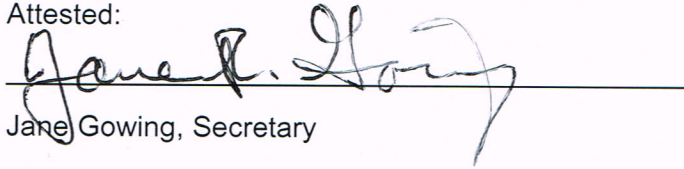
At 7:29 pm Director Vigil moved to adjourn, Director Osborn seconded, all were in favor.

Said minutes were read and approved:



Kenneth Berger

Attested:



Jane Gowing, Secretary