

Leadville Sanitation Meeting Minutes for May 4, 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 5/4/2022. Board members present: Chair Ken Berger, Directors Robert Vigil, Joe Hren, Dan Osborn and Jane Gowing;. Staff present: Joe Passalaqua, plant operator and plant operator John Volk, via Zoom; Angelina Salazar, Office Manager; Joe Fattor, Attorney; Chelsea Fagan, JVA Consulting; and Cooper Best via Zoom from JVA Consultants.

- A. The meeting was called to order at 5:00 pm by Vice President, Robert Vigil. The meeting began with the Oath of Office to swear in two board members, Ken Berger and Dan Osborn. These board members will serve three-year terms due to the State's decision to transition Special District elections to odd-numbered years. Therefore, these board terms will expire in 2025.
- B. Public Comment was next on the agenda. No public comment was presented.
- C. The next item on the agenda "halt all new developments until both aeration basins are retrofitted and/or are working simultaneously" was a suggestion by Chair Berger. The Chair wanted to implement this regulation due to the increase in new construction within the District's boundaries. The Chair was concerned that the plant did not have the capacity to adequately treat the increase of wastewater until the second aeration basin (A-basin) was retrofitted and available to put into service. After discussion with plant personnel, JVA and the board it was determined that the District is operating at an estimate of 50% capacity both hydraulically and organically, based on a current average flow rate of 300,000 gpd (the plant is rated to process 1.15 MGD). However, plant personnel and the board determined that the A-basin is a priority going forward. With agreement by JVA engineers, the board moved the A-basin project to the top of the priority list in the District's Master Plan and instructed JVA to finalize and submit the A-basin plans to the State engineers, with a construction date of next summer (2023).
- D. Jo Ann Molleur/500 Mountain Pines was next on the agenda via Zoom. Ms. Molleur has a recurring issue at her home with her freezing sewer service line as well as freezing issues with the District's sewer main. Plant personnel have been routinely flushing the sewer main to prevent back-ups into the home, but everyone agrees this is not a long-term solution. Ms. Moeller has asked the District to televise the line to identify the root cause of the problem. Plant personnel have agreed to do so, but there has been miscommunication and scheduling conflicts for District staff and the Moellers to meet at the property to inspect and video the line prior to flushing and after the flushing process. At this point in the year, it is doubtful that the District will be able to thoroughly assess the issue as temperatures are warming up. Therefore, District staff was directed by the board to schedule this project during the winter months when the temperatures drop and the freezing becomes a problem. Ms. Moeller will communicate with the District as next winter approaches and District staff has agreed to inspect, televise and flush accordingly in order to identify and help solve the issue.

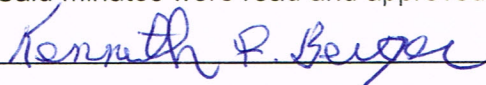
- E. The Main Street's Park-o-let construction project on Harrison Avenue was next on the agenda. Nancy Bailey with the EDC and Project contractor, Hope Colitz, gave an update on the project. The board reminded Ms. Bailey that in order to *not* incur additional tap fees, the restrooms must tie-in to the existing sewer service line on the property. The board requested engineer Chelsea Fagan with JVA, to review the restroom plans to confirm compliance with District guidelines and specifications, prior to signing off on the permit application. Ms. Fagan said she would complete the review the week prior to the District's June 1, 2022 board meeting.
- F. 902/904 W. 6th and Washington Streets was the next agenda item. The Construction Agreement (agreement) has been drafted by Attorney Fattor. The agreement covers two parts – the first, a standard construction agreement which is the Public portion of the project that concerns the District, the second is an addendum for the Private portion of the project which concerns the developer. There were two items the developer, Mr. Narduzzi, had issues with. The first was the cost of this lengthy process, as he has no idea what he owes Attorney Fattor for legal fees or JVA's engineering fees. Typically, the District bills one time for legal and engineering costs at the end of the Construction Agreement process. Mr. Narduzzi requested a total amount to date of both legal and engineering costs incurred. The District will provide the requested information to him. The second item had to do with the District's Performance Guarantee. Mr. Narduzzi had planned to get a Surety Bond for the entire project (both Public and private parts) and does not want to pay the District a separate \$5000 cash deposit which would be held by the District for a two-year period. Attorney Fattor explained that the District has not accepted Surety Bonds for a number of years because it is a form of insurance, with collection on these policies difficult and not in the District's best interest. The board discussed the issue and decided to stay with the current practice of requiring a cash bond from the developer.
- G. Next on the agenda, Cooper Best from JVA presented an update on the Fox Tuttle revised proposal for the traffic study. CDOT has accepted the reduced scope of work proposed by the District. There was a question of why the proposal references the City, but staff thinks it is CDOT's confusion between the City and County entities. JVA will get clarification on this question. The other question was how long the study is considered "current" by CDOT. Not knowing the construction time schedule, the District wants to make sure if the project is pushed back, the study is still considered current per CDOT requirements. The second item from JVA was a brief update about a couple of minor revisions of the Master Plan due to input from plant operations staff. In addition, JVA is waiting to hear on PNA funding options from the State Revolving Fund for these Master Plan Capital Projects.
- H. The next agenda item was a discussion of the CDPHE meeting and presentation of April 13, 2022. The District asked CDPHE if the District could hire legal representation to assist them in the mediation process. CDPHE said that if the District hires an attorney, additional time would be given to allow the attorney to come up to speed on the issues. At this time, Allison Ulmer from Collins, Cole, Flynn, Winn, Ulmer was introduced to the board. Ms. Ulmer has provided a letter of engagement to assist with the Settlement negotiation with CDPHE. JVA contacted Kelly Morgan and has confirmed the 5/12/2022 from 11:00 am-12:20 pm for a second meeting, presentation and Q&A between CDPHE, the District and

Attorney Ulmer. A brief discussion about SEP projects in lieu of a penalty was explained to the board. Director Osborn requested that if a penalty is required, he would like to see those penalty dollars remain in the Leadville/Lake County Community by partnering with one of the community's non-profit organizations. Director Osborn moved to hire Ms. Ulmer, seconded by Director Gowing, all voted in favor.

- I. A permit update was next on the agenda. Cooper Best stated there was nothing new to report. Office Manager Salazar will reduce the permit update frequency to quarterly.
- J. Approval of the monthly minutes of 4/6/2022 was next on the agenda. With no edits, Director Vigil moved to approve, seconded by Director Osborn, all board members voting in favor.
- K. The Check List Approval for April, 2022 was the next agenda item. With no questions or changes, Director Vigil moved to approve, seconded by Director Hren, all voted in favor.
- L. Attorney Fattor was next on the agenda.
 - a. Eric Scott and Mountain Laundromat V. LSD – Attorney Fattor provided an update from attorney, Josh Marks, who is taking the lead with the negotiation. Mr. Marks, made a recommendation to the board and after board discussion, the board requested Attorney Fattor to ask for clarification about a couple of items and continue with the mediation process.
 - b. Union Milling/Slag Pile Project – Attorney Fattor provided a short update about the status of the District's sewer line location, survey and easement on the north side of Highway 24. In addition, CJK is investigating to see if the District's water line on the south side of Highway 24 is on CJK property or in CDOT's ROW. Per attorney Steve Bain's recommendation, the District is removing its objection to CJK's Slag Pile Project.
- M. Daily Plant Report – Operator Passalaqua provided an update on the Collections System Project. The pipe and fittings for the Project are expected to arrive by Friday, 5/6/2022. A partial order (4-6) of the manholes are also expected that same day. In addition, Operator Passalaqua has forwarded JVA's manhole lining specifications and testing protocols to the District's Collection Project excavator, Chris Wiederitch.
- N. The Office Report was the last agenda item. Office Manager Salazar tabled her discussion about the By-Laws & Employment Handbook update until next month's meeting. Ms. Salazar thinks she has found another auditor to replace Ken Olsen. The audit is scheduled to take place in May. Chair Berger surveyed the board to see if any board members were interested in having a second monthly meeting instead of having 2+ hour meetings. The majority of the board wants to continue with 1 board meeting per month.

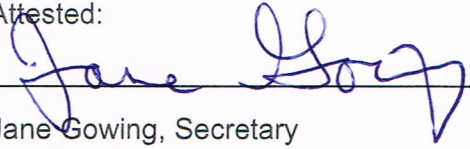
At 7:10 pm Director Osborn moved to adjourn, Director Vigil seconded, all were in favor.

Said minutes were read and approved:



Kenneth Berger

Attested:



Jane Gowing, Secretary