

**MINUTES OF THE
REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MT. CRESTED BUTTE WATER AND SANITATION DISTRICT
MAY 11, 2021**

Regular Meeting of the Mt. Crested Butte Water and Sanitation District (MCBWS) Board of Directors was held at 5:00 pm on Tuesday, **May 11, 2021**, via <https://zoom.us/my/mcbwsdboardmeeting>.

Members of the Board of Directors in attendance at the meeting were as follows:

Brian Brown Nancy Woolf Nicholas Kempin JD Crichton Jonathan Ferrell

Also present were:

Mike Fabbre, District Manager	Marcus Lock, District's Attorney
Perry Solheim, Finance Manager	Bob Colvey, District Customer
Bryan Burks, Wastewater Plant Supervisor	Patricia Mullen, District Customer
Kyle Koelliker, Water Plant Supervisor	Nancy Grindlay, District Customer
Tracy Davenport, Admin Assistant	Kathy Hooge, District Customer
Kim Wrisley, Admin Assistant	

1. Call to Order

- The regular meeting of the Board of Directors was called to order by Chairman Brown at 5:01 pm and a quorum was present.

2. Citizen Comment Period

- No citizens presented comments.

3. Hunter Ridge, LLC Application for Inclusion (Discussion Only)

- The District will hold a Special Meeting on Monday, June 14, at 5:00 pm to discuss the language of District Rules and Regulations Section 6.3.4 and whether or not to allow a waiver of the annexation requirement under the existing applicable rule as it relates to the inclusion of 45 Hunter Hill Road into the District. Public comments will be accepted through Wednesday, June 9, 2021 at 5:00 pm. The packet for the meeting will be published on Thursday, June 10, 2021 and public comments can still be submitted through the District website after the packet publication whereas the comments will then be published on the website.
- In the event the Board decides to waive the annexation requirement, a public hearing will be scheduled to take up the merits of the application for inclusion itself.

4. 15 Castle Road Tap Fee Refund Request (District Rules and Regs Section 3.3)

- The property owners paid a \$13,739 remodel tap fee in 2020 but have since been unable to proceed with the development as originally anticipated and have requested a refund. Section 3.3 of the District rules and regs states that the District has the right to refund a tap fee at its discretion if development has not started within 12 months after the fee is paid but current language does not address tap fee refund requests when initiated by the customer.
- District staff recommends refunding this tap fee and including language to address such a request in the next update to the rules and regs.
- The Board expressed their support for refunding this tap fee and adjusting language of the rules and regs.

5. Irrigation Policy Resolution

- The current Irrigation Policy Resolution is included in the meeting packet for the Board's consideration to make potential changes prior to posting it for the 2021 summer season. The staff has no change recommendations at this time and the Board suggested no changes.

6. WTP Expansion Project Update

- The project is still on schedule and on budget. Approximately 1% of the 10% contingency has been expended and 50% of the expansion project budget spending was reached in April. Further progress details can be seen in the JVA memo report.

7. Water Committee Update

- The MLPC water committee meetings are still on hold while waiting to hear how the MLP Board plans to proceed after the resignation of one of its members.

8. Meridian Lake Park Water Color Issues

- District staff continues to work with Carollo Engineers to seek a resolution for what appears to be periodic levels of elevated Manganese in the MLP water supply. They are exploring possible installation of an aeration system in the MLP reservoir and/or a chemical adjustment but more testing and data collection is necessary. Capital costs of an aeration system are currently unknown. Water consumption continues to be safe.

9. District Manager Report

- The Consumer Confidence Reports (CCRs) for Mt Crested Butte and Meridian Lake Park WTP’s have been completed and posted for public review. No violations, significant deficiencies, or formal enforcement actions were reported for either water treatment plant however both plants underwent reclassifications. Staff is not overly concerned with the new classifications as the District has several operators with qualifying licensure to run the plants.
- There was brief discussion regarding the reason and process for filing property liens when customer accounts become overly delinquent.

10. April 2021 Financial Report

- April was an average month for spending and water usage relative to the pandemic. Expenditures are right on track as 33% of the year has elapsed and roughly 33% of the annual budget has been expended. \$465,000 has been invested in long-term assets with Peak Investments.

MOTION by Woolf and seconded by Crichton to approve the April 2021 financials. Motion voted in favor.

11. Approve Meeting Minutes

- April 13, 2021
- Kempin made a clarification to bullet point #8 of section 3, “Hunter Ridge, LLC Application for Inclusion (Discussion Only)”. After discussion and amendments, the first sentence of bullet point #8 should terminate after the first time “application” is written but also should note that although Kempin is in favor of a change to rule 6.3.4, he understands that the current rule would stand in the most recent application submission.

MOTION by Woolf and seconded by Kempin to approve the April 13, 2021, 2021 regular meeting minutes as amended. Motion voted in favor.

12. Legals

- A draft of the settlement agreement for the issue regarding the Paradise Lift Station is complete and virtually ready, subject to confirmation of a surveying issue. Once finalized, it will be presented for Board approval and then it will be provided to the involved Paradise Road property owner.

13. New/Old Business Before the Board

- There has been no further communication from Dietrich Dirtworks regarding negotiations for their invoice.
- There was discussion about the Board’s timing to decide on a possible change to rule 6.3.4.

14. Executive Session

- Chairman Brown announced Executive Session for the discussion of consideration of potential executive session pursuant to C.R.S. § 24-6-402(4)(b) to allow the Board of Directors to consult with and receive specific legal advice from the District’s general counsel concerning specific legal questions regarding the Meridian Lake Park Corporation water committee and memorandum of agreements.
- It was suggested Fabbre and Solheim remain for the Executive Session and the Board agreed.

MOTION by Brown and seconded by Kempin to move into Executive Session at 6:10 pm. Motion voted in favor.

MOTION by Brown and seconded by Woolf to end the Executive Session at 6:59 pm. Motion voted in favor.

15. Adjourn

MOTION by Brown and seconded by Crichton to adjourn the regular board meeting at 7:01 pm. Motion voted in favor.

Kimberley Wisley

Drafted by: Kimberley Wisley

Perry Solheim

Submitted by: Perry Solheim