

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF  
DIRECTORS OF THE ST. MARY'S GLACIER WATER AND  
SANITATION DISTRICT  
HELD

Monday, November 16, 2020

A special meeting of the Board of Directors of the ST. MARY'S GLACIER WATER AND SANITATION DISTRICT (referred to hereafter as the "Board") was convened on Monday, the 16<sup>th</sup> day of November, 2020 at 6:00 P.M., via videoconference. Due to the State of Emergency declared by Governor Polis and the threat to health and safety posed by the COVID-19 pandemic, the meeting was held via video conference through Webex and telephone conference.

ATTENDANCE

Directors in Attendance Were:

Bruce Hohne, President  
Glenn Clark, Treasurer  
Jason Yoho, Secretary  
Frank Brown, Assistant Secretary  
Beth Ramsey, Assistant Secretary

Also, in Attendance Were:

Jim Nikkel, Molly Janzen and Traci Miller; Pinnacle Consulting Group, Inc.  
Colin B. Mielke; Seter & Vander Wall, P.C.  
Bob Orsatti; Orsatti Water Consultants  
Chris Oeland: St. Mary's Glacier Water and Sanitation District Operator  
Mike Creazzo; ORC Water Professionals  
Penny Landau and Greg Marsh; St. Mary's Glacier Residents  
Joseph Webb; Webb Law Group, LLC

The meeting was called to order at 6:04 P.M.

Director Hohne confirmed that a quorum of the Board was present with all five Board members in attendance.

DISCLOSURE  
MATTERS

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member affirmed their conflicts of interest, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

ADMINISTRATIVE  
MATTERS

Agenda: Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Ramsey and, upon vote, unanimously carried, the agenda was approved, as presented.

Minutes: The Board reviewed the minutes of the October 26, 2020 special meeting of the Board of Directors. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Ramsey and, upon vote, unanimously carried, the Board approved the minutes of the October 26, 2020 special meeting of the Board of Directors, as presented.

Public Comments: The Board opened the meeting for public comment. Mr. Joseph Webb, attorney for the Landaus, addressed the Board regarding the accounts for 29 and 31 Eva Road. The Board and Mr. Webb agreed that Mr. Webb would address the issue during the public hearing for the certification of delinquent accounts. There being no further public comments to come before the Board, the Board closed the public comment period.

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WATER SYSTEMS  
IMPROVEMENTS

Orsatti Water Consultant's Report: Mr. Orsatti reviewed with the Board the written Orsatti Water Consultant's Report, noting that construction on the water system improvements have concluded for the year and will resume in spring 2021, weather permitting. Mr. Orsatti reported that design and funding strategies for the wastewater project will continue through the winter. Mr. Orsatti reported that a change order had been received from the contractor for the water project. The change order will be reviewed and presented to the Board and CDPHE for approval. Mr. Orsatti noted that the water project is on budget.

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DISTRICT  
MANAGER ITEMS

Operations Report: Mr. Oeland reviewed with the Board the written Operations Report and answered questions. Mr. Oeland reported that three water main breaks occurred in the previous week and were repaired. Mr. Oeland reported that the backhoe is due for routine service and maintenance.

ORC Report: Mr. Creazzo reviewed with the Board the written ORC Report and answered questions. Mr. Creazzo reported that the influent screen at the wastewater treatment plant needs to be cleaned due to excessive foam. Mr. Creazzo requested Board approval to purchase a 30-pound pail of Foam Buster for \$300. It was the consensus of the Board to approve the request.

Manager's Report: Mr. Nikkel reminded the Board the next regular meeting is scheduled for Monday, December 28.

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FINANCIAL  
ITEMS

Consideration of Payables: Ms. Janzen reviewed with the Board the claims for the period ended November 13, 2020, totaling \$191,866.01. Following review and discussion, upon motion duly made by Director Ramsey, seconded by Director Hohne and, upon vote, unanimously carried, the Board approved the EFT payments and the claims for the period November 13, 2020, totaling \$191,866.01.

Unaudited Financial Statements: Ms. Janzen reviewed with the Board the unaudited Financial Statements for the period ending September 30, 2020. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Brown and, upon vote, unanimously carried, the Board approved the unaudited Financial Statements for the period ending September 30, 2020.

Public Hearing Regarding Certification of Delinquent Accounts to County Treasurer: Ms. Janzen presented the Board with a list of delinquent accounts that meet the statutory criteria for certification of those account to the County Treasurer to be collected with property taxes. Mr. Mielke confirmed that notice of the delinquencies and public hearing were delivered to the applicable accounts. Ms. Janzen informed the Board that several property owners had sent in payments and the list would be updated.

The Board reviewed the list of remaining accounts subject to certification to the County Treasurer. The Board opened the public hearing on the certification of the delinquent account and asked if any representatives were present for the accounts.

Mr. Webb, legal counsel for Mr. and Ms. Landau of 29 and 31 Eva Road, discussed with the Board the history of the accounts. It was the consensus of the Board to not certify 29 and 31 Eva Road. The Board directed Mr. Mielke to coordinate a timeline and proposed resolution with Mr. Webb. There being no further comments, the public hearing was closed.

Resolution Regarding Certification of Delinquent Accounts to County Treasurer: After further discussion, upon motion duly made by Director Hohne, seconded by Director Ramsey and, upon vote unanimously carried, the Board approved the Resolution regarding Certification of Delinquent Accounts to the County Treasurer with the modifications to the list of accounts as discussed.

Public Hearing to Adopt and/or Increase Fees, Rates, Tolls, and Charges, Including Availability of Service: Ms. Janzen presented and reviewed with the Board the recommended rate increase for 2021 for water and sewer customers. Director Hohne opened a public hearing regarding proposed increases to the District's fees in order to allow for public comment. There being no comments from the public, Director Hohne closed the public hearing. The Board discussed the District's financial position and determined not to increase fees, rates, tolls, and charges,

including Availability of Service for 2021. The Board directed Ms. Janzen to decrease the debt payment transfer by \$30,000 in 2021.

Resolution to Adopt and/or Increase Fees, Rates, Tolls, and Charges, Including Availability of Service: Following review and discussion, upon motion duly made by Director Ramsey, seconded by Director Hohne and, upon vote, unanimously carried, the Board determined not to increase fees, rates, tolls, and charges, including Availability of Service, for 2021.

Discussion Regarding 2020 Amended Budget: Ms. Janzen reported that the 2020 budget had been amended earlier in the year and a further budget amendment for 2020 is not necessary.

Public Hearing Regarding 2021 Proposed Budget: Ms. Janzen presented the 2021 draft budget, including estimated revenues, expenditures and ending fund balances per the general, enterprise, debt service and capital projects funds. Mr. Nikkel noted that publication of a notice regarding the public hearing for the proposed 2021 budget was made in a newspaper having general circulation within the District. Director Hohne opened the public hearing to consider adoption of a Resolution to Adopt the 2021 Budget; Set Mill Levies; and Appropriate Sums of Money. No written objections or public comments were received prior to the public hearing. The Board discussed with the public plans regarding system maintenance and improvements. There being no public comment, Director Hohne closed the public hearing.

Adoption of 2021 Budget; Resolution to Adopt Budget; Appropriate Sums of Money; and Certify Mill Levy: Following further discussion, upon motion duly made by Director Hohne, seconded by Director Yoho and, upon vote, unanimously carried, the Board adopted the Resolution to Adopt the 2021 Budget; Set Mill Levies; and Appropriate Sums of Money, and, further, authorized minor adjustments to the draft budget and Resolution that may be required as a result of the Counties' final Certifications of Assessed Valuation on or before December 10, 2020.

Ms. Janzen was authorized to transmit the Certification of Mill Levies to the Board of County Commissioner of Clear Creek County, the Division of Local Government and the Division of Property Taxation, by the statutory deadline.

2020 Audit Engagement Letter: Ms. Janzen presented the 2020 Financial Statement Audit Engagement Letter with Marc, James & Associates. Following review and discussion, upon motion duly made by Director Hohne, seconded by Director Yoho and, upon vote, unanimously carried, the Board approved the 2020 Financial Statement Audit Engagement Letter with Marc, James & Associates.

LEGAL ITEMS

Day Use Park: Mr. Mielke reported that he received an inquiry to the potential for inclusion of property into the District to create a day use and camping park, and that the owner of the property has requested information on including the property within the District's boundaries for purposes of receiving service. Mr. Nikkel recommend that the Board requests a water impact study be completed at the expense of the requestor prior to approving or denying the request. It was the consensus of the Board to request more information regarding the proposal.

Update Regarding Notice of Violation for 29 and 31 Eva Road: This item was addressed previously in the meeting.

Approval of Agreement for Conveyance of Lot 70 and Adjacent Property with Mr. and Mrs. Soucie: Mr. Mielke reported that the County is in the process of reviewing the boundary line adjustment matter, and the County's title work on that matter is pending. Final approval of the Agreement for Conveyance of Lot 70 and Adjacent Property with Mr. and Mrs. Soucie remains pending. Mr. Mielke reported that he reviewed a proposed easement agreement that could be granted by the Soucies to expedite the process, and that the District is working on changes to the easement language to satisfy the Soucies' request.

Update Regarding Woods Court Infrastructure Proposal: Mr. Mielke reported that he is drafting a cost reimbursement agreement between the District and Mr. Meyers and will provide the draft to the Board for review once complete.

Update Regarding Concerns with Property Adjacent to District Wastewater Plant: Mr. Mielke reported that the title company is performing its review and that a title report for the wastewater treatment plant property remains pending. The title company estimates completion of the title review will take approximately three months to complete due to the complex history of land conveyances in Clear Creek County.

Discussion Regarding Lot Combination Request for St. Mary's Subdivision Unit 4, Lots 639 and 640: The Board discussed a request from Norma Craig of Lots 639 and 640, St. Mary's Subdivision, Unit 4 to combine the two lots into a single lot, and specifically (1) that the Board waive any objection to the combination of those two lots, and (2) the Board vacate easements that exist between the two lots. Mr. Oeland has evaluated this situation in the field and found no issue with allowing Ms. Craig to combine these lots.

Following review and discussion, upon motion duly made by Director Ramsey, seconded by Director Brown and, upon vote unanimously carried, the Board determined that (1) it does not object to the combination of the two lots; and (2) the District agrees to vacate the easement interests it may have solely for the 5-foot side lot line utility easements located between the two lots, subject to the combination of those lots being approved and completed by Clear Creek County. Furthermore, the District reserves any easement rights it may have on other areas of the lots, including but not

limited to the entirety of the easements along street lot lines and side lot lines for the lots. Mr. Mielke will deliver the letter of approval after the property owners bring their delinquent accounts with the District current.

DIRECTORS  
ITEMS

Heavy Equipment Recommendation: Director Hohne recommended that the District consider purchasing a compacting attachment for the backhoe and a Grizzly material sorter to increase efficiencies with digs. Director Ramsey recommended that the District considers a ground heater to proactively assist in thawing frozen lines. The Board directed Mr. Nikkel and Mr. Oeland to obtain estimates for a compacting attachment, Grizzly for sorting rocks during digs, and a ground heater.

Service Bids: Director Ramsey noted that the District has utilized the same service contractors for several years and recommended conducting a proposal process to ensure the District is receiving the best service and price. It was the consensus of the Board to direct Mr. Nikkel to draft an RFP.

OTHER ITEMS

There were no Other Items to come before the Board.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 8:44 p.m.

DocuSigned by:  
By: Jason Yoho  
Secretary for the Meeting  
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