

Leadville Sanitation Meeting Minutes for April 11, 2024

The Leadville Sanitation District (LSD) held its monthly board meeting at the district office located at 911 S. Highway 24, Leadville at 5:00 pm on 4/11/2024. Board members present: Chair Ken Berger, Directors Robert Vigil, Sterling Mudge, Mike Smith, and Jane Gowing; Staff present: Angelina Salazar, Office Manager; John Volk, ORC; Joe Passalacqua, B Operator; Janet Hausman and Chelsea Fagan, JVA Consulting (via Zoom); Allison Ulmer, Special Legal Counsel (via Zoom); Sanitation District Attorney, Joe Fattor (via) Zoom.

- A. At 3:17 pm Chair Berger called the meeting to order. Due to Zoom link difficulties with Ms. Ulmer, the Chair proceeded to move to the next agenda item, "Changes to the Agenda", while staff worked on the Zoom issues. The changes were as follows: Public Comment was added to the agenda, corrections on the Resolution numbers to #3 and #4 (instead of #1 and #2), added Jerry Porterfield (buyer of the Narduzzi property) to speak after Jack Saunders and added 2020 N. Poplar Street "will serve" letter item after Resolution No. 3. The Chair moved to approve the changes, seconded by Director Mudge, all voted in favor.
- B. At 3:34 pm Chair Berger moved the board into Executive Session pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of a conference with the district's legal counsel regarding specific legal questions pertaining to Mountain Pines subdivision and Werderitch Construction LLC. The motion was seconded by Director Smith, all voted in favor. At 4:13 pm, with no decisions made, Chair Berger moved to close the Executive Session, seconded by Director Smith, all voted in favor to move the board back into the public meeting.
- C. Public Comment was the next item on the agenda. Jo Ann Moeller from 500 Mountain Pines Ct. addressed the board about a freeze up in the sewer main that her sewer service line ties into. District employee, Joe Passalacqua, responded to the call-out and Ms. Moeller appreciated his prompt response and getting the line open. Ms. Moeller emphasized that this is an ongoing problem and wants the board to resolve the issue. Ms. Moeller and the district both have attorneys who are working on resolving the issue(s).
- D. Resolution No. 3, Series 2024 – Consider a resolution approving two loans from the Colorado Water Resources and Power Development Authority relating to the construction of the new wastewater treatment plant, approving financing parameters related to the loans and delegating the authority to sign various documents to the President, the Secretary and the Office Manager. The district's bond counsel, Butler Snow, drafted the resolution and Special Counsel Allison Ulmer's office reviewed the draft on behalf of the board. Director Mudge moved to approve, seconded by Director Vigil, all voted in favor.
- E. 2020 Poplar Street (Silver King lodging) – The District has received a request for a "will serve" letter for the proposed remodel and use for the Silver King. The property has 27.4 EQRs and Ms. Fagan believes that the remodel and proposed change in use will not impact/exceed the current number of EQRs that the Silver King currently has. However, to date, Ms. Fagan, has not received or reviewed the plans. The change in use is scheduled to go before the Lake County Building Department and Land Use for review. Ms. Ulmer said the district could issue a "will serve" letter based on current 27.4 EQRs and a statement that the remodel work is in accordance with the district's Rules and Regulations. In addition, the "will serve" letter should include a clause that district staff must inspect the project to confirm the EQRs before

a C/O will be issued. Chair Berger moved to have Ms. Salazar issue the “will serve” letter with the conditions listed above, seconded by Director Smith seconded, all voted in favor.

- E. Nathan Dumm & Mayer – Updated Retention/Retainer Agreement. The agreement is for the continued retention of the firm to serve as general counsel for various potential legal matters, including the initiation of construction defect lawsuits. Director Vigil moved to approve, seconded by Director Mudge, all voted in favor.
- F. Butler Snow, LLP – Amended Engagement Letter - Since the district is now issuing two loans (plant and collections system), Butler Snow’s bond fee has increased by \$5000 to an estimated amount of \$25,000. Director Smith moved to approve, seconded by Director Mudge, all voted in favor.
- G. The Leadville Race Series/Tamira Jenlink provided information on the Silver Rush races scheduled for July 6 & 7, 2024. Ms. Jenlink stated that this year the race series will have law enforcement stationed at Highway 24 and McWethy and will also not allow parking on Highway 24. Ms. Jenlink asked if the board had any issues with last year’s race events. Chair Berger just emphasized that the driveway into the RV dump must stay open for use during the event. Hearing no specific issues, Ms. Jenlink will proceed with race details and oversight as she did last year. Ms. Jenlink provided a copy of the Special Events Permit Application/Operations Plan (see board packet).
- H. Jack Saunders/Nick Costello – County Road 4. Mr. Saunders had questions about the plant and collections capacity in relation to EQRs available. Chair Berger stated that the capacity numbers are calculated and provided by the district’s engineering company, JVA. Mr. Saunders had questions about the low-pressure grinder pump system for his Tabor Star development and the ownership status on the sewer line that the West Woods discharges into. Director Mudge explained that the district has not adopted the West Woods line because Mr. Welch, to date, has not submitted line pressure testing results, inspection reports, sewer line camera footage, or his “as-builts”. Mr. Saunders asked which way he should proceed with his development. Chair Berger said there may be an option to go down the middle of County Rd 4 and cross over and tie into Turquoise Lake line or the Silver Hills line. However, at this time, Chair Berger said the board does not have firm answers on these issues until sewer main ownership is determined. Mr. Costello then asked if JVA could be given board approval to review the Timberline plans and the 4 Seasons collection line plans to determine if his Timberline Development could discharge into the 4 Seasons main and then into the Silver Hills main for wastewater flow conveyance into the treatment plant. Director Smith moved to approve, seconded by Director Vigil, all voted in favor. As a final comment/question Mr. Costello asked about a time frame before JVA’s review would be ready. JVA must hand calculate the numbers since they do not have an existing model with the necessary information, but Ms. Fagan will check with their modeling team and get back with Mr. Costello.
- I. Jerry Porterfield – W. 6th St. (FKA Narduzzi property) – Jarrod Roberts from Three Rocks Engineering presented plans for the existing duplex and future structure(s) for a gravity fed system, instead of the low-pressure pump and grinder system. Angelina to forward JVA’s plan checklist to Mr. Porterfield/Mr. Roberts. The only limiting factor that Director Mudge saw was the depth of the existing water main in relation to the depth of the sewer line. Mr. Roberts also asked about putting in a drop manhole where their service line comes into the district’s manhole on McWethy and the board directed him to check with JVA on this item.

- J. 1719 Poplar Street – Property owner at 1719 Poplar would like an easement from the district to place a 4' x 15-20' rock wall over a district sewer main. The board does not look favorably at this due to access issues to conduct maintenance or repairs on the district's sewer line. The project owner has not made a formal request of the district. Morgan Law is the architect involved with the project and he is going to appeal to the Lake County for some kind of assistance in dealing with the CDOT access issue at this property. Mr. Law will follow-up with the district about the outcome of his access discussions with the county and CDOT.
- K. Board Updates on CJK – When CJK came to inspect the water service meter pit down in Stringtown there was too much snow to verify the size of the water service. Subsequently, Attorney Fattor notified CJK that inspections of the district's water service line by CJK personnel would NOT be allowed going forward.
- L. Tennessee Pass Café (TPC) – No response from TPC. Attorney Fattor was directed to draft a letter to TPC and the Timberline Motel instructing them to televise their own sewer service line at their expense and the district will contract with a company to televise the district's sewer main at the district's expense. The district has not heard back from Equix, so ORC John Volk has suggested hiring another company to do the sewer main televising.
- M. 301 Snow Shoe Rabbit Dr.– Ben Wise (Marvin Sandoval's project) – The contractor asked if he could do a 2-phased approval" to get his permit because he is having a difficult time locating the manhole to get an elevation measurement due to deep snow. In addition, based on Ms. Fagan's plan review there are also a couple of other deficiencies. After board discussion, it was agreed to not give the builder a variance, but just have him shovel off the manhole and get his measurement. The matter is tabled until the manhole elevation measurement is submitted for JVA's review.
- N, Leadville Eagles Lodge/EQR Reduction Letter – Operator Joe Passalaqua. and Ms. Salazar toured the Eagles Lodge as a follow-up to a request by the Eagles Lodge to reduce the monthly service fees paid to the district by the Eagles. However, there isn't a district inspection report listing staff's findings and there is no signatory making the request for the Eagles organization. Ms. Salazar stated that Operator Passalaqua is working on a letter for the Eagles summarizing the situation. After board discussion, it was agreed that the matter be tabled until all the documentation is available and confirmed.
- N. Next on the agenda was Resolution No. 4, Series 2024 – A Resolution Providing for the Extension/Expansion of Existing Sewer Service Including the Adoption of Development Fees. This fee is to cover the increased costs of engineering reviews and is in addition to the cost of a tap fee. There is one misspelling (Extension) in the resolution title. With this edit, Director Vigil moved to approve, seconded by Chair Berger, all voted in favor.
- O. Joe Fattor
- GW Leadville LLC/Westwoods Subdivision - Attorney Fattor drafted a letter to Kyle Welch requesting "as-builts" and the required engineer's certification for the Westwoods development. The district will not allow any additional taps in the development without submittal of these outstanding items. Attorney Fattor will also send a letter to the Lake County building department notifying them of the issue and the tap moratorium.

Railyard / Phase II / 309 Grand Review – JVA has provided a review of the apartment building project. Ms. Fagan asked and received additional information from the applicant, Pike Contracting Services. This is the final property to review in Phase I. Attorney Fattor reminded the board that there is a moratorium on purchasing taps in Phase II until the Phase II infrastructure is completed and approved. Attorney Fattor will forward a letter to Chapin LaChance with the city with the aforementioned information and infrastructure films.

P. JVA –

WWTP update – CDPHE has approved the plant design. The week of 4/22/2024 a 60% guaranteed price number will be provided to further advise the plant design.

Septage Receiving Station – The CDOT access permit is a one-year permit and cannot be phased, however there is an option for a one-year extension. Director Vigil moved to approve the CDOT access permit, seconded by director Smith, all voted in favor for Chair Berger to sign.

Collection System – Notice of Award signed by Kenny for Phase I (2.28 M) for the work at E. 9th Street, Poplar St., Spruce St., and W. 7th Street.

Who is the district's Collection System point of contact to help with project coordination with JHL and DOLA. In addition, who can Ms. Hausman contact at the City of Leadville and/or Lake County to discuss cost savings with fee waivers such as dig permits, 9th Street easement and landfill fees? Chapin LaChance and the new district manager were mentioned as possible contacts. In addition, on 4/29/2024 there is a meeting with Randi Snead from DOLA, JVA and district staff and any board members. Chair Berger moved to have Operator Passalaqua attend as the district's representative given his collections experience, Director Vigil seconded, all voted in favor.

2 Phased Development Review – Ms. Hausman said she is working at splitting out the collections project into Phase I and Phase II. Ms. Hausman presented JVA's contract for the Construction Engineering and Administration Project, Letter of Agreement 1119.9e - Phase I of the Collections System Improvements Project. Director Mudge moved to approve, seconded by Director Vigil, all voted in favor.

Lake County Housing Project 3rd and 6th and Dexter – Ms. Fagan notified JVA that Marcin Engineering is working with the housing authority. Ms. Salazar will email the housing authority an application and request them to submit an application and a \$1000 application fee. Once this agreement is in place, JVA will proceed to assist Marcin with their project.

- Q. Minutes Regular Meeting March 14, 2024 – Regular monthly meeting minutes from 3/14/2024 was next on the agenda. Director Mudge moved to approve, seconded by Director Smith, all voted to approve.
- R. Check List Approval February and March – Director Vigil moved to approve, seconded by Director Smith, all voted in favor.
- S. John Volk/ORC – During the meeting, John Volk found a company to televise the district's line on E. 3rd and Harrison next Tuesday if the district can get the line cleaned on Monday.

Kenneth R. Berger

Kenneth Berger

Attested:

Jane Gowing

Jane Gowing, Secretary