## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BACA GRANDE WATER AND SANITATION DISTRICT HELD JULY 15, 2011

A Regular Meeting of the Board of Directors of the Baca Grande Water and Sanitation District (referred to hereafter as "Board") was held on Friday, the 15th day of July, 2011, at 9:00 a.m. at the offices of the District, BGWS&D Shop, 57 Baca Grant Way South, Crestone, Colorado. The meeting was open to the public.

#### **ATTENDANCE**

#### **Directors In Attendance Were:**

Vicki Matthews, Vice President
Martin Macaulay, Secretary/Treasurer
Philip Madonna, Assistant Secretary
Parvin Johnson, Sr., Assistant Secretary

Following discussion, upon motion duly made by Director Johnson, seconded by Director Madonna and, upon vote, unanimously carried, the absence of Christine Canaly was excused and Vicki Matthews was appointed as Acting President.

#### Also In Attendance Were:

AJ Beckman; Special District Management Services, Inc.

Meric Lallier; Special District Management Services, Inc. - Via speakerphone

Jennifer Tanaka, Esq.; White, Bear & Ankele P.C.

Marcus Lock, Esq.; Bratton Hill Wilderson & Lock, LLC - Via speakerphone

Brad Simons; Olsson Associates

Sandia Belgrade; Crestone Eagle

Michael Scully; Casita Park Action Committee

Steven Harrell; District General Manager

Chris Melcher; Colorado College – Via Speakerphone

Eric Barnes; Wagner Barnes P.C. - Via Speakerphone

Ralph Abrahams and LeAnna Bradbury; White Jewell Mountain

See attached Sign-In Sheet of Additional Attendees

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

<u>Disclosure of Potential Conflicts of Interest</u>: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Attorney Tanaka noted that conflicts were filed for applicable Directors at least 72 hours prior to the meeting. Director Matthews noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No further conflicts were disclosed.

#### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Beckman reviewed the proposed agenda for the District's Regular Board meeting.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Madonna and, upon vote, unanimously carried, the Agenda was approved, as amended.

Minutes: The Board reviewed the Minutes of the June 17, 2011 Regular Meeting.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the minutes of the June 17, 2011 Regular Meeting.

#### PUBLIC COMMENT

#### **Public Comment:**

Michael Onewing asked about the recent water outage. Mr. Harrell explained that the District was in the process of commissioning the Well 18 facilities and unexpectedly ran out of water for a few hours.

Sandia Belgrade inquired as to the level of the water table. Mr. Harrell reported that table has been lower than normal and if it were to get to very low levels restrictions would be necessary.

Dean Lloyd addressed the Board regarding the District's Lead and Copper control program. He inquired as to the use of AquaSmart SeaQuest (a water treatment additive used to reduce lead and copper exposure). He explained that in his opinion, the use of the additive may have long term health effects for District

customers and reported that he has examined certain residents using a "kinesthetic method". The residents examined have reportedly demonstrated a weak or negative response to the test conducted by Mr. Lloyd. Mr. Lloyd then presented a petition requesting proof that the Ortho Polyphosphates in SeaQuest are no threat to the human population as well as related email communication among certain residents (attached hereto and incorporated by this reference). Mr. Lloyd advised the Board that he would contact the health department if the use of the product was not curtailed. Mr. Beckman explained that the District is a public water system and is required to operate pursuant to the regulations set forth by the Colorado Department of Public Health and Environment ("CDPHE"). He further reported that the District must comply with Federal regulations that regulate lead and copper exposure to customers served by public water systems. The use of SeaQuest is a specific component of the CDPHE approved and required treatment process necessary to reduce lead and copper exposure to residents. He further reported that the treatment plan was put in place in 2008 by the Manager working for the District at that time. Since its inception, the District has administered the plan as required by the CDPHE. The product is approved by the National Sanitation Foundation ("NSF"), the consumer watchdog group charged with establishing safety standards for such products, and meets the NSF 60 Standard. Brad Simons, the District's Engineer, presented an email from the CDPHE (attached hereto and incorporated herein by this reference) identifying the products commonly used for corrosion control and compliance with lead and copper requirements. The email verifies that SeaQuest is certified under the ANSI/NSF 60 standard which is required of all products coming in contact with water served to the general public. Mr. Simons discussed improvements presently being constructed at Well 18 that will allow testing and data gathering at the site. The goal of the improvements is to enable the District to better understand how corrosive the District's water supply is to copper and lead.

A question was raised regarding water filters capable of filtering out SeaQuest. Mr. Simons reported that he is not aware of a filter capable of filtering the product with the exception of a reverse osmosis system which would be relatively elaborate and costly for use in individual homes. Mr. Simons will research further and advised the District of any findings.

Claudia Wolfe addressed the Board regarding Availability of Service charges imposed by the District. She advised the Board that she has encountered economic hardship and is unable to pay the charges.

Eric Karlstrom addressed the Board and noted that his 13-year dog has experienced health issues that he believes is attributable to the District's use of ortho-polyphosphates in the water system. Dr. Karlstrom inquired into whether it

would be possible to provide the required dosing at the specific sites known to have lead and copper exceedences. Mr. Simons noted that the entire system is required to receive the dosing. Dr. Karlstrom agreed that the District has to follow the state-mandated programs for the treatment of public water but questioned whether this is the best method of treatment.

Bruce Pollack asked about the alkalinity of the water and whether the District knows if the water being tested is stagnant which is causing the alkalinity and lead and copper to be detected. Mr. Pollack noted that he understands the District's need to abide by state regulations and associated fines if the rules are not followed. Mr. Pollack noted that he believes there may be other ways to approach the situation.

Marsha Ustead noted that she has conducted some preliminary research to learn what SeaQuest and orthopolyphosphates are. She inquired into whether a filter removes orthopolyphosphates and she was told by a third party company that they do not know whether the filters remove the additive. Ms. Ustead inquired into what other small towns and communities are using the same additive and noted that when she discusses it no one seems to know what she is talking about. Mr. Simons noted that not all communities use this because they do not all have lead and copper problems. Mr. Simons noted that he asked the CDPHE how many communities are using SeaQuest but the CDPHE has noted that it does not track it by name so he is unable to provide that information. With regards to the filter, Mr. Simons suggested that Ms. Ustead talk with a research and development person rather than a sales person to obtain more technical and detailed information regarding filtration and the use of orthopolyphosphates.

#### WATER MATTERS

Outstanding Water Matters with Water Counsel: Attorney Lock joined the meeting by speakerphone at this time. He reported that there have been no significant developments in the status of negotiations with the U.S. Fish and Wildlife Service regarding the acquisition of water rights.

#### **OPERATIONS**

<u>Decommissioning Mobile Home Estates Wastewater Treatment Facility:</u> Mr. Harrell reported that there has been no action taken so far.

<u>Aspen Wastewater Treatment Facility</u>: Mr. Harrell reported that the facility was in compliance for June.

<u>Corrosion Control Study and Compliance Requirements</u>: Mr. Harrell reported that the District is operating according to the approved plan. All tests results were

within the maximum concentration levels for lead and copper in the last round of testing.

GIS Mapping Project: Mr. Harrell reported that all of the valve locations have been mapped and that the staff is now mapping valves for individual service lines. He noted that this portion of the project is expected to be completed within the next few weeks. Mr. Harrell will continue to map as many key components as possible including fire hydrants and manholes. He recommended that each staff member receive a \$300 bonus for work performed over and above the expectations of the original scope of work. It was noted that the work was performed with three temporary employees as opposed to four.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved a bonus of \$300 per staff member upon successful completion of the project.

<u>Fallen Tree Lift Station Re-Design Work</u>: Mr. Harrell reported that this project has been completed.

Stables Lift Station: Mr. Harrell reported that a recent problem with the electrical supply from the local utility resulted in damage to the pump motor for the facility. He reported that he will file a claim with the District's insurance provider and that protection for all of the facilities will be evaluated. He noted that he has located a used pump motor from Royal Electric Service, Inc. to make the immediate replacement.

<u>Stables Lift Station Relocation and Pond Project</u>: Mr. Harrell reported that the Pond Project and final grading are complete. The fencing will be completed by the end of July.

<u>Operations Staffing Proposal</u>: Mr. Harrell discussed the status of the Fire Hydrant project. He reported that he has hired two part-time employees for the annual maintenance program.

#### CAPITAL IMPROVEMENTS

Application for Payment No. 12 to the contract with Farner Enterprises, Inc. for the Water and Wastewater System Improvements Project: The Board reviewed Application for Payment No. 12 to the contract with Farner Enterprises, Inc. for the Water and Wastewater System Improvements Project in the amount of \$28,321.44.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Madonna and, upon vote, unanimously carried, the Board approved Application for Payment No. 12 to the contract with Farner Enterprises, Inc. for the Water and Wastewater System Improvements Project in the amount of \$28,321.44.

Improvements to Well 18: Mr. Simons reported that the booster pumps at Well 18 are running. The electrical components are currently being installed. Olsson Associates will test the pumps once the electrical components have been completed. The project is expected to be completed by mid-July.

<u>Improvements to the Aspen Wastewater Treatment Facility</u>: Mr. Simons reported that the next action to be taken is the installation of a flow meter. He reported that he has discussed the status of completion of the wastewater projects with the CDPHE.

<u>Proposal from Electric Power and Process, Inc. for Flow Meter Installation</u>: The Board reviewed the proposal from Electric Power and Process, Inc. for the flow meter installation.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Madonna and, upon vote, unanimously carried the Board approved the proposal from Electric Power and Process, Inc. for the flow meter installation for an amount not to exceed \$7,632.80.

#### COLORADO COLLEGE

The Colorado College Request for Reduction in Water Rates and PILOT Payment: Mr. Melcher joined the meeting via speakerphone at this point.

Mr. Melcher requested that the Board consider applying a different rate structure on the monthly water and sewer service and for a reduction of the amount paid according to the PILOT agreement. He reported that he has requested that the County reclassify certain properties owned by The Colorado College from commercial to residential. Mr. Melcher agreed to pay the rates for the properties according to the District's EQR structure based on tap size. Following discussion, the Board directed Mr. Harrell to confirm the size of the tap and directed staff to confirm the classification of the properties by the County.

#### FINANCIAL MATTERS

<u>Claims</u>: Mr. Beckman reviewed the payment of claims with the Board through the period ending July 15, 2011 as follows:

General Fund	\$14,982.45
Capital Projects Fund	\$79,884.56
Enterprise Fund	\$ <u>80,714.62</u>
Total Claims:	\$ <u>175,581.63</u>

Following review and discussion, upon motion duly made by Director Macaulay, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the payment of the claims for the period ending July 15, 2011.

<u>Financial Statements</u>: Mr. Lallier reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, and budget analysis and accounts payable vouchers for the period ending June 30, 2011.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Madonna and, upon vote, unanimously carried, the Board accepted the financial statements for the period ending June 30, 2011.

<u>Cash Flow Analysis</u>: Mr. Lallier reviewed the current cash flow analysis with the Board.

**2010** Audit: Mr. Barnes joined the meeting at this time via speakerphone and reviewed the 2010 draft Audit with the Board.

Following review and discussion, upon motion duly made by Director Macaulay, seconded by Director Matthews and, upon vote, unanimously carried, the Board accepted the 2010 Audit and authorized execution of the Representations Letter.

<u>First Bank</u>: Mr. Lallier reported that transfer of the District's banking services to Frist Bank is nearly complete. The transition should be final next month.

#### LEGAL MATTERS

Board of County Commissioners and Current Valuations: Attorney Tanaka reported that Jackie Stephens, the Saguache County Assessor, is updating a list of properties identified by the District as well as the remainder of the properties District wide. Attorney Tanaka, Mr. Beckman and Ms. Stephens will follow up participate in a conference call next week regarding the status of this analysis. Attorney Tanaka explained that the District's request to the County includes timely reassessment and distribution of revenues that would have been collected in 2011.

Well 18 Waterline Easements Needed from Hanne Strong: Attorney Tanaka reported that Mr. Harrell is researching the location of a two-acre parcel that is the

subject of a prior verbal agreement between the Manitou Foundation and the District. The Manitou Foundation has requested that the agreement be incorporated into the Well 18 water line easement being requested by the District.

Independent Contractor Agreement between the District and Arkansas Valley Surveying for Surveying Services for Ireland Property Road Access and Waterline Resurvey Project: Attorney Tanaka reviewed the Agreement with the Board and noted that the District's agreement with Jamie Ireland requires that the area be re-surveyed after completion of the water and wastewater projects and the easements revised to reflect the actual location of the improvements.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Madonna and, upon vote, unanimously carried, the Board ratified approval of the Independent Contractor Agreement between the District and Arkansas Valley Surveying Services for the Ireland Property Road Access and Waterline Project.

Letter from White Jewell Mountain Regarding Amount Due to District Pursuant to September 12, 2008 Cost Sharing Agreement: Attorney Tanaka discussed the terms of the original agreement with White Jewell Mountain and reviewed the letter with the Board. She reported that staff reviewed all of the costs associated with the property and has made adjustments. She noted that payment under the agreement is due by the end of July.

Mr. Abrams addressed the Board and requested that the Board consider deferring the amount due until such time as White Jewell Mountain has the funds available to pay the amount due. The Board determined to table this matter until the next meeting.

<u>Memorandum of Understanding with US Forest Service for Cottonwood Creek Plant Traffic Monitoring Efforts</u>: Attorney Tanaka reported that she is awaiting receipt of the Memorandum of Understanding for review. It was noted that Director Macaulay will act as liaison to the District in upcoming meetings regarding use of the Cottonwood Trail access.

#### EXECUTIVE SESSION

### <u>Personnel Matters, Farner Enterprises' Construction Matters, Brown and Caldwell Design Matters: EXECUTIVE SESSION:</u>

Pursuant to Sections 24-6-402(4) (b), (e) and (f), C.R.S. of the Colorado Revised Statutes, upon motion duly made by Director Johnson, seconded by Director Matthews and, upon an affirmative vote of at least two-thirds of the quorum

present, the Board convened in executive session at 12:27 p.m. for the purpose of discussions relating to personnel matters, negotiations with third parties and receiving legal advice as authorized by Sections 24-6-402(4)(b), (e) and (f), C.R.S.

Furthermore, pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the District's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at 1:37 p.m.

Crestone Eagle Article for August Publication: Director Macaulay volunteered to provide an article for October.

Upon motion duly made, seconded and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_\_ Secretary for the Meeting

OTHER BUSINESS

ADJOURNMENT

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 15, 2011 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Christine Canaly

Victi Matthews

Vicki Matthews

Martin Macaulay

Parvin M Johnson, Sr.

Philip Madonna



# Baca Grande Water and Sanitation District P.O. Box 520 | 57 Baca Grant Way S. Crestone, CO 81131-0520

July 15, 2011

Please print your name, address and contact information along with any issues you are interested in addressing at today's Board Meeting.

Name	Name Address Address Telephone/Email V	Telephone/Email	Would you tike to speak?	Would you like Issues to be addressed to speak?
Claudia Wolfe	raspag Esti	madamebwolfe Osboglobal.net	was	A Year
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Fruce Jolah Mariastowsko	Coen & Crestone 1019 Moonlight Word	collorestone e	School	ton

t: 719-256-4310 | f: 719-256-4309 | www.bacawater.com | info@bacawater.com

Would you like issues to be addressed to speak?	WIM Cost-Sharing	wholever has				-	
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Telephone/Email	256-5773	522-1213					
Address	PO Box 813,81131	522/2-250 18/18/12/ 400 0D					
Name	Garna Bashuy	April O					

t: 719-256-4310 | f: 719-256-4309 | www.bacawater.com | info@bacawater.com

## PETITION to the Baca Grande Water and Sanitation District from the Concerned citizens of the Baca Grande area requesting proof that the orthopolyphosphates in Sequest are no threat to the human populition.

We are requesting your efforts to work with us to resolve our concerns:

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18 unna Grote to look 207 crestone Co 81131
Lisa Cyriacks Po Box 754, Crestone, Co 81131
Bruce V to lead Testal Environmental Design 16 Gental Crestone All
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Ny Foliers (Earth-781) Don Allon (SD) above 2 (718) 16866 Share	<drdinfo@earthlink.net>; "Crestor</drdinfo@earthlink.net>	o.com>; Lisa Cynacks <lcyriacks@rocketn neTribe@yahoogroups.com* <crestonetri Inn Phillips <la@leighanophillips.com> PM</la@leighanophillips.com></crestonetri </lcyriacks@rocketn 	nail.com>; Stephen Wade <stephencwade@gmail.com be@yahoogroups.com&gt;; Marcia Heusted <collcrestone< td=""><td>&gt;; Diane Duniap @gmail.com&gt;; Mike Castle</td></collcrestone<></stephencwade@gmail.com 	>; Diane Duniap @gmail.com>; Mike Castle
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7/15/2011 7:58 A.V.

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Mi, Dean Sign Out Newest version of Y! Mail Get YI on My Phone 2.17.52.11.11 ...... Seatt Mail Plus Contacts Calendar Notepad What's New? Mobile Mail Options -∷eck Mail New -Mail Search Try the newest Yahoo! Mail Previous | Next | Back to Search Results Mark as Unread j EDD. Folders Inbox (21219) Delete Reply 🔝 Forward Spam Move... Drafts (312) Re: Fw: Meeting on Water, Next Sunday tell all concerned Sent Wednesday, July 6, 2011 8:49 AM Spam (484) [Empty] From: "Dorje Root" <dorjeroot@yahoo.com> Trash [Empty] To: acutone@acutone.com My Photos Hi Dean, My Attachments Sorry I did not get back to you on this. I was in Vermont for a week with very little computer access so I missed it until it was too late. Please do let me know of any further meetings Chat & Mobile Text and I'll definitely pass it along to the group. Another way is you can post it on the Crestone Iam Healers facebook page. I'm definitely interested in this issue - the water has tasted strange ever since they put the My Folders [Add - Edit] new pipes in last summer. Don Allen (96) Best. inbox 2 (713) Dorje Notes Page Dorje Reot, RH(AHG: Herbalist, Intuitive Healer, Accredited Journey Practitioner pending (62) review (19) Roots of Healing TCM (954) mos.gnileshiestoor.www www.crestonehealers.com 719-256-4867 303-748-3091

--- On Tue, 6/21/11, Dean Lloyd <acutone1@yahoo.com> wrote:

From: Dean Lloyd <acutone1@yahoo.com>
Subject: Fw: Meeting on Water, Next Sunday tell all concerned
To: "Dorje Root" <dorjeroot@yahoo.com>
Date: Tuesday, June 21, 2011, 3:01 PM

Dorje,

PO Box 717 Crestone, CO 81131

You may want to attended. Can you call me.

Dean

256-4676 or 719-250-8962

--- On

Sun, 6/19/11, Dean Lloyd <acutone1@yahoo.com> wrote:

From: Dean Lloyd <acutone1@yahoo.com>

> Dean,Here is a copy of
> the Consumer Confidence report please let me know if there is anything
> else I can help you with. Haven WellmanDistrict Administrator &
> BookkeeperBaca Grande Water and Sanitation DistrictP.O Box 520Crestone
> Co 81131(719)-256-4310 or
> (719)-256-4309 fax

#### AJ Beckman

#### Subject:

FW: Use of orthophosphate-based inhibitors (Seaquest®, and others) as a method to comply with Article 8 of the Col orado Primary Drinking Water Regulations (CPDWR)

----Original message----

From: "Ingels, Tyson F." <Tyson.Ingels@dphe.state.co.us>

To: "bsimons@oaconsulting.com" <bsimons@oaconsulting.com>

Cc: "Drissel, Heather J." <Heather.Drissel@dphe.state.co.us>, "Rice, Andrew" <Andrew.Rice@dphe.state.co.us>,

"Graziano, Nicole" < Nicole.Graziano@dphe.state.co.us>

Sent: Thu, Jul 14, 2011 19:13:00 GMT+00:00

Subject: Use of orthophosphate-based inhibitors (Seaquest®, and others) as a method to comply with Article 8 of

the Col orado Primary Drinking Water Regulations (CPDWR)

July 13, 2011

#### To Whom It May Concern:

The Water Quality Control Division requires that all chemicals which come into contact with the potable water being served to the public be certified under the ANSI/NSF 60 standard. Many systems add phosphate-based inhibitors and sequestering agents to their water for a variety of reasons including but not limited to: compliance with Article 8 of the Colorado Primary Drinking Water Regulations (CPDWR)- - the Lead and Copper Rule, sequestration of iron and manganese, corrosion control, etc. These phosphate-based inhibitors and sequestering agents must comply with the ANSI/NSF 60 requirement. Most water systems add between 0.5 and 1.5 mg/L of phosphate-based chemical to their water system when they choose to use it. Each of these chemicals has a 'maximum dose' specified by the manufacturer in order to protect the public from overdosing of chemicals.

Aqua Smart, Inc. manufactures SeaQuest ® which is one of these phosphate-based inhibitors. The SeaQuest product does indeed meet NSF 60 requirements and is acceptable for addition to public water supplies up to the maximum dosage specified by the NSF certification (see below).

Please contact either myself or your district engineer for additional information about design approvals, treatment chemicals, or compliance with the lead and copper rule in general. Reminder: all treatment systems must have prior approval by the Division prior to installation per the CPDWR Article 1.6.2.

Thank you,

Tyson Ingels, PE, CWP Lead Drinking Water Engineer Colorado Department of Public Health and Environment - WQCD Engineering Section

Email: tyson.ingels@state.co.us

Phone: 303.692.3002 Fax: 303.782.0390

#### SCREEN SHOT FROM http://www.nsf.org

Aqua Smart, Inc.
4445 Commerce Drive, SW
Suite A-4
Atlanta, GA 30336-1962
United States
800-278-2762
404-696-4406
Visit this company's website< <a href="http://www.aquasmartinc.com/">http://www.aquasmartinc.com/</a>
Facility: Atlanta, GA
Blended Phosphates
Trade Designation
Product Function
Max Use
SeaQuest
Corrosion & Scale Control Sequestering

10 mg/L

SeaQuest Liquid

Corrosion & Scale Control Sequestering

28 mg/L