

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE  
**BACA GRANDE WATER AND SANITATION DISTRICT**

**August 21, 2020**

9:00 AM

District Office – 57 Baca Grant Way South  
Crestone, Colorado 81131

Meeting held via Zoom due to COVID-19

**ATTENDANCE**

Directors in Attendance:

John Loll  
Robert Salmi  
Gregg Conlee  
Mike Smith  
William Peck

Also in Attendance:

Marcus Lock, Law of the Rockies  
JoAnn Slivka, District Manager

Members of the Public:

Kevin Flewell, BGPOA  
Shawn Hollmer, BGPOA  
Dan Gray, Community Member  
Michael Scully, Community Member

**CALL TO ORDER**

President Loll opened the meeting at 9:05 AM.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

*Attorney Lock has discussed with the Board the requirements pursuant to Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Baca Grande Water and Sanitation District Board of Directors and to the Secretary of State. It was noted that a quorum was present and members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No new disclosures were made.*

**AGENDA**

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE AGENDA.

**PUBLIC COMMENT (ITEMS NOT ON THE AGENDA ONLY. NO ACTION MAY BE TAKEN).** *The District is subject to the Colorado Open Meetings Law, which states that no Board discussion or action will take place until a later date, if necessary. Please limit your comments to three minutes or less.*

There was no public comment.

**FINANCIAL MATTERS**

Check Register: The board considered approval of the check register through the period ending August 21, 2020 as follows:

General	\$ 6,434.52
Capital Projects	\$ 45,926.25
<u>Enterprise</u>	<u>\$ 46,123.64</u>
	\$ 98,484.41

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SALMI, SECONDED BY DIRECTOR CONLEE, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING AUGUST 21, 2020.

**DISCUSSION AND/OR ACTION ITEMS**

Baca Grande POA Golf Course Watering

The board of directors heard from Mr. Kevin Flewell, Baca Grande POA Executive Director, regarding his concerns about watering on the golf course. Because of the lack of irrigation water, the golf course is starting to lose the greens and they will have to repair and replace these damaged areas.

Ms. Slivka gave an update of efforts to date-

1. The electrical panel was repaired and the VFD was ordered and was installed earlier in the week.
2. Next step is to get the pump turned on.

3. The VFD needs to be tied into the system so we are coordinating with Timberline Electric to do this for us. To be clear, SCADA is not needed to turn on the pump, it is the tie in from the VFD and the pump that is needed. The electrician who installed the VFD was not comfortable doing this tie in.
4. The tank is full of sand, this may cause issues with the pumps.
5. We are just trying to get the water to the tank right now so that this resource is available to the BGPOA.
6. The infrastructure of pipes and water lines to the golf course will have to be addressed next year.
7. We need to be sure we label the tank as non-potable water and we will need to be sure there is no danger of cross-contamination.

Mr. Lock also reported on the legal side of our efforts to assist with this issue. Upon receiving a request for assistance from the BGPOA, we immediately applied to the division of water resources for an emergency water substitute water supply plan that would have allowed us to treat the golf course well itself as an alternative water point of diversion. Unfortunately, the state engineer in Denver denied that request. In the future, we could work with USFW to file an application to permit the golf course well as an alternative point of diversion. This does not help the current situation but it is something we could consider for the future.

#### LEGAL MATTERS

Mr. Lock reported that the outstanding dispute and claim regarding RMS Utilities, Inc. has been resolved and settled.

#### Water Matters-USFW

Mr. Lock provided a brief update on our July 28 discussions with USFW. We discussed the following points-

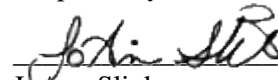
1. Encourage them to agree and stick to the mutually agreed upon schedules
2. They still need to produce an appraisal and or an engineer's opinion on the fair market opinion
3. We encouraged them to identify on a third-party appraiser now
4. They want to issue us a cure notice
5. We didn't hear anything at all until 8/17/20, this past Monday. They hoped to get a report to us this week. They did not agree to a third-party appraiser yet.
6. We have gotten their attention and we hope to see their report next week and be able to decide on a third-party appraiser.

#### ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR SALMI, SECONDED BY DIRECTOR CONLEE AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 9:43 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR  
September 18, 2020

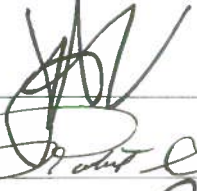
Respectfully submitted,

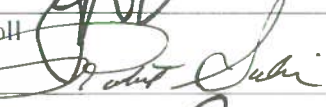


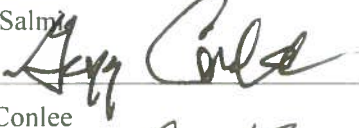
JoAnn Slivka

Secretary for the meeting


THESE MINUTES ARE APPROVED AS THE OFFICIAL August 21, 2020 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
\_\_\_\_\_  
John Loll

  
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Robert Salmeron

  
\_\_\_\_\_  
Gregg Conlee

  
\_\_\_\_\_  
William Peck

  
\_\_\_\_\_  
Mike Smith