



**COLORADO CITY METROPOLITIAN DISTRICT
PUBLIC NOTICE
BOARD OF DIRECTORS SPECIAL MEETING**

A **SPECIAL** meeting of the Board of Directors of the Colorado City Metropolitan District will be held Monday November 6, 2023, **beginning at 6:00 p.m.**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. QUORUM CHECK.

Chairperson Neil Elliot
Treasurer Sarah Hunter
Secretary/Co-Chair, Clint Gross
Director Greg Collins
Director Ray Davis

Also in Attendance:

Jim Eccher, District Manager
Yvonne Barron, Finance Director
Sandi Oglesby, Reception/AR
Carolyn Steffl, Attorney
Daniel Ruben, Legal Assistant
Josh Cook & Nate Jacobs - NOCO Engineers

4. APPROVAL OF AGENDA.

Mr. Collins motioned to approve the agenda. Mrs. Hunter seconds the motion. Voted called. All Board Members approved.



5. AGENDA ITEMS

1. UPDATE ON AND DISCUSSION OF FINANCING FOR CAPITAL PROJECTS, CONSISTING OF: LAKE BECKWITH DAM REHABILITATION, DAF PROJECT FOR WATER TREATMENT, AND GAC PROJECT FOR PFAS TREATMENT.

Capital improvement plan within next 5 years. Financing 238K grant will cover engineering, 3.3K loan needed for construction (looking for additional grants)

DAF- Required to start next year. Loan from State will be forgiven. Financing from USDA-loan forgiven up to 80%.

A cheat sheet of the above items is in the works from the lawyer.

PFAS treatment not needed soon, maybe later next year, same sources as above, maybe different or an add on project. PFAS helps with taste and odor. Forever chemicals will recreate themselves.

Two years approximately of run time (take to plant) with one back up supply. 40% of 80% needed 30 thousand every two years needs to be planned for at this time.

Review loans and boards operating/cost. 110% needed to cover-support whole pkg, 10-11M plus 2m for PFAS for loan forgiveness of 70%. USDA will forgive 80% of the loan.

CCMD needs to have a grant writer to help with applying for grant funds.

2. APPROVAL OF WSRF GRANT FOR ENGINEERING DESIGN OF LAKE BECKWITH DAM REHABILITATION.

Mr. Gross motioned to approve the WSRF Grant as listed. Mr. Collins seconds the motion.

Discussion: The district must match 58K –already approved.

Voted called. All Board Members approved.



3. SCHEDULE PUBLIC HEARING ON PROJECT TO INSTALL RETREATMENT UPGRADES AT BECKWITH WATER TREATMENT PLANT (DISSOLVED AIR FLOATION – DAF). AS REQUIRED BY DRINKING WATER REVOLVING FUND GRANT / LOAN APPLICATION – DWRF Project No. 161260 D-Q.

Public Hearing is scheduled for Tuesday, December 12 during regular & budget meeting. It is required by the State to have a Public Hearing for plan to apply for loan. Notice will be posted in this week's paper & posted in other areas (. i.e. Post Office, Web Page). This is an informational meeting only.

4. UPDATE ON PFAS CLASS ACTION PROPOSED SETTLEMENTS IN DUPONT AND 3M CASES AND AUTHORIZE DISTRICT MANAGER AND LEGAL COUNSEL TO EITHER FILE SETTLEMENT CLAIM OR OPT OUT OF CLASS ACTION LAWSUITS.

CCMD could submit a claim, but it is costly to submit a separate claim. It is 3,500 per test yearly, 2 required on back wash. Does the board want to opt out? Mr. Gross stated he thinks CCMD should join the class action suit.

Mr. Eccher can file the settlement claim online.

Motion Mr. Collins authorizes accept class action suit and file the “opt in” to class action suit and manager to file. Mr. Gross seconds the motion. Vote called. All board members approved.

6.EXECUTIVE SESSION:

- A. Executive session pursuant to C.R.S. 24-6-402(4)(b) for conference with an attorney for the Town for the purpose of receiving legal advice on related to Enforcement Order from CDPHE and appeal of same and related to Enforcement Compliance Advisory related to Sanitary Survey.

Chairman Elliot opened forum up to from customers questions regarding the Executive Session agenda.

Enforcement order issued on September 27, 2023. Replacement order has new deadlines. Required SOP 90 days after BDR (design), 180 days after approved by State and 180 days to complete full project (180 days to complete a 10M plus project is unreasonable).



Why did we get the enforcement order? Disinfection by products, low water/lake low, using chlorine system, gave high level of DBP's.

2018 -State suspended the SOP, the 2nd SOP & 3rd SOP State rejected all as non-reviewable. State has given no explanation of what non-reviewable means. Then in 2020 the State again said we are in violation.

State says samples not received timely, items still non-reviewable. Per Mr. Bailey all samples have been sent. But it's made to look like we haven't been sending them.

Some items filed in error but followed instructions. CCMD has filed an appeal. Have 30 days to submit in writing before the deadline. 13K due now, filing for extension, requesting 5 months extension with a monthly payment plan.

Appeal is for ongoing compliance deadlines; their fee would go away.

Back flow testing, some need repair. A change form with Scott(?) for the State.

Stated that progress reports are missing. Mr. Bailey says we are now in compliance, some submitted late during water emergency. The State is very unresponsive.

Paperwork violations: working forward to not having any violations regarding paperwork.

Funding for pre-treatment program now with manager engineer and lawyer to make sure deadlines are meet and no further fines.

Who gets reports from the State? The Lawyer asked to be added to the list from state & add additional staff on list so more are informed. Need list of people to receive & know the portal with access via credentials. The State does send confirmation of receipt of items.

They (the State) knew the water brought in would cause problems & high levels of DTB for us.

CCMD should send out as public first that it was a paperwork violation not water problem issue.

The board is in the loop. Lawyer to bring up with State tomorrow.

State using what they deem is wrong, even is not in Rules & Regulations.



Appeal for extension on deadline. CCMD is trying to meet the December 26 date. Design awaiting a preliminary decision, State has delayed approval.

Mr. Collins motions to move ahead with the: Executive session pursuant to C.R.S. 24-6-402(4)(b) for conference with an attorney for the Town for the purpose of receiving legal advice on related to Enforcement Order from CDPHE and appeal of same and related to Enforcement Compliance Advisory related to Sanitary Survey. Mr. Gross seconds the motion. Vote called. Motion so moved, approved.

7.ADJOURNMENT.


Special meeting adjourned at 7:23 p.m.

COLORADO CITY METROPOLITAN DISTRICT



Niel Elliott, Chairman

ATTEST:



Clint Gross Co-Chair

Clint Gross Co-Chair

Approved this 28th day of October 2023

These minutes are not verbatim to the meeting and should not be considered a complete record of all discussions during the meeting. For complete proceedings and statements, please refer to the video or audio recording of the meeting.