

HAMILTON CREEK METROPOLITAN DISTRICT

BOARD OF DIRECTORS REGULAR MEETING MINUTES

Tuesday, November 9th, 2021

The Board of Directors held a regular meeting in a remote meeting format via zoom on Tuesday, November 9, 2021 at 1:30 pm. Attending were Directors Bob Bruno, Ruth Carroll, Wendell Bond, and Chip Harris. District staff members present were Administrator Tom Oberheide, Bookkeeper Kelly Baldwin, and Operator Matt Willitts.

1. CALL TO ORDER. President Bob Bruno called the meeting to order at 1:36 pm after verifying that a quorum was present and notice of the meeting had been properly posted. Because the meeting was published to be at 2 pm at the Silverthorne Public Library, Kelly confirmed that she gave notices to the librarian, and Bob confirmed that Luise Bruno would be at the Library at 2 pm in case any members of the public arrived for the meeting.

2. APPROVAL OF SEPTEMBER 7, 2021 MEETING MINUTES. The minutes were approved as presented (RC/WB 4-0).

3. OPERATION REPORT. Matt provided the following operations report to the board:

Hamilton Creek Metro District WSI Operations Report 11/9/21 Board Meeting

- The district has engaged Plummer Engineering to design and get CDPHE approval for replacement of membrane modules in water filter #2 at the water treatment plant. The engineers have discussed our system with CDPHE and it is understood that this will be a paper process to document the replacement as the engineering aspect has already been completed during the replacement of the membranes on filter #1. WSI is in the process of reviewing both the Membrane Replacement and Flocculation Rack Replacement CDPHE submittal packages which will be forwarded to the district by Plummer once reviewed by WSI.
- All district fire hydrants have been maintained and operated this summer as part of our annual maintenance program. WSI has also exercised the district main line valves to confirm operation and to maintain their integrity. Both PRV vaults were operated to confirm valves opened and maintained set pressures. Both emergency wells were operated to confirm operation and tank vault winterization was performed. WSI has completed all contractual maintenance for the year.
- WSI staff have been responding to daily locates for the electric underground project and staying ahead of their progress. The amount of locates are diminishing as county right of way permits are not being issued.

- WSI continues to collaborate with Tom O. as needed in the evaluation of the sludge in the backwash holding tanks.
- WSI and T-Services worked together to protect district assets during this summer's wildfire near Hamilton Creek. Attending Incident Command Meetings identifying Hamilton Creek's drainage, requesting SDS for fire retardants, keeping storage tanks full if needed for fire fighting and addressing customer concerns.
- Remaining projects for discussion and WSI direction are generator hook-up, information on SCADA system cyber security, intrusion hatch for tank ladder access, engineer storage tank valve replacement.

Matt asked the board if they were comfortable with asking F.D. Taylor Electric for an estimate to size and install a transfer switch to hook up a portable generator for backup power supply. Alternatively, the District could engage with an electrical engineer to produce an RFP to get bids for the work. After lengthy discussion, the board generally agreed for Matt to work with F. D. Taylor to get an estimate, and there is not a need at this point to have an RFP prepared. Tom advised that Special Districts are required to obtain bids for construction projects over \$60,000.

Tom summarized his conversations with Snowbridge regarding TENORM disposal. He said that Snowbridge would like to re-sample the tanks since the previous sample event was in 2020. Tom said this would be an additional \$600 and another month or so to get the result but may help save tens of thousands of dollars for disposal. The board agreed to move forward with an additional sampling event with Snowbridge.

4. FINANCIAL REPORT. The board discussed the financial reports provided by Kelly. Several Accounts Receivable accounts were discussed. Zupan property was sold and the delinquent amount was included in the status request from the title company and has been paid in full. Tom said he would contact Mark Fisher regarding his delinquent account. Chip asked about high water use accounts that were over \$1,000 for the third quarter bills. Tom said he had conversations with property owners and in those high use cases it appeared that their irrigation systems were set to use a lot of water and they could consider adjusting their irrigation systems to bring down water use and costs.

Bob B reported that he signed a check for asphalt replacement project for over \$400,000 in October. Per District policy, checks written for more than \$20,000 require two signatures. When this check was cut, Chip Harris was out of town and unable to sign. Bob B reiterated that he notified all board members via email that he was going to sign the large check and checked that there were no objections to a single signature on the check for this case.

The board discussed the Phillips property and Kelly confirmed that she would send them an invoice for the remaining \$1000 owed for the paving of the remaining portion of Timber Wolf Trail.

Chip asked about the approximately \$25,000 budgeted for road maintenance and why that wasn't spent. Tom replied that there wasn't much asphalt repair work done this summer with the asphalt replacement project being completed and the Xcel cable replacement project.

Bob B noted that the District should see about \$80,000 in in unbudgeted income from proceeds from the sale of the office space owned by the Poliches.

Bob B said that Norm Wright had volunteered a tremendous amount of time regarding legal issues related to the Polich cases and suggested a gift card be given to him as an expression of gratitude from the District.. The board agreed \$200 gift card to a local restaurant was appropriate.

Chip Harris left the zoom meeting briefly and said he would re-connect to the meeting shortly.

Ruth said that Bob P reported that everything looks in order with the financials and he did not find any issues with the reports.

5. DEVELOPMENT OF LOTS 2, 3, AND 4 ON LAKEVIEW CIRCLE. The board elected to wait until Chip was able to rejoin before discussing the fees and holding the public hearing.

Tom said that he had been contacted by Kim Hebron regarding the development of lots 2, 3, and 4 behind her house on Lakeview Circle and wanted to know the District's position on brining the waterline down from the stubbed waterline near 680 Lakeview Circle. Tom said that it has been his understanding that the 8-inch waterline would be brought down from near 680 Lakeview Circle to near the existing driveway at 970 Lakeview Circle as part of the larger project of an emergency connection with the Town of Silverthorne water system in the vicinity of 2331 Hamilton Creek Road. The board was in general agreement that without evidence of a significant District need for the 8-inch line from 680 Lakeview Circle down through open space to 970 Lakeview Circle the District would not construct this portion, and that the developer will be responsible for pipe installation costs to get water to lots at 2,3, and 4.

6. CONSIDERATION OF ADJUSTING FEES AND PUBLIC HEARING. Bob B opened the public hearing of which notice was published as required. The board discussed certifying an extremely delinquent account as a tax lien to Summit County for collection. The money owed plus an administration cost would be added to the property tax bill and the County would include payment to the District in their tax distributions the following year. Tom suggested a process of notice of a public hearing and allowing owners of accounts that are a year or more delinquent to attend a public hearing at the end of the year before an account is certified for tax sale. The motion was made to use this tool to collect in extreme cases where accounts are extremely delinquent at the direction of the Board of Directors (WB/CH, 4-0).

7. EMERGENCY CONNECTION WITH SILVERTHORNE. Tom said he has a meeting scheduled with the Public Works Director to discuss an interconnection with the Town of Silverthorne for use in emergency situations for additional fire flows or other emergency needs.

8. ASPHALT REPAIR. Tom summarized the status of the asphalt repair plans for the road damage from the Xcel project in the neighborhood. The plan has been for Xcel to mill and overlay asphalt on the uphill lane to centerline from about Ansel's View Trail up Hamilton Creek Road to the intersection of Hamilton Creek Road and Lakeview Circle. The weather and wildfires in the area delayed contractors to the point where the bulk of the repairs will have to wait until spring. Tom said Xcel did commit to at least getting the asphalt surfaces even for safety reasons ASAP. The District will

monitor the overlaid section over the next few years to see how it holds up even on areas that are alligatored at this time.

9. ROAD DESIGNATION. Tom summarized an email from Joe Norris with the district counsel team which provided three defensible options for the board to consider. Tom will share the email with board members for future discussion.

10. CONSIDERATION OF 2022 BUDGET AND PUBLIC HEARING. Bob B opened the public hearing for the 2022 budget and asked for public comment. There being no members of the public to comment, and the board having no further questions or comments on the budget, the budget was approved (WB/RC, 4-0).

11. 2022 BOARD MEMBER ELECTION. The terms of Directors Wendell Bond, Chip Harris and John Jones expire in 2022. All three directors are able to serve again since this is the first term for each of them. The board considered the Designated Election Official (DEO) Resolution which designates Tom to be the DEO, which the board approved (RC/WB, 4-0). Tom will send out self-nomination forms in early January to Wendell, Chip and John as requested.

12. 2022 PROPOSED REGULAR BOARD MEETING SCHEDULE. The proposed meeting schedule is 2 pm on the following dates: March 8th, June 14th, September 13th, and November 8th. The Directors prefer to hold meetings in person but want to reserve the right to meet via zoom or other virtual meeting format, as properly noticed, as required by public health guidelines.

13. NEW BUSINESS.

- a. Tom summarized that he has received a notice from counsel David Greher explaining that his current firm is dissolving and he is moving to a new firm. The board discussed the move and agreed to keep services of David Greher and authorized Tom to notify David that the District wishes to retain his services.
- b. Ruth asked about the regulations regarding piles of dead wood in the neighborhood. While unsightly, it is also considered a fire danger. Bob B said he would check the HOA regulations and also talk to Joe Ben and the neighborhood woodcutters regarding removing wildfire fuel. Ruth also said that she had spoken with the Forest Service and they said there are grants available for fuel reduction. Tom will contact the Forest Service to start the discussion.
- c. Bob B reported that the HOA has been reviewing District and HOA documents and has discovered that the language defining open space maintenance responsibilities is vague. Tom will give the documents a more thorough review focusing on this specific question to see what he can find and will report back at the board meeting in March.

Respectfully submitted by: Tom Oberheide