**BAILEY WATER & SANITATION DISTRICT**

**PO BOX 422**

**BAILEY, CO 80421**

**Agenda of Meeting of the Board of Directors**

**Regular Meeting of the Board of Directors**

**Tuesday, September 24, 2024**

**at PCCC at 6:00 P.M.**

1. Call to Order.
2. Approval of Minutes from July 30, 2024, Meeting Mins.
3. Approval of Minutes from August 28, 2024, Special Meeting Mins.
4. Approval of Agenda for September 24, 2024, Agenda.
5. Legal.
   1. Executive session to further negotiate with the Bezzants and their counsel.
   2. Updates from Anita.
   3. Draft employee handbook.
   4. Draft aerial easement for power lines.
6. Guests.
   1. Craig (Budget).
7. Operator Reports.
   1. August.
   2. September.
8. Engineering.
   1. Updates from Will.
9. Administrative.
   1. Adjustments.
   2. Billing Register.
   3. Past Due Customers.
   4. System Totals Report.
   5. Sales and Receivables.
   6. Balance sheet.
   7. Transaction list by Vendor.
   8. Deposit detail.
10. Old Business.
    1. Leak.
11. New Business.
    1. Budget.
    2. Independent Contractor.
    3. B Operator Job description.
    4. SDA meeting.
12. Adjournment.

**July 30, 2024 Meeting Minutes**

1. Call to Order (6pm).
2. Attending.
   1. Board.

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| John P | Tom K |
| Darrell E | Miguel G (zoom). |
| Chip T |  |

1. Approval of Minutes from May 28, 2024, Meeting Mins.
   1. DE motion.
   2. TK seconded.
   3. Approved.
2. Approval of Minutes from July 18, 2024, Special Meeting Mins.
   1. JP motion.
   2. DE seconded.
   3. Approved.
3. Approval of Agenda for July 30, 2024, Agenda.
   1. JP motion.
   2. TK seconded.
   3. Approved
4. Guests.
5. Legal.
   1. Updates from Anita.
      1. Discussion about the next step for the project.
   2. Exclusion- court filing.
      1. Issued by court.
      2. Certified copy (requested today) and will record.
   3. Draft employee handbook (moved to end of meeting).
   4. Draft aerial easement for power lines.
      1. Working with Mac. Needs current vesting deed.
6. Operator Reports.
   1. June.
   2. July.
   3. Info.
      1. Updated some of the curb stops on the system.
      2. Leak under Sunrise Solutions. Mac believes there are multiple lines under the building, and one has broken. They are working on locating the line.
      3. Once they find the line, they will cut and cap the line.
      4. Barb is wondering if Mac could come in and fix the curb stop by her house. Mac said they are working on fixing the curb stops on the system, but they are currently backordered. He will update once they are able to order.
7. Engineering.
   1. Updates from Will.
      1. Nick from Element Engineer is here for an introduction. Does water and wastewater through the state and is well versed in SDA and rural lines. Has worked with Will since 2017 and has helped with this project when requested by Will. Discussion about floor plan for the plant.
      2. Water Project.
         1. CDOT is willing to have a zoom meeting with us. Darrell and Will spoke to PC and got their setbacks and regulations. Will reach out to DW for setbacks from the river.
         2. Will says based on the driveway should be easily keep it out of DW easement.
         3. Discussion about county regulations and how big the road should be. Discussion about other possibilities for driveway and building placement.
         4. Requested PC to investigate floodplain restrictions. Will will follow up with PC.
         5. Discussion about DW agreement and possible options with them.
      3. County is replacing three culverts on CR 64.
         1. Their project will cover the rearrangement on their side.
         2. Discussion about what needs to happen before, during, and after the project. Will pursue LWTF funding for this project. This project will probably not take place until 2025 to 2026 area. Gives us plenty of time to figure out our part of it.
         3. Discussion about the lines and possibilities for the project.
         4. Will will come up with a plan
8. Administrative.
   1. Adjustments.
   2. Billing Register.
   3. Past Due Customers.
   4. System Totals Report.
   5. Sales and Receivables.
   6. Balance sheet.
   7. Transaction list by Vendor.
   8. Deposit detail.
9. Old Business.
   1. MOC is wondering if there are any updates on the BMH park (no updates).
10. New Business.
    1. Change regular meeting schedule to once per month, possibly change day of the week.
       1. Anita recommends we wait until the new year and start having monthly meetings for 2025. We can add special meetings if needed.
       2. Motion to move the regular meetings to the first Wednesday of every month starting 2025.
          1. CT motion.
          2. TK seconded.
          3. Approved.
    2. Special meeting set for August 28 at 6pm at the PCCC.
    3. SDA meeting.
       1. John is signed up and Darrell should be by the end of this week.
       2. John found a condo that he and Darrell can both use and was able to save the district some money on the hotel room this year.
    4. Talk about hiring Don Staal as an employee.
       1. Discussion about who Don is and history with BWSD.
       2. Discussion about what we need for Don to work with BWSD and how we are going to work moving forward with Don.
       3. Discussion about how the board is going to move forward with the payments and what is needed for BWSD.
       4. The board is not willing to hire Don on as an employee at this time.
    5. Move funds from Colotrust to the banking account.
       1. Moved funds to the new bank account.
       2. Should be able to close the old account this month.
    6. Discussion about the water station and income that comes from it. It does provide income for the district, but the main line takes priority over the water station and that is why it gets shut down.
    7. Employee handbook.
       1. Discussion about the draft and what we need updated. Discussion with Logan about concerns/questions.
       2. There was a motion by Director JP to enter an executive session with the District’s attorney (Anita) for the purpose of receiving legal advice regarding the employee handbook. The motion was seconded by DE and unanimously approved by the Board. The District’s attorney (ALM) stated that, as the District’s attorney, it is her opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication, and that she, therefore, recommended no further record be kept until the executive session has been concluded. The purposes stated are proper purposes pursuant to C.R.S. §§ 24-6-402(4)(b).
    8. Motion to enter executive session for the purpose of receiving legal advice (7:43pm).
       1. JP
       2. TK
       3. Approved.
    9. Motion to exit executive session (8:05 pm)
       1. JP
       2. DE
       3. Approved.
    10. MOC wants to thank Logan for stopping people from filling up at McGraw Park.
11. Adjournment (8:05 pm).
    1. JP motion.
    2. CT seconded.
    3. Approved

**August 28, 2024, Meeting Minutes.**

1. Call to Order (6:00 pm).
2. Attending.
   1. Board.

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| John P | Chip T | Darrel E |
| Miguel G (Zoom) | Tom K |  |

1. Approval of Agenda for August 28, 2024, Agenda.
   1. Motion to approve the agenda.
      1. CT motion.
      2. DE seconded.
      3. Approved.
2. Legal.
   1. Updates from Anita.
      1. Anita would like to have an executive session for contractor agreements at the end of the meeting.
   2. Executive.
      1. Executive Session (held at the end of the meeting to accommodate guests).
         1. There was a motion by Director JP to enter an executive session with the District’s attorney (Anita) for the purpose of discussing personnel motion was seconded by CT and unanimously approved by the Board.
         2. The District’s attorney (ALM) stated that, as the District’s attorney, it is her opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication, and that she, therefore, recommended no further record be kept until the executive session has been concluded. The purposes stated are proper purposes pursuant to C.R.S. §§ 24-6-402(4)(b).
            1. The Board entered executive session at **7:17pm**. No record was kept of the executive session pursuant to state law.

Discussion about independent contractor agreements.

Discussion about the current situation with BWSD.

Motion to post a B operator job listing.

TK motion.

DE seconded.

Approved.

* + - * 1. The executive session concluded, and the Board returned to the public meeting at **7:40 pm**.
    1. Executive Session (held at the end of the meeting to accommodate guests).
       1. There was a motion by Director JP to enter an executive session with the District’s attorney (Anita) for the purpose of receiving legal advice regarding acquisition of the Bezzant property. The motion was seconded by CT and unanimously approved by the Board.
       2. The District’s attorney (ALM) stated that, as the District’s attorney, it is her opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication, and that she, therefore, recommended no further record be kept until the executive session has been concluded. The purposes stated are proper purposes pursuant to C.R.S. §§ 24-6-402(4)(b).
          1. The Board entered executive session at **7:41pm**. No record was kept of the executive session pursuant to state law.
          2. The executive session concluded, and the Board returned to the public meeting at **7:56 pm**.

1. Engineering.
   1. Updates from Will.
      1. Darrel talked to CDOT. Discussion about what CDOT said and where the best spot for the driveway would be (original location is the easiest spot).
      2. Discussion about driveway easement and what the road would look like based off Park County and CDOT.
      3. Discussion about what was said in the previous meeting about the property and needs from both parties for the layout.
      4. Discussion about the Grant check that came in this month and other checks that are expected.
      5. Discussion about the LWTF grant and other grants we have worked on and what to expect.
2. Other business.
   1. Letter from Craig.
      1. Discussion about the letter Craig sent out regarding request to bid for auditors.
      2. Motion to approve Craig’s letter for Auditor bid request.
         1. DE motion.
         2. CT seconded.
         3. Approved.
3. Public Comment.
   1. Discussion about the budget and how the grants go into it.
   2. Discussion about the water project and what the board is doing to work on it.
   3. Discussion about the leak in the system and how it is affecting the water station. Discussion about what the maintenance guys are doing to correct the leak.
   4. Discussion about BMH.
4. Adjourn (7:57pm)
   1. CT motion.
   2. JP seconded.
   3. Approved.

**September 24, 2024, Meeting Minutes**

1. Call to Order (6:02 pm).
2. Attending.

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| John P | Chip T | Tom K |
| Miguel G | Darrel E |  |

1. Approval of Minutes from July 30, 2024, Meeting Mins.
   1. Changes.
   2. Motion to approve the July 30, 2024, Meeting Mins.
      1. CT motion.
      2. TK seconded.
      3. Approved.
2. Approval of Minutes from August 28, 2024, Special Meeting Mins.
   1. Changes
   2. Motion to approve the August 28, 2024, Special Meeting Mins.
      1. MG motion.
      2. CT seconded.
      3. Approved.
3. Approval of Agenda for September 24, 2024, Agenda.
   1. Changes.
   2. Motion to approve the September 24, 2024, Agenda.
      1. MG motion.
      2. TK seconded.
      3. Approved.
4. Legal.
   1. Executive session to further negotiate with the Bezzants and their counsel.
      1. A motion was made to enter an Executive session for purpose of negotiations between BWSD and the Salzamar Properties, LLC for the purchase of real property pursuant to 24-6-402(4)(a).
         1. Motion.
            1. MG made motion.
            2. CT seconded.
            3. Unanimously approved.
         2. The Board entered executive session at 6:24pm. A recording was made via Zoom.
         3. Motion to leave executive session for purpose of negotiation.
            1. MG made motion.
            2. CT seconded.
            3. Unanimously approved.
         4. The board left executive session for the purpose of negotiation at 6:45 pm and the recording was stopped.
   2. There was a motion by Director JP to enter an executive session with the District’s attorney (Anita) for the purpose of receiving legal advice regarding acquisition of the Bezzant property. The motion was seconded by DE and unanimously approved by the Board. The District’s attorney (ALM) stated that, as the District’s attorney, it is her opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication, and that she, therefore, recommended no further record be kept until the executive session has been concluded. The purposes stated are proper purposes pursuant to C.R.S. §§ 24-6-402(4)(b).
      1. The board entered executive session at 6:45pm. No record was kept of the executive session pursuant to state law.
      2. The executive session concluded, and the board returned to the public meeting at 6:53pm.
      3. Motion to enter executive session for the purpose of receiving legal advice (6:45pm).
         1. JP motion.
         2. DE seconded.
         3. Approved.
      4. Motion to exit executive session (6:53pm).
         1. JP motion.
         2. MG seconded.
         3. Approved.
   3. There was a motion by director JP to enter an executive session with the District’s attorney (Anita) for the purpose of discussing personnel legal questions. The session starts (6:55pm).
      1. Discussion about work that is needed at the plant and who is currently doing the work. Discussion about expected work that is coming and expected hours. Discussion about requirements for anyone working on BWSD.
      2. Discussion about Mac’s Independent Contractor Agreement. He and Anita will draft a new one.
      3. Discussion about a possible operator that Mac has been talking with.
      4. Motion to exit executive session (7:09pm).
         1. MG motioned.
         2. DE seconded.
         3. Approved.
   4. Draft employee handbook.
      1. Still working on handbook.
   5. Draft aerial easement for power lines.
      1. Anita got it drafted. Will forward to Mac.
   6. SDA.
      1. John gave Anita a couple business cards that he got from SDA that could help with the bond work. Also, cards for loaning money to municipal projects. Discussion about what they offered and upcoming changes. Also a card for COsafe for interest building on money for SDA.
      2. Discussion about SDA conference.
5. Guests.
   1. Craig (Budget).
      1. Audit proposal.
         1. Discussion about the audit proposal request that will be going out tonight. Discussion about where Craig found these firms (9 different firms).
         2. Discussion about next steps for the audit proposal.
         3. December meeting should have options for the board on who they want to work with for the audit.
      2. Budget.
         1. Draft budget is based of numbers as of Aug 31, 2024.
         2. Discussion about R/M numbers. Increase from previous year. Discussion about Budget officer (Cami).
         3. Discussion with Will about expected expenditures on the engineering side. Will will reach out to Craig with estimates this week.
         4. Discussion about Colotrust and expected interest from them.
         5. Will firm up numbers by the 15th of October.
         6. Discussion about grant money and other “unexpected” money that comes in and how it will be reflected in our accounts.
6. Operator Reports.
   1. August (reviewed reports).
   2. September (review reports).
7. Engineering.
   1. Updates from Will.
      1. Additional water quality sampling and analysis is required to refine the treat process design.
      2. Working with PC regarding an upcoming project to replace the culvert on County Rd 64 and what is needed from the BWSD. Will will work on LWTF grant for this project. Discussion about how this project will effect our current lines.
      3. Draft PER has been completed for WWT project. Docs will then be submitted to USDA.
      4. Discussion about copper and zinc compliance deadline. Will submit a report documenting the progress on the facilities.
8. Administrative.
   1. Adjustments.
   2. Billing Register.
   3. Past Due Customers.
   4. System Totals Report.
   5. Sales and Receivables.
   6. Balance sheet.
   7. Transaction list by Vendor.
   8. Deposit detail.
9. Old Business.
   1. Leak.
      1. The leak was fixed by the Pot Shop. The water storage tanks are gaining water back.
10. New Business.
    1. Budget (Discussed above).
    2. Independent Contractor (Discussed above).
    3. B Operator Job description (Discussed above).
    4. SDA meeting (Discussed above).
11. Adjournment (7:54pm).
    1. TK motion.
    2. CT seconded.
    3. Approved.