

Tabernash Meadows Water & Sanitation District  
Board of Directors Meeting Minutes  
729 Aster Drive, Tabernash, CO 6:00 p.m.  
July 11th, 2023

**1. Call to Order: 1 minute.**

- a. Anderson called the meeting to order at 6:00 p.m.
- b. Attendance - Board Members and Staff present: President Bill Anderson in person, Treasurer James Drewett in person, Member-at-Large Richard Tarde in person, Member-at-Large David Peters in person, Manager Thom Yoder in person, Accountant Donette Schmiedbauer in person.

Consultants: Russ Newton General Legal Counsel in person, David Kueter Water Legal Counsel via video. Neil Shilling, Auditor, joined at 6:40 pm via video.

Public attending via video: Susan Koeneke - resident.

Public attending in person: Scott Cote - resident.

- c. Ratification of Disclosures: None.

**2. Board Seat Vacancy Update: 5 minutes.**

Vacancy of Ethan Foster's seat discussed, Newton advised that a verbal request for appointment is valid and written request is not necessary. Resident Scott Cote expressed interest in being appointed to the board and requested consideration. Motion by Drewett to appoint Scott Cote. Peters second. Motion approved 4-0. Legal and staff will process required filings and oath of office. Mr. Cote will be officially seated for the August 2023 meeting.

**3. Possible Approval of Financials, June 2023: 17 minutes.**

Yoder reviewed check registers for June, Schmiedbauer highlighted specifics on Injector System charged to Capital, Hatch Lab Supplies Order, change to some company accounts to be set up for ACH payments to ensure timely payment. General review of costs and financials commenced, highlighting that due to the Public Depository Act they are having some issues finding a bank to meet requirements with an update from Yoder that he is still working on solutions. Motion from Drewett to approve Financials as presented. Peters Second. Motion approved 4-0.

**4. Possible Approval of Minutes, June 13, 2023: 10 minutes.**

Yoder informed the board some amendments to the June minutes were needed to fix typos and reflect public comment from the May 9th meeting from resident Chris Key inquiring about the sufficiency of fire suppression water and a comment from the June 13th meeting from Scott Cote complimenting staff and board on doing a good job. Drewett Motioned to approve minutes with amendments as discussed. Peters Second. Anderson abstained due to absence from the meeting. Motion approved 3-0.

**5. 2022 Financial Audit Presentation, Neil Schilling.**

- a. Possible Approval of 2022 Financial Audit: 27 minutes. Schilling presented the Audit findings with edits from the board regarding some verbiage errors. Drewett Motioned to approve 2022 Financial Audit with noted changes. Peters Second. Motion approved 4-0.

**6. Managers and Operations Report:**

- a. **Operations Report:** 18 minutes. Brief discussion on a spike in the Booster System due to an unauthorized use of a fire hydrant, Yoder discussed possible solutions. Yoder revisited discussion on Roberts Pond leak and consideration of clay liner fix with intention to find grant money to help with the cost of repairs. Yoder also discussed a suspected lightning strike at the effluent pump at the wastewater plant, emphasizing the importance of redundant pumps. Staff are working on secondary pump rebuild for redundancy purposes.
- b. **Tap Inventory Update:** 23 minutes. Tap inventory added to New Business. Board unanimously requested an addition to future operations reports to cover inventory of taps available for sale. Brief discussion regarding confusion from residents on allotted water usage amounts per household per day with Yoder confirming he will continue holding information sharing meetings to provide residents with accurate information. Yoder expressed desire to wait until staff receives an engineer report for an accurate tap inventory with direction from the board for Yoder to move forward with engaging an engineer to do tap analysis and inventory update and to bring forward the findings at the upcoming August meeting. Board members expressed interest in keeping an operating dashboard of taps available for sale as well as basic analysis of monthly household usage omitting personal household information.
- c. **Reservoir O&M Agreement:** David Kueter. 19 minutes. Revisit goal to create agreement between all stakeholders to cover reservoir associated costs and water rights. Major points of agreements discussed, including establishment of everyone's storage space ownership, maintenance costs, and compromise regarding major repairs. Kueter also discussed the provision to have a mediator come in and assist with agreement. Kueter presented a signed agreement from Bradley with recommendation to the board to approve an agreement which will be effective once signed. Drewett motioned to approve the agreement as presented. Peters Second. Motion 4-0. Anderson signed the approved O&M agreement, witnessed by Secretary-Treasurer Drewett.
- d. **Water Rights Filing Update:** David Kueter. 11 minutes. Kueter described an augmentation decree allowing coverage to new properties added to the district without requiring changes to the original plan. Deadline for opposition ended in June, Kueter explained multiple oppositions made and discussed use of the District's Water Engineer Jim Pierce to develop solutions to come to an agreement with the opposers in court. A status conference with the Water Referee has been scheduled for August. A brief discussion was had further explaining the court process and filing requirements.

## 7. Seter Status Report:

### Legal Status Report: 2 minutes.

- a. Rules and Regulations - No change.
- b. District Tap Fee Collection and Inventory - Newton added inventory to report.
- c. WWTP District and County IGA - No change.
- d. Ward Property Inclusion - Updated to reflect current status.

Red Hawk Ranch Property Inclusion - . Red Hawk Ranch Inclusion Update: 37 minutes. Newton presented related documents. Extensive discussion regarding rules and regulations for Inclusion and IGA terms. Clarification made on IGA providing revenue bond through set tap fees. Further discussion in executive session.

- e. Facility Expansion – Discussed in Tap inventory and executive session.
- f. District Debt Service – no update.
- g. SB23-303 – no update.

h. Tabernash Waterline Update: Legal reviewing recapture agreement draft with staff. Waiting on easement language, as-built drawings for engineering review.

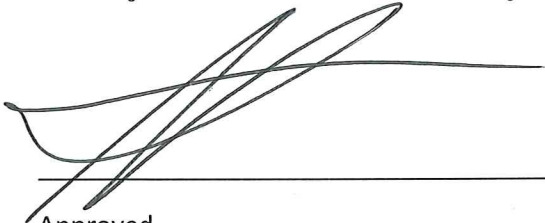
**Executive Session:** Drewett motioned to move into executive session citing § 24-6-402(4)(b) and (e)(I) at 9:01 p.m. for legal consultation specific to the Red Hawk Ranch Inclusion. Peters seconded. Motion 4-0. Public was asked to leave for movement into executive session. Drewett motion to exit executive session at 10:01 pm, Peters Seconded. Motion passed 4-0. No decisions were made.

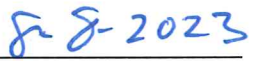
8. **Old Business:** Yoder reported he had spoken with Dean Stoughton per Tarde request re: aquifer study. Stoughton is not ready to discuss or report findings.

9. **New Business:** Anderson discussed limiting time during discussion of agenda items. Time will be kept with the goal of listing the amount of time needed on each item in the future.

10. **Public Comment:** None.

11. **Adjourn:** Anderson moved to adjourn at 10:10 pm. Next meeting 8-8-23 6 pm.

  
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Approved

  
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Date