

## Scofield Reservoir Special Service District

### MEETING MINUTES – September 4, 2024

| <u>IN ATTENDANCE:</u>                  | <u>OTHERS ATTENDING:</u> |
|--|--------------------------|
| Jerry Zumbrunnen - Clear Creek         |                          |
| K.C. Williams - Singleton              |                          |
| Steve Carlson - Steve's Plumbing       |                          |
| Scott Olsen - Forester-                |                          |
| Rick Davis- Bolotus                    |                          |
| Val Johnson Vice Chairman – Campsite – |                          |
| Rudy Metelko Chairman – S. West        |                          |
| Geni Hawk, Secretary                   |                          |
| Soleil Melo, Administrator             |                          |
| Christian Brynner - Attorney           |                          |

The meeting was called to order at 10:00 a.m. in the 2nd floor Conference Room of the County Administration Building by Rudy Metelko.

**Item #1:** Roll call see above:

**Item #2:** Approval of Minutes from previous meeting: KC had a question about the minutes and was concerned about what the County is approving. Christian explained to KC that this was to approve the accuracy of the minutes not to dispute what the item had approved. KC then understood and stated the minutes were correct.

KC made the motion to approve the minutes,

Val seconded

Approved.

**Item #3:** Review of Financial report – PTIF fund \$161,000 through 6-30 consisting of bank statements and checks as set forth in packet.

Rick made the motion to approve

Scott seconded

Approved.

**Item #4:** Approval of new ordinance for bid limits – Christian stated it was discussed in the last meeting to be anything \$10,000 - \$25,000 we need 3 written estimates anything over \$25,000 we will seek sealed bids and anything under \$10,000 will make reasonable and diligent efforts to get the lowest price, but not requiring written estimates. Christian needs the document re typed. Geni offered to re type it. Christian stated that Soleil had reminded him several times to have this prepared and he was appreciative of that. Rick stated that in the minutes you stated

that if a pump was \$20,000 you can always do a sealed bid. He was wondering if we should bump the number up and do some research on the cost of a pump and if the pump replacement would fall under an emergency. He wanted Val to be able to purchase a pump in an emergency without getting estimates. Christian said it stipulates that in an emergency we would not have to go out to bid, but if we are looking to just go out and buy a pump to have on hand it will need to go through this process. Val said that wording is in policy for an emergency. Rick said is there a ceiling number for the purchase of a pump for an emergency and Christian said no. Steve stated that we always keep pumps on hand so there wouldn't be an emergency situation. And then if we use one on hand we would then go through the policy procedure to purchase another one to have on hand. Rudy asked if the pumps ever exceed 15,000. Steve said usually not. Rudy agreed. Scott asked if we rebuild pumps, Steve said they have tried that in the past without much success and it is expensive to rebuild them and they just don't last very long. Rudy stated that Flight used to rebuild them.

KC made the motion to approve ordinance on the bid limits as discussed

KC seconded

Approved

**Item #5: Open and Public Meeting Act training** – Christian said that this is an annual requirement – the ACT talks about what needs to go on agendas, what needs to be discussed in a meeting. Christian did not bring a handout he will cover the items most applicable to this board. As a board we are subject to this ACT because we are a public body and under that ACT public bodies are to take their actions and deliberations openly, so that means any decisions that are to be made by this board has to be in a public meeting. Additionally any thing that you have jurisdiction over, even if you are not going to vote on it, if you are going to talk about it, it will need to be in a public meeting. A public meeting is anything where there is a quorum as aboard. You can talk about things with another board member, you can talk about things that pertain to this board as long as you are less than a quorum. If you have a chance meeting it is ok. On agendas we must provide reasonable specificity to notify the public as to the topics that will be discussed. It needs to be clear enough so the public can understand and have an item about. Christian stated that Soleil has done a good job at that. The agendas must go to a news paper and to the media and posted online 24 hours before the meeting. Can the public raise a topic to be discussed if it is not on the agenda? Yes, but only if the chairman allows that. But you can't take action on something that is not on the agenda. Who can place an item on the agenda? Typically, any board member can put anything on the agenda. Can the public put something on the agenda? You can allow it or not. It's the chairman's decision. This meeting is the Boards Meeting It's not a public forum for the public. When it is stated as a public meeting that means the public can come and hear your meeting on items you want to discuss. Items like approval of contracts, typically a bid opening, pass an ordinance or a resolution, make a policy statement in support of an event or if you want to take a position on something that is in the news, position in support or against the Commissioners. No letters should go out without approval of the Board. Giving presentations can be on the agenda but no decision will be made. New statute, Individuals constituting a quorum of a public body, may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter. You can go to each other one on one and state your

views. Emergency meetings may be held to covered that me arise because of unseen circumstances, but even if you have an emergency meeting you still must give the best notice practicable with the time and place of the meeting and the topics being discussed. It is not the same as an electronic meeting. A decision can't be made by email or phone. We can do an electronic meeting where some participants can attend through an electronic video, but still must have an anchored location and a place for the public to attend unless the chairman conducting the meeting feels an anchor location presents a threat to the public for health or safety reasons. Closed sessions – in order to go into a closed session, you have to meet the requirements in the statute, and you must vote and 2/3rds of the members of the board agree to go into closed session. Closed meetings still need to be recorded and the recording needs to be stored unless the purpose of the closed session is to discuss a matter of character or competency of an individual. Reasons to go into a closed session – to talk about security devices, to strategize about the purchase or sale of real property, if we need to talk about litigation, if we are being sued or need to sue somebody, we can go into a closed session. We do not need to put it on the agenda, anybody at anytime can make a motion to go into a closed session but only if it meets one of the statutory reasons. The minutes and the recording must be kept forever. Approved minutes should be made available after being approved by the board with 3 days if possible. If action is taken outside of a meeting and we were not supposed to, somebody who sues us can win attorney fees against us to avoid a final action that was taken in derogation of this ACT and also knowingly violating this ACT is a misdemeanor. If a person willfully disrupts the meeting to the extent that orderly conduct is compromised, that person may be physically removed from a public meeting.

**Item #6:** Review of annual inspections report for LUWDS – Steve stated the inspection went well, and the report is in your packet.

**Item#7:** Steve Carlson update on sewer system – Steve stated nothing was new and everything was going smoothly. KC's question – we issued 2 types of permits a commercial or a residential, what are the new places? Soleil stated that they are all considered a single family. So, the owner does have a business license. Scott asked which is higher a commercial or a residential? Soleil did not know. But it was still considered residential even though he is running it as a business. Christian asked if the permit was only issued once? Soleil said yes for the building. The only thing needing renewed would be the business license. Soleil stated it is new place in Bolotus. Christian asked if they are single family sized home and Steve stated that they were. Val said it doesn't matter how many people can be there it is still considered a single family. Val said that we discussed the capability of the system and didn't feel there was any issues because they have site hook ups what the system was designed for. Scott stated there is a sign on the building that says Scofield rentals. Scott says it is a commercial endeavor and it should be billed that way, he stated that was just his opinion. KC said in our bylaws it says 125lb waste a day and maybe on the next agenda we should review how we are billing people. He stated it is 350 gallons a day per person and 150 for every other bedroom. A way to measure the flow. Rudy said if we do that then it will cost the board to find a way to meter it. A family house is set up to occupy 24/7 and it's not much bigger than a regular family. Rudy said to put it on the next agenda. Soleil stated he has paid the annual fees. Christian said it is something we

will see more and more of. Val said maybe we should look at it but do we have the right to say or ask what it will be used for. We do not know if we have commercial rates Soleil said she thought it was the building that is classified and it is a home. Rick thought a trailer if it is parked by a home and can they hook onto a sewer and he couldn't find anything that said they couldn't. Some have cabins some don't. Rudy stated that If a person owns a lot he can bring his trailer up and temporarily hook into it as long as the fees are paid. Val said, but if there is a cabin there they he can't hook up a trailer because it states one living quarters. Rudy said we had this problem in Clear Creek just stopping and dumping. Someone will need to see if that is in our Bylaws. Val asked what it would take to update the bylaws. Soleil said the bylaws were last updated in 1988. Christian recommended this being put on the next agenda and everyone read the Bylaws and let's work on it. Scott said it will take more than one meeting and maybe even a year. Val said maybe everyone can email their ideas into Soleil to compile and then we have a meeting as need to go over them. Christian maybe some amendments can be made now and some later.

Christian suggested for next agenda: Discussion and possible amendment of Bylaws

Scott would like to make one comment on 6 & 7 before we move on. The reason we are getting good inspections is because of Steve's work.

**Item #8:** Discussion on adding another tank to Helsten's – Scott – when he read the bylaws after the discussion, he doesn't think we should be paying for Helsten's systems to be pumped period. That is the way it reads. It reads "if you are not able to hook on to the system your responsible for your own" So he feels Helsten's and Panniers should do their own. Soleil said Panniers are hooked on they are under Lazy P's. Steve said they aren't hooked up they just have a holding tank and Soleil said that they pay the \$300 annually. KC said it was never planned by Pleasant Valley Special District to have that there. He has tons of stuff showing that they weren't even requesting a permit to be on it. Scott – Not lose sight of this that even if they pay their \$300 it costs us a lot of money to us with valley tank. So, Scott wants them put on notice to keep their 300 and pump their own. Steve asked if there was ever an agreement with them originally. Soleil can't find any contract with either one. Val said he asked these questions and he always felt it was pushed aside. KC recommends tabling this item to next meeting. But everyone that has hooked up should have a hook up agreement. Christian asked – So Helsten's pays a fee each year, Soleil said she doesn't know which Helsten that is to answer that question. Christian asks if we don't pump theirs Helsten's doesn't connect to anything else, it's just that we pay valley tank to come and dump them. Val said they are too close to the lake for a leach field. Val said if we can't find an agreement it may be a phone call to Ted. Rudy said the only thing he can remember is when the sewer was put in Panniers it was too costly to try to hook them into Scofield West. Val – So we were required to hook them into it but they decided as a board it would be cheaper for us to just pump it into Scofield West. Rudy said the lift station would be too expensive. Val said if we push on this hard that it will fall back on us but where is this legal contract that states we are married to this situation. It will be 100s of thousands of dollars to put in a lift station for those 2 and you couldn't do with Helstens anyway. Rudy said for Helsten's he doesn't remember anyone talking about it. So he doesn't know if the District just absorbed them into the system or what? KC has everything on Helsten's since he has been on the board and the trouble it has caused. Rudy said when they

built it they had not way to hook onto it and they are out there by their selves. Steve asked – then why does the District have to absorb the cost. Rudy doesn't know what was originally set up with the Helsten's. Christian asks – When they go get a building permit that is where stuff happens. KC said, "That is why those tanks are there, the County planning and zoning" Soleil – well things were done different back then in the 80's. KC doesn't think things were done different. Val said Helsten's was grandfathered in because they had existing dwellings there. And then they took those dwellings out and put this one there and that is why they were allowed by the County because they had existing dwellings already there. Rudy said the sewer tanks were put in before the new building was there. Christian asked if those are the tanks still being used one of them is used as storage now, then they built a new one on the grandfather clause. Steve are you sure that tank was there before the built the new cabin. Rudy said yes and KC said he was not sure. Soleil asked if anyone knew when the new big cabin was put in? Val said around 15 years. KC said it wasn't there when he built and he build in 2009. Panniers have been there all along. Christian said the legal issue he see's is: If our bylaws expressly forbid us from tacking on Helsten's sewer tank, so if we took them in opposition to our bylaws are there legal grounds by which we have to keep them on. That is the real question. Just because we have done it forever do we have to keep doing it? Scott thinks it should be spelled out, if it was a special case we should have had some direction from Legal or the previous board. KC thinks there should be an application for a sewer connection. Somewhere there should be an application. Soleil said what is the Helsten we are talking about and KC said Derek. Soleil said Derek Helsten does pay \$300 every year. She will have to look back in his specific file to see if the application is there and she will look. Steve said both properties are pumped when the truck comes over which is 2 or 3 times a year. Soleil will also get how much we spend a year to pump them. Rudy said there is not many people at Pannier's Steve said they don't use it as much as Helsten's. The one brother bought the other brother out. **Jerry?** I Can see how we have some responsibility with Pannier's but someone who just build their cabin out in the middle of nowhere, he doesn't understand why we are responsible for pumping their tank? Ruddy said He doesn't know what was done in 1988. That was the date the entire sewer system was put in. Val asked if the applications that Soleil has are paper or are they digital? For Helsten's. She said no, it would be in a filing box. Christian say's he has some legal research to do. Because they will claim "you agreed to it so you are stuck with it", KC from all the minutes that he has, it doesn't say we approved it. Christian said that they will say you agreed to it by your actions of pumping it and accepting our money over the years so that is how you signified your agreement. So, we will have to decide how to respond like your rates will now change or something along those lines. Steve said legally you can raise rates, right? Christian said yes. Christians concern is even if we raise everyone's a little bit. He thinks they need to be specially assessed, differently than all the rest. Val said can you do that legally and Christian said, that is the question.

Put this discussion on the next agenda with answers to the legal questions ect.

**Item #9:** Discussion on what funds to use for another tank to Helsten's

**Item #10:** Easement information on Lazy CP LTD Parntership/Pannier's – Soleil found the folder that someone else created and she attached everything that was in it. Rudy, they did find it back in 1990 we have an easement and right away for the sewer company (Special Service district) to do what we need to do on their property. Christian said it does say maintain and operate.

**Item #11:** Discussion individual board members for Helsten & Pannier's – Rudy said no and asked the item to be removed.

**Item #12:** Other Business that may be brought before the Board – KC still concerned because he thought the board approved these permits. He said no further steps needed to be taken because Carbon County approved it. Val – The County approved the permits for building those cabins but we as a board met and discussed it and said to go ahead and hook to the system. KC said we could not approve it in that one meeting because it was not on the agenda. Val asked if there is another property? KC said the family rental one. Everyone stated that that is the same thing as the Condos. Soleil said They are now not Condos they are single family. Christian said did you make a motion and KC said no we didn't because you said it wasn't on the agenda. Then Grimes came in and presented. Val said we didn't approve anything at that meeting but then Steve went and did some investigative work and he said if there was a lot there, the sewer system was planned for that even if there wasn't yet a cabin. We need to look at the minutes. KC says he has the minutes but has too much to look through right now. He also has a question about changing the Zones and KC feels like we need better communication with Planning and Zoning. Soleil said they could get approval for Condos. KC found minutes and quoted "Ben asked Christian if they can approve the concept and Christian said no, it was not on the agenda and to move to the next agenda" Everyone said that would have been last year. KC said no it was June 2025, which is when they were approved but they were minutes from December of 2024. Soleil said it would have been March. Christian read the agenda from March and stated that it was item #8 and we should look on the June meeting for approval. Val asked if we need to put it back on the agenda and make it official? Christian said he didn't know because now they are hooked up, right. Val said yes. Soleil would have told them if we did not approve it. Rudy was sure we did. Christian said let's look back into the agenda and in the bylaws in determining whether we will keep Helsten's on. And what justifies doing that and we also need to look at possibly separate assessments for Commercial type projects. Unless we set up a new bylaw for Commercial projects and if they have a business license and Christian will look into it. Val asked if it be considered grandfathered in and Christian said that it what he will look into. Val said we need to have something moving forward because this is going to happen more and more. Soleil said Air BNB's have their own set of rules by the state so that should also be looked into. Are there any other cabins that are used as air bnb's no one thought so? Val said There was a big cabin in campsite but he doesn't rent it out anymore. But Campsite fought for him not to rent it out and paid \$145,000 in legal fees and Campsite lost. Val will look at their bylaws in Campsite but not sure if they added anything. KC said he found where the county gave permission for a camp trailer to hook on, Soleil said planning and zoning did approve those for the little RV park. Soleil said that Todd also said if they were going to use them with individual hook ups with the power then they needed to be paying 2 sewer hook ups. They

claimed they were only doing one. Val said go get photos if they have more than one hooked up. Rick said he doesn't know how to go about it but even people who have cabins and a family comes up and brings a trailer, they should have to pay a little more. How do we enforce that? Val said he thought that we decided to send something out with the annual renewal that some of the things we wanted to be aware of, like your camp trailer for weekend, Soleil said that was not on the invoice. Val so some of the information we want to get back to doesn't really go to everyone it just goes to the people who own the cabin. Val said if we get a picture on he has 3 or 4 hooked onto that line then you can only hook one trailer. Rick said is it overloading our system. Rudy said no there is a hookup there so it is not. Maybe we should have it as an option but have a fee required or tell them no you can't and then they sneak and dump it at night? Everyone said there is no way to regulate that. Rudy said we do not want to regulate that. Everyone needs to keep an eye out. Val suggested warning cards to place on windshield. KC asked Soleil if we could get a copy of everyone on our sewer system. Soleil will get that. KC has a book Pleasant Valley Waste Water treatment facilities and Scofield Special Service District and it explains what we are responsible for. Christian said we should not lose that book that is a valuable document. Was that before the formation of this Special Service District. KC said it was revised in 1989. KC quoted "Prepared for Scofield Reservoir Special Service District". Val said do we need to digitize it. Christian said we may have it already but who knows. But we should keep it. KC said It's not bylaws just responsibilities. Val said it is the operation maintenance manual and they would have been required to hand out 6 of those. It is not a governing manual.

**Item #13: Adjourn**

Motion to adjourn by Val and second by Scott, Unanimous

Rudy Metelko  
Rudy Metelko, Chair