

RECORD OF PROCEEDINGS
PAGOSA AREA WATER AND SANITATION DISTRICT
SEPTEMBER 13, 2011 REGULAR MEETING

Attendance

The following Directors were present: Allan Bunch, Windsor Chacey, Jan Clinkenbeard, Steve Hartvigsen, and Roy Vega.

In attendance from staff: Ed Winton, Shellie Peterson, Mat deGraaf, and Renee Lewis. Also present were: Lindsay Bright, Jodie Blankenship, and Jim Class.

Call to Order

The Regular Meeting for the Pagosa Area Water and Sanitation District (PAWSD) was called to order by Chairman Steve Hartvigsen at 6:30 p.m. on September 13, 2011.

Disclosure of Potential Conflicts of Interest

Windsor Chacey had previously submitted a Disclosure as a Board Member for the District and as a member of the Board of Directors of the San Juan Water Conservancy District. The Board noted, for the record, that this Disclosure be restated at this time with the intent of fully complying with laws pertaining to potential conflicts of interest.

Approval of Consent Agenda

The Board considered the Consent Agenda. The Directors reviewed the minutes for the August 9, 2011 Regular Meeting, Water Loss Update, Projects Update, Wastewater Treatment Offer of PAWSD to Town of Pagosa Springs Update, and the PDPA Report. District Manager, Ed Winton, reported the water loss for the month of August to be 23% and for a change to be made in the July Water Loss Update to read 17% instead of 10% as was reported earlier. This change to the July update was due to an error found in the Fire Department's hydrant flushing worksheet. Mr. Winton provided the Board with an update on his explorations with the Town of Pagosa Springs regarding treating its wastewater at the PAWSD Vista Wastewater Treatment Plant in stating that the explorations were proceeding forward and he requests direction to send a letter to the Town Council reinforcing PAWSD Board of Directors' intention to continue with such negotiations and to schedule a joint meeting. Director of Business Services, Shellie Peterson, provided the July 2011 PDPA Report in stating that Bank of the San Juans was collateralized at 1.14%. A motion was made by Director Bunch and seconded by Director Clinkenbeard to approve the Consent Agenda as presented. The motion passed unanimously.

Public Comment

Mr. Jim Class requested in person that the Board consider waving any delinquent fees owed to PAWSD that had been previously certified on three vacant lots he had recently purchased through the County's auction process. The Board explained that while it understands the difficult situation that Mr. Class has been presented with, it has only known of this issue for a short period of time and has not been able to receive the legal advice necessary to make a decision at this time. The Board assured Mr. Class that any delay in its decision making would not negatively impact his accounts.

Consideration of Request for Leak Rate – Mr. Alan Powdermaker

The Board considered a request for a leak rate from Mr. Alan Powdermaker (copy attached). This item was tabled at the August 9, 2011 Regular Meeting pending more information from staff regarding the difference between the billing estimate provided to Mr. Powdermaker on June 10, 2011 and his final bill. Following a lengthy discussion with PAWSD Water Conservation Coordinator, Mat deGraaf, regarding how he arrived at the erroneous estimate that he provided Mr. Powdermaker, a motion was made by Director Clinkenbeard and seconded by Director Bunch to bill Mr. Powdermaker the full amount that is owed on his account. The motion passed 4-1 with Director Vega opposed.

Consideration of Request to Extend Temporary Waiver of Back Availability Fees – Mr. Raymond Finney and Mr. Ian Weerstra

The Board considered a request to extend the temporary waiver of back availability fees granted in June 2011 to Mr. Raymond Finney and Mr. Ian Weerstra (copy attached). This item was tabled at the August 9, 2011 Regular Meeting pending more information from staff regarding the process status of the lot consolidation. A motion was made by Director Bunch and seconded by Director Vega to extend the temporary waiver of back availability fees for 60 days to allow for Mr. Finney and Mr. Weerstra to complete the lot consolidation process. The motion passed unanimously.

Ratify Board Agreement Regarding Request from Mrs. Lee Collins

Mrs. Lee Collins' account was assessed a Capital Investment Fee in the amount of \$1329.00, per the District's Rules and Regulations, § 10.14.1, because it was discovered by PAWSD field staff that she had an additional living unit above her garage that was not originally recorded with the District. Mrs. Collins had submitted to the Board a request to waive the \$1329.00 due to financial hardship (copy attached). As the Board had reviewed and discussed said request from Mrs. Collins during the August 23, 2011 Work Session, a motion was made by Director Vega and seconded by Director Clinkenbeard to ratify the Board's agreement on August 23, 2011 to offer Mrs. Collins a payment arrangement for the additional .5 Equivalent Unit assessed, or as an alternative she could pay to have a new meter installed for this additional living unit on her property. The motion passed unanimously.

Approval of Revised PAWSD Salary Policy

As the Revised PAWSD Salary Policy (copy attached) was presented and reviewed during the August 23, 2011 Work Session, Ed Winton summarized the policy as providing increased advancement expectations for employees while decreasing the level of subjectivity applied by management. The revised policy also allows for increased on-going rewards for documented employee improvement and increased transparency for employees in the overall career development process. The policy also continues to provide the Board with the authorization for Cost of Living Adjustment increases and overall yearly wage/salary increases. A motion was made by Director Chacey and seconded by Director Bunch to approve the Revised PAWSD Salary Policy as amended above effective immediately. The motion passed unanimously.

Executive Session Pursuant to Section 24-6-402(4)(b) and 24-6-402(4)(e)

A motion was made by Director Bunch and seconded by Director Clinkenbeard to enter into Executive Session at 8:07 p.m. for the purposes of discussion of matters subject to negotiation, including Court Case 04CW85, pursuant to Section 24-6-402(4)(e), C.R.S. and for a teleconference with the District's attorney, Evan Ela, for the purposes of receiving legal advice on specific legal questions regarding water rights pursuant to Section 24-6-402(4)(b), C.R.S. The motion passed unanimously.

Return to Open Session

The Board returned to open session at 9:50 p.m. Upon returning to open session, a motion was made by Director Bunch and seconded by Director Chacey to adopt Resolution 2011-10 – Resolution Affirming Pagosa Area Water and Sanitation District's Intent to Seek Changes In Point of Diversion and Places of Storage For Certain Water Rights, and Directing The Filing of An Application Seeking Judicial Confirmation of Same By The Water Court, and All Related Actions. The motion passed unanimously.

Other Business

A motion was made by Director Vega and seconded by Director Bunch to call a Special Meeting on October 25, 2011 at 6:30 p.m. for the purposes of a public hearing on certification of delinquent accounts to the County Treasurer. The motion passed unanimously. Special Projects Manager, Renee Lewis, reminded the Directors that Water Information Project's Water 101 class is scheduled for October 7, 2011 at the Pagosa Springs Community Center and to notify her if any member of the Board wishes to attend.

There being no further business to come before the Board, the meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Windsor Chacey
Secretary/Treasurer