



UEB Meeting Minutes, March 30, 2022

Meeting Time and Location: Began at 4:30pm. Held remote via Zoom meeting.

Attendance: Jim Kerr, Lee Hall, Mike Jackson, Chris Cope, Chris Meline, Jerry Rotz

Staff: Aaron Caplan

Liaison: Mark Browning (Asked by Mike Karavas to substitute for meeting)

Guests: Brandon Dittman, Town of Lyons Legal Counsel; Philip Strom, Town of Lyons Director of Community Development; Justin Konrad and Zack Tucker representing Planet Bluegrass

1. Amendments to Agenda

None

2. Audience Business.

None.

3. Planet Bluegrass Farm Utilities

Members of UEB and Trustees met with Planet Bluegrass staff on Monday March 28, 2022.

1. Planet Bluegrass said they have no plans for bathhouse for next 5 years.
2. Water share was not paid when house was connected to town water in 1973 but is considered grandfathered in,
3. Town legal counsel said code would require another tap for bathhouse.
4. House is residential and bathhouse is commercial use. Could consider changing house to commercial use and may be cheaper. Slightly different wastewater rates between commercial and residential with residential currently higher.
5. Adding the additional water taps would require 1 CBT share or 1.4 Lake McIntosh water shares. Since Lake McIntosh shares can only be purchased in whole numbers this would require 2 Lake McIntosh shares which are currently much cheaper than CBT shares. Strong opinion from a number of UEB members that Planet Bluegrass should purchase the shares ASAP as this would be financially advantageous to Planet Bluegrass in the long run.
6. Bathhouse will require a new tap fee when the permit is pulled.

7. The residential house will need to connect to wastewater at the same time.
8. There was a lot of conversation around the house and bathhouse taps and could they use a single larger tap. There was a question on the water usage during festival season. Zach answered that it was 60,000 each for July and August. Jim noted that PB has an existing $\frac{3}{4}$ tap, if they want to go to 1" they would have to pay the delta which is the same as another $\frac{3}{4}$ tap. Aaron mentioned that the Town's main water line has moved across the creek along Apple Valley road. Jim asked how many other Apple Valley houses are on that old leftover stub and Aron responded 2. Jim felt it might make sense to have a 1' tap but would expect they would have to go commercial on the residence. Aron said they could have one tap and 2 meters for the two different uses. Lee mentioned that proper design could not accommodate a residence and bathhouse on a single $\frac{3}{4}$ tap. Zach asked if running sewer from the road could include a new water line in the trench. Aron said yes but you would need a big enough trench. Lee emphasized that he hoped Planet Bluegrass understood that they have an opportunity to get Lake McIntosh water shares now for the intended use for a fraction of the cost of a CBT share and this may not hold for the future and strongly suggested getting the water shares now rather than waiting until the bathhouse is permitted. Lee also mentioned that the 270k gallon limit is not a design criterion but a maximum over which you get penalized. Zack stated that they have 60-70K gallons of excess. Lee was concerned that if Planet Bluegrass is shooting for 70% of the limit he is concerned and that much gives us pause on how much you will really be using. Aron stated that 10 businesses in town are at 200k but less than 270k.

There was some discussion of the septic system and the language around how to stipulate that if the septic goes bad and needs major repairs, Planet Bluegrass should be required to upgrade to wastewater service at that time. There was conversation about the code and when properties on septic needed to convert and it was decided that the interpretation was if the property is within town they need to convert over to town wastewater. Zach noted that if there was a catastrophic failure, they would not rebuild knowing they would have to connect to sewer down the road.

Jim reiterated the major points:

1. Have consensus for requirement for a separate tap. Lee consensus is that there would need to be an additional tap or increasing in size of existing tap. Require at least an additional $\frac{3}{4}$ inch tap or increase to a 1-inch tap. Jerry is there an analysis of bathhouse use. Aron yes from existing bathhouse. Jim, we know $\frac{3}{4}$ tap will work and there will be less usage on the Farm than the Ranch property that has $\frac{3}{4}$ tap. Zack said that there are no plans drawn up but it would be

smaller than the ranch bathhouse, about 1000 campers on main portion of the property and about 600 campers on the south side of the river. There was some discussion of RVs which were self-sufficient except for shower use. Zach noted that there were no plans. Jim made the point that it would require an additional base fee and Aron stated there can be multiple base fees on a single account. It was decided that we did not need to make a motion on this. There appeared to be consensus that when water is upgraded, that the connection is not made to the Old Apple Valley water main stub.

2. On septic – require bathhouse to be on town wastewater and convert the house to town waste water at that time or sooner if the existing septic system fails. At the last UEB meeting it was noted a preference to require the wastewater connection within the next two years. Jim noted that Larry Quinn, unable to attend today's UEB meeting, provided written recommendation for the two year time limit. There appeared to be consensus that no specific time period was required for conversion of septic to town wastewater.

Motion – Jim moved that the UEB recommend that the town require PB provide an additional $\frac{3}{4}$ water tap or increase to 1' tap with associated water rights when the bathhouse is built and require an additional base fee. Further recommend that the bathhouse be required to be on town wastewater and the existing house be converted to town wastewater once the bathhouse is built or if the house septic system requires significant modification. Connection to the town wastewater will require separate taps and base fees for house and bathhouse. Lee seconds.

Approved Unanimously

4. Approve Minutes from March 16, 2022

Approved Unanimously

5. Upcoming Meetings

- No UEB meeting April 6th
- MEAN Power Supply/Finance/Oversight Committee Meetings - 31 March

6. Updates

a) Board of Trustees, Mark Browning

At the last BOT meeting Spirit Hounds requested that the town donate Lake Macintosh shares. That request was declined and Spirit Hounds was given 60 days to provide the previously agreed to Lake Macintosh shares.

b) Staff, Engineering. Aaron Caplan

Longs Peak Drive will be finished tomorrow. New stormwater pipe completed along 4th Ave from Railroad to Park. Pedestrian bridge is on schedule to be completed by the end of April/May. School potholes need to be fixed. Discussions at a high level about installing a credit card reader for bulk water and potential idea was to put in dump station and bulk water over by recycling and water plant. Jim – can see issues with water next to wastewater. Lee - what's happening on 4th Ave next the church. Aaron - the sidewalk work is being accomplished as part of pedestrian bridge safe passage to schools grant funding.

c) UEB Chair – Jim Kerr
None

d) Other UEB Members
None

7. Miscellaneous Utility Fee Issues

- Aaron mentioned that wastewater units used in base rate calculations are already mentioned in LMC but may need to be clarified/cleaned up some.
- Next time residential wastewater rates are adjusted consideration should be given to having a minimum calculated winter usage as is done in other towns such as Fort Collins
- Given the recent inflation the town should likely increase water and wastewater rates per the LMC by the inflation rate. Any inflation increase should be applied to both residential and nonresidential rates and not just residential rates as appears to have happened in the past.

8. Solar Farm and Battery Storage Status

Jim, Lee, and Aaron met yesterday concerning the solar farm RFP. Aaron continues to work on the RFP but does not want to release prior to the DOLA grant award contract with Town.

8. 2021 Utility Financial Reports (continued discussion) – Aaron

Main discussion delayed until next meeting. Would be useful to focus on the fund balances. Aaron - Jill closed out 2021 so can use net revenue to project current fund balance as of January 1 2022. Jerry will work with Aaron to get the data. Will try and focus on utility financials at the next meeting.

Meeting ended: 6:07 pm. Minutes Submitted by: Mike Jackson and Jim Kerr