

DONALA WATER AND SANITATION DISTRICT  
BOARD OF DIRECTORS  
MEETING MINUTES  
March 16, 2023

The Board of Directors of the Donala Water and Sanitation District met in regular session at the District's office, 15850 Holbein Dr., El Paso County, Colorado on March 16, 2023 at 1:30pm.

Directors Present: Wayne Vanderschuere  
Bill George (via phone)  
Kevin Deardorff  
Ed Miller  
Ken Judd

Staff Present: Jeff Hodge  
Christina Hawker  
Mike Boyett  
Aaron Tolman  
Ronny Wright  
Carla Edwards

Consultants Present: Roger Sams (GMS)  
Brett Gracely (LRE)  
Linda Glesne (CEGR)

Guests: James Howald (OCN)  
Scott McCulloch  
Jenny Bishop (CSU)  
Kim Gortz (CSU)

President Vanderschuere called the meeting to order at 1:29 pm.

Approval of Agenda:

- No changes to the agenda.

Public Comment Non-Agenda Items:

- None

Review of Minutes:

- Minutes from February 16th, 2023 Board Meeting accepted.
  - Judd motioned to approve, Miller second, all aye.

Review of Financial Statements and Check Summaries:

- Approval of Financials
  - Judd motioned to approve, Deardorff second, all aye.

### CSU Long Term Water Contract:

- Vanderschuere stated there were only two new elements in the contract that surprised us regarding the contract and Jenny Bishop and Kim Gortz with CSU were at our Board Meeting today to help clarify and answer any questions.
- Hodge stated we now have a long-term contract with CSU on the table.
- Bishop stated when it comes to the Southeastern District language in the CSU Long-Term Water Contract, Donala checked all the boxes when it came to the storage contract in Pueblo Reservoir and Conveyance contract with the Bureau of Reclamation going through the Pueblo County 1041 and CSU is really pleased with that. Where the language about Southeast inclusion comes in or some sort of written record saying that the Bureau of Reclamation and Southeast both consent to regional long-term water service and don't have a problem with that is because Colorado Springs Southern Delivery Contract has clause that states utilities will not use any part of SDS for regional services unless it is for entities that are already in the District. However, that language is also ambiguous because it implies CSU is giving out some portion of their capacity within that system as opposed to it being a part of their integrated system. CSU went back to Southeast and the Bureau of Reclamation to ask them about this to make sure they don't cross wired with their contracts and get clarification. Both the Bureau and Southeast stated they know the contract states inclusion and contracts have been issued and Donala has done everything they need to, but we need to get the Bureau and Southeast in same room together to agree on the exact language that needs to be written down. Currently the contract is a 3-year short term with the option to convert it into a long-term contract. It's been hard to get a meeting with the Bureau and Southeast right now because they are really focused on the CO river right now. CSU will be calling the contract a short-term agreement until they receive a letter stating it's okay to proceed with their existing contracts/permits and then the contract with them will convert to a 25-year long-term contract.
- Vanderschuere requested a copy of SDS Conveyance Contract from Bishop since the contract hinges on the language stated in there. Bishop states she will send it over to Hodge.
- Vanderschuere asks in the meetings if CSU just can't get anything written down or if they just can't get anyone together? Bishop states during individual conversations, when all the parties aren't in the same room, one party might state everything looks fine, but they are not sure if the other party will agree with it. So, until everything is on paper, and signed and they receive their letter CSU isn't comfortable.
- Vandershuere stated in the FONSI Donala recieved the Bureau has language clearly saying it is allowed. Bishop said that CSU's legal guidance stated that the Bureau issued contract space in Pueblo Reservoir and authorization to use the North Outlet Works. Bishop states that she would think that because North Outlet Works is connected to SDS they would be one in the same. CSU legal advice was that it's not that clear and the Bureau is quiet on the rest of the SDS. They did allow for conveyance through the North Outlet Works and were silent about the rest of it.
- Goertz stated that she met with Jim during Water Congress in January, and he assured her they are working on it, along with David Robbins. She also stated CSU would like to get it resolved so they will continue to keep pushing and driving in any way they can on the issue to move it along.
- Vanderschuere wants to know if we can help to move it along and who we can reach out to? Gortz stated we could potentially speak with Southeast about the issue to move it along. Vanderschuere said a joint effort might be a great idea.
- Miller wanted to know if both Southeast and the Bureau have verbally stated they are okay with the long term Donala contract. Gortz stated, yes verbally but not on paper.
- Vanderschuere asked if a draft letter has been created that could be used as an authorization and can Donala see it if so?
- Bishop states it has been drafted but cannot be shared because it has not been shared with the proper parties yet and for legal reasons as well.
- Vanderschuere wants to make sure Donala does not want to end up with an unknown obligation.
- Bishop states in any regional contract that lies outside the Southeast boundaries has the same provisions in their contracts. Tri-view has a contract with the same provisions they will be signing shortly.

- Hodge stated that we have waited so long for the long-term contract so everyone is treated the same going forward with the same provisions.
- Gortz stated others going forward won't be able to go back and change provisions in the contract.
- Vanderschuere asked about the utilities board embarking on the regional task force process. Gortz states that she doesn't believe the task force can set rules or policies.
- Gortz said they proposed to their leadership, from a water perspective, talks about infrastructure, water reuse, and water supply and what that looks like on more of a regional collaborative effort.
- Judd wanted to know if there is a time frame to get the Bureau and Southeast on the same page.
- Bishop doesn't have a timeframe, but David Robbins has reached out to the parties again to say they would like to get this done as soon as possible. She also stated this is why we came up with the short-term, so we are not out of water service.
- Vanderschuere wanted to know what happens if a long-term contract ends up not being attainable.
- Bishop says short-term option (3 year) is longest CSU can do if that ends up being the case, however they have not done that analysis so she doesn't know exactly what would happen.
- Vanderschuere states that a decision will be made in executive session today and Donala will get back to Bishop with the result.
- Hodge stated Donala is not dependent on any one water source. Vanderschuere stated that this contract is good for water diversity.
- Bishop states some language changes will be allowed in the contract but is ultimately up to the CSU lawyers to review.
- Vanderschuere states Donala's Board will pass on a decision until after executive session then come back into open session to make a decision regarding the CSU contract.

#### UMCWTF-Carollo Study Update and Communications between Entities:

- Hodge stated the timeline for this Study kicked off in 2022 by Donala's other two UMCWTF partners. Also, staff has one hundred percent facilitated in sending all information we can get to Carollo. Letters and correspondence have been sent back and forth between Triview and Forest Lakes respective Management and Board Presidents and Donala regarding this Study.
- Hodge also discussed the Carollo draft update on the UMCWTF that was presented on March 3, 2023. He stated, Donala as the operator facility was not the one who crafted the scope of work for the evaluation and from what he understands, considers it to be more of a fatal flaw type of non-engineering analysis of the facility. Also, from his standpoint as an operator the contractor was reaching for things (generator, influent pumps, etc.) Hodge said from an operator standpoint it's at least 20 years out before anything major happens at the UMCWTF.
- Hodge stated we can get a Phosphorous credit. Amy Alvarez has already taken samples.
- Hodge stated given the opportunity he would like all three partners to stay and have flows above 500k gal/day, under .5mgd/day.
- Vanderschuere stated between the Triview newsletters and the study there is a lot that has not been analytically substantiated or peer reviewed. There has been a lot of suspect circumstantial evidence and no cost comparison. NMCI decision to not participate is still valid.
- Judd asked if Hodge if there was a response letter from the February 22, 2023 letter sent certified mail to the Donala's Partners and their Board Presidents. Hodge stated he has not received one yet, just a verbal confirmation from Jim McGrady that he prefers to handle it at the management level.
- Vanderschuere stated Merrick and GMS did not have enough time to thoroughly complete a peer review on the study which is troublesome.
- Sams agrees and states for it to be comprehensive he needs more detail as to how Carollo reaches some of their conclusions.
- Deardorff asked if worker relations between Donala wastewater staff and Carolla have been smooth?

- Boyett stated Carollo understands they have a good plant that functions well.
- Hodge stated they may understand that, however the reports from Carollo do not reflect that.
- Vanderschuere stated this will be discussed further in executive session.
- Tolman stated they are narrowing down a lot of the things Carollo requires as far as information and data goes and the logistics of obtaining it.
- Vanderschuere asks Tolman if he discusses process and/or equipment with the Carollo engineers while they are at the facility.
- Tolman stated Carollo has only been on site one time to do a walk through and there was no discussion of specific processes or equipment with staff that he is aware of. Also, staff gives Carollo information verbally and they do not retain it, so they then send staff an email asking for the same information they have already given previously.
- Vanderschuere asks if any samples were taken at the plant? Tolman states no samples were taken.
- Boyett stated Carollo said the basin wall has structural problems, however Carollo never looked at the wall or tested it.
- Vanderschuere stated it seems there are a lot of claims from Carollo that are unsubstantiated.
- Sams stated Operation staff recognized cracks 4 years ago and they just need to be corrected. He does not believe there is a structural issue.
- Vanderschuere asked Boyett how he would monitor the basin wall for any structural damage going forward.
- Boyett stated he would have regular inspections of the basin wall.

General Manager's Report by Jeff Hodge:

**The Loop Water Authority:** The Authority is working on developing and passing our bidding policies to comply with the ARPA requirements. We also meet with the Town of Fountain to discuss our planned alignment within their town and to present them options for them to receive water from the Loop Water Authority.

**Upper Monument Creek Wastewater Treatment Facility:** Meet with staff to begin working on treatment/process control changes to remove phosphorus in order to gain credits that would push out well into the future any additional upgrades.

**Raw Water Line to 16A:** Held pre-construction meeting with GMS and K.R. Swerdfeger Construction on Tuesday March 7<sup>th</sup>. The construction and installation of the raw line is scheduled to begin the week of March 13<sup>th</sup>.

**Arkansas Basin Round Table Meeting:** Wayne and I attended the March 8<sup>th</sup> meeting in Pueblo. Several projects were presented asking for support letters for funding and a presentation on revegetation was given.

**Colorado Special District Workshop:** Regional Workshop Tuesday morning June 20, 2023, at the Fountain Sanitation District. Great overview and training on most things special district related. Please see attached Workshop flyer for more information and other locations if you cannot make the June 20<sup>th</sup> date.

**El Paso Public Works:** Attached is the County's roadway resurfacing list for 2023. Several roads within Gleneagle/Donala are on the list: Desiree, Baptist, Struthers, Gleneagle Drive and others.

**April Board Workshop:** Thursday, April 20, 2023, starting at 10:00 am. Topics will be District Rule and Regs and policies and water resource planning, i.e. Loop, local reuse, wastewater treatment.

**Arkansas Water Forum:** The forum will be held - April 24-26, 2023, Double Tree, Colorado Springs Colorado. Please let me know if you would like to attend.

Water Report by Ronny Wright:

- Well 16A boring is in progress today. They will be doing a tie in by tomorrow, with pressure testing next week. No delays so far.
- Raw water pumps are being delivered today for the Holbein tank.
- Well 8A will be getting a new motor. Lane got us a new motor and seals and they will be putting it together for us and hopefully have it down the hole for us within the next 3 weeks. Hopefully the well will be back in service by the middle of April.
- Well field testing is going great. The goal is to be done with all testing by mid-April. LRE will then provide us with all the data, and we can put it together and make the best use of our wells and water chemistry that we have.

**SCADA Cyber Security:** Hodge mentioned this will become part of our sanitary survey going forward.

- Vanderschuere stated we need a place holder for a future Board Session to discuss both cyber and physical security.

#### Wastewater Report by Mike Boyett:

- In-house and Colorado Analytical analysis results were all well within permit limits for the past month.
  - Bod5 influent had a removal efficiency over 98%.
  - TSS influent had a removal efficiency over 98%.
- #2 SBR is still on-line as we will continue to wait for parts and a new impellor for #3 SBR's motive pump.
- Carollo engineers presented a partial plan for improvements to be made to potentially address expected future regulatory restrictions. Management has taken their recommendations under advisement.
- Timberline's flume calibration person returned to double check Donala's influent flows after questions of the flume's accuracy came up. He determined the influent flume is accurate and functioning normally.
- Timberline is working to check the accuracy of the flow numbers we are getting from Forest Lakes lift station pumps. They seem inconsistent and are not coming into our SCADA system as they have in the past.
- Tolman stated he has Timberline looking a few data issues. He will be making an appointment for them to come out and look at the data points.

#### Consultants Comments:

- Sams gives regulatory update; the division has submitted a proposal not to take results of Lakes and Reservoir Nutrient Water Quality Setting Standard and put it into the Basin Study. The Commission has not ruled on that.
- Gracely discussed the ASR study briefly. Study has been going on for just over a year, part of the grant funding requirements. Benefits to ASR in our system: doesn't require a lot upfront-can do it over time, looks at flows over time, collaboration from a water right standpoint is a benefit, constrained to just the Arapahoe wells for the study, and monetary savings of about \$1000/well per year.
- Gracely also mentions he will continue to evaluate the Laughlin water right.

#### Directors Comments:

- Vanderschuere stated he will be absent from the next two Arkansas meetings.

#### Public Comment:

- None

Meeting adjourned at 3:19pm to Executive Session – CRS §24-6-402(4)(e) Contract Negotiation for Long Term Water Contract with CSU and CRS §24-6-402(4)(b) Advice from Donala's General Counsel on legal questions regarding UMCWTF contract. Executive session concluded at 4:41pm.

#### CSU Long Term Contract Consensus:

- The Board has agreed to sign the long term agreement with CSU. Judd motioned to approve, Deardorff second, all aye.

Meeting adjourned at 4:44pm.

These minutes are respectfully submitted for record by Carla Edwards on April 10, 2023.