

RECORD OF PROCEEDINGS  
MINUTES OF THE MEETING OF THE  
LA PLATA ARCHULETA WATER DISTRICT  
HELD  
November 10, 2022

The regular meeting of the Board of Directors (“Board”) of the La Plata Archuleta Water District and Fox Fire Subdistrict, La Plata County, Colorado, (“District”) was held on November 10, 2022, at 9:00 a.m., at 255 Ute Street, Ignacio Colorado 81137.

ATTENDANCE:                    Directors in Attendance Were:

Dick Lunceford  
Dan Lynn  
Ron Dent  
Kent Curtis  
Mark Williams

In Attendance, Also, Were:

Ed Tolen, La Plata Archuleta Water District Manager  
Yvonne Brunson, La Plata Archuleta Water District Customer Service Representative  
Steve Harris, Harris Water Engineering  
Barb Prose, FredrickZink & Associates  
Cheryl Lynn, Secretary to the Board

In Attendance, Also, via Telephone, Were:

Joe Norris, Cockrel Ela Glesne Greher & Ruhland  
Micki Mills, Cockrel Ela Glesne Greher & Ruhland  
Dave Henry, Harris Water Engineering  
Karmen King, Grayling

CALL TO ORDER                    Chairman Lunceford called the meeting to order at 9:00 a.m.

DISCLOSURE OF  
POTENTIAL CONFLICTS  
OF INTEREST

Disclosure of potential conflicts of interest will be a topic of discussion at every Board meeting to address potential conflicts of interests that may arise as new agenda items are introduced. District Directors who have disclosed potential conflicts of interest can vote as issues arise. Directors present in person reported no conflicts of interest.

PUBLIC COMMENTS                    No public comments were received.

APPROVAL OF  
MINUTES

Upon motion duly made by Director Dent, seconded by Director Williams, and unanimously carried, the Minutes of the October 13, 2022, Regular Board Meeting were approved as presented.

FINANCIAL REPORT

Approval and Payment of Invoices – Directors reviewed the November 2022 Accounts Payable Report and October 2022 Accountant’s Compilation Report. Directors clarified expenditures as necessary. Upon motion duly made by Director Lynn, seconded by Director Dent, and unanimously carried the Board approved payment of invoices as shown on the attached Accounts Payable statement dated November 9, 2022.

FINANCE COMMITTEE

REPORT.

Draft 2023 Budget – Mr. Tolen advised the Board that he will have the 2023 LAPLAWD Budget prepared for the budget hearing in December.

PUBLIC RELATIONS  
/COMMUNICATIONS  
COMMITTEE REPORT

There is nothing to report.

LEGAL REPORT –

Consider Adopting Resolutions Authorizing Eminent Domain for the Wayne and Melody Semler, James and Jana Baird, and Baird Family LLC Properties for the Phase 2 Pipeline Project – Mr. Tolen opened the discussion with comments similar to the previous months. In contacting and attempting to contact property owners to seek access for District water pipeline installation across their properties, Mr. Tolen has found that some parties will not return telephone calls, some parties will not respond to written correspondence, and some parties are asking for monies for their properties in excess of Fair Market Value. Legal Counsel Norris reminded those present that the Eminent Domain process is statutory with particular documentation and timelines required. After substantial conversation and determination of the ramifications of Eminent Domain the Board proceeded. Upon motion duly made by Director Dent, seconded by Director Lynn and unanimously carried the Board adopted the Resolutions authorizing Eminent Domain for the Wayne and Melody Semler, James and Jana Baird, and Baird Family LLC Properties for the Phase 2 Pipeline Project.

Consider a Petition for Inclusion into the District of the Sanchez Property, 345 Bayfield Parkway, Bayfield, Colorado 81122 – Chairman Lunceford opened the public hearing to hear comments for consideration regarding this inclusion. There being no public present the hearing was closed. Upon motion duly made by Director Lynn, seconded by Director Dent, and unanimously carried the Board adopted the Order approving the Petition for Inclusion of the Sanchez Property at 345 Bayfield Parkway, Bayfield, Colorado, 81122 into the District.

Consider a Petition for Inclusion into the Fox Fire Subdistrict of the Warrington Property, 1635 Fox Fire Road, Bayfield, Colorado 81122 – Mr. Tolen advised the Board that the aforementioned property is within the District and this petition is to consider their inclusion into the Fox Fire Subdistrict. Upon motion duly made by Director Lynn, seconded by Director Curtis and unanimously carried the Board adopted the Resolution approving the Petition for Inclusion into the Fox Fire Subdistrict of the Warrington Property, 1635 Fox Fire Road, Bayfield, Colorado 81122.

Paralegal Report –

Budget Hearing - Ms. Mills reminded the Board that the 2023 LAPLAWD Budget Hearing and approval will take place at December's meeting.

2023 District Election – Ms. Mills also reminded the Board that an Election Resolution will be adopted at the December meeting calling the May 2023 election and appointing the Designated Election Official.

ENGINEER REPORT

Phase 2D Pipeline – Mr. Henry told the Board that following a site visit and inspection by the designer and the surveyor no decision was made on placement of the water line on one side of the road or the other, though the final route has not been determined. Shape files for wetlands have been provided. Mr. Henry noted that surveying is almost complete and a drawing should be available soon.

Fox Fire Distribution System – Mr. Henry told the Board that additional utilities have been located, though not included in prior as-built plans. He noted that the 811 Locate agencies have not been responsive, and, after calling for a Construction 811 Locate, identifying flags have now been placed to locate the utilities. Mr. Henry noted that four parcels have been included in a spur

on the pipeline and he is working to calculate hydraulics and specify which pumps will be necessary to carry water for this part of the project.

Roundtable Report – Mr. Harris reported that up to \$100,000 is available for local ditch companies through the Water Supply Reserve Fund Grant program. This is a reimbursable grant program. Late March, 2023 is likely to be the next opportunity to submit a request for funding via this process.

New Job – Laura Span is leaving the Southwest Water Conservation District and moving to the Colorado Water Conservation Board where she will be a project coordinator whose job it is to help entities submit Water Plan Grant applications.

ENVIRONMENTAL REPORT – Ms. King reported that she is completing the final field work on Phase 2D on the north side of Highway 172. This work amends the work done in 2019. She is working on design and utilities for the current wetland layer. Ms. King further advised the Board that the Environmental Protection Agency and the Army Corps of Engineers may invite comment from the Southern Ute Indian Tribe. This additional process adds a layer of review and time to the project. Final design is necessary to make a formal request for a meeting.

#### GENERAL MANAGER REPORT

Consider Participation in the FAMLI Program – Mr. Tolen advised the Board that, while LAPLAWD endorsed participation in July, 2022, few Districts are planning to participate but instead have adopted a “wait and see” course of action. Following general discussion and outlining of the program by Mr. Tolen and listing of concerns by the Board, the Board asked that Mr. Tolen research the program further and a determination regarding participation in the program will be made at the December, 2022 meeting.

Easements for Phase 2C Project – Mr. Tolen has one permanent and one temporary easement to be signed. Ms. Silvette was expected to come to the office to sign paperwork but did not present herself. In an effort to keep the project moving forward the Eminent Domain process will likely be initiated.

EXECUTIVE SESSION – Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried the Board convened in Executive Session to discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, (Section 24-6-402(4)(f), C.R.S. Upon motion duly made by Director Lynn, seconded by Director Dent and unanimously carried the Board adjourned to its regular meeting at 10:30 a.m.

Chairman Lunceford commended Mr. Tolen for doing an excellent job. The Board would like to begin a process of succession planning with the intent of hiring someone with an engineering background. The Board indicated a willingness to fund the hiring of a person who would learn about operations of the District while Mr. Tolen is still the Manager. In addition, the Board approved a five percent (5%) salary increase and a \$5,000 bonus to Mr. Tolen. This will be incorporated into the 2023 LAPLAWD Budget.

#### ANY OTHER MATTER WHICH MAY COME

BEFORE THE BOARD – Loan Program – Chairman Lunceford asked Director Curtis about the potential for a loan program which individuals could use to pay for the tap fee and costs for a service line to access the

District's water pipeline. This cost is estimated to be \$10,000. Director Curtis will research the possibilities and report to the Board.

Pine River Soil Conservation District Building – Director Lynn contacted the Pine River Soil Conservation District to see if it would be possible to purchase the building which currently houses the District's offices. The discussion involved potential purchase of the building or a 99 year lease. Because the Board is interested Director Lynn will make further inquiries into this prospect.

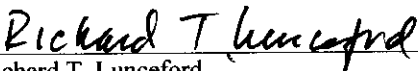
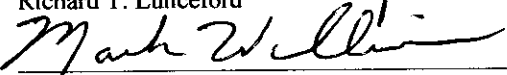
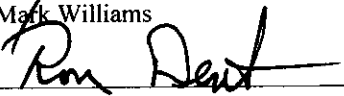
Airport Project – Director Lynn asked if there were any coordination that needed to take place in conjunction with airport construction. Mr. Tolen has talked with the airport director who will apprise Mr. Tolen of any changes in anticipated work. It currently appears that work involving the District would take place in 2025.

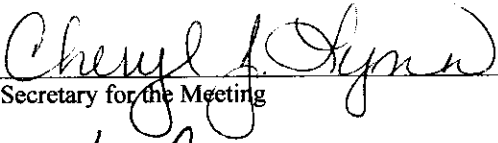

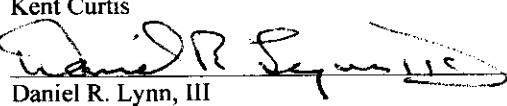
Building and Equipment – Chairman Lunceford reiterated the need for building and equipment estimates to be included in the 2023 LAPLAWD Budget. Mr. Tolen will continue his research and provide specific estimates at the December District meeting.

ADJOURNMENT

The meeting adjourned at 10:40 a.m. The next regular meeting of LAPLAWD is scheduled for Thursday, December 9, 2022, at 9:00 a.m. at 255 Ute Street, Ignacio, Colorado, unless it is necessary to meet in another matter to satisfy governmental requirements.

APPROVED

  
Richard T. Lunceford  
  
Mark Williams  
  
Ron Dent

  
Secretary for the Meeting  
  
Kent Curtis  
  
Daniel R. Lynn, III