

**(August 29, 2016) Board Minutes**  
**Steamboat Lake Water & Sanitation District Regular Board Meeting**  
**8-29-16**

Jim H. called the meeting to order at 5:07pm at KT Law office in Steamboat Springs, CO and motioned for the Board to go into executive session to receive legal advice and recommendations from counsel on the following:

1. Public hearing exclusion matters for 9-12-16
2. Employment contracts
3. General legal issues

Jim S. seconds the motion, unanimous approval, motion carried, board moves into executive session.

At 6:51pm Jim S. motioned that the Board come out of executive session, from its discussion of those matters identified at the time the Board went into executive session. Jim H. seconds this motion, unanimous approval, motion carried. The Board breaks for 5 minutes and opens doors to public session.

Meeting called to order at 6:51pm at KT Law office by Jim Hillman. The Board is now out of executive session, having discussed only those matters identified by resolution before it entered executive session. No decisions were made in the executive session.

**Members present:**

- |                        |                         |
|------------------------|-------------------------|
| 1. <u>Jim Standish</u> | 2. <u>Steve Johnson</u> |
| 3. <u>Jim Hillman</u>  | 4. <u>Scott Klouw</u>   |

Rich Tremaine, SLWSD Legal Counsel  
Elizabeth Roble, SLWSD Legal Counsel  
Jackie Johnson, SLWSD Admin Assistant

**Absent:** Jim Finegan, excused

**Open Issues:**

1. **Items per Rich & Elizabeth (legal counsel for the district):**
  - A) Rich conducts an educational session providing the board members a basic overview of KT Law's function and scope relating to SLWSD. Items covered:
    - ◆ Basic nature of a special district in Colorado (Statutory Base)
      - Code book referenced
      - 32-1-1001 general powers
      - Elections, service plans, exclusion from the district, etc.
    - ◆ Other provisions that apply
      - Public (open meetings) – decision making, action taking
      - Public records

- Executive sessions – for legal counsel on specific issues (real estate, employment, exclusion, etc).
- ◆ General Considerations
  - Email - discussions are ok to set up meetings not for items that come up at meetings.
  - Financial – dealing with service fees, tax dollars (public funds), accountability
  - Budget required – Budget meeting to be held in November
  - Terms of office, oaths of office
  - KT Law reviews court cases; legislative changes that affect special districts
- ◆ Employees and Consultants
- ◆ KT Philosophy
  - Assist local government entities
  - Discounted legal fees
  - Set fees, to be paid by people requiring services (i.e. liens)
  - Otherwise, as efficient as possible
  - Recommend: ongoing attorney involvement to attempt to avoid legal issues/major costs

- B) **Martin property update:** (sale of District property to property owner) Plat has been signed off by the board, KT Law has prepared the deed, the plat is currently at the county awaiting approval. Upon approval at the county, KT Law will submit applicable legal fees to district accountant Scott Colby's office to generate a bill for Martin. Negotiated price is \$1500 for the lot plus legal fees.
- C) **Wolf von Carlowitz update:** a service line extension was made to said property on Beaver Canyon Drive; the line was only extended, not tapped into so only an availability of service fee should be assessed, a tap fee will be assessed if and when a home is built on this property. It is currently for sale. The agreement was drafted by KT Law and there is \$5000 in a trust account at KT Law for this agreement. Legal fees are to be paid by von Carlowitz. KT Law will coordinate and direct Scott Colby's office regarding billing for this project. Elizabeth will contact Kathleen for particulars on this project and report back to the board with details.
- D) **Service Plan Amendment update:** this has been submitted to the county for approval. The county commissioners held a hearing on Tuesday, August 23, 2016 to discuss this. Rich, Elizabeth, and Jackie attended the meeting. The commissioners received a letter from Mr. Lanny Mack the morning of the hearing and tabled the matter to a future date in order to review Mr. Mack's letter. City attorney Eric Knaus met with counsel after the meeting to ask questions and discuss the matter. Rich will prepare a document on behalf of SLWSD that details the history of this small district; defines service plan, master plan, engineering plans, and rules and regulations; and addresses the significance of the changes in the service plan amendment and submit to the county. County Manager, Tom Sullivan and County Attorney, Eric Knaus will respond to Mr. Mack's letter of opposition to the service plan amendment.
- E) **Other:**
- a. Rich suggested the appropriateness of gifting Bob and Kathleen with recognition for their years of service to the District. The board will discuss ideas and suggestions and decide on the method at a future meeting.
  - b. Per Elizabeth there are still two petitioners that were approved for exclusion from the district at the June 13, 2016 public hearing. Jim S. motions to direct

KT Law to send the parties a 30 day notice to pay in full so that an order may be drafted and submitted by the end of 2016; if not paid in full in 30 days, the application process must start again. Jim H. seconds the motion, unanimous approval, motion carried.

- c. Jim H. motions to direct KT Law to revise Section 9 of the rules and regulations to the effect: Any property with outstanding charges being petitioned for exclusion will not be considered for exclusion until all charges are paid in full to Steamboat Lake Water and Sanitation District. Steve J. seconds this motion; unanimous approval, motion carried.

**Next Meeting:** Public hearing at NRCCS at 6pm on September 12, 2016. Additional meeting to discuss exclusion requests to be heard at three public hearings scheduled for October, 3; October 10; and October 13 will be held at the North Routt Fire Station #2 on Monday, September 26<sup>th</sup> at 6pm.

**Meeting adjourned at 7:00 by Jim Hillman**

**Minutes recorded by Jackie Johnson**

**Board Minutes approved: September 26, 2016**