

CITY OF LA JUNTA)
COUNTY OF OTERO) SS
STATE OF COLORADO)

A Regular Meeting of the Board of Utilities Commissioners of the City of La Junta, Colorado, was called to order by Chairman Gary Cranson on Tuesday, January 16, 2024, at 4:00 p.m. in the Council Chambers of the Municipal Building.

Roll was called and the following Board Members were present:

Present Joe Ayala, Mayor
 Patrick Berg, Commissioner
 Mike Bourget, Commissioner
 Gary Cranson, Vice-Chairman
 Paul Velasquez, Council Member

Absent: None

Also present: Bill Jackson, Asst. City Manager
 Phil Malouff Jr., City Attorney
 Melanie Scofield, City Clerk
 Tom Seaba, Director of Water/WW
 Martin Montoya, Director of Engineering
 Lorenz Sutherland, La Junta
 Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING

Chairman Cranson asked if there were any corrections or additions to the minutes of the Regular Meeting of December 19, 2023. Commissioner Berg wants added to the discussion about the disparity between the summary and the financials in hopes to hear where the disparities came from and make sure they are not seen again in future summaries. Hearing no further corrections or additions, the Chairman asked for a motion to approve the minutes as amended.

MOTION TO ACCEPT THE DECEMBER 19, 2023 MINUTES AS AMENDED: Ayala

SECOND: Berg

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0

CITIZEN PARTICIPATION

1. There was no citizen participation.

REPORTS

A. ARPA Board. Gary Cranson gave the following report:

1. **Summary of November 2023 Financial and Operating Statements:** During the month of November, revenue from power sales was less than budget by \$19,176 (0.9%) and total revenue was more than budget by \$1,624. Total cost of goods sold was over budget by 1.5%. Purchased power costs were over budget by \$38,245 (4.8%). Transmission expenses were under budget by \$29,366. Net Revenue from Operations for the month was \$298,496.

2. **Year to Date Income Statement:** Revenue from power sales was less than budget by \$721,346 (2.8%). Total revenues were less than budget by \$397,247 YTD. Interest income was \$320,072 which is better than budget. Total cost of goods sold was less than budget by \$1,133,154 (6.6%). YTD purchased power costs were under budget by \$725,823 (7.1%). YTD Transmission expenses were under budget by \$452,096. Total YTD A & G expenses are under budget by \$69,341 (1.2%). YTD Net Revenue is \$3,804,255. Debt Service Coverage YTD is 1.40X.
3. **Operating Report:** ARPA paid \$55.37 per mWh for 22.4 mWh produced by member solar installations. Energy sales for November was right on budget and 2.9% less than 2022. Energy Sales YTD was 3.2% less than budget and 1.9% less than 2022. *Coincidental peak demand* was 37.0 mW. It occurred on November 27th in hour ending 9:00 a.m. All in cost of power to members YTD is \$0.10013 per kWh; 2.1% lower than 2020.
4. **Next Meeting** –February 29, 2024, 10:00 a.m. at Otero College in La Junta.

B. Water & Wastewater Treatment. Tom Seaba gave the following report:

1. R.O. Plant
 - Routine maintenance: Tested batteries on generator, clear-well inspection, inspected/cleaned intake screens on degassifiers, tank inspections.
 - PFAS testing on wells. Second test under current PFAS testing grant.
 - Changed cartridge filters.
 - Replaced leaking valve on 2" Clortec line.
 - Replaced quad-rings on RO's A & B.
 - Assisted WWTP diagnose/repair AUMA actuators on aeration basins.
 - Meter reading and facilities maintenance.
2. Distribution
 - Main leak at 1900 San Juan Avenue. Affected 4" water service to Otero College.
 - Maintenance on Air Base transition line. New air vacs installed.
 - Assisted contractors on new Sheriff's office buildings.
 - Replaced several leaking meter setters.
 - Assisted Rocky Ford with ¾" and 2" water tap.
 - Meter reading and utility billing office generated work orders, equipment maintenance.
3. Wastewater
 - Treated 33.121 million gallons. Removed 37.0 ft³ of screenings and 29.0 ft³ of grit.
 - RO concentrate discharge to plant was 8.90 million gallons.
 - Jetted 7,597 feet of line for nine emergency calls and seventeen manhole locate requests.
 - Assisted plumbers move clog caused by FOG (fat, oil, and grease) and wipes from Wendy's to lift station.
 - A fatberg is an industry term used when debris, flushable wipes, etc. get hung up in the line and when fat, oil, and grease come along, it creates a clog until the line is completely blocked.
 - ISCO samplers were evaluated. Heads to be pulled and shipped for repair in January.
 - Cleaned walls of UV channel of algae growth and snails.
 - Received rebuilt motor for Orbal basin. Stored as a backup/reserve
 - Additional plant, collection system, and grounds maintenance.
4. Other Notables:
 - Monthly safety meeting topic was slips & falls, and workplace harassment.
 - Violation notices mailed to businesses not in compliance with 2023 backflow testing.
 - Continued work on lead and copper survey of city.
 - Adjusting plan for SRF funding request due to changes in availability of funds notice from CWRPDA. The State Revolving Fund is where the majority of federal funds for water and

wastewater projects are. They offer low interest or no interest loans to municipal entities. As you pay it back, it goes back into that pot so it can go out to other entities.

- Several employees received training at CRWA office in Pueblo West.
- Compiled testing services needed for 2024. Purchasing department will handle quotes/bids.
- Cheraw high school students toured RO Plant.

ADDITIONAL DISCUSSION:

- Results from both PFAS testing showed all of our wells coming back positive for PFAS. The numbers are above the limits. All drinking water that goes out from the RO Plant is well below any maximum contaminant level that the EPA has set. The majority of concerns becomes when that concentrate waste stream leaves the RO Plant and goes down to the Waste Water Plant. It's an issue to deal with, either there or on the raw water side before it gets to the plant.
- The training budget is between \$500 to \$750 per employee. The amount budgeted is continually changing due to rising costs. The employees earn training units that are applied to their license certifications in order to run the plants.
- PFAS testing has been done at the Waste Water Plant. A sample was just taken in the bio solids. It's an annual report but the results have not returned yet.
- Depreciation is not showing up on the cost (summary) for both water and waste water. They show blanks. It's in the financial but omitted on the summary. This is still being worked on. If there are any changes that need to be made, please let Mr. Jackson know what they are.
- There is an average of 3,350 water meters in the system. Currently, 1,604 of them are remote read. The vast majority of those are all residential. The commercial meters are really expensive and are being saving towards the end. We're a little under halfway for total replacement, but over halfway when it comes towards residential meters.

C. Electric Department. Bill Jackson gave the following report:

1. Line Crew

- Daily reads, disconnects and maintenance.
- Damaged cross-arms were replaced at 2209 Carson Avenue and the airport.
- Three power poles were removed from 501 Barnes Avenue, 1322 W. 5th Street, and 2909 San Juan Avenue. The poles had been abandoned with no service attached.
- The crew started trenching for an underground service at 27968 Frontage Road.
- Approximately a block of primary line near the new sheriff's office was isolated, allowing a big drill truck access to the site. A single-phase transformer was also relocated at that location.
- Stubbed an overhead guy pole with a pole enforcer at 14th and Daniels Avenue.
- The crew installed some overhead 600-amp air switches and cut in a dead end on the LP 52-4 circuit for future maintenance.
- Several HPS streetlights were replaced with LEDs throughout town.

2. SOLAR Accounts

- The total kWh returned to the system was 7,696 from 26 customers. A total of \$415.58 was rebated at the avoided costs. There are currently 34 residential and 2 commercial solar customers.

3. System Update

- The bidding process will begin for electric substation equipment testing. It's been some time since it was last tested and our equipment is old. To plan replacement costs, we need to know the condition of the current equipment.

- There is a need to plan the upgrade of the SCADA system, as communication with the newer equipment is not supported.
- The bid for the new Digger/Derrick came in high and the demo unit is not available yet. We are bidding a different company.

ADDITIONAL DISCUSSION:

- It was noted that there is a disparity in the current year, total assets, and total liability. These numbers should match and they don't. The integrity of the financial statements is very important. There may be an input error or a manual error but it's important that it's kept track of.
- Looking at the summary sheet, the expenses match up but the revenues don't. Is this human error, are these just mistakes in input for the summary? Is it within our financial documents that there is an issue with calculations? This needs to be resolved.
- Regarding the units that are returned to our system from solar customers, it is not less expensive and we don't receive a better price from ARPA. We still pay ARPA our wholesale cost for that power that's returned to the grid.
- All of the electric meters are remote read. There may be a commercial meter or two that's not. We're upgrading remotes as we go along. Just bought fifty of the kind we can control from the office with remote disconnect. Also, almost all of the street and rental lights have been replaced with LEDs vs the high-pressure sodium ones.
- The depreciation we were looking for is not calculated in December because assets need to be capitalized. These numbers won't be available until after the audit.

D. Sanitation. Martin Montoya gave the following report:

1. Shared numbers on what it would cost for a company to fully service our trash trucks and its rather expensive. Been trying to come up with a system that keeps these trucks newish so that we don't have all the maintenance issues that come with having a trucks that's used all day, every day. Lengthy discussion continued regarding the maintenance of the trucks, associated costs and a quote from Elliott Equipment Company.
2. The Sanitation Department has also been having issues with that particular company trying to dispose grease in their trash cans and dumpsters. When they put it in bags and then place that into a dumpster, it gets everywhere. It's not sanitary and it provides for a hazardous environment.
3. The containers for the cardboard program are about \$750.00. The following numbers show the cost vs revenue.

# of Containers	Cost Per Container	Total Cost of Containers	Customer Charge	Yearly Charge Per Customer
100	\$750	\$75,000	\$25/month	\$300
200	\$750	\$150,000	\$25/month	\$300
300	\$750	\$225,000	\$25/month	\$300
400	\$750	\$300,000	\$25/month	\$300
Total Annual Revenue	Cost of 1 Employee Per Year	Revenue vs Cost	# of Years to Recoup Cost	
\$30,000	\$43,000	(\$88,000)		
\$60,000	\$43,000	(\$133,000)	8.823529412	
\$90,000	\$43,000	(\$178,000)	4.787234043	
\$120,000	\$43,000	(\$223,000)	3.896103896	

@ 100 containers, the City would lose its initial investment as well as \$13,000/year for one additional employee

NEW BUSINESS

A. City Manager's Comments.

1. There were no city manager comments.

B. Governing Body's Comments.

1. Chairman Cranson: We have some concerns that we'd like to address, as far as our conduit obligations and whatever. We had a meeting with Rick and said we need to pass this on to the city council but, let me review my issues. We're concerned to know whether the Southeast Water Conservation District can regulate how we get our water. Does it have to come through the conduit? Or can it come from river flow? Which means we can keep pumping the way we are presently. Is there authority or the ability for the District to withhold our water if we don't participate in the conduit and do we have to pay or take the amount of water that we initially requested per the MOU that was signed many moons ago.

City Attorney Malouff: I'm not an authority and I don't do water law but, the way I read the agreements, we're just talking project water, I think they can regulate in all fashions.

Chairman Cranson: A lot of us think a lot of things. We're requesting that the council find us an attorney who's skilled in law. Who is a fierce advocate. Some attorney that has a good reputation and has experience and review the agreements that have been signed. Find us some kind of certifiable or highly reliable answers to share questions I just read. And if there are legal remedies or other actions we can do to resolve to our satisfaction. We'd like to have that be done. We, as a Board, can't make that request. We'd like to pass this on to the council and have them pursue that.

Our second concern is, we need to determine the amount of water that the city actually needs. Somewhere, someone calculated those a long time ago and I'm not comfortable in understanding that those are based on fact or still accurate. A suggestion for that would be to contract with an engineering firm to review the data that was used, information, projections to determine that and see if that's still what we're comfortable with requesting which we made a commitment to for the conduit. We have a selenium problem at the Waste Water Plant. It would be nice if we could hire a firm to determine solutions and associated costs and if there are alternatives to that. So, we have some kind of a firm solution to that issue.

Commissioner Bourget: The selenium is not as much as a priority because if we do get somebody who says what their opinion is, we're SOL, then it doesn't matter.

Mayor Ayala: I would also go back to your first issue, if someone says that we can't change our amount, do we really need anyone to come in and determine what amount we need if we can't change the amount anyway.

Chairman Cranson: That's true. There's no sense in finding out where it came from if its locked.

Water/Wastewater Director Seaba: Just want to let you know that, some of those questions were concerns raised last year. Especially, how much water do we actually need to help control our selenium issue, how much water would La Junta truly benefit from and several of the other questions that were there. We truly couldn't budget anyone to do that last year. You see we were operating minus \$500 some thousand dollars. That was another deferred cost that we put to this year. On January 2nd, we went into contract with Hazen and Sawyer Engineering out of Denver. They have a couple of specialists who look at selenium. They've designed, help build, etc. several systems from Florida up to Fountain, Fort Carson. We're providing them information they have now, going to do a limited study. We're hoping a couple might come tonight and sit in on city council. We're already in the process of gleaning all of that information they need. Taking additional water samples here. We're going to take samples from Pueblo so we know exactly what kind of water we would get. Recreate scenario and all that goes on with it. We had hoped for a February timeline but it looks like that's a little short. We're looking to get a full report from them before your March meeting. Along with that, they're going to take the 2016 selenium study that was done by Farnsworth where they offered several different alternatives, solutions. They're

going to re-evaluate those and bring those costs up to 2024 dollars. We're looking forward to that work. They'll be here to back stop everybody's opinions and to also present an independent third-party review of all that information.

Chairman Cranson: Additional point of concern is the revegetation project. It seems to be dragging along. We came up with the idea that maybe we need to contract that out or find an expert to help us get that done. Mr. Lorenz Sutherland is here and he spent his occupation, particularly doing that. Do you think there are firms or entities who could help us do that.?

Mr. Lorenz Sutherland: You need to remember that under Colorado Water Law, the State Constitution says that water is the property of the public. We do not own water. What we own is a right to use the water. In Colorado, water is not impertinent to land, so it can be transferred. La Junta chose to purchase those four farms under the Holbrook. There's also a State Statute that says that the land has to be revegetated to a specific standard. That's a real quick review. La Junta has a decree that says certain things will be done, which includes the revegetation. To Gary's question, are there people around that can professionally do that, the answer is yes. This isn't the venue to which I should make those recommendations. I can make those to the City Manager or Gary. A little bit about my background. The subject of revegetation got started clear back in the early 1990's. When we dealt with the Rocky Ford Ditch case, where Aurora purchased, there were two sales for the Rocky Ford canal and the water rights associated with the canal that went to Aurora. At the time, there wasn't any revegetation requirements. The State passed a statute for revegetation in 1994. The question came, how do we revegetate that. That was part of my research program in my 8:00-5:00 job. We conducted about four or five years of in-depth research on exactly how to revegetate previously irrigated land. At that point in time, we turned that over to the private sector and the City of Aurora. Aurora established their own revegetation program. We've been at this about thirty-five years. It's not easy. It can be very expensive to revegetate these previously irrigated lands. You have to remember what we're trying to do. The Great Plains shortgrass prairie, as it exists now, is about eight to ten thousand years. It's taken this long for what you see on the prairie to get to where it is today. The Great Plains shortgrass prairie was much older than that. Originally, the Great Plains was forested. These forests went away. So, what you're trying to do with the revegetation program is you're trying to replicate in five, ten, twelve years, what has taken natural plant succession eight to ten thousand years. There's a very systematic way of doing it. There are professionals that do that kind of work. You're very lucky right now because there's now a manual and a guide to do that. It was just recently published by the Lower Ark Water Conservancy District. The authors are Jerry Knapp and Rich Rhodes. They put together a culmination of all of the experience that a lot of us have expended over the past thirty-five years in one publication on how to revegetate previously irrigated lands. That is available but I strongly urge that this be done by professionals. I can make a recommendation to the City Manager and Utility Board, but not in this venue.

Chairman Cranson: We'd like to encourage the administration to pursue this other avenue. Maybe you have to see if we can't solidify this with a change of plan.

Commissioner Bourget: I've heard it could be as much as \$7,000 per acres to revegetate.

Water/Wastewater Director Seaba: Yes, we discussed that last month in how expensive revegetation can be. The expertise, of course, is warranted and sometimes needed. Are we progressing at a pace that would satisfy everybody? No. When we first purchased the farms, we had given our word that there would be a ten-year window that we couldn't even begin the process to try to help satisfy the farmers and the ditch that are already out there. Are we outside of that window? Yes. We've already had one review by the watch court and they're satisfied with the progress that we've made. We'll have another review in five more years from water court. It's a review every six years. They look at the progress that you've done. Make sure you're in compliance with your decree and we progress from there. Last meeting, I had stated we're trying to work with local farmers, those that are some of the tenants, to continue the progress we need. Understanding the concerns, rightfully so, of where we're currently at. We've also began

researching other RFP's that have been done by other agencies to find some of those experts. We're going to learn from the process that they did and working with our Purchasing Department, we're slowly putting together an RFP so that we can reach out to some of those and have them give us exactly what their costs are and what it would take to work with them. Since a lot of this was unbudgeted work for this year, we're mostly wanting to use it as information so that as we get closer to budget season for next year, we will have that and have a greater discussion following with one of those professional organizations that do that, if that's the direction we need to go. Or continue where we're at or drop back and punt and find a third solution to where we're at and how to get where we want to be.

Chairman Cranson: I guess I need to say here, none of this concern on our part was to malign or infer that people aren't doing their best but, it's a big issue.

Water/Wastewater Director Seaba: Absolutely, it's a huge issue, especially when you start to get word that Colorado Springs utilities has their nose in everybody's business down all throughout the valley. They're searching for water resources for their community just like La Junta is doing that for us. So, we need to ensure that we're managing our portfolio the best we can to ensure that there's still the appropriate amounts of resources. Not only for municipalities from up the Front Range down to Lamar but also for all of our partners in agriculture. The Arkansas Valley is a heavily over allocated water basin. There is a lot of caution that always needs to be taken at every turn you take. We always listen to the concerns the Board has. Sometimes, we can't pivot or move as fast as we might like to. We have a quote out right now to find out how much water pivots would cost so that we don't have to have our distribution crew out there to change gates, lay pipe, etc., to help keep the established grass we have and to continue on the fields where we're at. But, time and money, are two things always in short supply. Along with resources.

Commissioner Bourget: You mentioned pivots. I've driven though Rocky Ford and seen how they did some of that. The Aurora guys have planted alfalfa. They were using, for lack of a better term, the giant golf course sprinklers. They drag it out and go to a tractor and pump it. It pulls itself in. I know they were using those systems. There's a pile of them sitting alongside the highway near Rocky Ford.

Water/Wastewater Director Seaba: Those are fantastic options. One thing that we need to keep in mind is the Holbrook is a very junior canal. For example, last year they only had ninety-six hours worth of water run to them. So, finding the best method to utilize that resource to ensure it gets on the ground, that's a big challenge because it takes a lot to get all the natural grasses established. When we were going up and touring a lot of the farms that Pueblo now owns up by Salida. They talk about the various three phases that you're generally going through, which is your initial planting, then you're caretaking, and you're trying to get it up to where the grasses are generational and can take care of themselves depending upon the water resources you have, whether it be through irrigation to get them there or if we're lucky and we get wet years like we had last year, that process can take, three, five, seven years or longer. It's just a process that overall, patience is one of the things that is needed. I understand how the utilization of that water as a resource for augmentation gets to be a priority when you couple in conduit talk and a lot of the other operations that we have because that's a resource that we would own but it just takes a long time.

Chairman Cranson: Then another point that came up is trying to build an accrual fund. We had the \$17.00 charge for repayment of the bonds for the water treatment plant. We retained that but we're concerned and maybe interested to make sure that goes to accruing up the fund balance used for capital improvements and no one's really addressed that to us. We just like to make sure that that happens as well.

City Attorney Malouff: This is a very unique Board and it is created by charter and the rules that apply to this board are by charter, not by me, or by interpretation. The charter limits your responsibilities to a determination of rates. Not oversight of management, not oversight of the various funds. (The City Attorney continued discussion of "Liability issues with regard to elected board officials.")

There being no further business, the meeting adjourned at 5:57 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Gary Cranson, Chairman