MINUTES OF BOARD OF DIRECTORS MEETING  
CLIFTON WATER DISTRICT  
THURSDAY, April 2, 2020

BOARD MEMBERS PRESENT: Dale Peck, Chairman; Stan Sparks, Vice-Chair; Melvin Diffendaffer, Secretary; Michael Slauson, Treasurer; and Dan Mcelley, Director

STAFF MEMBERS PRESENT: Dale Tooker; David Reinertsen; and Deserae Mora

GUEST:

REGULAR MEETING -Meeting held telephonically and virtually

Chairman Peck called the April 2, 2020 Regular Meeting to order at 5:06 p.m.

MINUTES OF THE MARCH 5, 2020 REGULAR MEETING
Vice Chairman Sparks moved to approve the March 5, 2020, Regular Meeting Minutes. Director Mcelley seconded and the motion passed unanimously.

MINUTES OF THE MARCH 20, 2020 EMERGENCY MEETING
Director Diffendaffer moved to approve the March 20, 2020, Emergency Meeting Minutes. Director Slauson seconded and the motion passed unanimously.

Emergency COVID-19 Pandemic Continuation of Operations Plan District Response:

Staff presented a Staff Report (04-02-2020 File, 2020 Staff Reports, Resolutions) concerning the District’s Continuation of Operations Plan and the proposed Resolution 2020-04 officially placing a moratorium on disconnection of water service for nonpayment in response to the COVID-19 Pandemic. Director Diffendaffer moved to adopt Resolution 2020-04 Discontinuation of Water Service Moratorium. Director Mcelley seconded and the motion passed unanimously.

RESOLUTION 2020-04
RESOLUTION FOR THE DISCONTINUATION OF WATER SERVICE MORATORIUM

WHEREAS, the District has implemented an Emergency COVID-19 Pandemic Continuation of Operations Plan in order for the protection of health, safety and suppression of the disease in the community; and

WHEREAS, The District identifies that the production and delivery of safe drinking water is essential and paramount in times of crisis and uncertainty; and

WHEREAS, it is in the best interest of the community and The District’s Customers to suspend discontinuation of water service of past due accounts until May 31, 2020; and

WHEREAS, The District will not shut off water service due to nonpayment beginning March 16, 2020. The District will continue to provide Past Due Notices during the normal billing cycles; and

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WHEREAS, The District will temporarily suspend fees for late payments and Credit Card convenience fees; and

WHEREAS, this resolution shall remain in effect until May 31, 2020 unless extended by the Clifton Water District Board of Directors.

NOW THEREFORE BE IT RESOLVED, that this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the community and Clifton Water District Customers.

BE IT FURTHER RESOLVED, that this Resolution be adopted this 2nd day of April and is effective retroactive to March 16, 2020.

**Financial Report**

Director Slauson moved to accept the Financial Report and Approve Accounts Payable Regular Checks of $166,113.43, plus Supplemental Checks of $0.00, plus Benefits Checks of $0.00, plus HRA Disbursements of $0.00 for a total of $166,113.43. Manager Tooker identified the benefits and HRA check run was not presented for Board review due to reduced Staff and time constraints. Benefit Checks will be presented for approval at the May Board Meeting. Director Sparks seconded and the motion passed unanimously.

**Manager’s Report**

Manager Tooker reviewed the February 2020 Manager’s Report.

**Informational Report**

2020 Grand Valley Drought Status /DRIP Activity Update – Staff presented an Informational Report (04-02-2020 File, 2020 Informational Reports). The Drought Status in the Grand Valley is currently D1 Moderate Drought that has continued since last summer. The Upper Colorado Basin is at 104% of normal Snow Water Equivalent. Present reservoir conditions are considered normal for this time of year. Filling projections should be announced in early April. Therefore, at this time, conditions indicate a normal irrigation and domestic demands and supply for the upcoming summer season.

Cancelation of Planned Activity – Due to the COVID-19 pandemic, several planned community outreach efforts (rain barrel demonstration days, Palisade Sunday and Fruita Farmer’s Markets, and the Children’s Water Festival) have been cancelled or postponed for later in the year, once the pandemic situation has resolved.

**Express Agenda**

Director Sparks moved to approve the Express Agenda items as presented. Director Mcellely seconded and the motion passed unanimously. The Express Agenda items are as follows:

Springbrook Billing System Upgrade – The upgrade to the utility billing software program has been delayed due to COVID-19.

Smallwood Drive Waterline Upgrade/Replacement – The design package for the new 10-inch water main from the intersection of Smallwood Drive and Cardenas Drive and extending north to
the I-70B Frontage Road at the Helton Drive alignment has been approved and competitive bidding will be taking place.

2020 27th Annual Children’s Water Festival – Due to the COVID-19 Pandemic the water festival has been cancelled.

Unfinished Business

Project 2019-01 Expansion/Renovation Administration Building – Staff reported that they are working with FCI to keep the project moving forward on schedule during the COVID-19 Pandemic taking into consideration the protection of Staff and the public. It was the consensus of the Board to proceed as planned with the project.

Project RM 2019-01 Middle Storage Tank Emergency Repair – Staff reviewed the Staff Report (04-02-2020 File, 2020 Staff Reports, Project RM 2019-01) that was previously presented at the Emergency Board Meeting on March 20, 2020. PCL Construction, Inc. has been awarded the contract for Project RM 2019-01 3.7 MG Storage Tank Emergency Stabilization and Piping Repairs and will begin working with Burns and McDonnell to finalize the plans and the develop a Guaranteed Maximum Price (GMP). The GMP Contract will be presented at the May 7, 2020 Board Meeting for final approval. PCL Construction, Inc. has acknowledged the award of contract and is tentatively scheduled to begin the repairs April 27, 2020.

Policy Past Due Balance Accounts – Staff reviewed the Staff Report (04-02-2020 File, 2020 Staff Reports, Resolutions) concerning a Collection Policy for Delinquent Accounts. Staff presented Resolution 2020-05 Collection Policy for Delinquent Accounts. The Resolution revises Operating Policy #420 Water Usage Fees addressing the collection of past due balances pursuant to C.R.S. § 32-1-1101(1)(e) where the District may certify to the County Treasurer that there are unpaid fees or charges for a particular property, and thereafter collect in the manner otherwise provided for real property tax. The conditions initiating this process are identified as a delinquent account having at least six (6) months past due and the sums owing for water services and fees that total at least one hundred fifty dollars ($150). The Board discussed the conditions of the Resolution. Director Slauson moved to approve Resolution 2020-05 Collection Policy for Delinquent Accounts. Director Sparks seconded and the motion passed unanimously.

RESOLUTION NO. 2020-05
COLLECTION POLICY FOR DELINQUENT ACCOUNTS
CLIFTON WATER DISTRICT

A resolution adopting a collection policy for delinquent utility accounts. The following describe the intent and purpose of this resolution.

a. From time to time the District revises its policies to address current needs.
b. Delinquent customer accounts can be a financial drain on District resources.
c. It is appropriate that the District standardize its collection processes so as to treat all customers fairly and give notice to affected persons.
d. Pursuant to C.R.S. § 32-1-1001(1)(j)(l) the District possesses a perpetual lien against real property that it serves to secure payment of fees, rates, and charges for service.
e. Additionally, pursuant to C.R.S. § 32-1-1101(1)(e) the District may certify to the county treasurer that there are unpaid fees or charges for a particular property, and thereafter collect same in the manner otherwise provided for real property taxes.

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f. The Clifton Water District (CWD) charges are set forth in the District’s Policy #420 Water Usage Fees. The District (CWD) pursuant to a joint billing agreement, bills and collects payments for the Clifton Sanitation District (CSD). It is appropriate that the District’s (CWD) collection practices mutually conform to the practices of both CWD and CSD.

Therefore, the Rules and Regulations of the Clifton Water District are hereby amended with the adoption of the following:

§6.11 Certification to Treasurer of Delinquent Charges

In the event that a customer is delinquent in the payment of applicable fees, rates, tolls, penalties, assessments, or other charges payable to the District, the District may certify the sums as delinquent to the Mesa County Treasurer, and said sums shall be subject to collection in the same manner as real property taxes are collected and paid. If an account is at least six (6) months past due and the sums owing for water charges and fees total at least one hundred fifty dollars ($150), the District may elect to collect pursuant to this section 6.11 by enacting a resolution to that effect at a duly noticed public meeting of the Board of Directors of the District. Prior to certifying the sums to the Treasurer, the District shall serve written notice upon the record property owner, not less than ten (10) days prior to the public meeting, setting forth the following:

a) An explanation of the sums owing on the delinquent account;
b) The date, time, and location of the public meeting of the Board of Directors and the manner in which the District may be contacted for purposes of resolving the payment obligation; and
c) That the property owner may appear at the public meeting for the purpose of offering evidence relevant to the sums that are claimed as owing.

If, at the conclusion of the meeting, the Board is satisfied that the sums are owing and unpaid, it may certify the account to the Mesa County Treasurer in the manner otherwise provided by law. Thereafter, the sums owing, together with any applicable fees, shall be paid and collected in conjunction with real property taxes for the subject parcel.

6.11.1 Enforcement of Perpetual Lien

Where appropriate, the District may enforce its perpetual lien by delivering to the record owner of the subject property a notice of intent to lien identifying the record owner, the legal description of the subject property, and stating the amounts and basis for all sums claimed. If the owner fails or refuses to pay the sums stated in the notice of intent to lien within ten (10) days of delivery, the District may record the lien statement in the Mesa County land records. The recorded lien statement may be foreclosed in an action commenced by the District, as otherwise provided by law.

6.11.2 Interest, Payment Agreements, Surrender of Water Taps

a) Sums owing to the District for delinquent charges shall carry interest at the rate of twelve percent (12%) per annum, simple interest, until paid in full.
b) The District may enter into payment plans with a customer providing for the restoration of service, subject to reasonable repayment terms and such other terms as the parties may mutually agree.
c) The District is authorized to enter into agreements with owners of existing Taps wherein delinquent charges are deemed satisfied in exchange for surrender by the owner of the applicable Taps. Any such proposed agreement shall be reviewed by the Board of Directors and, if it is satisfied that the terms are equitable, it may approve the proposed agreement. Once approved, the District may implement all necessary actions to disable any existing Tap and the District shall have no further service obligations to the owner. The subject property owner, or any successor in title, may apply for resumption of service at a later time, subject to compliance with all then-applicable District terms of service and fees.

This Resolution is approved and adopted by the affirmative vote of a majority of the Board of Directors at a duly noticed public meeting this 2nd day of April, 2020.
613 Americana Drive – Manager Tooker reported that Case Number 2019CV71, the claim against the Clifton Sanitation District and the Clifton Water District, Dale, Tooker, Dale Peck, Brian Woods, and Kent Brumback has been dismissed in Mesa County District Court on March 21, 2020.

Personnel Policy Revisions – The Board discussed Personnel Policy revisions that were tabled for further discussion at the March 5, 2020 Board Meeting. Personnel Policy revisions included health insurance enrollment eligibility and Annual Leave accrual rates.

Director McElley made a motion to revise the District’s health insurance enrollment eligibility to be the first day of the month following employment start date for full time employees. Director Diffendaffer seconded and the motion passed unanimously.

The Board also discussed changes to the Annual Leave accrual rates and referred discussion to the Personnel Committee to review and consider options.

2020 District Election – Adoption of Resolution 2020-06 Cancelation of Election and Declaration Deeming Candidates Elected – Staff presented the Staff Report (04-02-2020 File, 2020 Staff Reports, Election, Resolutions) stating that the District’s 2020 Election was cancelled on March 3, 2020 as the number of candidates submitting Self-Nomination affidavits equalled the number of Board positions to be filled. District Resolution 2020-06 fulfills the cancellation certification requirements identified by Colorado Department of Local Affairs (§1-13.5-513(6), 32-1-104, 1-11-103(3) C.R.S). The Board discussed identifying Director Diffendaffer and Director Sparks would begin their three (3) year terms and Director Slauson and Director McElley would begin their two (2) year terms at the first Regular Board Meeting after the election date of May 5, 2020. Director McElley made a motion to adopt Resolution 2020-06 Cancelation of Election and Declaration Deeming Candidates Elected as presented. Director Slauson seconded and the motion passed unanimously.
RESOLUTION 2020-06
CANCELLATION OF ELECTION and
DECLARATION DEEMING CANDIDATES ELECTED
BOARD OF DIRECTORS

CLIFTON WATER DISTRICT
MESA COUNTY, COLORADO

WHEREAS, the Board of Directors of the District is authorized to cancel the election by resolution and declare candidates elected at the close of business on the sixty-third before the election to be conducted on May 5, 2020; and
WHEREAS, the Board of Directors has duly certified that there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates,
Now, THEREFORE, pursuant to 1-13.5-513(6) & 1-11-103(3), C.R.S., the Board HEREBY cancels the regular election to be conducted on the 5th day of May, 2020 by formal resolution and

THE BOARD DECLARES THE FOLLOWING CANDIDATES ELECTED FOR THE FOLLOWING TERMS OF OFFICE:

Melvin Diffendaffer 544 33 ¾ Road Clifton, CO 3-Year Term
Stanley Sparks 672 N. Saddlerock Dr. Grand Junction, CO 3-Year Term
Michael P. Slauson 659 Challinor Lane Grand Junction, CO 2-Year Term
Edward Daniel Mcelley 571 33 ¾ Road Clifton, CO 2-Year Term

BE IT FURTHER RESOLVED, that this Resolution be adopted this 2nd day of April, 2020.

New Business

Request to Set Commercial Fire Line Tap Fee, 3210 E Road – Assistant Manager Reinertsen reviewed the Staff Report 4-inch Fire Line PIF Request (04-02-2020 File, 2020 Staff Reports) with the Board. Staff has been working with Mind Springs Health at 3210 E Road regarding their design requirement for a 2-inch domestic service and a 4-inch dedicated Fire Line. Current District Policy does not identify a Plant Investment Fee for a 4-inch dedicated Fire Line. The Owner representative has requested a determination from the Board regarding the Plant Investment Fee for a 4-inch Fire Line tap.

Based upon the Meter Evaluation Ratio Methods previously used to set Plant Investment Fees, Staff identified a Plant Investment Fee for the 4-inch Fire Line at $7,560. This dedicated fire line will be billed monthly at the District’s Non-Residential Water Use Rate, any water used will be charged a Demand Charge and per thousand use charge as identified in the District’s current Exhibit A – Policy #420 Rates and Fees. Director Mcelley moved to approve the Plant Investment Fee of $7,560 for a 4-inch Fire Line Tap based upon the Meter Evaluation Ratio Method. Director Diffendaffer seconded and the motion passed unanimously.
ADJOURNMENT

The regular meeting was adjourned at 6:40 p.m. by Chairman Peck.

ATTEST:

Dale Peck

Stan Sparks

Melvin Diffendaffer

Michael Slauson

Dan Mcelley