

MINUTES
Colorado Springs Utilities Board Meeting
Wednesday, Jan. 18, 2023

Utilities Board members present via Microsoft Teams or Blue River Conference Room:

Chair Wayne Williams, Vice Chair Mike O'Malley, Dave Donelson, Randy Helms, Bill Murray, Nancy Henjum, Tom Strand and Yolanda Avila

Utilities Board members excused: Stephannie Fortune

Staff members present via Microsoft Teams or Blue River Conference Room: Travas Deal, Tristan Gearhart, Renee Adams, Mike Francolino, Lisa Barbato, Joe Awad, Natalie Watts, Heather Harvey, Jonathan Liepe, Jessica Davis, Tara Kelley, Bethany Schoemer, Andie Buhl, Monica Indrebo and Joe Marcotte

City of Colorado Springs staff members present via Microsoft Teams or Blue River Conference Room: Bethany Burgess, Alex Ryden, Chris Bidlack and Tracy Lessig

Residents present via Microsoft Teams or Blue River Conference Room: Chaplain Bob Swales, Michelle Winchell, Susan Edmondson, Chelsea Gondeck, Frances Soucek and Steve Mulliken

1. Call to Order

Chair Wayne Williams called the Utilities Board meeting to order at 1:00 p.m. and Ms. Andie Buhl, Utilities Board Administrator, called the roll.

2. Invocation and Pledge of Allegiance

Chaplain Bob Swales from the El Paso County Sheriff's Office delivered the invocation and Chair Williams led the Pledge of Allegiance.

3. Consent Calendar

3a. Approval of Utilities Board Meeting Minutes: Dec. 12, 2022

3b. Approval of Utilities Board Special Meeting Minutes: Jan. 4, 2023

3c. A Resolution Appointing Kim Gortz to the Homestake Steering Committee and the Board of Directors of the Aurora-Colorado Springs Joint Water Authority

Board Member Strand moved approval of the Consent Calendar and Vice Chair O'Malley seconded the motion. The Consent Calendar was unanimously approved.

4. Recognition: AdAmAn Alley

Ms. Lisa Barbato, Chief Systems Planning and Projects Officer, explained how the City of Colorado Springs and Springs Utilities partnered together to complete a unique six utility collaborative project in support of the AdAmAn Club's 100-year anniversary. She said the AdAmAn Alley project cost \$1.2 million and consisted of rehabilitation, replacement, and installation of new gas, electric, water, storm water, wastewater, and telecommunications infrastructure all located within the narrow alleyway. Ms. Barbato thanked and recognized staff and City members who contributed to the project.

Ms. Chelsea Gondeck from the Downtown Partnership also thanked staff for their help on this project.

5. Customer Comments

Frances Soucek provided a visual of her neighborhood and expressed frustrations she and her neighbors share about common wastewater service lines.

6. Compliance Reports

- (I-6) Infrastructure
- E-2 CEO Responsibilities
 - Water Outlook
 - ECA/GCA Monitoring

Chair Williams explained that compliance reports are on the agenda by exception and asked if there were any questions. There were none.

7. Items Called Off Consent Calendar

There were none.

8. Lower Fountain Metropolitan Sewage Disposal District Service Agreement Amendment

Ms. Tara Kelley, Resource Recovery Facilities Manager, provided background information about the Lower Fountain Metropolitan Sewage Disposal District was established in 1985 to provide present and future regional wastewater collection and treatment service. She said the original members were Fountain Sanitation District and Colorado Centre Metropolitan District. Ms. Kelley reviewed and explained inclusion areas for this agreement.

Ms. Bethany Burgess, Division Chief – Utilities, Office of the City Attorney, reviewed a summary of changes – specifically clarification of:

- Contract service area boundaries
- Capacity allocations for members/connecting entities (e.g., interceptor/pipe capacity based on peak hourly flow) and obligations related to capacity expansions

- No obligation to serve areas outside of inclusion area through the Lower Fountain Metropolitan Sewage Disposal District and that such service requires the District's approval
- Penalties for exceeding allocated capacity
- Miscellaneous definitions and provisions

Ms. Burgess reviewed next steps, and the Utilities Board agreed to put this item on Consent at the Feb. 14, 2023 City Council meeting.

9. Rail Served Industrial Park Trackage Agreement

Ms. Burgess provided background information about this agreement, such that it is intended to establish a dual rail served industrial park to promote industrial manufacturing in the Colorado Springs region. It will also support Fort Carson's operations.

Ms. Burgess said Springs Utilities began working with other community stakeholders and project representatives in 2017 to evaluate feasibility of sharing existing rail spur and spur extension. She said Springs Utilities provided a Letter of Condition Support in October 2017, to acknowledge Springs Utilities' willingness to support the project subject of ensuring operations and ratepayers not being adversely impacted.

Ms. Burgess reviewed the trackage and development agreement terms and concluded with next steps.

Mr. Steve Mulliken, Attorney and Partner at Mulliken Weiner Berg & Jolivet P.C., provided additional background information and a summary of benefits for this project.

The Utilities Board agreed to put this item on Regular Business at the Feb. 14, 2023 City Council meeting.

10. Acquisition of Real Property to be Used for the Central Substation Project

Ms. Jessica Davis, Information Technology Manager, provided background information about the Central Substation Project. She said there are seven properties to acquire: four commercial, two residential and one vacant.

Ms. Davis reviewed details of the property acquisitions for two of the sites: 4002 Goldenrod Drive and 2918 Austin Bluff Pkwy. She concluded with next steps, and the Utilities Board agreed to put this item on Consent at the Feb. 14, 2023 City Council meeting.

11. Board Member Updates

Chair Williams said there is a vacant seat on the Economic Development Subcommittee and Ms. Johnna Kleymeyer, President and CEO of Colorado Springs Chamber & EDC, will temporarily serve on the subcommittee until the position is

filled. He also provided updates about the CEO recruitment process at Springs Utilities.

Board Member Donelson provided updates from the January Strategic Planning Committee and requested the (C-2) Annual Board Evaluation be brought to the February Board meeting.

Board Member Strand reminded the Utilities Board about the Program Management Review Tour in February and brought attention to financial assistance programs Springs Utilities offers residents for paying their bills.

Board Member Avila expressed concerns about constituent tracking and responses at Springs Utilities.

Board Member Henjum provided an update about District 5's Town Hall and per her request, Mr. Tristan Gearhart, Chief Planning & Finance Officer, provided an update about rates locally and nationally.

Board Member Helms recognized the hard work of Springs Utilities employees.

12. Executive Session

Ms. Bethany Burgess, City Attorney – Division Chief, read the following language to enter Executive Session:

In accordance with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b), (c), (e), (f), and (g) and Utilities Board Bylaw Rules 10(c)(2), (3), (5), (6), and (7), the Utilities Board, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves conferences with the City Attorney's Office for the purpose of receiving legal advice on specific legal questions, matters required to be kept confidential by federal or state law or rules and regulations, developing strategy for negotiations and instructing negotiators, a personnel matter, and consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24 of the Colorado Revised Statutes, all involving the Chief Executive Officer position.

The City Attorney's Office, on behalf of the Chair of the Utilities Board, shall poll the Utilities Board members, and, upon consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any Utilities Board member is participating electronically or telephonically in the Closed Executive Session, each Utilities Board member participating electronically or telephonically in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Ms. Burgess called the roll and polled the Utilities Board. They voted unanimously to enter Executive Session and took a break at 2:20 p.m. They entered Executive Session at 2:30 p.m. and returned to Open Session at 4:01 p.m.

13. Adjournment

The meeting adjourned at 4:02 p.m.