

may have to be cut out as often as every three months.

Wicklund noted that there is a high risk that frustrated customers might elect to use a bottle or two of copper sulfate, which is prohibited by Monument Sanitation District regulations, to kill these intruding roots.

However, the use of a jar of copper sulfate is sufficient to cause a very high copper concentration in the district's domestic wastewater that enters the Tri-Lakes Wastewater Treatment Facility. A high concentration of copper is very difficult for the plant's activated sludge treatment process to remove. The high remaining concentration of copper in the treated wastewater that is discharged to Monument Creek can cause a Tri-Lakes facility discharge permit violation due to the tight restrictions being imposed by the EPA on the state of Colorado.

The danger to all the district's customers is that these copper violations can lead to an EPA fine as high as \$28,000 per day, which must be shared by all district constituents—about 1,000 homes and about 100 commercial businesses.

Wicklund stated that the cost of providing an interest-free loan to a customer to have the district repair a leaking service line so it can meet district standards is far less than the potential daily fine for a discharge permit violation. Such a loan would only be available if the district's contractor performs the repair and if the Monument district has sufficient cash reserves to pay for the repair of a customer service line. Wicklund suggested that the affected customer could make small interest-free payments for a period up to 180 months (15 years). Such loans are available to property owners with failing septic systems who seek inclusion to the district. In both cases, if the property is sold before all the payments have been made, the balance of the loan would have to be paid off during closing of the sale.

The collection line repair loan would be subject to the same property tax liens that currently apply to tap fee loans and delinquent monthly service fee payments. Collection line repair loans would only be available at the sole discretion of the district on a case-by-case basis based on the prevailing service line and district financial circumstances at the time of the tree root infiltration.

The board approved this new policy by a 3-0-1 vote, with Director Don Smith abstaining, and asked Wicklund to have the district's attorney provide a sample repair loan contract for review at the next board meeting on June 20.

The board also approved Wicklund's request to obtain bids for cutting down dense mature trees in district easements where there are several older vitreous clay collection lines. The thicket of subsurface roots that has grown denser during

recent drought periods can shift the position of these collection lines, causing failures of gaskets and linings designed to prevent root infiltration.

Final state nutrient grant rules discussed

Wicklund noted that Gov. John Hickenlooper signed House Bill 13-1191 on May 10. This bill appropriates \$15 million over the next three years for state grants for planning, designing, and construction of capital improvements to state wastewater treatment plants with a rated capacity of more than 2 million gallons per day for treatment of nutrients such as phosphates, nitrates, and nitrites to comply with state Control Regulation 85.

The 34 available planning grants would provide \$80,000 each and require a wastewater treatment facility match of \$16,000 (20 percent). The 12 \$1 million design and construction grants do not require a match from the facility. All planning, engineering, or construction financed by one of these grants must be completed and approved by the state Water Quality Control Division by Sept. 1, 2016. The amount set aside for each of the three years of administration by a division employee is \$100,000.

House Bill 13-1191 is available at: www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/1E95DAB0015B3FFB87257AEE005853C0?open&file=1191_enr.pdf

Details for implementation of House Bill 13-1191 are available by clicking on the "Nutrient Management Grant Program" link on the Water Quality Control Commission "What's New" page at: www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596763746

The link for the Water Quality Control Commission's Nutrients Management Control Regulation 85 is available at: www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251595703337

Wicklund stated that the Tri-Lakes facility should definitely apply for one of the \$80,000 planning grants. The Tri-Lakes facility operates as a separate public utility and is jointly owned, in equal one-third shares, by Monument Sanitation District, Palmer Lake Sanitation District, and Woodmoor Water and Sanitation District.

Even though the HB 13-1191 program was designed to provide grants directly to wastewater treatment plants, the Tri-Lakes plant is not a separate special district and has no taxing authority, which renders it ineligible to receive a grant directly. The Monument, Palmer Lake, and Woodmoor special districts will all sign a single grant application form for the Tri-Lakes facility as co-equal owners.

Possible TABOR issues

Wicklund also noted that seeking a construction grant may cause TABOR problems for the enterprise funds of each of the Tri-Lakes facility's three owner districts. Under the TABOR amendment to the state constitution, the maximum amount a special district can accept each year from state grants is 10 percent of its operating revenue. Currently the annual enterprise fund revenue for both Palmer Lake and Monument is about \$500,000, so each of these districts can accept no more than about \$50,000 in state grants per year. The maximum amount of state grants that Woodmoor can receive each year is about \$300,000.

If the construction grant reimbursement payments for design and construction can be divided into partial payments as various phases of the nutrient treatment construction project are completed during the three-year lifespan of this grant program, there may not be a TABOR problem for accepting some of the grant money each year through 2016. However, the specific rules for reimbursing the owner districts and municipalities of the 45 publicly owned

treatment plants that are eligible for these grants for payment of contract fees have not yet been finalized, approved, and published.

The Monument board directed Wicklund to move forward in coordination with the district managers of Palmer Lake and Woodmoor to provide the Tri-Lakes Facility Joint Use Committee and the owner district boards with options and preferred alternatives for accepting a planning grant and a design/construction grant for a chemical treatment plant for enhanced removal of total phosphorus from the Tri-Lakes facility's treated effluent. The three-member Joint Use Committee acts as the board of the Tri-Lakes facility and consists of one director from each of the three owner districts' boards.

Tetra Tech of Denver will

act as the facility's consultant for developing these alternatives and completing the required state grant application forms by the June 30 deadline. RTW, the plant's original engineering firm that designed and supervised construction of the Tri-Lakes facility, was purchased by Tetra Tech a few years ago. The former owners of RTW now work for Tetra Tech.

In other matters, Wicklund noted that there were no unusual payments since the April 18 board meeting. The cost for snow plowing cost by Oasis Landscape & Irrigation Inc. was \$355. Total cash assets were \$339,199, even though no tap fees had been received yet this year. None of the planned major capital expenses for this year had been incurred yet.

The board unanimously approved a \$10 increase in the dis-

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