

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, December 14, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

1 **1. CALL TO ORDER**

2 President Danz called the meeting to order at 8:30 a.m.

3 **PLEDGE OF ALLEGIANCE**

4 Those attending joined in reciting the Pledge of Allegiance.

5 **ROLL CALL**

6 Directors Present: Barbara Danz, President; Charles Nungester, Vice President;
7 Janet S. Grant; Jon Northrop; Virginia Quinan

8 Directors Absent: None.

9 Staff Present: John Collins, General Manager; Buz Bancroft, Maintenance
10 Supervisor; Mike Dobrowski, District CPA (by telephone); Jancis Martin,
11 Recording Secretary

12 Guests Present: Peter Poe/NTPFD; Pat Dillon/NTPFD; Dave Ruben/NTPFD;
13 Mark Hadley/resident; Susan Nielsen/resident; Valerie Forte/Chase International
14 Realtor

15 **2. PUBLIC PARTICIPATION**

16 None.

17 **The numbering of the following items matches the original order of the**
18 **scheduled items in the meeting agenda. However, to take best advantage**
19 **of meeting participants' time, the items were dealt with in a different order**
20 **during today's meeting, as seen below.**

21 **3. ITEMS FOR BOARD DISCUSSION & ACTION**

22 **A. Election of Board President and Vice President:**

- 23 • Director Northrop NOMINATED Director Danz as President of the
24 Board. Director Nungester SECONDED the motion. All Directors
25 being in favor, Director Danz was ELECTED President.
- 26 • Director Northrop NOMINATED Director Nungester as Vice President
27 of the Board. Director Quinan SECONDED the motion. All Directors
28 being in favor, Director Nungester was ELECTED Vice President.

29 **B. Financial Reports:**

30 Mike Dobrowski, District CPA, participated in discussion of this agenda
31 item by telephone. He reported that:

- 32 • The District's net income is almost \$190K more than last year and its
33 cash position has increased almost \$380K compared to last year.
- 34 • There is a large payment due to NTPFD in December.
- 35 • The audit is complete. The Board will discuss the audit report next
36 month.
- 37 • On page 2 of the financial overview, the new furnace was mistakenly
38 omitted from the fixed assets; Mike instead coded it as "Building
39 Maintenance". He will correct the entry next month.
- 40 i. **November Financial Statements:** Director Nungester made a
41 MOTION that the Board approve the financial statements, dated
42 December 11, 2007, as presented. Director Northrop SECONDED
43 the motion. All Directors being in favor, the motion was APPROVED.
- 44 ii. **November Expenses Paid & Payable:** The Directors reviewed the
45 monthly check register. Director Grant made a MOTION that the
46 Board approve the Expenses Paid & Payable (checks 23383 through
47 23440). Director Nungester SECONDED the motion. In discussion,
48 Director Quinan asked if Manager Collins' pay was higher than normal
49 this month; President Danz said Manager Collins had included some

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1 expenses for which he was reimbursed by the District. All Directors
2 being in favor, the motion was APPROVED.

3 **C. Approval of Minutes of Regular Board Meeting Held on November 9,**
4 **2007:**

5 Director Northrop made a MOTION that the Board approve the minutes of
6 the November 9, 2007, Regular Board of Directors Meeting. Director
7 Nungester SECONDED the motion. All Directors being in favor, the
8 motion was APPROVED.

9 **F. Prevention of Dumping Illegal Items in Dumpsters & Security of**
10 **Dumpster Area:**

11 The Board reviewed actions taken since last month and possible future
12 actions for mitigating the illegal dumping problem:

- 13 • Buz reported that the situation had been improving, but then got
14 worse around Thanksgiving. Also, someone dumped a couch during
15 daylight hours during the past month. Buz is thinking of getting extra
16 bins in place for the upcoming holidays to avoid excess overflow.
- 17 • The bears are no longer making messes in the dumpster area.
- 18 • The Directors felt that, since the recycle bins are working for now,
19 there is no point in getting rid of them at this point.

20 **G. General Manager's Report:**

21 John Collins, General Manager, provided a written report on his activities
22 during the month of November, with discussion on the following topics:

- 23 • Well R-1 Project: The Lumos engineers are continuing their work.
24 They have submitted 50% of their plan. In March, there should be a
25 final plan and cost estimate for the Board to approve. Lumos was
26 paid \$900 this past month, for a total of \$19.5K to date on this project.
- 27 • Fire Services: Chief Whitelaw informed Manager Collins that all work
28 on the fire station addition is complete such that the District can move
29 forward with the notice of completion (agenda item 3I).
- 30 • Springs 2 & 4 Repairs: On hold.
- 31 • Bear Creek Litigation: Manager Collins traveled to Sacramento to
32 testify in the trial. He also has had a couple of communications with
33 Mr. Ferwerda but there has been no further progress on resolution of
34 the construction of the footings on Mr. Ferwerda's property.
- 35 • Easements: Manager Collins and Staff are making slow progress in
36 recording easements. The County Recorder keeps returning
37 documents for unexpected reasons (e.g., blurred notary stamps).
- 38 • Audit: The auditors will attend the January meeting to answer any
39 questions that arise when the Board reviews their report.
- 40 • Defensible Space Clearance on District Properties: Manager Collins
41 submitted the grant application to Sierra Nevada Conservancy but has
42 not heard back. Sierra Nevada Conservancy should make its
43 selections in January or the first part of February. To date, JMA and
44 AMEA have each offered to contribute \$2,500 to support the grant,
45 but Bear Creek Association and the ski area have not yet offered any
46 contributions. Without other community contribution commitments,
47 ASCWD's share of underwriting the grant will be \$5,000.
- 48 • Salary Survey: Discussed during the Budget & Finance Committee
49 report (agenda item 3Oi).

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- 1 • Manager Collins started to research whether or not a customer should
2 be required to pay his sewer bill if he only uses a septic tank, but
3 ended up dropping the topic at the request of the customer.
4 • All other local agencies are raising water and sewer rates.
- 5 **I. Resolution 10-2007: Providing for the Acceptance of Public Works**
6 **and Notice of Completion:**
7 The Board reviewed Resolution 10-2007, accepting the completion of the
8 fire station. Director Nungester made a MOTION that the Board approve
9 Resolution 10-2007, Providing for the Acceptance of Public Works and
10 Notice of Completion. Director Northrop SECONDED the motion. Roll
11 was called to approve the Resolution. Ayes: Directors Grant, Northrop,
12 Nungester, Quinan and President Danz. Nays: none. The Resolution
13 was APPROVED.
- 14 **J. Well R-1 Connection:**
15 Discussed during agenda item 3G.
- 16 **K. Agreement between Alpine Sierra Ventures, LLC, and ASCWD:**
17 Following discussion of the proposed agreement at the last Board
18 meeting, President Danz and Manager Collins held a telephone
19 conference with District legal counsel regarding the issues that arose
20 from the Board discussion. Manager Collins has also had several
21 conversations with ski area representatives. President Danz and Manager
22 Collins just received a revised draft from legal counsel which they will
23 review before legal counsel forwards the revision to the ski area's legal
24 counsel. The Board should receive a draft to review at the January Board
25 meeting.
- 26 **L. Operations & Maintenance Department Report:**
27 Buz Bancroft presented a written report for the month of November that
28 included status updates on water, sewer, garbage and other services
29 provided by the District. In addition to the information on the written
30 report, the following were discussed:
- 31 • Sewer flow and water usage have both been low, since there have not
32 been many people in the valley.
33 • A contractor repaired two sewer lines that had breaks plus root
34 intrusion; the problems were identified on the televised sewer report.
35 • A contractor repaired a water leak on Snow Crest Road, putting back
36 into operation a segment of the water supply that has been out of
37 operation for a year and a half. It should improve the fire flow
38 capacity in the Pine Trail area.
39 • Staff serviced the altitude and pressure regulating valves in the valley.
40 • Coliform samples for the month were negative with the exception of
41 one positive sample for Spring 2.
42 • The springs were sampled for perchlorate, a state requirement. They
43 will be tested again in six to seven months. If the test results are
44 negative, the District will not have to test again for five years.
45 • Spring 4 had no pressure when it was tested, an indication of how dry
46 the previous winter was. Staff adjusted a valve to increase the
47 pressure to 5+ pounds.
48 • The ski resort used water for snowmaking for 13 days in a row, an
49 unusually long stretch.

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- Since the tanks were not inspected before snowfall, they will not be inspected until spring or summer.

D. Fire Department Report:

Peter Poe was in attendance for NTFPD and discussed with the Board the following items:

- November Dispatch Report: There were three false alarms and a carbon monoxide alarm.
- Fire Station Staffing: Current staffing (Friday, Saturday and Sunday) will continue through the holidays.
- Fire Station Addition: The construction is complete. Pat Dillon expressed his appreciation for the work.
- Sierra Nevada Conservancy Grant: Dave Ruben reported that the District was not awarded a grant in the first round but more grants will be awarded in March.
- Fire Ordinance: Dave has not heard if the Alpine Meadows Fire Ordinance was approved by the Placer County Board of Supervisors. Peter Poe will check and send Manager Collins an email so the Board will know if there is a period of time in January when the District's sprinkler requirements will not be in effect.

E. Placer County Hazardous Vegetation Abatement Ordinance:

The Board discussed the Ordinance with the goal of voting on whether to participate in the one-year pilot program, beginning February 1, 2008:

- Last month the Board decided to discuss whether or not to participate in the pilot program. Dave Ruben said the Board could certainly opt out of the pilot program.
- Director Grant asked how the Ordinance affects District lands. Dave replied that it affects Bear Creek, the office area and a lot across the street. Dave, the North Star and Squaw Valley fire chiefs, Chief Whitelaw, Rui Cunha and other County personnel will be meeting next Monday afternoon to discuss the details of the pilot program.

Director Nungester made a MOTION that the District not participate in the one-year pilot program. In the absence of a SECOND, further discussion ensued:

- Director Grant asked what the ramifications were for the community if the Board does not participate in the pilot program, and also if the District is at risk of having its grant application rejected. Manager Collins did not think that the District's participation in the pilot program affected its likelihood of being awarded the grant.
- Director Nungester felt the Ordinance was not well-written. If the District participates in the pilot program, a homeowner adjacent to District property could call the fire chief, the fire chief could say that District lands need to be cleared and the District would have to spend funds to clear its lands. President Danz pointed out that the Ordinance does not actually require the District to spend money, but rather to apply for grants or other funds to pay for clearance. Dave Ruben said his understanding is that, for a public agency (e.g., Placer County, ASCWD), the notice issued by the fire chief would denote the agency lands to be a "nuisance", which results in the property being included in a future plan for clearance. For a private property, the

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1 notice would be for “abatement”, which could ultimately result in a lien
2 against the offending property if the owner were to take no action.

- 3 • President Danz said she feels that, if grants are not available to clear
4 defensible space on District properties, the Board has an obligation to
5 budget funds to clear its properties. Since the District cannot afford to
6 clear all its properties at once, the work would be done in increments,
7 over time.
- 8 • Director Nungester mentioned Director Northrop’s concern that the
9 Ordinance does not address adjacent developed properties, which he
10 believes is the worst problem in the valley. President Danz said it is a
11 pilot program. The Ordinance does not address all problems.
12 Unfortunately, the Board was not provided the opportunity to
13 participate in the development of the program but she is concerned
14 that the Board would be sending the wrong message to the
15 community if it opts out of the program. Director Nungester referred
16 to Ken Gracey’s letter, wherein he voiced concern that he would have
17 to clear his full 11.3-acre property during the next year. President
18 Danz pointed out that the Ordinance does not require Mr. Gracey to
19 clear his entire property; rather, he is only responsible for clearing the
20 portion of his property which is within 100 feet of a structure on an
21 adjacent property.
- 22 • Director Northrop is concerned that the Ordinance does not address
23 the situation where a developed property is deemed a threat to
24 adjacent properties due to fuels build-up. Dave said that, in these
25 instances, NTFPD is not responsible for issuing notices to property
26 owners to abate the fuels build-up. CalFire can issue such notices but
27 does not do so very frequently; last year it issued only six citations
28 over a three-county area. Dave said that ASCWD has the authority to
29 enforce the clearing of fire hazards.
- 30 • Director Northrop felt that the County has its priorities in the wrong
31 order, addressing fuels build-up on vacant lots rather than on
32 developed properties. President Danz said whether or not this was
33 the case, the Board needed to focus on the Ordinance as it is written
34 and the District’s participation in the pilot program. In the future, the
35 District can decide whether or not to address these other issues.

36 For lack of a second, the motion DIED. Director Northrop made a
37 MOTION that the District participate in the pilot program even though the
38 Board feels there are some flaws in the Ordinance. Director Quinan
39 SECONDED the motion. All Directors except Director Nungester being in
40 favor, the motion was APPROVED. President Danz asked Dave Ruben
41 to represent the District’s interests at Monday’s meeting and to
42 communicate to County personnel some of the District’s concerns.

43 **H. Easement Encroachment Agreement:**

44 The Board reviewed the request from the owners of Lot 228 Alpine
45 Meadows Estates to be relieved of the easement encroachment
46 agreement. The owners - Susan Nielsen and Mark Hadley - and their
47 Realtor, Valerie Forte, participated in the discussion of this agenda item:

- 48 • Manager Collins provided background for the agenda item. The lot
49 owners object to the first sentence of the second paragraph in section

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- 1 4 of the agreement: "First Party agrees to forever maintain and keep
2 in repair the pipeline or lines and appurtenances of Second Party, that
3 are located directly under said improvements". The lot owners would
4 like to sell their property but potential buyers backed out of a purchase
5 agreement because they felt they were exposing themselves to
6 unlimited financial liability for the sewer line. Manager Collins said
7 that the lot has no known sewer problems, based on the televising of
8 the sewer lines in recent years.
- 9 • Susan said they need to sell the property and are disappointed to lose
10 the buyers due to the easement. She asked what was meant by the
11 sentence. President Danz replied that the General Manager and Staff
12 could respond based on their understanding but the interpretation of
13 the sentence was a legal matter, not one for the individual Board
14 members to decide. President Danz asked Valerie if the
15 encroachment agreement was disclosed to potential buyers prior to
16 the purchase agreement; she said no, not until the title search. The
17 sellers will now disclose it. Susan said the agreement was recorded
18 during the tenure of Tom Skjelstad, a previous District General
19 Manager. She thought that the agreement had more to do with
20 damage that might occur during construction on the easement. She
21 had forgotten about the agreement until it came time to sell the
22 property.
 - 23 • Valerie said the concerns expressed by the potential buyers were: 1)
24 the issue of perpetual maintenance of the sewer line; 2) the impact of
25 sewer failure on Bear Creek; and 3) their ability to resell the property.
26 President Danz pointed out that concerns of this sort are inherent in
27 any property in the valley.
 - 28 • Director Quinan asked if District legal counsel had reviewed the issue.
29 Manager Collins said he has forwarded the information to District legal
30 counsel but has not heard back.
 - 31 • Mark said the main concern of the potential buyers is the specified
32 sentence in the agreement. Director Grant felt the sentence was
33 muddy and that the agreement would be better without it.
 - 34 • President Danz asked for Manager Collins' and Staff's opinion.
35 Manager Collins said he told the property's owners that the District
36 would perform the actual maintenance work but that any expenses
37 incurred because the sewer line is below structures on the property
38 would be payable by the property owners. He and Buz agreed that
39 the rest of the agreement was just as clear without the sentence at
40 issue.
 - 41 • President Danz asked Susan if she could wait until District legal
42 counsel has provided an opinion. President Danz felt that the
43 agreement needs to state clearly that the District will maintain the
44 sewer line, but the homeowners are responsible for allowing the
45 District access to the line and for paying any additional expense
46 involved with the maintenance or repair that the District incurs
47 because of the easement. Susan and Mark were amenable to the
48 suggested rewording of the beginning of the sentence in question:
49 "First party agrees forever to allow the District to maintain and keep

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1 ...”. Manager Collins agreed to convey the suggested rewording to
2 District legal counsel.

3 Director Nungester made a MOTION that the Board approve the revised
4 wording of the easement encroachment agreement pending the review
5 and approval of District legal counsel and counsel’s advice as to the
6 impact on other similar agreements in the Valley. Director Northrop
7 SECONDED the motion. All Directors being in favor, the motion was
8 APPROVED.

- 9 • Manager Collins will talk to District legal counsel. If the modification is
10 acceptable to counsel, the District will modify the document and
11 record it. Valerie will notify the potential buyers of the District’s action.
- 12 • Susan would like information that she can provide to the potential
13 buyers that addresses the fact that the sewer line under the house
14 was inspected two years ago and revealed no loss of integrity and
15 was in good condition. Buz will give Susan a copy of the televised
16 report on that segment. President Danz said the District will provide
17 Susan with copies of any public documents in the District files.
- 18 • Buz suggested that Susan and Mark hire a company to photograph or
19 video the pipe. Susan asked how often the District routinely inspects
20 the sewer lines; Buz said the District runs a five-year program.
- 21 • Susan said she had heard that, because of future development in the
22 Valley, the District plans to reroute the sewer line to place it closer to
23 the street so it would be more accessible. Buz said the current sewer
24 capacity is adequate for all future development in the valley.
- 25 • Manager Collins pointed out that homeowners usually have the option
26 to move the sewer line out from under their property, rather than enter
27 into an easement and encroachment agreement such as this one.
- 28 • Susan asked how quickly a homeowner would find out that a problem
29 occurred in the sewer line that could cause potential seepage into the
30 creek and possible environmental disaster. Buz said it would be quick
31 because the sewer system would back up.
- 32 • Susan said time was of the essence in modifying the agreement.

33 **The Board took a break from 10:15-10:25.**

34 **M. TTSA Report:**

35 Director Northrop reported on items of interest to ASCWD from the
36 November 14, 2007, and December 12, 2007, TTSA Board meetings:

- 37 • The plant is operating normally and efficiently.
- 38 • All waste discharge requirements are being met.

39 The next TTSA Board meeting is scheduled for January 16, 2007, at 9:00
40 a.m.

41 **N. December Newsletter:**

42 The Board reviewed the draft of the quarterly newsletter. The only
43 suggested edit was that “afford to” be removed from the last line of the
44 first paragraph.

45 **O. Committee Reports:**

- 46 i. **Budget & Finance Committee:** President Danz presented a written
47 report of the Committee’s December 13, 2007, meeting with detailed
48 discussion of the following items:

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- 1 a. **Status of investments/cash:** A \$100,000 CD matures on
2 January 7th. The Committee recommends it be rolled over to
3 another 12-month CD at an expected rate of around 4.5%.
4 Director Quinan made a MOTION that the \$100,000 CD be rolled
5 over to another 12-month CD at an expected rate of around 4.5%.
6 Director Grant SECONDED the motion. All Directors being in
7 favor, the motion was APPROVED.
- 8 b. **Results of salary survey:** Manager Collins contacted all the
9 local public utility districts to obtain salary information for Buz and
10 Lew's job functions. Manager Collins selected the 60th percentile
11 of surveyed salaries as the target Staff salaries, which would
12 increase Buz's and Lew's salaries by 1.45%. The results of the
13 survey and proposed salary increases have been discussed with
14 Staff and they are comfortable with them. Manager Collins would
15 also like to raise rates for seasonal employees, since it is hard to
16 retain them at their current pay rates. Director Northrop said other
17 districts are also having trouble attracting employees, mostly due
18 to the cost of housing. Manager Collins will be requesting merit
19 increases for Staff every five years.
- 20 c. **Requests from customers for adjustments to their bills:** The
21 Committee received a request from a customer requesting that
22 her late fees and penalties be waived; the Committee agreed to
23 waive late fees and interest charges after September 28.
- 24 d. **Requests for unbudgeted expenses:** The Committee
25 recommends approval of two unbudgeted expenses:
26
 - 27 • \$250 to the Placer County Sheriff for the annual fee for the
28 Emergency Notification System (the District will remit \$500 to
29 the Sheriff's office and NTFPD will reimburse the District \$250
30 based on its agreement to do so),
 - 31 • \$1,440 for additional sampling of each of the wells.

32 Director Northrop made a MOTION that the Board approve both
33 unbudgeted expenses. Director Grant SECONDED the motion.
34 All Directors being in favor, the motion was APPROVED.
- 35 e. **Next meeting:** Scheduled for Thursday, January 10, at 11:30 a.m.
- 36 ii. **Long Range Planning Committee:** There was no meeting.
- 37 iii. **Park, Recreation and Greenbelt Committee:** There was no meeting.
- 38 iv. **Administration & Personnel Committee:** There was no meeting.

39 **P. Open Items:**

40 None.

41 **Q. Correspondence to the Board:**

- 42
 - 43 • The owners of Lot 228 Alpine Meadows Estates sent a letter
44 requesting relief of restrictive language contained in the
45 encroachment waiver recorded May 28, 2002. The matter was
46 discussed earlier in today's meeting (agenda item 3H).
 - 47 • Ken Gracey sent a letter expressing his opposition to the Hazardous
48 Vegetation Abatement Ordinance.

49 **4. DIRECTORS' COMMENTS**

- Director Quinan reported that, as reported Squaw Valley property owners' newsletter, Rick Lierman, General Manager of the Squaw Valley Public

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1 Service District, is investigating obtaining supplemental water from other
2 (unidentified) districts. A member of the Squaw Valley Board suggested that
3 they ask ASCWD. Manager Collins said Rick Lierman reported at the
4 regional managers meeting that Squaw Valley’s consultant will investigate all
5 possibilities and will approach all surrounding districts. Squaw Valley may
6 look to Martis Valley and even taking water from Lake Tahoe. Director
7 Quinan expressed her opposition to providing any water to Squaw Valley,
8 since the District does not have any extra to spare.

- 9 • Director Grant inquired how often the District website is updated. Manager
10 Collins replied it was on an ad hoc basis. Director Grant asked if the
11 information about the time of the Board meetings was on the website.
12 Manager Collins said yes but it says “second Friday of the month” rather than
13 actual dates.
- 14 • President Danz will place discussion of the Committee structure on the
15 January agenda. She also suggested that it was time for each Committee to
16 update its policies.

17 **5. CLOSED SESSION**

18 None.

19 **6. ADJOURNMENT**

20 There being no further business before the Board, the meeting was adjourned at
21 10:48 a.m.

22
23 Respectfully Submitted,

approved as submitted 1/11/08

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25
26
27 Jancis Martin
28 Recording Secretary