

## **Deer Mountain Sanitary District Meeting**

Due to weather, this meeting was held via Zoom & at the Enderby personal residence  
December 16, 2022

President Oz Enderby called the meeting to order at 3:00 p.m. Trustees Enderby, Dan O'Connor, Joe Kosel, Attorney Talbot J. Wiczorek, Joe Noble with AE2S and Secretary Shari Kosel all appeared via Zoom.

Enderby asked for a motion to approve the agenda with two new edits. Motion by O'Connor to approve the agenda & format, second by Kosel. Motion approved 3-0.

Enderby asked for a motion to approve the minutes of 11.4.22. Motion by Kosel to approve the minutes, second by O'Connor. Motion approved 3-0.

Enderby asked for a motion to approve the Treasurer's report/account Receivables/Payable. Account balance of \$281,890.01. Motion by O'Connor to approve the report, second by Kosel. Motion approved 3-0.

Official Canvas of Election held on 12/15/2022. Enderby reported that they counted the votes and 19 voted yes to approve the loan, 0 voted no. 100% of all legal voters voted in favor of resolution. Enderby asked Wiczorek what the next step is. S. Kosel needs to attest and can do so when she is back in town. The Trustees can pass the resolution now, sign it, and then S. Kosel can attest the official canvass and resolution. Wiczorek stated that should complete the election and authorize the bonds. Wiczorek added that he has contacted Lysann Zeller to take a hard look at the numbers before we go to bids. Enderby noted that he has tried to determine the amount we pay back based on a portion is the ARPA grant and a portion is forgivable. Wiczorek said a roll call vote is needed to approve Resolution 2022-17. O'Connor motioned to approve, Kosel second, all approved 3-0. Wiczorek asked S. Kosel to note, that due to the severe weather and road closures, people that didn't have an internet connection to attend via Zoom could have attended this meeting at the personal residence of Oz & Cathy Enderby.

Discussion of Schedule for Timeline for Bond Proceedings. Wiczorek noted the official canvass of the election has been completed as of today, December 16. He added that there is authorization to acquire the debt, but before you sign off on the debt document, you need to show you have the ability to pay it back. This was the election that sets the authority to borrow the money, then the resolution of the canvass should be published in the BH Pioneer.

Requirements for ARPA Grant. Enderby inquired about the repayment. Wiczorek replied that Zeller needs to run the numbers before we can understand the ARPA money and the grant forgiveness.

Status of Cultural Resources Study Inventory/AE2S. Noble said he will check in and follow up on the report status.

Status of Required Easement documentation. Enderby reported they have received the easement documentation from Rec Springs, J Branches, and Nelson. Enderby inquired of Wiczorek what he should do with these agreements. Wiczorek told Enderby to file them with the Register of Deeds, and when he receives a stamped file, to send a copy to him and Noble for the record. Wiczorek's assistant will send one document that can be shared. We do not yet have a signed agreement with BH Properties/Powder House Pass. Noble will follow up after the first of the year.

Status of Permit with Lawrence County for Waterline installation at Brownsville Road. There is a new highway superintendent and Enderby & Noble will research and reach out after the first of the year. Wieczorek inquired if this is only on Brownsville or if it includes the right-of-way on Englewood. Noble concurred that both Brownsville & Englewood are included in the permit.

Update of System-Wide Improvements/ Final Plans/Bidding/Timeline/DMV/AE2S. Noble stated there are no updates at this time until we have confirmation from Zeller that we can go out to bid. He added that the second week of January is the rural water technical conference and urged Enderby to attend again. We hope to open bids the first week of February. Enderby noted that we have the meter and meter pits in storage. We may look to install them into the existing system before the new project moves forward. Noble said they would need to know this before they go to bid and there is a cost associated with this.

Status of agreement with Sugarloaf Development. Enderby reminded everyone of a recent email from an attorney retained by Milt Morris. Wieczorek has replied to the attorney asking for an explanation of ownership. Kosel inquired about their usage right now. Wieczorek noted it's going to get disconnected from the source and the system is old and will be replaced. Kosel asked if there should be a consideration of doubling the costs right now because he's been dragging his feet for decades. Wieczorek will leave that decision to the board but would like to get the Morris ownership questions resolved first. Kosel asked if there was a way to create some urgency to the issue. Enderby noted that he's had discussions with Lead/Deadwood Sanitary, and they are going to have a substantial rate increase next year, up to 40% of what we've been paying to date.

Discussion only items:

Items from the public. Although invited to attend in person at the Enderby residence and via Zoom, there were no members from the public present.

Items from the trustees. Enderby noted that we've had a previous request to post our balance sheets, which we did for this meeting. We will post a year-end total and balance sheet when it's finalized at the end of the year. Noble again plugged the Rural Water Conference January 10-12 and urged Enderby to attend again this year. Kosel commended the Enderby's on their professionalism throughout the election process and was extremely impressed with the early voting procedures and opening their home to all.

Next Meeting is TBD.

O'Connor moved to adjourn the meeting at 3:38 p.m., second by Kosel. All approved 3-0.

Posted 12.22.22

Approved 1.20.23

Shari Kosel  
Secretary/Clerk