

million state grant from the \$15 million grant program signed by Gov. John Hickenlooper on May 10. These grants are good for three years, through Sept. 1, 2016. The preliminary estimate for constructing all the new nutrient treatment equipment necessary for the Tri-Lakes facility to comply with both regulations is \$2 million.

TABOR, the Taxpayers Bill of Rights, places restraints on the tax revenue that governmental entities can accept.

Under current restrictions in the TABOR amendment to the state constitution, the district cannot accept a state grant larger than \$50,000 per year—10 percent of Monument's annual operating fund revenues of about \$500,000—without losing its enterprise fund status and the related TABOR simplification benefits of this status. If the Monument Sanitation District accepted the entire grant for the Tri-Lakes facility in a single year without a voter-approved waiver, \$950,000 of the grant would be considered ordinary income under the TABOR amendment and that amount would be subject to being refunded to Monument's customers.

The Monument board determined that its constituents would see the benefit of accepting \$1 million from the state to help pay for construction of the new equipment and unanimously approved scheduling a Nov. 5 election for voter approval of a one-time TABOR waiver that only applies to accepting these two specific HB 13-1191 nutrient grants. The boards for the other two co-owner districts of the Tri-Lakes facility, Palmer Lake Sanitation District and Woodmoor Water and Sanitation District, have rejected the option to hold TABOR waiver elections to help Monument solve this potential TABOR refund problem. Under TABOR, Palmer Lake can accept a total of annual state grants up to \$50,000 and Woodmoor can accept a total of annual state grants up to \$600,000.

The Tri-Lakes facility cannot accept this state grant as a separate entity because the facility is not a state entity with constituents or taxing authority. Only the three wastewater special districts that own the facility have their own separate constituents and individual taxing authority, making them eligible to accept the grant money under state law.

The same grant acceptance eligibility constraints apply to the \$80,000 state planning grant now available to the Tri-Lakes facility through July 3. The planning grant requires \$16,000 (20 percent) in matching funds, or \$5,333 from each owner district.

District Manager Mike Wicklund said he had arranged to have the law firm Kutak Rock LLP assist with drafting the ballot question and the procedures required for conducting the Nov. 5 election.

**JUC update**

Wicklund reviewed the presenta-

tion made to the Tri-Lakes Facility Joint Use Committee (JUC) by engineers of the Tri-Lakes Facility's engineering consultant firm Tetra Tech board regarding starting a new study of design options available for constructing new equipment now required by the state to treat total phosphorus and total nitrogen. The JUC unanimously approved having Tetra Tech complete and submit a planning grant application for the three districts that own Tri-Lakes to help pay for this new design study by the July 3 deadline. The JUC also approved having Tetra Tech complete and submit a design-construction grant application for the three owner districts by July 3.

For more details on the grant program, treatment option, and the other items that Wicklund briefed, see the JUC article on page 11.

**2012 audit approved**

Mark Gilmore of Bauerle & Co. presented the final draft of the district's 2012 audit. Gilmore gave the district an unqualified, or clean, opinion. The board also unanimously approved the 2012 audit as presented and amended.

Gilmore will submit the final audit to the state by July 31.

**Financial reports**

Some of the items Wicklund noted in discussing the financial report were payments of \$13,370 to DRC Construction for collection line cleaning and about \$3,000 to J&K Construction for manhole maintenance.

The district received \$11,500 in new tap fees since the May 16 meeting. Wicklund reviewed potential construction that may occur in the district in the near term.

The board unanimously accepted the financial reports as presented.

The board unanimously approved a proposal from Insituform Technologies LLC to line the six-inch vitreous clay collection line in the alley west of Washington Fourth Streets and to line an eight-inch vitreous clay collection line along McShane Place. The cost for rehabilitation of these district collection lines was \$21,886. The contract was unanimously approved.

The board unanimously approved the final draft contract prepared by the district's attor-

ney, Larry Gaddis, for district financing of customer-owned wastewater service lines that are in disrepair. The term of the interest-free loans is 180 months. These loans are subject to the same lien process available to the district for unpaid sewer fees. The loan must be completely paid off no later than closing if the property is sold before all the loan payments have been made.

The meeting was adjourned at 8:25 p.m.

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The next meeting will be held at 7 p.m. on July 18 in the district conference room, 130 Second St. Meetings are normally held on the third Thursday of the month. Information: 481-4886.

Jim Kendrick can be reached at jimkendrick@ocn.me.

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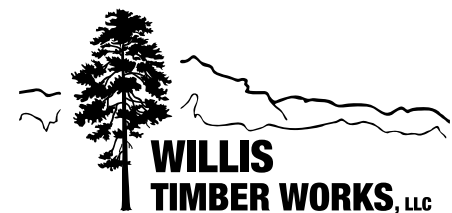
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