

SKYLINE IMPROVEMENT AND SERVICE DISTRICT
MINUTES OF THE PUBLIC HEARING
CHANGE IN ARTICLE V OF THE SKYLINE REGULATION OF WATER USE
REGARDING WATER METERS AND BACKFLOW PREVENTERS
July 31, 2023

A public hearing of the Skyline Improvement and Service District was held on July 31, 2023, in person and via Zoom regarding a Change in Article V of the Skyline Regulation of Water Use regarding Water Meters and Backflow Preventer.

Skyline ISD Directors and Officers Present: Kurt Harland (Chairman)
Bob Norton (Treasurer)
Latham Jenkins (Secretary)

ISD Attorney: Paul D'Amours
Margaret Schwartz

Others Present: Tom Yannios
Jamie Streator
Warren Machol

1. **Call Public Hearing to Order - 4:01 p.m. by Kurt Harland**
2. **Review changes to Article V of the Skyline Regulation of Water Use Regarding Water Meters and Backflow Preventers:**

Action: Kurt Harland called for Public Comment.

3. **Public Comment:**

Warren Machol - The first item is procedural. When you guys sent out notice on the 16th, you noticed that it was noticed as of the 15th. And thus, 45 days doesn't end on the 30th, but ends on the 31st today. So, I'm sure that's one of those items that you'll want to make sure is included in the process for the 45 days. The second one is that I sent in a number of items both by reference to the whole community to make them aware of what these changes would be, but also sent in some questions for the board that don't seem to be clear. Does altering the language in the water regulations that conform to, and this is the change, the water works association standards versus what was originally there? Building codes and plumbing codes, which implicitly said when constructed require members to update plumbing in their homes.

Board Response:

Bob Norton - When I look at the change that's proposed, the only change I see is we took out the word building code and made it just international plumbing code.

Public Comment:

Warren Machol – You put in the words water yolks, water meter accessories shall conform with the most current Waterworks Association standards. It's implicit when constructed when it's based on building codes. When you build your home, you get a building permit, it's reviewed, and it's closed out. No one else has anything to say what goes on in the confines of your home. I'm asking does it

require members to update plumbing in their homes? Remodels come with a building permit. You're right, Kurt. But once that's closed out, it's done. You met the codes at the date you finished your building permit.

Board Response:

Kurt Harland – During remodels.

Bob Norton - We didn't change that language. We are saying, if you put in a water meter, it has to meet codes. So, I don't see that there's any change in that aspect of it from the original.

Public Comment:

Warren Machol - Do you intend to require members to update plumbing in their homes?

Board Response:

Bob Norton - No. It says, if you put in a water meter, or a meter yolk, or meter accessories, they must conform.

Kurt Harland - He's thinking pressure tanks and backflow preventers. This seems to imply that it does.

Public Comment:

Warren Machol - Who will make this determination on what needs to be changed in each individual home? Is that the board of directors?

Board Response:

Kurt Harland - It needs to meet district standards of having a backflow preventer and having a working meter. On advisement from a plumber.

Bob Norton - If the homeowner knows he's got a violation, I suggest he makes a change. The board is only saying we're going to put in water meters that meet code. If somebody's house doesn't meet their code, we're not going to have any knowledge. We're not going to know. So no, the board's not going to make that decision.

Public Comment:

Warren Machol - So water meter yolks and water meter accessories that you've added to the new regulations, you don't feel are changing what was approved by the building permit that was closed out?

Board Response:

Bob Norton – No

Public Comment:

Tom Yannios - I think what he's implying or is that the connection apparatus to this meter, if it's an old home and old plumbing, he's worried that that whole structure may not be up to code because the older homes were built under a different plumbing code, right?

Warren Machol - It is one of the items that's addressed here that essentially this set of regulations, which added words, makes the board responsible after a building permit is closed out to change the plumbing in our homes. Now, you said it doesn't, but essentially that's what the words say. Prior to the redraft of the water regulations, backflow preventers were only required for irrigation and in

special situations with certified hazard clarification. Is it the intent of the redraft of the water regulations to require backflow prevention on all water lines?

Board Response:

Bob Norton - The way I read the old regulations, backflow preventers were required in compliance with the International Plumbing Code and the State of Wyoming requirements. Which have been, to my knowledge, in place at least since 1973. Well, the Wyoming DQ regulations since 1973 and the International Plumbing Code has been in effect prior to that. And have always had a requirement for backflow prevention, so I don't see that we're changing that requirement at all.

Public Comment:

Warren Machol - The words that you changed here purposes of the water meter and backflow preventer are, instead of is, and prior to that it discussed irrigation only. In the case of homes that do or don't have backflow preventers currently installed, we never had a requirement under the building codes as I went and researched till about 15 years. They're relatively new. In addition, once they're closed out, there is no change within the system. By making the changes from is to are and including what's on the lines, you're making modifications within people's homes. Is this why check valves were added to the water meter loan increasing the SLIB loan from \$118,000 to 145,000, so that we could install check valves on every waterline in the community?

Board Response:

Bob Norton - Again, I don't see that we're changing that part of the regulation. Certainly, backflow preventers are required on irrigation systems and they are required on homes, but there's numerous different types. There's a dual check valve, there's air gaps, there's vacuum breakers. Yeah, the homeowner can comply with the rule without redoing their plumbing. So, I don't see that there's a big issue. If the homeowner wants to violate the rules regulations and not have a backflow prevention device, then I suppose the board might have to ask them to put that in. But to my knowledge, we haven't had any issues. I've had that in other communities where we had to go in and do special hazard investigations, but I don't know that we have any of those situations in Skyline.

Public Comment:

Warren Machol - The question asked was, check valves were added to the water meter project loan increasing the SLIB loan from \$118,000 to \$145,000, so that every home in the community would get new check valves when we put in the meter? That is the reason now that you're changing the regulations to require check valves. Originally, when we did the meter project loan and the minutes to clarify that, pushed very hard that there was no benefit for the remote readers. But if there would be any benefit, it would be having new check valves on every waterline to protect our water system. The board agreed and two directors confirmed that it was included in the project. You're now taking that out of the loan, and out of the process, and putting it in by regulation, and bureaucratically managing this process. The next one, will the changes to the proposed article five cause ISD members to alter their homes and current interior plumbing at their own cost? It's a yes or no answer. If you need to adopt the new regulations, will these new regulations make people alter their plumbing at their cost?

Board Response:

Bob Norton - These regulations will not require that they alter their plumbing. If they want to alter their plumbing, they will do it at their cost.

Public Comment:

Warren Machol - Why are we changing the regulations to require what you've put in here? And not simply say the board's going to install meters at their cost.

Board Response:

Bob Norton - The regulation is put in so that the district owns the meter. That's the only change. Previously, the homeowner owned the meter. Now, the district will own the meter. And that's the only difference in the whole regulation change.

Public Comment:

Warren Machol - Well, there's a lot more red line in here than just the district owns the meters. We're talking about all the other things you've added here to push costs on members, which haven't been disclosed. Who will be determining what these plumbing changes will be? Again, you've said that these regulations don't do it, but it's going to be enforced. So, who will do that?

Board Response:

Bob Norton - I would say the plumbing inspector when he goes to a remodel.

Public Comment:

Warren Machol - I'm going back to what was originally in the public meeting. Will all check valves be updated and replaced for every waterline in the system?

Board Response:

Kurt Harland - I think it was that if we found homes without backflow preventers or check valves, that would be where they would be put in.

Bob Norton – Or, we would ask the owner to put them in. We're not plumbing.

Kurt Harland - From Emily's observation, we had four.

Public Comment:

Warren Machol - I believe the four she was speaking about were properties that didn't have double check valves on the irrigation, not check valves on the system. In addition, at the public meeting for the loan, Kurt, you confirmed that every home that was getting a meter and every waterline would get new check valves including the system for the protection of the system.

Board Response:

Kurt Harland - We wanted them to have the check valves. I don't believe I said they'd be getting one. If I did say they were getting one, I never specified who was paying for it.

Public Comment:

Warren Machol - If not all check valves will be replaced, thus the system is not as protected as it could be, how is the board going to determine that check valves are operational in every home they inspect? Industry standards say that you should change check valves every five to seven years. Your regulations now say that everybody needs to keep most current on the American Waterworks Association standards. I'm asking how you're going to test the check valves, so that we don't have backflow into the system?

Board Response:

Bob Norton - The board's not going to be checking. We're saying if you go in and modify your plumbing, you need to need comply with the International Plumbing Code. We're not saying that you have to go change it just because of this regulation. And this regulation is not any different than what it said before, which said you had to comply with the International Plumbing Code and building codes.

Public Comment:

Warren Machol - It says you shall conform with the most current American Waterworks Association standards, not the building codes that were in existence when your house closed out its permit. You made a substantial change to this.

ISD Attorney:

Paul D'Amours - I just wanted to perhaps redirect, as to the purpose of this hearing. This isn't intended to be a question-and-answer session or some type of interrogation. The purpose of this hearing is for the public to provide comment and the board can take that comment for what it's worth, and either choose to make modifications to the proposed revisions, or not, or do what the board wants to do with respect to the adoption of the regulations. I guess I just wanted to bring that to the board's and Mr. Chair's attention because I know that you're accommodating the questions and trying to provide answers, but it's really a time for comment more so than questions and the board providing answers.

Public Comment:

Warren Machol - Thank you Paul, for providing your guidance to the board. I know you've spent a lot of time on this issue. You're probably quite familiar with the public meeting that was held for the SLIB loan, where it was increased from \$118,000 to 145,000 to include check valves in the system. I'm sure you've reviewed that in detail. The remote reader project cost was disclosed not to exceed \$145,000 paid for entirely by a loan that was not to exceed \$145,000 at zero interest for 20 years. That's in the public minutes. The scope of the remote reader project was to include, and was described by Josh, the ISDs official designated engineer, and then members of the Skyline board.

The two directors confirmed that the remote meter project would include installation of check valves, backflow prevention, concurrent with the installation of remote meters. See the attached minutes. This is all part of what I sent to the board today. And I sent a picture that was included with the presentation from the engineer, which shows new check valves, new yolks, a new meter, new connections, and cutoffs. All of that was provided. Do the pictures which you've been provided show check valves? It's a yes or no kind of answer.

Board Response:

Kurt Harland - I think Josh's picture shows an example. I don't believe it was an exact replica, but I think it was for a representation to show what a meter hookup looks like for informational purposes.

Public Comment:

Tom Yannios - Point eight, Right of Entry. I'd like some clarification for the seasonal residents who are there maybe three months at a time, and then a long hiatus where they're not there, and there is some determination that some inspection is required. There's no provision here that allows for flexibility in that situation. I don't want people entering the home, unless I'm there.

Board Response:

Kurt Harland - Historically, we've never entered someone's home when they're not there without their permission, or without a representative on their behalf. We don't just go into a house.

Bob Norton - Paul, question for you in relation to section 5.8. We talked about reasonable working hours and at least 24 hours advance notice. Is there any issue why we couldn't possibly change that? Obviously, reasonable working hours, but to 48 hours or 72 hours notice?

ISD Attorney:

Paul D'Amours - If you wanted to make that change before adopting these regulations, I don't see any problem with that.

Board Response:

Bob Norton - The reason I was thinking 72 hours is for weekends. It says working hours, but if it was 72 then maybe the next Monday or Tuesday they could do the work if it was on a Friday. So, I'm going to suggest when we make the motion that it say at least 72 hours.

Kurt Harland - We've never gone into someone's premises without their permission. We have gone in when there wasn't a representative there when there was a leak. And we've gotten ahold of the homeowners.

Bob Norton - But we did get ahold of landowner beforehand.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "What is the total cost of the Neptune technology package, including software reading, training, et cetera?"

Board Response:

Bob Norton - The total cost is \$141,356. That includes the engineering, putting out the bids, the inspection. Potentially, that could be reduced to \$106,017 with the 25% forgiveness on the loan.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "Emily will be acquiring the remote readings monthly. How will Clearwater be compensated for this? Will it be part of the new contract with Clearwater? What will the additional charge be?"

Board Response:

Bob Norton - The board hasn't decided how frequently they'll read the meters. But, yes, Clearwater would be paid to read the meters. And it's estimated that it takes about an hour or less to read the meters with the remote reader. I know the guys in Teton Village, which have quite a few more meters, can do it in two hours. So, the estimated costs about \$100 per meter reading.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "All newly installed meters will be inspected by Emily. What does this cost the homeowners?"

Board Response:

Bob Norton - The new meter installations will be inspected by Nelson Engineering as part of their contract, that is already in place.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "How many homeowners have chosen to purchase and install their own meters?"

Board Response:

Bob Norton - We have none to date that I know of.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "In addition, inspections are required by the board. What is the cost to the homeowner?"

Board Response:

Bob Norton - If additional inspections are required, Clearwater charges \$100 an hour, but I'm not sure why that would happen. I suppose down the road sometimes there could be an inspection.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - "If the homeowners purchase and install their own meter and it's approved, they should not be under the same rules as those who do not own the meter. Access to the house should not be the same as those who own their meter. In either case, the ISD should give specific cause and requesting inspection. And it should be their expense, not the owner."

Board Response:

Bob Norton - I think the regulations specifically say that for meters that the district will maintain the meter that they install. So, they wouldn't be entering into the house to maintain a meter they didn't install.

Public Comment:

Maria Johnson - submitted July 27th (read by Bob Norton) - The previous board decided that they would charge on a per lot basis. So, every lot is charged the same thing, \$84. What are the meter costs.

Board Response:

Bob Norton - If you look at the bids and the actual cost of installation, and I'm going to go back a little bit to this. She asked what the costs were. A 5/8th meter is \$780. A 3/4 meter is \$809. A one-inch meter is \$927. I might add about 70 of the meters are one inch, the majority are. A 1.5-inch meter is \$2,023 and a two-inch meter is \$2,198. The automatic reading transceiver is \$11,883. And the AMR software is \$10,416. So, the base costs there with the engineering, and the transceiver, and the software that totals \$40,000 or \$474 per lot.

But she does bring up a cost. There are some people that have two-inch meters. There are some lots that have two meters that are going to be installed. But the previous decision it would be charged on a per lot basis. The total cost is divided by 86 lots and that's the charge. If the board wants to make a change to that, that could certainly be done. If somebody purchases their own meter from the board and hires their own plumber, certainly they'd have a different cost. But the board would have to decide that they're not going to charge that \$84 per lot.

Public Comment:

Michael Werhle (read by Bob Norton) - "I have done a quick review the documentation that accompanies the new water meters for the homeowner's. While I respect your decision to change the water delivery monitoring system and make the upgrade, the changes in the documentation and invasion of property rights, privacy of the homeowners that you have proposed, along with the water meter upgrade are outrageous. And almost certainly would fail any legal scrutiny. I strongly suggest the removal of the items that request a gross invasion of privacy for the homeowners and applied on their property rights. There are only four to six of these items and they seem like they would be relatively simple to remove. I suggest a legal approach with a tone that suggests you will work with the homeowners in Skyline Ranch, replacing the one that suggests that ISD will force themselves on the homeowner's property rights at any time that they choose. I respect that you are trying to accomplish. However, please consider that Draconian approach that your legal documents suggests. There's no reason for that."

Public Comment:

Warren Machol - Since Bob brought up the idea that it seems to be an open item for the board on how they'll charge for the meters, I would reference back into the minutes from the public meeting. The only discussion that was ever had on this subject, no vote was ever taken to in debt us, no process. It was told that there would be an \$85 charge per lot for the benefit of the ISDs water system. There's no benefit more for someone with a two-inch meter than a 5/8th meter to have it remote read. The reading is a process that you're saying is the reason to have these.

The idea of its size is an immaterial item that you seem to be putting up as a canard. What was disclosed again in those minutes, was that the charge would be less than \$85 per lot for each member of the community for this great benefit we're going to get, and no other costs to install these meters. The idea that you seemingly believe that it's an open topic for further discussion and further review, defeats the purpose of a public meeting to disclose what will happen and how it will happen. Again, we'll go back to the idea that says that the changing of the regulations to take on the costs that were going to be covered by the loan is poor disclosure. And really a terrible precedent to set that a public meeting and the public pronouncements of our directors cannot be trusted after they're said.

Board Comment:

Kurt Harland – Public Comment is closed.

4. **Motion and vote for approval of changes to Article V of the Skyline Regulation of Water Use Regarding Water Meters and Backflow Preventers:**


Action: Bob Norton made a motion to adopt the Revised Article V of the Skyline Regulation of Water Use Regarding Water Meters and Backflow Preventers, with one modification to paragraph 5.8. . That it states that “at any time during reasonable working hours and upon at least 72 hours advance notice, representative agents and or contractors of the district shall have the right to enter any user premises upon which a water meter is located or required for the purpose of installing, reading, inspecting, testing, or maintaining such meter”. In addition, “backflow preventer” should be deleted. The motion was seconded by Latham Jenkins. The motion passed 3-0.

No Public Comment

5. **Adjournment:**


Action: The meeting was adjourned at 4:40 p.m.

Approved


Kurt Harland (Aug 24, 2023 07:44 MDT)

Kurt Harland
Chairman

Approved

Latham  (Aug 24, 2023 07:50 MDT)

Latham Jenkins
Secretary

Written Public Comment:

From: MICHAEL WEHRLE <mwehrle@aol.com>

Date: Friday, July 14, 2023 at 8:41 AM

To: Wendy Meyring <wendy@mpmjh.com>

Cc: Jeana Trout <jeana.trout@yahoo.com>

Subject: Re: Skyline - Replacing Water Meters

Wendy,

I have done a quick review of the documentation that accompanies the new water meters for the homeowners at skyline Ranch.

While I respect your decision to change out the water delivery monitoring system and make the upgrade, the changes in the documentation, and the invasion of property rights/privacy for the homeowners that you are proposing along with the water meter upgrade, are outrageous, and almost certainly would fail any legal scrutiny.

I strongly suggest the removal of all the items that represent a gross invasion of privacy for the homeowners, and a blight on their property rights. There are only 4 to 6 of these items, and they seem like they would be relatively simple to remove.

I suggest a legal approach with a tone that suggests you will work with the homeowners in Skyline Ranch, replacing the one that suggests that the ISD will force themselves on the homeowners property rights at any time that they choose.

I respect what you were trying to accomplish. However, please reconsider the draconian approach that your legal documents suggest. There is no reason for that.

Thank you for your consideration.

Michael Wehrle
3150 West Teal Rd

From: Maria Johnson <mariajjohnson53@gmail.com>

Sent: Thursday, July 27, 2023 12:55 PM

To: Wendy Meyring <wendy@mpmjh.com>

Cc: Worthy Johnson <WJohnson@lawrencecapitalmgt.com>

Subject: Re: Questions before 7/31 meeting

Below are the questions I would like answered at the 7/31 meeting.

1. What is the total cost of the Neptune technology package including software, reader, training, etc.
2. Emily(?) will be acquiring the remote readings, monthly? How will Clearwater be compensated for this? Will it be part of a new contract with Clearwater? What will the additional charge be?
3. All newly installed meters will be inspected by Emily(Clearwater). What does this cost the homeowner?

4. How many homeowners have chosen to purchase and install their own meters, plus any additional equipment?
5. If additional inspections are required by the Board, what is the cost to the homeowner.
6. If the homeowner purchases and installs their own meter and it is approved, they should not be under the same rules as those who do not own their meter. Access to the house should not be the same as those who own their meter. In either case, the
ISD should give specific cause for requesting the inspection and it should be at their expense, not the lot owners.

Thank you, Maria Johnson

From: Warren Machol <wlm.assoc@gmail.com>

Sent: Monday, July 31, 2023 1:40 PM

To: Wendy Meyring <wendy@mpmjh.com>

Cc: Worthy Johnson <wjohnson@lawrencecapitalmgt.com>; John Willott <jwillott@aol.com>; Corbin McNeill <camcneilljr@gmail.com>; Jamie Streater <jstreater58@gmail.com>; michael minter <trewil@hotmail.com>; Maria Johnson <mariajohnson53@gmail.com>; MICHAEL WEHRLE <mwehrle@aol.com>

Subject: Questions Amendment Article V Water regulations

To be discussed at the Noticed ISD Special Board meeting on July 31, 2023.

Does altering the language in the water regulations to :

- conform to the most current **Water Work Association (AWWA) standards** vs. Building and Plumbing Codes (*implicit when constructed*).

Require members to update the plumbing in their homes?

Who will make this determination?

How will it be enforced?

- Prior to the redraft of the water regulations, backflow preventers were only required for Irrigation and in special situations with **certified hazard classification**.

Is the intent of the redraft of the water regulations require backflow preventers on all water lines?

Is this why check Valves were added to the water meter project loan, increasing the SLIB loan size from \$ 118,000 to \$145,000?

Will the changes proposed to Article V cause ISD members:

- To alter their home's current interior plumbing at their own cost?

Who will determine what these plumbing changes will be?

Will all check valves be updated and replaced?

If not, please disclose how the Board will determine and test that existing water line **check valves are operational**.

The industry standard is to change check valves each 5 to 7 years.

- Why has the Board withheld the schedule of costs from members before changing the regulations?

*** I have been privately told costs will be \$500 -1500 for members with a home over ten years old. **Is this accurate?**

How much will it cost ISD members with newer homes?

At the public meeting required to obtain the \$145,000 (SLIB) loan on 8/21/21. The ISD board and the ISD's engineer briefed interested members on the scope and cost of the Remote Water project:

- The Remote reader project cost was disclosed as not to exceed \$145,000, paid for entirely by a loan that was not to exceed \$145,000 at 0% interest for 20 years.
- The scope of the Remote water reader project was to include what was described by Josh, the ISD's official designated engineer, and the then members of the Skyline IDS board.
- Two ISD Directors confirmed the Remote Water Meter project would include the installation of (Check Valves) backflow preventers concurrent with installing the remote read water meters. (see attached [minutes of 8/12/21 remote meter public meeting](#))

The meter installation was shown and described in these pictures.



- Do the pictures show check valves?
- Do the pictures show new Copper plumbing pipe and fittings?
- Do the pictures show shut-off valves?
- Do the pictures show yokes?

So a reasonable person would have trusted the engineer and the Skyline ISD Board of Directors members that the meter project would include all these plumbing items.

Further, the members' entire cost to have this installed would be less than or equal to **\$84.30 per year** for 20 years.

Why is the ISD board forcing costs associated with the remote reader project onto members via new regulations?

At the Water Meter public meeting, It was disclosed that ISD member's entire obligation to install the meters and additional equipment was defined to be less than \$85/ year for the 20-year Term of the loan (the actual amount of \$84.30 per lot now being charged for the second year)

- Will the changes proposed to Article V cause ISD members:
 - To alter their home's interior plumbing to install meters, check valves, yokes, and other plumbing parts at their own cost?
 - Are these plumbing changes the same items described at the public meeting to be included in the \$84.30/ annual cost?
- Are the costs imposed on members in addition to the \$84.30 per annum cost per member lot?
- Will the total meter project cost exceed \$145,000

Warren Machol









Skyline Public Hearing Minutes 7-31-23

Final Audit Report

2023-08-24

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