

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE FOREST VIEW ACRES WATER DISTRICT AND THE BOARD OF DIRECTORS OF THE WATER ACTIVITY ENTERPRISE HELD SEPTEMBER 23, 2020

### ATTENDANCE

In attendance were Directors:

Brad Hogan  
Hans Zimmermann (via speakerphone)  
Nancy Wilkins (via speakerphone)  
Victor McBride  
Eckehart Zimmermann

Also in attendance were:

Lisa A. Jacoby; Community Resource Services, LLC (“CRS”)  
Clyde Penn; ORC Water Professionals (“ORC”) (for a portion of the meeting)  
John McGinn; JDS Hydro Consultants, Inc. (for a portion of the meeting)  
Peter Johnson; Vranesh and Raisch, LLP

### ADMINISTRATIVE ITEMS

The meeting was called to order at 6:01 p.m. at the Monument Sanitation District offices; 130 2<sup>nd</sup> Street, Monument, CO 80132.

**Agenda** – Ms. Jacoby distributed for the Board’s approval the proposed Agenda. Following discussion, upon motion duly made by Director Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Minutes** - The Board reviewed the Minutes of the August 26, 2020 Regular Board meeting.

Following discussion, upon motion duly made by Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the August 26, 2020 Minutes were approved, as presented.

### PUBLIC COMMENT

**Nearby Property Owner Scott Munger** – Mr. Scott Munger was introduced as a friend of the District. He addressed the Board noting that he owns a nearby cabin with a presumed shared gate with the District. He described the Indian artifacts; beaver activity; road grading/drainage issues, vandalism and debris cleanup he has performed.

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The Board thanked Mr. Munger for his activities benefitting the District and Mr. Munger left the meeting at this point.

**Red Rock Acres** – Ms. Ingrid Richter; Mr. Jim Stiltner and Mr. Brendan Zahl were introduced. Ms. Richter addressed the Board providing a recap of the status of the proposed development. She reported on the process with the County and noted that Dave Gorman was their Engineer and Chris Cummons was their Water Attorney. Ms. Richter stated that for the development to move forward through with the County process, “Will Serve Letter” was required.

Following presentation the Board thanked Ms. Richter, Mr. Stiltner and Mr. Zahl for attending and it was noted that the Board would enter into executive session to discuss further. They left the meeting at this point.

**EXECUTIVE SESSION Pursuant to §24-6-402(4)(e), C.R.S. to receive legal advice, develop negotiating positions, strategy, or instruct negotiators; and pursuant to §24-6-402(4)(b), C.R.S. to consult attorney on specific legal questions** – Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board entered into Executive Session at 6:33 p.m.

Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board entered into regular session at 7:05 p.m.

Following discussion, the Board directed Attorney Johnson to respond to the queries presented in Ms. Richter’s email of September 11, 2020 (included in the Agenda packet) and to address additional Inclusion Agreement modifications.

### **OPERATIONS AND MAINTENANCE ITEMS**

**ORC Water Professional’s Monthly Operations Report** – Mr. Penn presented his report to the Board.

Mr. Penn address the need for the purchase of 3 hoses for an amount of \$307 each. Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board approved the purchase of 3 – 4 hoses (as necessary).

**El Paso County Community Service Department – knapweed at Rockbrook Road** – It was noted that weed abatement had been performed on September 22, 2020. Ms. Jacoby noted that she would report back to El Paso County regarding the action the District took.

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Booster Station Alarm at Arapahoe Water Plant – It was noted that approval for replacement of the Booster Station Alarm utilizing Mission Communications equipment was approved for a cost not to exceed \$7,000., at the August 26, 2020 Board meeting.

### CAPITAL/ ENGINEERING ITEMS

JSD-Hydro Consultants, Inc. (“JDS”) Monthly Report (enclosure) – Mr. John McGinn presented his report to the Board.

Red Rock Acres Inclusion – Mr. McGinn noted that he assisted Attorney Johnson with drafting of a memo addressing Ms. Richter’s email and regarding the ability for the District to serve the proposed 53 acre inclusion.

Arapahoe Well Pump Replacement – Mr. McGinn reported on the process and schedule for the replacement of the Arapahoe well pump noting that it is scheduled with Applied Ingenuity for the week of October 26<sup>th</sup> to October 30<sup>th</sup>. Ms. Jacoby noted that Notice and signage will indicate that water conservation is requested from October 18<sup>th</sup> through November 1<sup>st</sup>.

Mr. McGinn address the possibility of opening discussion with the Town of Palmer Lake for consideration of an emergency connection, should it be required. Director E. Zimmermann and Mr. McGinn were authorized to discuss further with the Town of Palmer Lake.

### FINANCIAL ITEMS

Treasurers Report / Bank Balances / Transactions - Director Wilkins reported that the Financial Statement cash balances and transactions reconciled with the bank statements.

August 31, 2020 Cash Position (adjusted as of September 16, 2020) and Unaudited Financial Statements for the period ending August 31, 2020 – No action was taken by the Board.

BOKF Bank Statement – Director Wilkins noted that the balance as of August 31, 2020 was \$191,944 (rounded).

ColoTrust Bank Statement – Director Wilkins noted that the balance as of August 31, 2020 was \$646,543 (rounded) with an interest rate of .26%.

Billing Register Report (enclosure) – No action was required.

Tap Fee Report (enclosure) – No action was required.

Community Resource Services (“CRS”) August, 2020 Invoice – Director Wilkins distributed for the Board’s review prior to the meeting, her analysis of the August CRS invoice and suggested possible reimbursements.

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It was noted by Ms. Jacoby that the District has been receiving the benefit of the collection, recording and reporting of Tap Fees under the established flat rate, for work performed by Ms. O'Neill; however she noted that this should have been considered a special service as it is not addressed in the flat rate structure of the CRS contract. No action was taken at this time.

**Possible Transfer from Operations Fund to Capital Projected Fund** – Ms. Jacoby discussed the intent for a 2020 Budget Amendment Hearing to occur with the 2021 Budget Hearing. The Board determined to schedule the Hearings for the October 28, 2020 Board Meeting.

**Claims** – The Board reviewed the claims totaling \$21,900.81 represented by check numbers 04951– 04962, plus auto payments totaling \$4,324.40 for a grand total of \$22,413.32.

Following review, upon motion duly made by Director E. Zimmermann, seconded by Director H. Zimmermann and, upon vote, unanimously carried, the claims were approved, as presented.

**Re-negotiation of CRS Contract - effective January 1, 2021** – Review and revisions to the proposed 2021 contract were discussed. Ms. Jacoby noted that she would make the changes and redistribute for the Board's further review.

**Draft 2021 Budget** – Ms. Jacoby noted the increase to Assessed Value of \$26,310. She noted that modifications were required to the draft budget and that a revised Budget would be distributed following the meeting. The Budget Hearing was confirmed for October 28, 2020.

**Increase to Inclusion Fee Rate** – Director Wilkins and Director E. Zimmermann addressed the Board regarding consideration of an increase to the Inclusion Fee rate, effective January 1, 2021. It was noted that 30-days' Notice was required. However, following the meeting Ms. Jacoby reviewed statute and it was determined that 30-days' Notice is only required when increasing water and sewer fees.

It was determined by the Board to consider increasing the Inclusion Fee rate at the October 28, 2020 Board Meeting for an effective date of January 1, 2021.

### **OTHER BUSINESS/ DIRECTORS ITEMS**

**Look Ahead Schedule** – Revisions were noted.

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**New Service Policy and Procedure** - Director E. Zimmermann address his concern that there was no policy or procedure existed for new service via the building department or the District.

Following discussion Ms. Jacoby was authorized to contact Pikes Peak Regional building department to address this concern, with the outcome of creating a policy and procedure.

**LEGAL ITEMS**

**EXECUTIVE SESSION** – Executive Session was held following presentation from Red Rock Acres representatives earlier in the meeting.

**ADJOURNMENT**


There being no further business to come before the Board, the meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,


  
Secretary for the Meeting


THESE MINUTES ARE APPROVED AS THE OFFICIAL SEPTEMBER 23, 2020 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
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Brad Hogan

  
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Eckehart Zimmermann

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Hans Zimmermann

  
\_\_\_\_\_  
Nancy Wilkins

  
\_\_\_\_\_  
Victor McBride