

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL
MEETING OF THE BOARD OF DIRECTORS OF
THE FOREST VIEW ACRES WATER DISTRICT
AND THE BOARD OF DIRECTORS OF THE
WATER ACTIVITY ENTERPRISE
HELD
DECEMBER 4, 2019

ATTENDANCE

In attendance were Directors:

Brad Hogan
Hans Zimmermann
Eckehart Zimmermann
Nancy Wilkins
Victor McBride

Also in attendance were:

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

**ADMINISTRATIVE
ITEMS**

The meeting was called to order at 5:30 p.m. at the Monument Sanitation District offices; 130 2nd Street, Monument, CO 80132.

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

Minutes - The Board reviewed the Minutes of the October 30, 2019 Special Board meeting. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Minutes of the October 30, 2019 Board Meeting was approved, as presented.

2020 Annual Administrative Resolution and 2020 Meeting Dates:
Ms. Jacoby reviewed the 2020 Annual Administrative Resolution with the Board.

Following discussion, upon motion made by Director Eckehart Zimmermann, seconded by Director Hans Zimmermann, and upon vote, unanimously carried, the Board adopted the 2020 Annual Administrative Resolution, subject to finalization, and determined to schedule the 2020 regular meetings for the fourth Wednesday of each month at 6:00 p.m. to be held at the offices of the Monument Sanitation

RECORD OF PROCEEDINGS

District; 130 2nd Street, Monument, Colorado, along with any other location selected by the Board in conformance with § 32-1-903(1), C.R.S.

Resolution to Call the May 5, 2020 Regular Election: The Board discussed the upcoming election and Resolution Calling an Election for May 5, 2020.

Following discussion, upon motion duly made by Director McBride, seconded by Director Eckhart Zimmermann and, upon vote, unanimously carried, the Board adopted the Resolution and appointed Sue Blair as the Designated Election Official and authorized her to perform all tasks required for the May 5, 2020 Regular Election of the Board of Directors for the conduct of a polling place/mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**PUBLIC
COMMENT**

There was no public comment.

**OPERATIONS AND
MAINTENANCE
ITEMS**

ORC Water Professional's October/November 2019 Operations Report – Mr. Penn presented his report to the Board.

No action was required by the Board.

**FINANCIAL
ITEMS**

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

November 30, 2019 (adjusted as of December 4, 2019) Cash Position and Unaudited Financial Statements for the period ending November 30, 2019, ACH Report, Tap Report and A/R & Delinquency Report – The Board reviewed the above referenced financial statements.

Claims – The Board reviewed the revised claims totaling \$65,431.74 represented by check numbers 04806 – 04825, plus auto payments totaling \$6,985.32 for a grand total of \$72,417.06

Following review, upon motion duly made by Director Hans Zimmermann, seconded by Eckehart Zimmermann and, upon vote, unanimously carried, the claims were approved, as amended, subject to further amendment upon final determination of Directors Fees pursuant to IRS findings.

Mr. McGinn joined the meeting at this point.

RECORD OF PROCEEDINGS

Resolution Regarding Audit Exemption for Fiscal Year 2019

Following review and discussion, upon motion duly made by Director Hans Zimmermann, seconded by Eckehart Zimmermann and, upon vote, carried with Directors Hans Zimmermann, Eckehart Zimmermann and Hogan voting "Yes" and Directors Wilkins and McBride voting "No", the Board adopted the Resolution Regarding Audit Exemption for Fiscal Year 2019.

2019 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2019 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following review and discussion, Director Eckehart Zimmermann moved to adopt the Resolution to Amend the 2019 Budget, Director Hans Zimmermann seconded the motion and, upon vote carried with Directors Hans Zimmermann, Eckehart Zimmermann, Hogan and McBride voting "Yes" and Director Wilkins "No", the Board adopted the Resolution to Amend the 2019 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2020 Budget Hearing: The President opened the public hearing to consider the proposed 2020 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2020 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

The Board reviewed the estimated 2019 expenditures and the proposed 2020 expenditures and noted adjustments.

Following discussion, the Board considered adoption of the Resolution to Adopt the 2020 Budget and Appropriate Sums of Money and Set Mill Levies (for the General Fund at 5.000 mills for a total mill levy of 5.000 mills). Upon motion duly made by Director McBride, seconded by Director Eckehart and, upon vote, unanimously carried, the Resolution was adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of

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RECORD OF PROCEEDINGS

final Certification of Assessed Valuation from the County on or before December 10, 2019. Ms. Jacoby was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of El Paso County and the Division of Local Government, not later than December 15, 2019. Ms. Jacoby was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 31, 2020. Copies of the adopted Resolution is attached to these Minutes and incorporated herein by this reference.

OPERATIONS AND MAINTENANCE ITEMS CONTINUED

Contract for Underground Facility/Utility Locating Services – Attorney Johnson reviewed with the Board the contract between USIC and the District, noting proposed amendments to same.

Following review and discussion, upon motion duly made by Director Hans Zimmermann, seconded by McBride and, upon vote, unanimously carried, the Board determined to approve via email, subject to acceptable negotiation related to limits of liability and indemnification and directed Ms. Jacoby to pursue collection of other utility locating proposals for presentation and approval via email should the negotiation with USIC be unacceptable, as determined by the Board.

CAPITAL/ ENGINEERING ITEMS

JSD-Hydro Consultants, Inc. (“JDS”) Monthly Report - Mr. McGinn presented his report.

Status of Disinfection Outreach Verification Effort (“DOVE”) Project - Mr. McGinn reported that the DOVE project has been completed.

Dawson Well Rehabilitation - Mr. McGinn reported that the Basis of Design Report (“BDR”) for submittal to the State, is being prepared.

Status of Forest View Road Waterline Extension and Loop - Mr. McGinn reported that the design for the water main extension is complete and that the Contractor is scheduled to begin construction in December. He noted that per the District’s strong recommendation, both property owner’s (Mr. Chang and Mr. Garza) have agreed to have the District perform the installation of water main taps and meter pits by the District’s Contractor.

Ms. Jacoby distributed for the Board’s consideration, the Water Shut-off Notice related to the project. It was noted that the Water Shut off was expected to occur on Wednesday, December 11th between 9 a.m. and 4 p.m. with an alternative date of Tuesday, December 17th.

Following discussion the Board determined to post the Notice on the website, provide the Notice via a mailing to all customers (even those unaffected); post signage at strategic locations; provide the Notice to

RECORD OF PROCEEDINGS

the HOA for distribution and provide door hangers to those addresses on Spruce Road and Stone View.

Contract Between Owner and Contractor for Small Project (Contract between the District and Global Underground Corp. for the Forest View Road Extension & Loop) - Following discussion, upon motion made by Eckehart Zimmermann, seconded by Director Hans Zimmermann, and, upon vote, unanimously carried, the Board ratified approval of the “Contract Between Owner and Contractor for Small Project” (contract between the District and Global Underground Corp for the Forest View Road Waterline Extension and Loop) for a not to exceed amount of \$115,448, subject to additions and deductions by Change Order.

It was noted that the Board had previously determined that the Forest View Road Waterline Extension and Loop was an emergency for the health, safety and welfare of the residents and owners of property within the District and thus required immediate action by the Board pursuant to §32-1-1001(1)(d) (I), C.R.S.

Mr. Penn left the meeting at this point.

**DIRECTOR’S
ITEMS**

There were no Director’s Items.

OTHER BUSINESS

Look Ahead Schedule – Director Hans Zimmermann discussed revisiting consideration towards additional raw water storage at the treatment plant and the Board determined to add this matter to the Look Ahead Schedule for consideration in February.

**LEGAL ITEMS
CONTINUED**

Development of Red Rock Acres (aka Ryan Nevin’s property) – Inclusion Agreement - The subject property is described as 54.56 acres with a current planned total of 38 single family lots.

EXECUTIVE SESSION – No Executive Session was held.

Red Rock Acres Inclusion Agreement – The Board discussed the letter received from Mr. Stiltner’s legal counsel presenting counter terms to the proposed Inclusion Agreement.


Following discussion, the Board directed Ms. Jacoby to respond to the letter received, noting that the District would take under consideration the proposed counter terms and would prepare an appropriate formal response after the new year.

RECORD OF PROCEEDINGS

ADJOURNMENT


There being no further business to come before the Board, the meeting was adjourned at approximately 7:10 p.m.

Respectfully submitted,


Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL DECEMBER 4, 2019 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:


Brad Hogan


Eckehart Zimmermann


Hans Zimmermann


Nancy Wilkins


Victor McBride