

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 15, 2021

**ATTENDANCE**

In attendance were Directors:

Brad Hogan; President  
Nancy Wilkins  
Eckehart Zimmerman  
David Pheteplace  
Victor McBride – Absence was excused

Also, in attendance were:

Joel Meggers; Community Resource Services, LLC (“CRS”)  
Gabby Begeman; ORC Water Professionals (“ORC”) (via speakerphone)  
Gwen Dall; JDS Hydro Consultants, Inc. (“JDS”)  
Peter Johnson; Vranesh and Raisch, LLP

**ADMINISTRATIVE  
ITEMS**

The meeting was called to order at 6:00 p.m. at the Monument Sanitation District offices; 130 2<sup>nd</sup> Street, Monument, CO 80132, and it was noted that Director Victor McBride was absent and had informed President Hogan of his resignation from the Board.

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

**Minutes** - The Board reviewed the Minutes of the October 27, 2021, Regular Board meeting. Motion duly made by Director Zimmermann, second by Director Pheteplace and, upon vote, unanimously carried, the minutes were approved as presented.

**Review and Consider Approval of 2022 Annual Administrative Resolution** –The Board reviewed the 2022 Annual Administrative Resolution. Following discussion, upon motion duly made by Director Pheteplace, seconded by Director Wilkins and, upon vote, unanimously carried, the 2022 Annual Administrative Resolution was approved.

**Adopt Resolution Calling May 3, 2022 Regular Election** - The Board reviewed the Resolution Calling May 3, 2022 Regular Election. Following discussion, upon motion duly made by Director Pheteplace,

## RECORD OF PROCEEDINGS

---

seconded by Director Wilkins and, upon vote, unanimously carried, the Resolution Calling May 3, 2022, Regular Election was approved.

**PUBLIC  
COMMENT:  
ON NON-AGENDA  
ITEMS**

None

**OPERATIONS AND  
MAINTENANCE  
ITEMS**

**ORC Water Professional's Monthly Operations Report** – Ms. Begeman presented and reviewed her report with the Board.

**Update on ATP Well Repairs and Maintenance** – Ms. Begeman and Ms. Dall reported that the project was successfully completed.

**CAPITAL/  
ENGINEERING  
ITEMS**

**JDS-Hydro Consultants, Inc. ("JDS") Monthly Report** – Ms. Dall presented and reviewed her report with the Board.

**Status Update on Town of Monument Interconnect** – Ms. Dall and Mr. Johnson reported that a draft Intergovernmental Agreement (IGA) has been drafted and is under review by staff.

**FINANCIAL  
ITEMS**

**Treasurers Report / Bank Balances / Transactions** - Mr. Meggers presented the November 30, 2021, Cash Position (adjusted as of December 10, 2021) and Unaudited Financial Statements for the period ending November 30, 2021, upon motion duly made by Director Zimmermann, seconded by Director Pheteplace, upon vote, unanimously carried, the Board accepted the November 30, 2021, Cash Position adjusted as of December 10, 2021, and unaudited Financial Statements for the period ending November 30, 2021.

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

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

**Claims** – The Board reviewed the claims totaling \$27,724.12 represented by check numbers 5151 - 5164, plus auto payments totaling \$3,497.60 for a grand total of \$31,221.72. Void check #5163 for Victor McBride.

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

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the

## RECORD OF PROCEEDINGS

---

public hearing was made in a newspaper having general circulation within the district. No written objections were received prior to this public hearing.

Following discussion, the Board recommended creating a separate subsection in the operating fund for the booster station for 2022 so costs could be more effectively tracked. Ms. Dall presented the cost estimates for the Monument Interconnect Project for 2022. The Board then considered Certifying the 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 Zimmermann seconded by Director Pheteplace and, upon vote, unanimously carried, the execution of the Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Mr. Meggers 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, 2021.

**OTHER BUSINESS/  
DIRECTORS  
ITEMS  
LEGAL**

**Look Ahead Schedule** – Mr. Meggers reviewed and discussed the look ahead with the Board.

**Discuss Monument Creek Return Flows** – Mr. Johnson discussed various issues related to ongoing efforts by water suppliers to claim and reuse return flows in Monument Creek, including recent water court applications seeking to quantify and reuse those return flows. Mr. Johnson asked the Board for direction regarding its participation in related water court cases, as well as potential outreach to the water suppliers involved in the project to determine if there is opportunity for FVAWD to benefit from the portion of its return flows to Monument Creek (i.e. sewer wastewater that is treated by Palmer Lake Sanitation District). The Board directed Mr. Johnson to not enter FVAWD as a party to water court cases related to the project, but instead to explore options with the local water supply entities regarding potential cooperation and participation in the overall project.

**ADJORN INTO EXECUTIVE SESSION IF NECESSARY 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 Zimmermann, seconded by Director Wilkins, upon vote, unanimously carried, the Board entered into Executive Session at 7:05 pm. to discuss matters related to drafting a draft inclusion agreement related to the proposed subdivision by Kathryn Van Der Gugten. Upon motion duly made by Director Wilkins, seconded by Director Zimmermann, upon vote, unanimously carried, the Board exited

**RECORD OF PROCEEDINGS**

---

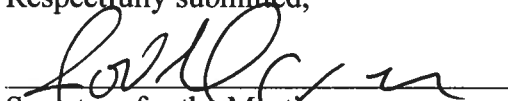
their Executive Session and entered back into their regular session at 7:15 p.m.

Director Wilkins and Director Pheteplace approved that FVAWD be included on the mailing list of the county regarding land development.


**ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made by Director Zimmermann, seconded by Director Pheteplace, upon vote, unanimously carried, the Board adjourned the meeting at 7:20 p.m.


Respectfully submitted,

  
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL DECEMBER 15, 2021, MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
Brad Hogan

\_\_\_\_\_  
Eckehart Zimmermann

Nancy Wilkins  
  
David Pheteplace