

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 FEBRUARY 24, 2021

ATTENDANCE

In attendance were Directors:

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

Also, in attendance were:

Bob Blodgett; Community Resource Services, LLC (“CRS”)
Joel Meggers; Community Resource Services, LLC (“CRS”)
Gabby Begeman; ORC Water Professionals (“ORC”)
John McGinn; JDS Hydro Consultants, Inc.
Peter Johnson; Vranesh and Raisch, LLP
Bonnie Hildebrand; Resident
Kelsey Belsher; Resident

Approximately 10 other residents attended via Zoom call

ADMINISTRATIVE ITEMS

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

Agenda – Mr. Blodgett reported item 1E, the public hearing regarding the potential inclusion of Jay-Z’s land development property has been removed at the applicant’s request. Upon motion duly made by Director Hans Zimmermann, seconded by Director E. Zimmermann and, upon vote, unanimously carried, the Agenda was approved, as amended.

Minutes - The Board reviewed the Minutes of the January 27, 2021 Regular Board meeting.

Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the January 27, 2021 Minutes were approved, as presented.

Continuation of Public Hearing Regarding Inclusion of JZ’s Land Development, LLC

Removed from the agenda at the applicant’s request.

Continuation of Public Hearing Considering an Increase to the Shut Off / Turn On Fee – Motion by Director E. Zimmermann, seconded by

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Director McBride the Board opened the Public Hearing at 6:07pm. Director E. Zimmermann explained the reason for the increase in the shut off turn on fee. Motion by Director McBride, second by Director E. Zimmermann, the Board closed the public meeting at 6:08pm.

Motion by Director E. Zimmermann second by Director McBride the Board approved the Resolution.

PUBLIC COMMENT: ON NON-AGENDA ITEMS

Ms. McKean asked why the inclusion item had been removed from the agenda. Mr. Johnson explained that the applicant had asked the District to address some issues which will be discussed in Executive Session with the Board.

Lisa Hatfield with Our Community News asked that the agenda and a link to the Zoom meeting be included on the District's website. Mr. Meggers reported it is on the district bulletin board.

Ms. Brasher asked that she receive a written response to the questions in her email regarding the potential inclusion. Director E. Zimmermann explained why the Board had instructed the Staff to have her attend the Board meeting to discuss her questions. Director Hogan asked her to address her questions with the Board. She asked if the District had a capital plan? Director E. Zimmermann stated there is an agenda item later in the meeting at his request to provide updates to the capital plan that he will coordinate with the district's engineer.

Mr. Phetaplace stated the District should finalize a capital improvement plan and place it on the website for public review.

Mr. Tapper stated the Board should have a strategic plan in place regarding the future infrastructure needs of the District and the District's ability to handle the inclusion of an additional 38 homes with the existing infrastructure. Mr. McGinn and Director E. Zimmermann explained that the District's infrastructure will not be negatively impacted by the addition of the inclusion. The inclusion will provide additional revenue to accelerate the District's ability to address already existing infrastructure issues related to a second source of supply with the Dawson Well and improvements to the existing Arapahoe Well and Treatment Plant. It will also provide excess water rights to the District beyond what is needed to serve the inclusion area.

Ms. McKean asked about the potential addition of the Clovenhoof subdivision of 20 acres and whether the District would limit taps for this project. Director E. Zimmermann reported the District needs certain easements for the future Dawson Well from this project. This item is in preliminary discussion stages with the property owner.

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Another resident asked what if fewer than 38 lots are approved by El Paso County? Director E Zimmermann stated as few or as many lots up to 38 can be served by the District. There will also be future operations fees from the project that would be approximately \$60,000 annually if 38 homes are ultimately built.

Ms. Brodzik asked about the comparison of the Red Rocks Reserve inclusion to the potential JZ inclusion. Director E Zimmermann responded.

Mr. McGinn explained how the inclusion fees would provide seed money to the district for necessary planning and preliminary design for future needed capital improvements to serve the entire system.

Ms. Begeman reported the existing Arapahoe Well Permit can process 85 acre-feet annually. Mr. McGinn reported JZ will dedicate 19 acre-feet to the District. Their annual needs are estimated at 9.5 acre-feet. He further reported the Dawson Well is needed as a second source of supply in case the Arapahoe Well fails, and the Surface Water Treatment Plant is not online. The Dawson Well provides reliability to the entire system.

Mr. Pheleplace volunteered to donate his planning experience and expertise to help with a future capital improvement plan.

Ms. Belsher also volunteered to serve on the Board in the future. Director Han Zimmermann stated he is considering resigning from the Board at some point soon. The Board stated that it has been difficult to find volunteers to serve on the Board in the past. They thanked Ms. Belsher for her interest.

Ms. McKean stated that CRS has changed the September 23, 2020 minutes to modify the effective date of the fee resolution from March 1, 2020 to March 1, 2021. Mr. Blodgett had directed staff to do this since it was a typographical error. However, in the future changes to the minutes will be placed on a board meeting agenda for approval by the Board first.

Ms. Van der Gugten stated she would like to meet with the District regarding her subdivision and future taps and inclusion. She was unclear who to meet with. She also stated there is a leak from the District's pipe on her property. Ms. Begeman stated the District does not have a leak in its pipes. Director Hans Zimmermann reported this is groundwater on her property.

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Ms. Belsher stated the Board has responded to many of her questions during the public comment tonight. However, she would still like a written response to her questions.

Director Hogan thanked those in attendance for their comments. The Board continued the remainder of the meeting at 7:15pm.

OPERATIONS AND MAINTENANCE ITEMS

ORC Water Professional's Monthly Operations Report – Ms. Begeman reviewed her report with the Board. She recommended the addition of stainless-steel tubing on the District's pressure reducing valves. She stated the District has nine valves and each one is approximately \$3,000 for rigid steel. Upon motion duly made by Director E. Zimmermann, seconded by Director H. Zimmermann, upon vote, the purchase of three stainless steel tubes in the total of \$9,000. They will consider purchasing the remaining six in batches of three over the next few months.

Director H. Zimmermann asked ORC to mark the District's fire hydrants with flags. Ms. Begeman reported these had been destroyed over the years. ORC will replace them.

CAPITAL/ ENGINEERING ITEMS

JSD-Hydro Consultants, Inc. ("JDS") Monthly Report (enclosure) – Mr. McGinn reviewed his report to the Board.

Consider Repair of Arapahoe Well Casing and Cleaning (Applied Ingenuity proposal dated November 19, 2020) - \$40,741 – Mr. McGinn reported this proposal will be on the March board meeting agenda for approval. He will work with ORC regarding the timing for the Arapahoe Well repairs to ensure that the Surface Water Treatment Plant is online while the Arapahoe Well is down.

Phase II Dawson Well Improvements – Mr. McGinn recommended the District apply to CDPHE for a small system funding technical grant in the amount of approximately \$50,000 for planning and preliminary design of the future Dawson Well improvements. There is only \$4 million available statewide, but the District might have a chance since it needs a second source of supply.

Upon motion duly made by Director H. Zimmermann, seconded by Director McBride, upon vote, the Board authorized JDS Hydro to submit the grant application.

FINANCIAL ITEMS

Treasurers Report / Bank Balances / Transactions - Director McBride reported that the Financial Statement cash balances and transactions

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reconciled with the bank statements. He recommended the District move excess funds in the general fund to COLOTRUST to receive a higher interest rate. The Board concurred.

January 31, 2021 Cash Position (adjusted as of February 16, 2021) and Unaudited Financial Statements for the period ending January 31, 2021 Upon motion duly made by Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board accepted the January 31, 2021 Cash Position adjusted as of February 16, 2021 and unaudited Financial Statements for the period ending January 31, 2021.

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

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

Claims – The Board reviewed the claims totaling \$29,869.53 represented by check numbers 05013 - 05026, plus auto payments totaling \$3,902.25 for a grand total of \$33,772.78.

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

OTHER BUSINESS/ DIRECTORS ITEMS

Look Ahead Schedule – Director E. Zimmermann will work with Mr. McGinn to add additional capital projects to the Look Ahead Schedule.

Discuss Posting the Long-Term Capital Improvement Plan the forestviewacreswd.colorado.gov Website under the Documents/Management, Planning and Technical Reports Menu – Director E. Zimmermann recommended this plan be added to the other capital information on the district's website. The Board concurred. Director E. Zimmermann will work with Mr. McGinn to update the website.

LEGAL

Red Rock Acres Inclusion – 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 McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board entered into Executive Session at 7:32 pm to discuss matters related to Red Rock Acres proposed inclusion. Upon motion duly made by Director E. Zimmermann, seconded by Director Wilkins, upon vote, unanimously carried, the Board entered into regular session at 8:09pm.

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The Board authorized Mr. Johnson to continue his communications with the applicant regarding the inclusion petition. The Board directed Mr. Blodgett to respond to Ms. Belsher in writing to her questions regarding inclusion impacts on the District. The Board directed CRS to set a meeting with Ms. Van der Gugten to discuss her 20-acre subdivision and potential inclusion into the District.

Director E. Zimmermann asked that Mr. Johnson report to the Board at the next meeting regarding the process for removal of a Board member. He stated the Board should adopt a policy related to this issue that applies to the entire Board.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 8:12 p.m.

Respectfully submitted,


Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL FEBRUARY 24, 2021 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:


Brad Hogan


Ekehart Zimmermann

Hans Zimmermann

Nancy Wilkins

Victor McBride