

## 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 OCTOBER 28, 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")  
Gabby Begeman; ORC Water Professionals ("ORC") (for a portion of the meeting via phone)  
John McGinn; JDS Hydro Consultants, Inc. (for a portion of the meeting)  
Peter Johnson; Vranesh and Raisch, LLP (for a portion of the meeting)

#### 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 McBride, seconded by Director E. Zimmermann and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Re-negotiation of Community Resource Services of Colorado ("CRS") Contract** – The Board discussed desired revisions with the renewal of the 2021 contract with Community Resource Services. No action was taken at this time.

**Minutes** - The Board reviewed the Minutes of the September 23, 2020 Regular Board meeting.

Following discussion, upon motion duly made by Director Hogan, seconded by Director E. Zimmermann, upon vote, unanimously carried, the September 23, 2020 Minutes were approved, as amended.

**Establish 2021 Regular Meeting Dates and 2021 Annual Administrative Resolution** – The Board determined to schedule 2021

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regular meetings for the fourth Wednesday of each month at 6:00 p.m. to be held at the offices of the Monument Sanitation District; 130 2<sup>nd</sup> Street, Monument.

Upon motion duly made by Director E. Zimmerman, seconded by Director McBride, upon vote, unanimously carried, the 2021 Annual Administrative Resolution was adopted, as amended.

It was noted that Director McBride was appointed Treasurer.

### **PUBLIC COMMENT**

There was no public comment.

### **OPERATIONS AND MAINTENANCE ITEMS**

**ORC Water Professional's Monthly Operations Report** – Ms. Begeman reported on the Arapahoe Well Pump replacement project noting that it is expected to be fully operational by tomorrow. Because of alarm auto dialer issues identified with the recent waterline break, Ms. Begeman recommended a cellular unit from Mission Communications for real time monitoring, alarming and data collection be installed.

Following discussion, upon motion duly made by Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board approved receipt of a quote for the communication monitoring, alarming and data collection, for review and approval via email.

### **CAPITAL/ ENGINEERING ITEMS**

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

**Town of Palmer Lake Emergency Connection Discussion** - Mr. McGinn reported that Town of Palmer Lake Engineer and Operator have been approached regarding a reciprocal agreement for emergency connection should it be required; however, the Operator was not in favor of such an agreement, although the Engineer was. Further discussion will continue.

**Clovehoof Easement/Pipeline** - Mr. McGinn reported on the status of the easement with Palmer Lake Sanitation District noting that he expects to hear shortly of the completion of their platting process. It was noted that this project is budgeted for in 2021.

### **LEGAL ITEMS**

**Red Rock Acres Inclusion and Inclusion Fee Rate Increase – 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,

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unanimously carried, the Board entered into Executive Session at 7:40 p.m. to discuss matters related to Red Rock Acres proposed inclusion and Inclusion Fee Rate Increase.

Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board entered into regular session at 7:56 p.m.

Following discussion, upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board directed Attorney Johnson to respond to Red Rock Acres that the District will allow for Attorney Johnson to review the water rights pertaining to the Red Rock Acres inclusion and take them through the water court process, with the expectation that Red Rock Acres will fund the costs for this work. Further the Board approved the "Intent to Serve" letter requested.

Following discussion, upon motion duly made by Director H. Zimmermann, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board adopted the Resolution to increase the Inclusion Fee Rate to \$5,000 per acre, effective March 1, 2021.

### **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 as of October 20, 2020 was \$269,222 (rounded).

ColoTrust Bank Statement – Director Wilkins noted that the balance as of October 20, 2020 was \$650,648 (rounded) with an interest rate of .216%.

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

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

**Claims** – The Board reviewed the claims totaling \$24,706.85 represented by check numbers 04963– 04976, plus auto payments totaling \$4,618.47 for a grand total of \$29,325.32.

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

**2020 Audit Engagement** – Ms. Jacoby presented the engagement letter from Schilling & Company, Inc. to perform the 2020 Audit.

Upon motion duly made by Director E. Zimmermann, seconded by Director H. Zimmermann, upon vote, unanimously carried, the engagement of Schilling & Company to perform the 2020 Audit for an amount not-to-exceed \$6,200, was approved.

**2020 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2020 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 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. No public comments were received and the public hearing was closed.

Following review and discussion, Director E. Zimmermann moved to adopt the Resolution to Amend 2020 Budget, Director Wilkins seconded the motion and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2020 Budget as discussed.

**2021 Budget Hearing:** The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2021 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.

Ms. Jacoby reviewed with the Board the estimated 2020 expenditures and the proposed 2021 expenditures and adjustments were noted.

Following discussion, the Board considered adoption of the Resolution to Adopt the 2021 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 E. Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Resolution was adopted, as discussed, and execution of the Certification of Budget

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and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2020. 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, 2020. Ms. Jacoby was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 31, 2021.

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

**Policy for Establishment of New Customer Water Service via Pikes Peak Regional Building Department** – Ms. Jacoby reported that Pikes Peak Regional Building Department has several options available for notification depending on the Districts wants.

Following discussion the Board determined and authorized Ms. Jacoby to implement with Pikes Peak Regional Building Department for the District and the Operator (ORC) to receive email notifications about new construction, allowing the district to become aware of new water customers more-timely.

**Establishment of Tap Fee Collection Procedures** – Ms. Jacoby reviewed the tap fee procedure performed by CRS, noting the following:

1. Property Owner or Owner's representative calls regarding paying tap fee.
2. An email is generated to Owner or Owner's representative with Tap Fee Application.
3. Completed application including payment is made via US Mail or in person.
4. CRS contacts ORC to notify that application and payment has been received.
5. The Tap Fee Report is updated and included in the Board Meeting Packet.

Following review, the Board determined to amend the District's Policies at the next Board Meeting to include the Tap Fee Collection Procedure.

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

**Amendment to November and December Regular Meeting Dates** – Following discussion the Board determined to cancel the November 25 and December 23 meeting dates and to schedule a special meeting for December 9, 2020.

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**Community Resource Services ("CRS") August, 2020 Invoice** – Director Wilkins addressed her analysis of the August CRS invoice and suggested possible reimbursement by CRS to the District. No action was taken at this time.

**ADJOURNMENT**

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

Respectfully submitted,

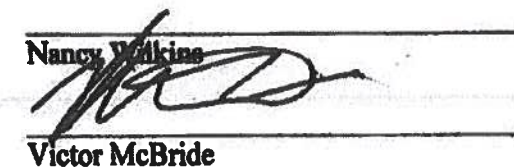
  
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL OCTOBER 28, 2020 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
Brad Hogan

  
Eckehart Zimmermann

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Hans Zimmermann

  
Nancy Wilkins

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Victor McBride