

# RECORD OF PROCEEDINGS

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## 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 JANUARY 27, 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.  
Gwen Dall; JDS Hydro Consultants, Inc.  
Peter Johnson; Vranesh and Raisch, LLP  
Ted Hatzenbuhler; Resident                      Jim Stiltner, JZ’s Land Development  
George Kondos; Resident                      Allison Cundith; Resident  
Mark L. Fears; Resident                      Scott Dunphey; Resident  
Ingrid Richter; Olive Real Estate Group  
Gene Ashe; Resident  
Susan Gates; Resident                      Frederick Malmstrom; Resident  
25 Attendees Via Zoom

### 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.

**Agenda** – Mr. Blodgett distributed for the Board’s approval the proposed Agenda. Director Hogan recommended a change to move the inclusion public hearing item up to immediately after approval of the December 9<sup>th</sup> meeting minutes. The Board concurred. 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 December 9, 2020 Regular Board meeting.

Director Wilkins recommended the addition of “President” next to Director Hogan’s name and the addition of “Treasurer” next to Director McBride’s name. The Board concurred. Upon motion duly made by

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Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the November 9, 2020 Minutes were approved, as amended.

### LEGAL

#### **Public Hearing Regarding Inclusion of JZ's Land Development, LLC**

The President opened the public hearing to consider the proposed inclusion at 6:10pm. He read a statement indicating how the public hearing would be conducted to allow everyone to state their comments in a 2-minute period without being repetitive. Mr. McGinn reported that the proposed inclusion will provide enough water rights to adequately serve the estimated 38 homes that the proposer is requesting from El Paso County in his rezoning request.

Approximately 20 speakers addressed the Board. Their concerns related to a general lack of information regarding the impacts of the inclusion on the existing residents and water system within the District. Questions/Concerns included: 1) What is the cost to the District if the inclusion occurs? 2) What are the impacts on the District's storage tank? 3) What are the impacts on the District's storage? 4) Does the District have an obligation to approve the request? 5) Do the Board members have any conflicts to disclose related to the new home development? 6) How will these new homes affect the ability of the District to maintain its existing aging infrastructure? 7) Serving new homes should not subtract from the existing capital budget. 8) Firewise concerns were expressed. 9) How will this affect the homes at the upper end of the system who are the first to run out of water with a line break and last to get service restored? 10) Does the District have a 3-5-year plan for capital projects? 11) The Board should wait to decide until after the rezoning decision is made. 12) What revenues does the District receive from the inclusion? 13) The public meeting notice did not provide any specific information about the project and impacts on the District. 14) Can the District restrict the maximum number of homes to be served in the inclusion?

Mr. Stiltner and Ms. Richter, the petitioners, stated that they pay all the costs of the water and other infrastructure to serve their property. In addition, they pay a \$150,000 inclusion fee plus a \$30,000 tap fee per home. Each home will then pay the same monthly usage and operations fees that all other residents pay.

Director Hogan thanked all for their comments. Upon motion duly made by Director E. Zimmermann, seconded by Director H. Zimmermann, upon vote, unanimously carried, the Board entered Executive Session at 8:04pm. Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board entered regular session at 8:24pm.

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The Board decided to continue the public hearing to the February board meeting. The Board decided to send a letter to residents via the District website to respond to the resident questions and explain the actual financial and water system impacts of the inclusion if approved. CRS will include a note in the January water bills indication this letter will be placed on the website for review prior to the February board meeting. Mr. Johnson agreed to provide a first draft for consultant and Board review. The petitioners asked to review the draft before it is finalized. The letter will state that all issues related to the rezoning should be referred to El Paso County.

**Public Hearing Considering an Increase to the Shut Off / Turn On Fee** – Director Hogan opened the Public Hearing at 8:44pm. There were no public comments. Director Wilkins recommended continuing the Public Hearing to the February Board meeting. The Board concurred.

**Ratify Adoption of Amended District Policies and the District Rules and Regulations** – Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board ratified the Amended District Policies and the District Rules and Regulations.

**Public Comment** – Brian Baxter asked the Board to approve a variance for his builder at his new home under construction on Rockbrook Road. He would like to tie his service line into the fire hydrant water line instead of the main line further away. Mr. McGinn and Ms. Begeman reviewed with the Board. They stated this would be a variance the district policy and could cause water service issues in the future. After discussion, upon motion duly made by Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board tabled action to the February Board meeting.

### **OPERATIONS AND MAINTENANCE ITEMS**

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

**Tri-Lakes Garage Door Proposal for Replacement of the SWTP Door**  
Upon motion duly made by Director E. Zimmermann, seconded by Director H. Zimmermann, upon vote, unanimously carried, the Board approved the proposal for a green door in the amount of \$938.08.

**Consider Purchasing Additional Mission Remote Monitoring Alarm System Equipment** – Ms. Begeman stated these could be placed at each PRV in each pressure zone. They would be solar powered cell phone units costing approximately \$3-4,000 each. After discussion, the Board tabled action on this option. Ms. Begeman recommended stainless tubing for the

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lines as a higher priority. The Board concurred. She will bring quote to the February board meeting.

Water Line Break Near Oxbridge Road and PRV Repair – Ms. Begeman reported approximately 160,000 gallons were lost. Repairs have been made.

### CAPITAL/ ENGINEERING ITEMS

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

Arapahoe Well Casing and Cleaning – Mr. McGinn recommended approval of the proposal in the amount of \$40,741 at the March meeting for work to be done in April/May when the Surface Water Treatment Plant is back online.

Phase II Dawson Well Improvements – Mr. McGinn stated the proposal for the Van Der Gugten subdivision and inclusion will provide the District the opportunity to get several necessary easements which will facilitate needed access to the future Dawson Well.

### FINANCIAL ITEMS

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

December 31, 2020 Cash Position (adjusted as of January 19, 2021) and Unaudited Financial Statements for the period ending December 31, 2020 Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board accepted the December 31, 2020 Cash Position adjusted as of January 19, 2021 and unaudited Financial Statements for the period ending December 31, 2020.

BOKF Bank Statement – Director McBride noted that the balance as of December 31, 2020 was \$300,279 (rounded), not including the current months payables.

ColoTrust Bank Statement – Director McBride noted that the balance as of December 31, 2020 was \$653,777.

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

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

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**Claims** – The Board reviewed the claims totaling \$31,055.49 represented by check numbers 04996 - 05012, plus auto payments totaling \$4,177.51 for a grand total of \$35,233.00.

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

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

**Look Ahead Schedule** – The Board moved the Dawson Well item to February and March. There were no other changes.

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

### **LEGAL CONTINUED**

**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 9:23 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 9:31pm.

**Proposed Subdivision by Kathryn Van Der Gugten’s 20 Acre Lot** – No further discussion. The Board is awaiting a proposal.

**Other** – Director Wilkins discussed a discrepancy in a final plat map provided by the inclusion petitioner that apparently does not show ownership of several tracts the District in fact owns. The Board agreed to keep this on their radar to check as the final plat and inclusion proceeds. There being no further business to come before the Board, the meeting was adjourned at approximately 9:43 p.m.

### **ADJOURNMENT**

Respectfully submitted,

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Secretary for the Meeting

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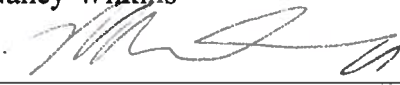
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THESE MINUTES ARE APPROVED AS THE OFFICIAL JANUARY 27, 2021 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
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Brad Hogan

  
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Eckehart Zimmermann

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Hans Zimmermann

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


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Victor McBride