

# 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 APRIL 28, 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”)  
Gabby Begeman; ORC Water Professionals (“ORC”)  
John McGinn; JDS Hydro Consultants, Inc.  
Gwen Dall; JDS Hydro Consultants, Inc  
Peter Johnson; Vranesh and Raisch, LLP  
Jimmy Terry; Badger Meter  
Jon Watson; Badger Meter  
Allison Robenstein; Our Community News  
Residents:  
Rosalia McKean, Brian Lilja, Dave Phetephace; Matt Quinlan

### 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. Following discussion, upon motion duly made by Director Eck. Zimmermann, seconded by Director Hans Zimmermann and, upon vote, unanimously carried, the Agenda was approved, as presented.

Minutes - The Board reviewed the Minutes of the March 24, 2021 Regular Board meeting. Motion duly made by Director McBride, second by Director Eck. Zimmermann, the Board approved the minutes as presented.

### PUBLIC COMMENT: ON NON-AGENDA ITEMS

Ms. McKean expressed concern about the potential damages to trails and open space with the Jay-Z Development inclusion project. She asked if the \$3,000 per acre inclusion fee had been agreed upon. She asked that the Board consider limiting the number of water taps to serve the potential inclusion.

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The Board stated at this time the inclusion petition has been withdrawn. It is not known if the developer will resubmit in the future.

### **OPERATIONS AND MAINTENANCE ITEPMS**

**ORC Water Professional's Monthly Operations Report** – Ms. Begeman reviewed her report with the Board. She stated there are issues with the turbidity meter in the plant. It needs to be replaced. She will bring a cost estimate to the May meeting.

Director Eck Zimmermann expressed concerns about the condition of the Surface Water Treatment Plant. He asked Ms. Begeman to recommend upgrades of the capital equipment, maintenance items and other issues needed for the Surface Treatment Plant to work properly. He stated the Board needs to compare these costs to that of the Dawson Well costs and set priorities.

Ms. Begeman stated some of the PRV valves have stainless steel tubing. This will reduce future replacement costs the Board had previously approved.

**Presentation Regarding New Developments with the BEACON AMA Cellular System** – Mr. Watson and Mr. Terry reviewed new technology associated with the District's Beacon cellular system. They stated an upgrade with a 20-year warranty can be done for \$60 a unit. The District has 110 units currently working. The replacement technology is an easy fix at the District's expense.

The Board asked Mr. Terry to submit his PowerPoint presentation to Mr. Blodgett and the Board. Director Wilkins asked if Badger could absorb the cost of installation of the new technology since the District had not planned for this. Mr. Terry will review.

**Discuss and Consider Approval of Contract with ORC 2021 – 24** – Following discussion, upon motion duly made by Director H. Zimmermann, seconded by Director E. Zimmermann and, upon vote, unanimously carried, the ORC Contract was approved through 2024 at the present monthly rate.

**Discuss Request for Additional Water Service at 4540 Redstone Ridge Road** – Director E. Zimmermann noted that the District's Rules and Regulations require a separate water tap for a separate structure on the property. However, prior Boards have not enforced this provision and have granted variances. He recommended a variance be granted with the understanding that a larger line will be at the property owners' expense and if the property is subdivided to create a separate lot this will require a separate tap.

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Upon motion duly made by Director E. Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Board approved a variance to regulation 5-6 to allow the additional water service at 4540 Redstone Ridge Road without an additional tap fee.

The Board asked that section 5-6 of the Rules and Regulations be placed on the May meeting agenda.

### **CAPITAL/ ENGINEERING ITEMS**

**JSD-Hydro Consultants, Inc. (“JDS”) Monthly Report (enclosure)** – Mr. McGinn reviewed his report with the Board. After discussion, the Board accepted the report.

**Referral – 1041 New Monument Tank Site, Beacon Lite Tank Site Replacement and New 5 Mile Water Line** – Mr. McGinn reviewed the referral with the Board. He reported the Town of Monument has received approval to move forward with these projects. The District has received a referral as an adjacent potentially impacted entity. He stated Monument’s new tank and water lines are adjacent to current District lines. There is an opportunity to obtain an emergency interconnect for water service with Monument which could eventually provide a reliable backup supply to the District/

After discussion, the Board authorized Mr. McGinn to respond to the referral to El Paso County of the District’s intentions to work with the Town of Monument and coordinate future water line connections and construction. The Board also authorized Director Hogan to contact the Monument Town Manager to ask him to attend the May Board meeting to discuss the possibility of an emergency interconnect with the District’s system.

**Phase II Dawson Well Improvements** – This item was deferred.

### **FINANCIAL ITEMS**

**Treasurers Report / Bank Balances / Transactions** - Director McBride reported that the Financial Statement cash balances and transactions reconciled with the bank statements. The Board accepted these reports.

**March 31, 2021 Cash Position (adjusted as of April 23, 2021) and Unaudited Financial Statements for the period ending March 31, 2021**  
Upon motion duly made by Director McBride, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board accepted the March 31, 2021 Cash Position adjusted as of April 23, 2021 and unaudited Financial Statements for the period ending March 31, 2021.

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

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

**Invoice and Escrow Balance for Red Rock Acres Inclusion Expenses**

Director McBride reported that the Jay-Z Development has paid all the District's costs related to their inclusion before it was tabled. Director Wilkins thanked CRS for their efforts in obtaining payment.

**Consider Proposal to Eliminate Expense of Printing Full Board Packets and Increase Efficiency of Board Members in the Course of Their Duties by Providing an Allowance for a Dedicated Laptop Computer and Appropriate Software** –

Director McBride recommended purchase of a laptop computer, necessary PDF software and licenses for use by Board members to save the cost of multiple board meeting packets and paperwork. Director E. Zimmermann stated the District spends \$5,000 a year on board meeting paperwork. He noted laptops are now available for \$500 or less that could be by the Board at meetings and for organizing emails and documents. He stated the investment would save money in the first year. After discussion, the Board authorized Director McBride to present a cost proposal at the May Board meeting.

Director McBride also recommended the use of secure Proton email accounts for the Board members which include point to point encryption. He stated the cost is about \$500-\$600 a year plus the cost of a domain. The Board authorized Director McBride to present a cost proposal for a new email system at the May board meeting.

**Claims** – The Board reviewed the claims totaling \$82,683.81 represented by check numbers 5040 - 5053, plus auto payments totaling \$3,246.19 for a grand total of \$85,930.00.

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

Director McBride will review bank charges and fees and provide a recommendation for a potential change in banks at the May board meeting.

**OTHER BUSINESS/  
DIRECTORS  
ITEMS**

**Look Ahead Schedule** – There were no changes to the schedule.

**Discuss District By Laws** – Mr. Johnson reviewed with the Board. Director Wilkins expressed concern with the provisions related to the release of draft minutes, designation of official custodian, advertising responsibility for construction bids and termination of the existing By Laws. After discussion, the Board decided not the change the By Laws as

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drafted. Director E. Zimmermann reported the District's prior By Laws were eliminated by a previous Board in 2005.

The Board directed Mr. Johnson to amend the Executive Session section F to include a list of the subjects for which the Board may adjourn into Executive Session.

Upon motion duly made by Director E. Zimmermann, seconded by Director McBride, upon vote of 4 to 1 (Director Wilkins no) to approve the District By Laws as amended.

**Discuss Safety and Loss Prevention Grant Funds** – Mr. Blodgett will work with ORC to try to identify any eligible expenditures for grant submission.

**Discuss Future Board Meetings – In Person, Zoom or Hybrid** – Director E. Zimmermann suggested the Board begin in person meetings only once all Board members are vaccinated. Director Hogan recommended the Board continue with the Zoom and in person combination meetings for a few more months until more individuals are vaccinated. Mr. Pheteplice stated the public may want to attend may not be vaccinated. The May meeting be a Zoom and in person meeting.

### **LEGAL**

**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 E. Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board entered into Executive Session at 8:00 pm to discuss matters related to the potential Van Der Gugten property inclusion. Upon motion duly made by Director McBride, seconded by Director Hogan, upon vote, unanimously carried, the Board entered into regular session at 8:51 pm.

Upon motion by Director E. Zimmermann, seconded by Director H. Zimmermann the Board called a Special board meeting Work Session for Wednesday, May 5 at 6:00pm at the Monument Sanitation District to continue discussion of the Van Der Gugten property. The Work Session will be conducted in Executive Session.

### **ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made by Director Hogan, seconded by Director E. Zimmermann, upon vote, unanimously carried, the Board adjourned the meeting at 8:55 p.m.

Respectfully submitted,

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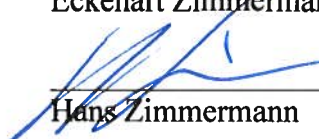
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Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL APRIL 28, 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