

## 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 OCTOBER 30, 2019

#### ATTENDANCE

In attendance were Directors:

Brad Hogan  
Hans Zimmermann  
Eckehart Zimmermann  
Nancy Wilkins  
Victor McBride

Also in attendance were:

Lisa Jacoby; Community Resource Services, LLC ("CRS")  
Clyde Penn; ORC Water Professionals (for a portion of the meeting)  
John McGinn; JDS-Hydro Consultants, Inc. ("JDS") (for a portion of  
the meeting)  
Pete Johnson, Esq. Vranesh and Raisch, LLP  
Jim Stiltner; Red Rock Acres (for a portion of the meeting)  
Skip Chang; Terri Chang and Kim Gaston, Property Owners and  
Representative (for a portion of the meeting)

#### 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** – Ms. Jacoby distributed for the Board's approval the proposed Agenda. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director Hans Zimmermann and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Minutes** - The Board reviewed the Minutes of the September 25, 2019 Regular Board meeting. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Minutes of the September 25, 2019 Board Meeting were approved, as presented.

**Amended and Restated Resolution Imposing Fees Upon Property Within the District** – The Board reviewed the Resolution. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director Hans Zimmermann, upon vote, unanimously carried, the Amended and Restated Resolution Imposing Fees Upon Property Within the District was adopted as presented. It was noted that

*Handwritten signature*

## RECORD OF PROCEEDINGS

---

the Fee for Manual Meter Reading was amended from \$50.00 per month to \$25.00 per month.

### PUBLIC COMMENT

**Forest View Road Waterline Main Extension and Service for 18477 Forest View Road** – Mr. Skip Chang, Ms. Terri Chang and Ms. Kim Gaston addressed the Board regarding water availability for the Chang's under constructed home at 18439 Forest View Road (inclusive of the combined lots 18477 Forest View Road; 18460 Stone View Road and one more unassigned address).

Discussion ensued regarding the Districts' activities to extend the waterline main in Forest View Road. The Board stated its commitment to the completion of the waterline main extension in Forest View Road for the end of March, 2019.

Following discussion, the Board thanked Mr. Chang and informed him that they would consider a solution later in executive session and respond regarding the outcome following the meeting. Mr. Chang, Ms. Chang and Ms. Gaston left the meeting at 6:15 p.m.

**Development of Red Rock Acres (aka Ryan Nevin's property) – Inclusion Agreement** - Mr. Jim Stiltner addressed the Board regarding his development of the subject property described as 54.56 acres and reviewed the proposed counter terms to the Inclusion Agreement.

Following discussion, the Board thanked Mr. Stiltner and informed him that they would consider further in executive session and respond regarding the outcome following the meeting. Mr. Stiltner left the meeting at 6:30 p.m.

### OPERATIONS AND MAINTENANCE ITEMS

**ORC Water Professional's September/October 2019 Operations Report** – Mr. Penn presented his report to the Board.

**Additional Chemical Pump** – Mr. Penn discussed the need for an additional chemical pump for an approximate amount of \$800. Following discussion, upon motion duly made by Director Hans Zimmermann, seconded by Director Wilkins, upon vote, unanimously carried, the purchase of an additional chemical pump was authorized.

**Status of Installation of Remaining Beacon Meters** – Mr. Penn noted that only one electronic meters remain to be installed.

**Options for Underground Facility/Utility Locating Services** – Ms. Jacoby noted that although she had made contact several times, she had received no response from Alpine Locates for a proposal.

## RECORD OF PROCEEDINGS

---

Discussion ensued. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director McBride, upon vote, unanimously carried, the Board authorized Ms. Jacoby to negotiate further with those who had proposed and to respond with the outcome to the Board via email, for a final determination to be made by the Board via email.

### CAPITAL/ ENGINEERING ITEMS

**JSD-Hydro Consultants, Inc. (“JDS”) Monthly Report** - Mr. McGinn presented his report.

Status of Disinfection Outreach Verification Effort (“DOVE”) Project - Mr. McGinn reported on the status of the DOVE project noting that the insert tap is expected to be installed the following week with project completion expected in November, 2019

Dawson Well Rehabilitation - Mr. McGinn provided a recap of the status of the project and discussed the timing of the next step being preparation and submittal to the State of a Basis of Design Report (“BDR”).

Status of Water Connection for 18439 Forest View Road - It was noted that this subject was discussed with Mr. Skip Chang prior in the meeting with further discussion to occur in executive session.

Global Underground Corp - Following discussion, upon motion made by Director Hogan, seconded by Director Hans Zimmermann, the Board ratified approval of the Global Underground Corp proposal for the DOVE tap work undertaken at 4656 Redstone Ridge Road.

Mr. Penn left at 7:45 p.m.

### FINANCIAL ITEMS

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

**September 30, 2019 (adjusted as of October 11, 2019) Cash Position and Unaudited Financial Statements for the period ending September 30, 2019, ACH Report, Tap Report and A/R & Delinquency Report** – The Board reviewed the above referenced financial statements.

Wells Fargo Checking Account. Director Wilkins reported that the Wells Fargo account has been closed.

*mlw*

## RECORD OF PROCEEDINGS

---

**Claims** – The Board reviewed the claims totaling \$31,433.20 represented by check numbers 04793 – 04805, plus auto payments totaling \$4,889.50 for a grand total of \$36,322.70

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

### **DIRECTOR'S ITEMS**

**Program for Donation and Distribution of Funds to Those in Need**  
Director Wilkins addressed the Board regarding the donation of her 2018 Directors Fees in the amount of \$1,100 to the District for distribution upon contact by a needy individual in the District.

Discussion ensued. Following discussion, upon motion duly made by Director Eckehart Zimmermann, seconded by Director Hogan, upon vote carried with Directors Eckehart Zimmermann, Hogan, McBride and Wilkins voting “Yes” and Director Hans Zimmermann voting “No”, the Board accepted the donation to be booked to the miscellaneous revenue line item in the General Fund with no “program” to be established for the distribution of such funds and no stipulation attached to the use of the funds and further going forward, any Directors Fees that are not cashed within 90 days will be forfeited.

**Independent Contact by Directors Requesting District Consultants Provide Information, Prior to Board Approval** – Director Hans Zimmermann addressed the Board regarding the need for Board approval prior to Director’s making contact with District consultants for information.

### **OTHER BUSINESS**

**Look Ahead Schedule** - The Board discussed the Look Ahead Schedule and noted no changes.

### **LEGAL ITEMS**

**Development of Red Rock Acres (aka Ryan Nevin’s property) – Inclusion Agreement** - The subject property is described as 54.56 acres with a current planned total of 38 single family lots.

**EXECUTIVE SESSION** – Pursuant to 24-6-402(4)(e) of the Colorado Revised Statutes (“C.R.S.”), upon motion duly made by Director Eckehart Zimmermann, seconded by Director Hans Zimmermann and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 7:12 p.m. for the purpose of receiving from the Board's attorney legal advice on specific legal questions as authorized by Section 24-6-402(4)(b), related to the extension of the Forest View Road water line and the Red Rock Acres Inclusion Agreement; the development of negotiating positions,

new

## RECORD OF PROCEEDINGS

---

Furthermore, pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the Board's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Upon motion duly made by Director Eckehart Zimmermann, seconded by Director McBride and, upon vote, unanimously carried, the Board adjourned into regular session at 7:55 p.m.

Red Rock Acres Inclusion Agreement - Following discussion, upon motion made by Director Eckehart Zimmermann, seconded by Director Hans Zimmermann, the Board approved counter terms to the Red Rock Acres Inclusion Agreement for presentation to Mr. Stiltner via email.

Forest View Road Waterline Extension - Following discussion upon motion made by Director McBride, seconded by Director Eckehart Zimmermann, the Board approved the proposal from Global Underground Corp for extension of the Forest View Road waterline for an amount of \$107,564.00; authorized Director Hogan to execute a contract with Global Underground Corp, and further directed staff to respond to Mr. Chang regarding the Board's action, via email.

The Board determined that the Forest View Road Waterline Extension was an emergency for the health, safety and welfare of the residents and owners of property within the District and thus required immediate action by the Board. Pursuant to §32-1-1001(1)(d) (I), C.R.S., the District determined to award the contract to Global Underground Corp as a single participating entity for the design and construction of the waterline extension project.

**2020 Draft Budget** – The Board reviewed and made adjustments to the draft 2020 Budget. The Board determined to schedule the 2020 Budget Hearing for Wednesday December 4, 2019.

**2019 Audit** – The Board determined that a 2019 Audit was not necessary.

**November 27, and December 25, 2019 Board Meetings** - The Board determined to cancel the November 27, and December 25, 2019 Board meetings and determined to schedule a special meeting for December 4, 2019 to be held at 5:30 p.m. at the regular meeting location.

*ntw*


**RECORD OF PROCEEDINGS**

---


**ADJOURNMENT**


There being no further business to come before the Board, the meeting was adjourned at approximately 8:00 p.m.


Respectfully submitted,


  
Secretary for the Meeting


THESE MINUTES ARE APPROVED AS THE OFFICIAL SEPTEMBER 25, 2019 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
Brad Hogan

  
Eckehart Zimmermann

  
Hans Zimmermann

  
Nancy Wilkins

  
Victor McBride