

# 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  
January 28, 2016**

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 (referred to hereafter as "Board") was held on Thursday, January 28, 2016, at 6:00 p.m., at the Monument Sanitation District, 130 2<sup>nd</sup> Street, Monument, Colorado. This meeting was open to the public.

ATTENDANCE

In attendance was Directors:

Tim Sobik  
Anne Bevis  
Eugene Ashe  
Hans Zimmermann

Absent was Eckhart Zimmermann whose absence was excused.

Also in attendance were:

Jim McGrady; Community Resource Services ("CRS")  
Gabby Begeman; ORC, LLC Water Company  
Will Koger; Forsgren Associates  
Jonathan Moore; Forsgren Associates  
Chris Lowe; Monument Town Manager  
Tom Varnish; Monument Public Works Director  
John McGinn; JDS Hydro Consultants, Inc.

ADMINISTRATIVE  
MATTERS

Director Ashe called the meeting to order at around 6:00 p.m., Mr. McGrady distributed for the Board's approval the proposed agenda. Following discussion, upon motion duly made by Director Sobik and seconded by Director Han Zimmermann, vote was taken and the agenda was approved as presented.

Minutes - The Board reviewed the minutes of the December 3, 2015 Special Board meeting. Director Bevis moved the minutes be approved as presented. Upon a second by Director Sobik, vote was taken and motion carried unanimously.

Update on Election Process – Mr. McGrady informed the Board he had not received any self-nomination forms and that the deadline for submittal was February 26<sup>th</sup>, 2016.

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Public Comments – Will Koger and Jonathan Moore; Forsgren & Associates, Chris Lowe; Town Manager & Tom Varnish; Public Works Director were present representing the Town of Monument. Jonathan Moore presented four possible tank site alternatives. After the presentation Mr. Ashe polled the Board and asked for comments. Director Sobik was relatively okay with the sites presented by Mr. Moore although he thought the proposed site located near the park was not feasible. Director Hans Zimmermann did not want an eyesore to be built in the community and opposed the park site as well. Director Bevis did not want staff time or Board time spent on this. Director Bevis stated that the HOA would need to approve the site and opposed the Park site because of the number of District pipes and appurtenances located at that proposed site. President Ashe shared the other Board members concerns. Monument representatives asked if the Forest View Acres Water District would be interested in using the proposed tank for emergency supply. John McGinn feels a mutual aid interconnect would be of limited benefit given the fact that most of FVAWD Hydraulic Grade Line is above the high water level of the proposed Monument tank. Mr. McGinn stated that the proposed tank elevation is too low which would preclude Forest View from partnering with Monument on the construction of the tank. Ms. Begeman thought it was water source but it would require a booster pump. Other information presented by Monument officials included the following: The Town is not interconnected in anyway with any surrounding entity. They are looking at a tank site elevation of approximately 7160 feet. The Board stated that they will need more information, such as whether the tank is buried or not, landscape treatments, etc. before they can support the tank and took a neutral position on three of the four proposed tank sites. The proposed location at the Park was opposed by the Board.

### OPERATIONS & MAINTENANCE

Operations Report – Ms. Begeman presented the December/January Operations report to the Board.

Review and Discuss Contract Extension and Renewal with ORC – Programming of the new smart meters has to be done so that the smart meters will work. Ms. Begeman reduced the ORC bill by 5 hours of overtime work. She also did additional work that was not billed. ORC wrote this time off. Director Eck Zimmermann made a number of suggested modifications to the ORC Contract for 2016 and forwarded it to Mr. McGrady. Mr. McGrady will forward the revised contract to ORC for their consideration. The Board would like to consider approval of the ORC contract during the February Board meeting.

### CAPITAL ITEMS

Update on New Booster Station Construction

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### Provide Update on Improvement Schedules A,B,C, CO#5 and Restoration of Construction Staging Areas -

- Easement Maps: Mr. McGinn reviewed the Easement maps with the Board. Easements shown in green have been granted by a specific instrument. Some easements are granted by plat. Those are shown in purple. Lands such as a tank site deed are shown with “L” notations. There are color coded lines that are shown in street right of ways. Some pipelines are shown in orange. Those shown in orange are pipelines that are outside the right of way, but covered by an easement. Pipelines shown in red are pipelines that apparently are not covered by an easement. Director Bevis would like Director Eck Zimmermann to review the notebook prepared by JDS along with the maps. Mr. McGinn indicated that he could bring about a half a dozen CD’s with the easements shown to the next board meeting. Alternatively, Mr. McGrady will ask Mr. Meggers about a Drop Box Mr. Meggers set up and give Mr. McGinn access.
- Booster Station – J.J. O’Donnell has had to redo some work on the Booster Pump Station. Pipelines under building had to be redone. Mistakes and been made by the contractor and as a result he has had to do things over. Mr. McGinn stated that the contractor has been cooperative. J.J. O’Donnell is about two weeks behind schedule at this point in time. Mr. McGinn will follow up as to how much has been paid to J.J. O’Donnell. Director Sobik pointed out to Mr. McGinn that easements on his land have expired and new easement documents need to be recorded that extend the easements on his property through June 1, 2016 so that Global will have time to finish the project and complete revegetation. Mr. McGinn also asked the Board to approve two purchase orders. The ISI West purchase order was authorized by the Board and President Ashe was authorized to sign the purchase order in the amount of \$3,291.32. The Board also authorized Mr. Ashe to approve a bid by Sawyer Electric for electrical work at the Booster Station in the amount of \$12,700. President Ashe signed both documents.
- The Board approved the Global Pay Application and authorized President Ashe to sign the pay application in the amount of \$31,509.46. Mr. McGrady will submit this pay application to CDPHE for reimbursement.

### FINANCIAL MATTERS

Status of Additional \$500,000 Loan from Colorado Water Resources and Power Development Authority and Results from January 27, 2016 CWRPDA Board Meeting - Mr. McGrady informed the Board about the approval of the loan and stated the next step is for the Board to approve the loan documents.

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Payment of Claims - Mr. McGrady requested that the Board approve payment of claims represented by check numbers 03954 – 03974 totaling \$96,250.57. Director Hans Zimmermann moved to approve the payables. Director Sobik seconded the motion. The Motion carried unanimously.

Monthly Cash Position and Unaudited Financial Statements - Mr. McGrady presented the monthly cash position and unaudited financial statements for review by the Board which were accepted by the Board. Director Ashe would like Director Hans Zimmermann and CRS to look at Operations to see if we can prove a reduction in operation costs. Mr. Hans Zimmermann agreed to do this. Mr. McGrady suggested that Mr. Zimmermann look at actual distribution repairs and maintenance and would assist as needed.

Review & Consider Approval of 2016 Fee Resolution – The Board requested that the following changes be made. Plan review fee \$150.00/ hr. Keep transfer fee at \$150.00. Remove second transfer fee on first page Exhibit A. Shut-off raise to \$100.00 each. Collection fee 1% per month. Change the Unauthorized Service Connection charge to \$30,000 which is two times the District's Tap Fee. Unauthorized water use remains at \$1,000 but add the "plus remediation costs". What does the term Violation of permit mean? What is this? Interconnections/cross connect add term "Plus Remediation Costs". Violation of conservation should be changed to Violation to Emergency Order and increase the charge to \$500.00. Interference with Inspection fee should be increased to \$1,000. Unauthorized Entry; delete fine amount and note that this is a Criminal Offense. Add "Prosecution plus cost of remediation." Combine Failure to report damage and failure to notify of dig (call for locates) \$500.00 plus remediation. Eliminate False Official Statement. Civil Damages should be 3 times actual damages plus attorney fees. A motion to update fees per work section was made by Director Hans Zimmermann. Upon a second by Director Sobik, vote was taken and motion carried unanimously.

### OTHER BUSINESS

Update on Source Water Protection Plan/Grant – Director Sobik provided the update. Need a price for signs and the preparation/update of an Emergency Response Plan. The Board thought that the survey cost for easements could be submitted. Mr. McGrady will set up conference call with Director Sobik and Ms. Begeman to get this off dead center.

Review and Discuss Look Ahead Report – Remove Nevins from Look Ahead lines 15 – 18. Add to the Look Ahead during the months of April or May take a water depth measurement in the

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Arapahoe Well. Also add a Board walk through in June once capital improvements are finished.

### LEGAL

Director Bevis moved that the Board enter into Executive Session pursuant to Section 24-6-402(4) (b), C.R.S. Upon second by Director Sobik, vote was taken and motion carried unanimously.

The following items were discussed:

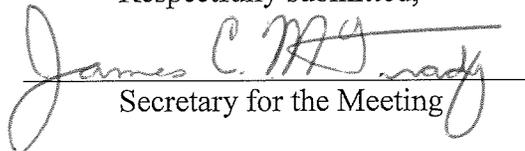
- Review and Discuss 1985 Agreement Negotiations
- Review and Discuss Higgins Inclusions Agreement – this item on hold.
- Ratify Recorded Survey Plat Documents of District Facilities – Motion to approve
- Review and Discuss USFS Land Exchange – Monument: we are neutral. We will need a charge back agreement if you site the tank in FVAWD

The session was entered into at approximately 8:14 p.m. and exited at approximately 8:40 p.m.

### ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Sobik, seconded by Director Bevis, the meeting was adjourned at approximately 8:41 p.m.

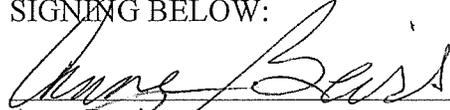
Respectfully submitted,

  
Secretary for the Meeting

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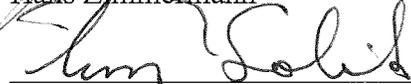
THESE MINUTES ARE APPROVED AS THE OFFICIAL  
JANUARY 28, 2016 MINUTES OF THE FOREST VIEW  
ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS  
SIGNING BELOW:

  
\_\_\_\_\_  
Anne Bevis

  
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Eugene Ashe

  
\_\_\_\_\_  
Eckehart Zimmermann

  
\_\_\_\_\_  
Hans Zimmermann

  
\_\_\_\_\_  
Tim Sobik