

## 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  
FEBRUARY 22, 2007

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, the 22nd day of February, 2007, at 6:00 P.M. at the Tri Lakes Fire Department, Station No. 1, 18650 Highway 105, Monument, Colorado. The meeting was open to the public.

### ATTENDANCE

Directors In Attendance Were:  
Barbara Reed-Polatty, Chairman  
Eckehart Zimmermann  
Anne Bevis  
Richard Crocker  
Chris Monsen

Also In Attendance Were:  
Lisa Johnson; Special District Management Services, Inc.

Mike Bacon and Josh Hockom; Community Solutions, Inc.

Paul C. Rufien, Esq.; Paul C. Rufien, P.C.

### ADMINISTRATIVE MATTERS

Agenda: Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the District's regular meeting. Following discussion, upon motion duly made by Director Bevis, seconded by Director Zimmermann and, upon vote, unanimously carried, the Agenda was approved, as amended.

Minutes: The Board reviewed the minutes of the January 25, 2007 regular meeting. Following discussion, upon motion duly made by Director Crocker, seconded by Director Bevis and, upon vote, unanimously carried, the Board approved the minutes of the January 25, 2007 regular meeting, as amended.

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Public comments on agenda items: No comments were made.

Authorization of Manager to give direction to District counsel: Discussion was deferred to working session.

Election of Officers: The Board discussed limiting the term of the President's position. Further discussion was deferred to the work session.

### FINANCIAL MATTERS

Claims: The Board considered approval of the payment of claims for the period ending February 22, 2007, totaling \$29,569.02.

Following discussion, upon motion duly made by Director Zimmermann, seconded by Director Crocker and, upon vote, unanimously carried, the Board approved payment of claims for the period ending February 22, 2007, totaling \$29,569.02.

Financial Statements: The Board reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the periods ending December 31, 2006 and January 31, 2007. Following discussion, upon motion duly made by Director Zimmermann, seconded by Director Monsen, and upon vote, carried with Directors Reed-Polatty, Zimmermann, Crocker, and Monsen voting "Yes" and Director Bevis abstaining, the Board approved the unaudited financial statements for the period ending December 31, 2006, as presented and the period ending January 31, 2007, as amended.

Director Zimmermann wants the balance sheet to reflect -0- in the General Fund for the property taxes receivable line item.

### LEGAL MATTERS

Termination of Schmidt Inclusion: Attorney Rufien reported that the water rights were conveyed back to Schmidt. The Board directed Attorney Rufien to inform Mr. Schmidt of the conveyance verbally and in writing by March 15, 2007.

Higgins inclusion: Attorney Rufien reported on the status of the agreement and obtaining the water rights information. The Board directed staff to respond in

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writing to Mr. Higgins regarding his water rights issues.

Wilde Property: Attorney Rufien reported that the address audit concluded that the Wilde property is not included in the District and therefore the District is serving a property that is outside the District.

The Board directed staff to confirm that the property is not in the District and to draft a letter to Mr. Wilde advising him of the information.

Update on Stiltner issue: Attorney Rufien reported that the title company paid the past due amount in full and the lien will be released soon.

### OPERATIONS REPORT

Water Operator report: Mr. Bacon presented the February Operation's Report. **Chemical pump**. Mr. Bacon requested that the Board consider the purchase of a chemical pump.

Following discussion, upon motion duly made by Director Bevis, seconded by Director Zimmermann and, upon vote, unanimously carried, the Board approved the purchase of a chemical pump for an amount not to exceed \$500.00

**Filter to waste meter**. Mr. Bacon requested that the Board consider the purchase of a filter to waste meter.

Following discussion, upon motion duly made by Director Crocker, seconded by Director Bevis, and upon vote, carried with Directors Reed-Polatty, Bevis, Crocker, and Monsen voting "Yes" and Director Zimmermann abstaining, the Board approved the purchase of a filter to waste meter for an amount not to exceed \$3,000.

Acceptance of the Red Rocks Reserve water line: Mr. Bacon reported that he spoke with ~~Mike~~ <sup>Woriz</sup> Youker and they have added a few items to the punch list.

Following discussion upon motion duly made by Director Crocker, seconded by Bevis and, upon vote unanimously carried, the Board accepted the Red Rock Reserve water line as substantially complete.

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Saddle break repair at 17480 Oxbridge: The Board directed staff to backbill the property owner for the repairs.

Dawson Well testing: Mr. Bacon reported that the testing report has been completed. Further discussion was deferred to the work session.

Service of Drinking Water Enforcement Order, Number: DC-070215-2: Mr. Bacon reported that the District has received an Enforcement Order from the Colorado Department of Public Health and Environment ("CDPHE") for failure to prepare, certify, and/or deliver a Consumer Confidence Report ("CCR"). The District records indicate that the CCR was completed and distributed. Mr. Bacon will respond to the CDPHE regarding this issue.

### OTHER BUSINESS

Public comments: Dot Zawitkowski expressed her concerns about the ~~new rate schedule~~ *administrative charges of running the district.*

2005 billing conversion: Ms. Johnson reported that Special District Management Services used all the information provided by Director Bevis to build the data base.

2005 Audit: EXECUTIVE SESSION: Pursuant to §24-6-402(4), C.R.S., Director Bevis moved that the regular public meeting of the Board adjourn and, upon an affirmative vote of at least two-thirds of the quorum present, that the Board reconvene in Executive Session for the sole purpose of receiving from the Board's attorney legal advice on specific legal questions as authorized by §24-6-402(4)(b), C.R.S.

Furthermore, pursuant to §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 District's counsel, constitutes privileged attorney-client communication pursuant to §24-6-402(4)(b), C.R.S.

The Board convened in Executive Session at 8:30 p.m.

The Board reconvened in regular session at 8:50 p.m.

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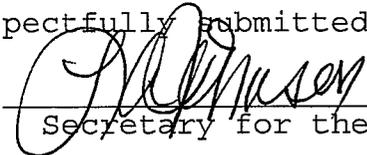
Work Session: The Board discussed items for the work session agenda.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made, seconded and, upon vote, unanimously carried the meeting was adjourned.

Respectfully submitted,

By

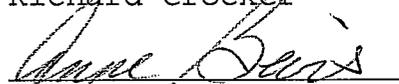
  
Secretary for the Meeting

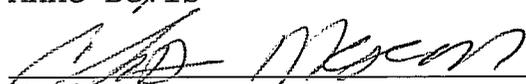
THESE MINUTES APPROVED AS THE OFFICIAL FEBRUARY 22, 2007 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
Barbara Reed-Polatty

  
Ekehart Zimmermann

  
Richard Crocker

  
Anne Bevis

  
Chris Monsen

Please **print** your name, address and phone number and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS	TELEPHONE/EMAIL	ISSUE(S) TO BE ADDRESSED
SUSAN GATES	18235 <del>SUNBURST DR</del>	487-1606	
FREDRICK MALMSTROM	18235 SUNBURST DRIVE	487-1606	
David Weber	3680 Range View Rd	481-8826	
Bill HERBIC	17490 Lamplight	651-9152	Red Rock Reserve Natu System
Dot Zawitkowski	3865 Sunview CT	481-2578	Administrative changes on taxes
John Zawitkowski	3865 SUNVIEW CT COLORADOZS@EARTHLINK.NET	481-2578	
Nicole Osborn			