

RECORD OF PROCEEDINGS

A meeting of the Woodmoor Water and Sanitation District No. 1 (WWSD) Board of Directors was held on May 21, 2009 at the Woodmoor Water and Sanitation District No. 1 office.

PRESENT:

Director Hacker
Director Nasser
Director Whitelaw
Director Wyss

Manager: Jessie J. Shaffer
Ass't. Manager: Randy Gillette
Attorney: Erin Smith
Consulting Engineer: Mike Rothberg,
Steve Tamburini

Secretary: Hope Winkler

Visitors: Harriet Halbig – OCN
Zach Collins – WWSD Staff
Chris Sanchez – Bishop Brogden Assoc.
Tom Schwab -- Resident

I. **Call to Order:**

President Nasser called the meeting to order at 1:00 p.m. It was moved, duly seconded, and unanimously passed that the absence of Director Town be excused.

II. **Reading of the Minutes:**

Copies of the two sets of April 9, 2009 meeting minutes (morning and afternoon) of the Woodmoor Water and Sanitation District were provided to each director. It was moved, duly seconded and unanimously passed that the minutes be approved.

III. **Financial Report:**

Wyss reviewed the April, 2009 financial reports. It was moved, duly seconded, and unanimously passed that they be accepted.

IV. **Public Discussion:**

There was no one from the public who desired to speak.

V. **Joint Use Committee (JUC) Report:**

Nasser reported that:

1. The Palmer Lake Sanitation District appointed Dale Smith to replace Dale Platte as their representative to the JUC.
2. The contractor has started hauling sludge (bio-solids) and it is expected that around 450 tons will be hauled.
3. Last month's copper analysis was 9.5 UG/L. The JUC discussed having Tad Foster appear at a meeting to bring everyone up to date on copper and permit issues.
4. The suggested changes to the JUC's Policies, Practices and Procedures were approved by the JUC and the JUC's attorney.
5. The JUC has reviewed the AJUA through the first four sections and is working on the fifth section. Burks was assigned to look at it.
6. The State changed the capacity at the plant because not all of the blowers have been installed. That change resulted in the necessity of having "Change in Capacity Acknowledgement #4 signed by JUC members. The percentages are the same just the amounts will differ and it will bring the amounts allowed into compliance with the State's allowed amounts of BOD. It was moved, duly seconded and unanimously passed that the Change in Capacity Acknowledgement #4 for the wastewater treatment facility be approved and that the President be authorized to sign it.

VI. Manager's Report:

Shaffer reviewed the Manager's Report dated May 21, 2009, a copy of which is attached hereto.

1. **Pikes Peak Regional Water Authority (PPRWA):** It was noted that the Colorado Springs Utilities' (CSU) policies seem to be changing a little. CSU is investigating regionalization to see if it would be beneficial to CSU; and if so, how to go about it. The committee assigned (UPAC) will probably not present their recommendations until the December meeting. Gary Barber asked representatives to the PPRWA to take the Pikesview protocol to their individual boards even though CSU says the timing is wrong. The protocol is a commitment to act only as a group when engaging in discussions with CSU and to disclose all water negotiations and dealings to the group. After discussion, it was the consensus of the Board that the WWSD participate to the extent that the District can. Shaffer said that the Northern Structures Committee of the PPRWA is meeting and discussing various ways that the members can work together to maximize use of current water resources.
2. **Operations: Randy Gillette:** Gillette reported that if allowance is made for meter reading dates, the 89% Pumped Water VS Billed would be 92%. There was one shear break in April. Staff is busy doing plant maintenance to get ready for irrigation season. It was projected that the lake should be filled to 7092 feet by the end of May. 43 acre feet of water from the wells and 87 acre feet of water from the Monument Creek Exchange went into the lake. Shaffer said that staff had done a superb job of maximizing lake fill. He stated that the lake is probably at the highest fill level it will be now until the fall. The Colorado Dept. of Wildlife is concerned that there may still be fish of some sort in the lake. They don't want to add nursery stock until sure there aren't any other fish surviving. The project is on hold for a year. The boat ramp is still being installed but not paved.
3. **Construction:** Gillette said that two sewer projects are being designed and will bid in July. The Dam Outlet Repair Project has been seeded and there is a minor punch list for the project. The total

dollar amount will be under the total project amount budgeted but the expenditure in 2009 will be over the 2009 budgeted amount. The overage amount will be similar to the amount budgeted in 2009 for the Pump Back System. The Pump Back System doesn't look like it will be advantageous to the District and will not be constructed at this point.

4. **Subdivision Update:** Nothing happening at this time.
5. **CWPDA Lease:** The CWPDA would like the District to reconsider leaving the lease amount at \$60 per acre foot instead of \$100 per acre foot of excess effluent credits. Shaffer said that the Transit Loss costs the District \$100 per acre foot. After discussion, it was the consensus of the Board that the lease's expiration on April 1, 2009 should be allowed to stand.
6. **Colorado Lakeshore Holdings Agreement:** Shaffer said that a subordination agreement is holding up the easement agreement; but, that it should be completed shortly.
7. **WED LLC:** Negotiations for a detention basin easement have been concluded. The Village Center Metro District now owns the detention basin and they feel they don't need an easement.
8. **District Wide Augmentation Plan (DWAP):** Chris Sanchez said that the Lawn Irrigation Return Flow credits will be a good source of augmentation credits. The State is allowing The Woodmoor Pines Golf and Country Club to operate under their current augmentation agreement until the end of 2009.
9. **Investments:** Randy Rush with Integrity Bank met with Shaffer and Winkler and told them that the District's investment strategy now requires an additional step. The Department of Regulatory Agencies requires that in order to invest in out of state Certificates of Deposit, the District participate in a program called CEDARS. Shaffer asked Smith to look at the CEDARS Agreement. There will be more information coming at the next meeting when Rush will attend to explain the program.

VII. **Special Reports and Subjects:**

1. **Engineer's Report:** Rothberg said he had nothing other than Executive Session material.
2. **Attorney's Report:** Smith said she had Executive Session information only.

VIII. **Old Business:**

1. There was no other Old Business to come before the Board at this time.

IX. **New Business:**

Executive Session:

It was moved, duly seconded, and unanimously approved that the Board move into Executive Session pursuant to 24-6-402(4)(a), C.R.S., for discussions related to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and pursuant to Section 24-6-402(4)(e) C.R.S., "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators" all related to water and storage rights negotiations and water rights impacts, the acquisition of Well 22 property, the Amended Joint Use Agreement and Arbor Mountain; and pursuant to Section 24-6-402(4)(b), C.R.S., for conference with general counsel on specific legal questions regarding

pending litigation. The Executive session commenced at 2:10 p.m. The Board returned to Regular Session at 3:52 p.m.

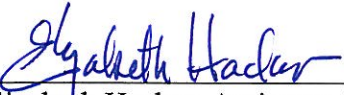
Ronnie Sperling, the District's water attorney, joined the Executive Session by telephone at 3:12 pm and departed the meeting at 3:30 pm.

It was moved, duly seconded, and unanimously passed to approve an intergovernmental agreement with Monument Sanitation District concerning the WWSD's support for the Wakonda Hills sewer line project provided that Monument Sanitation District mitigate impacts to the WWSD Monument Creek Exchange including payment of \$57,540.00 and that WWSD be notified prior to the formulization of any other projects that would affect the WWSD; and that the President be authorized to sign the agreement

XI. **Adjournment:**

There being no other business to come before the Board, it was moved and duly seconded that the meeting be adjourned. The motion passed unanimously and the meeting adjourned at 4:00 p.m.

Respectfully Submitted,


Elizabeth Hacker, Assistant, Secretary