

RECORD OF PROCEEDINGS

A meeting of the Woodmoor Water and Sanitation District No. 1 (WWSD) Board of Directors was held on October 15, 2009 at the Woodmoor Water and Sanitation District No. 1 office.

PRESENT:

Director Hacker
Director Nasser
Director Town
Director Whitelaw
Director Wyss

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

Secretary: Hope Winkler

Visitors: Harriet Halbig – OCN
Steve Tamburini – Tetra Tech, Inc.
Bill Burks – Tri-Lakes Wastewater Treatment Facility
Walraven Ketellapper – Stillwater Resources
Veronica Sperling – Buchanan & Sperling
Richard Durham – Church at Woodmoor

I. **Call to Order:**

President Nasser called the meeting to order at 1:00 p.m.

II. **Reading of the Minutes:**

Copies of the September 3, 2009 meeting minutes of the Woodmoor Water and Sanitation District were provided to each director.

III. **Financial Report:**

Director Wyss reviewed the September Financial Report. It was noted that water revenues are down due to the cooler, wetter weather. Tap Fee revenues are down due to lack of building. It was moved, duly seconded, and unanimously passed that the Financial Report be accepted.

IV. **Public Discussion:**

Church at Woodmoor: Richard Durham stated that the Church at Woodmoor is located at Hwy. 105 and Furrow Rd. on approximately 19 acres of land. It currently uses well water (2 wells) and has a septic system for sewage. Their plans are not yet solid but the church would like to expand by adding a school of some sort. Durham said that the church would like to “include” into the WWSD and to trade a well site for water and sewer tap fees. Shaffer asked Durham what size taps would be involved. (Director Hacker arrived 1:10) Durham didn’t know as yet. He said that the church basically would like to know whether or not the District would be interested in such a proposition prior to proceeding formally. The buildings would probably be modular and the maximum number of students would be 200. It was noted that Wells 12/17 and Well 20 are the closest in proximity. Sperling said that since the inclusion as presented would only be the 19 acres and not contiguous, the District may not be able to pump much water from a well located on the property. The matter will be discussed in Executive Session.

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

Whitelaw reported that:

1. A draft of the 2010 wastewater plant budget was presented at the JUC. Burks is asking for a 3% increase in employee benefits to cover expected health insurance increases.
2. The plant is running well and all test results on the DMR were within State limits. Copper is still a problem in the South Monument Outfall line. The Monument Sanitation District attributes it to new construction in the area that line serves.
3. Burks and the three District Managers will meet prior to the November JUC Meeting to continue working on the possible amendment to the Amended Joint Use Agreement (AJUA). Shaffer submitted a letter that he received today from Tim Schutz dated October 6th, a copy of which is attached. Burks attended the Palmer Lake Sanitation District (PLSD) meeting and they asked for clarification of some items. Smith said that Schutz had called her and feels that the PLSD Board needs to address policy changes. The final proposed language changes to the AJUA should be presented at the districts’ meetings in November for approval.

VI. **Manager’s Report:**

Shaffer reviewed the Manager’s Report dated October 15, 2009, a copy of which is attached hereto.

1. **Pikes Peak Regional Water Authority (PPRWA):** Shaffer said that the Colorado Springs Utilities (CSU) UPAC Committee is nearing the end of the task assigned to them by CSU. UPAC seems to be seeing the global picture. They do have some concerns. Checks and balances will be needed but UPAC seems to be leaning toward allowing the CSU staff to strike some deals. The PPRWA will give UPAC some direct recommendations at the November meeting of UPAC. The El Paso County Water Authority (EPCWA) is a broader group and a sort of clearing house for information. They do get legislative updates and do administer the Transit Loss Model (TLM). The original assumptions

made for the TLM need to be altered. The use assumptions made for the southern area work and those made for the northern area don't work. There were some monies left over from the USGS work and the Southern area ceded their claim to half of those funds to the Northern area. That will make the Northern area costs more reasonable for next year. Each entity has an investment in the gauges. If an entity leaves the group, it is expensive to rejoin. An Intergovernmental Agreement (IGA) exists between CSU, EPCWA and the City of Fountain. A committee recommends how costs be split, etc. CSU would like to require that any participant in a partnership with them take a part in the TLM. Sperling said the State would also like to see that since the State has no other TLM in the State of Colorado. Shaffer said that if the CWPDA will renew its lease with the District for augmentation water, the District should be able to recoup TLM costs. It was the consensus that the District should continue to invest in the TLM.

2. **Operations: Randy Gillette:** Gillette reported that water main flushing is on a three-year cycle and is complete for this year. The area flushed was North of Woodmoor Drive plus the Forest Subdivision. There was one service failure during the month which ended up splitting the main line and 2500 GPM ran until the water was shut down. Some damage was done to one house's outside landscaping. An insurance claim has been filed. It took 45 minutes from the time SCADA notified the on-call operator there was a problem for him to respond, locate that problem, and to shut down the main line. Gillette said that the District will be responsible for the asphalt repair for about 120 feet down the middle of Doewood. The lake is at 7088 feet. The District is running on 50% surface water.
3. **Construction:** The contractor on the White Fawn/Deer Creek project is slow and seems to be poorly organized. It is expected that the Deer Creek portion will be complete by Friday. Twin Peaks still believes that they can complete the contract on time. The Monument Creek Exchange Pumping Station is being automated for backwash. The type and extent of upgrade was altered so the project will be under budget.
4. **Subdivision Update:** There are no new starts.
5. **Well 22 Site Acquisition:** The agreement with the property owner is still being drafted along with an easement.
6. **Arbor Mountain:** The supplemental water agreement final draft was emailed to the Arbor Mountain attorney and he was informed that the price may not hold if the agreement fails to be completed in 2009.
7. **Peoples National Bank:** A letter from Peoples National Bank was received. Shaffer spoke to their representative and they said not to worry. It concerns a Consent Letter from the OCC. Wyss said that the District's deposits are covered to a certain extent by the FDIC and the bank must pledge securities to cover the rest of the money deposited.
8. **LIRF Study:** Shaffer said that the study is moving forward.
9. **Augmentation Plan:** It is hoped that the District-wide Augmentation Plan will be complete by year-end.
10. **Ground Water Rights Adjudication:** Shaffer said that the ground water rights adjudication is moving forward.

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 that she had nothing other than Executive Session material.

VIII. **Old Business:**

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

IX. **New Business:**

1. **2010 Budget Draft:** Shaffer reviewed the highlights of the draft of the 2010 Budget. He asked that the Board schedule a workshop meeting. It was agreed that a workshop meeting would be held on October 19th at 12:00 noon. Shaffer asked the Board to review the budget proposal prior to the workshop. The rate model has not yet been run so the draft includes an approximate increase of 12 ½% for water and a 3% increase for sewer. The Public Hearing was set for the November 12, 2009 Board Meeting.

Executive Session:

It was moved, duly seconded, and unanimously approved that the Board move into Executive Session pursuant to Section 24-6-402(4)(b), C.R.S., for "conference with general counsel on specific legal questions" related to the possible inclusion of the Church at Woodmoor property and pending litigation; and 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"; related to property interests, water rights, storage rights negotiations, and the possible inclusion of the Church at Woodmoor property; 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, property interests, and the possible inclusion of the Church at Woodmoor property. The Executive session commenced at 2:40 p.m. Director Nasser departed the Executive Session at 2:50 p.m. and did not return until after the part of the Executive Session concerning the possible inclusion of the Church at Woodmoor. The Board returned to Regular Session at 4:33 p.m.

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 4:35 p.m.

Respectfully Submitted,



Barrie Town, Secretary