

RECORD OF PROCEEDINGS

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A meeting of the Woodmoor Water and Sanitation District No. 1 (WWSD) Board of Directors was held on April 8, 2010 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

I. **Call to Order:**

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

II. **Reading of the Minutes:**

Copies of the March 10, 2010 meeting minutes 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 as amended.

III. **Financial Report:**

Director Wyss reviewed the March pre-audit Financial Report. Winkler said that the numbers will change when December's audited figures are known. It was moved, duly seconded, and unanimously passed that the Financial Report be accepted.

IV. **Public Discussion:**

1. There was no one who wished to appear before the Board.

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

Whitelaw reported that:

1. The April JUC Meeting is out of synch and has not yet taken place.

## VI. Manager's Report:

Shaffer reviewed the Manager's Report dated April 8, 2010, a copy of which is attached hereto.

1. **Pikes Peak Regional Water Authority (PPRWA):** Shaffer said that a letter to Super Ditch was handed out at the PPRWA meeting. The PPRWA objected to the WWSD's request that no WWSD dues be used toward the PPRWA Super Ditch study. Shaffer met with Jay Winner of the Lower Arkansas Conservancy group (who are Super Ditch monetary backers). Winner asked Shaffer what he could do to help. A letter was then received from Super Ditch and the WWSD has a seat at the table once again. An article in The Tribune did not reflect well on the WWSD. A Pueblo Chieftain article came across better. It was the consensus that Shaffer should talk to reporters so they understand the background and correct concepts. Yaeger of Parker Water and Sanitation Dist. gave a presentation on the Flaming Gorge Project to the PPRWA. The PPRWA then decided to authorize membership in the Colorado/Wyoming Coalition. Million thinks the project is OK and doesn't necessarily look at it as a "competitor" for his project.
2. **Operations: Randy Gillette:** Gillette reported that the ratio of water billed to water pumped in March was 92%. Investigation showed no leaks and Gillette said that the difference in February is quite likely due to meter reading schedules. Gillette said that the District is operating on a 70% lake water 30% well water blend. The lake is now at the highest level that should be seen between now and the end of the high water use season. The lake is full and its level is about 3' below the spillway. It will fluctuate 10 to 15 feet between the beginning of summer and the end of summer. Fish and Wildlife is still interested in stocking the lake but it is temporarily on hold.
3. **Construction:** Gillette has tried to contact the White Fawn/Deer Creek project contractor to no avail. El Paso County Department of Transportation has been unable to contact them.
4. **Subdivision Update:** No new subdivisions to report at this time.
5. **District Wide Augmentation Plan Policy Draft:** Smith said that Resolution 10-04 (which will be a minor change to the Rules and Regulations) provides a service to fill an existing need and defines the scope of who would be eligible to use the service. It would provide augmentation for water evaporative losses from ponds used for recreation, fish propagation or irrigation. The water filling the ponds must be water from the WWSD. A call was made to the District's water attorney, Veronica Sperling, who said that since it is a new program, it should be for a term of three years. The application fee would be \$1,500 and would cost \$500 for renewal plus the acre foot charge for augmentation water at \$2,000 per acre foot. The \$2,000 figure is based on expected costs. The terms of the Augmentation Decree will need to be abided by.
6. **District Wide Augmentation Plan Water Court Filing:** Niemela said that the District will be proposing to use Lawn Irrigation Return Flow (LIRF) and or effluent from the wastewater plant to replace water lost by evaporation or other means. A Substitute Water Supply Plan Request also needs to be filed. 45 Days after that is filed, the District will be able to operate under it.
7. **Airport Equity Supplemental Water Agreement:** Mientka told Shaffer that he inherited this agreement from the seller of the property and that Mientka would like to cancel the agreement.

Smith said that the District would need a memo of understanding so that it could be proven that Mientka knows what he is giving up by canceling the agreement. It was the consensus that Smith should prepare the amendment to the agreement.

8. **Bank Midwest** – (foreclosure bank for Misty Acres property) – Bank Midwest would like to reduce the amount of supplemental water being leased for Misty Acres. It was the consensus of the Board that the District would be amenable to amending the agreement and at the same time would like to collect supplemental water fees on a per filing basis rather than on a per tap basis. Bank Midwest must pay the legal fees for the amendment.
9. **WED, LLC:** Wed, LLC has \$5,000 outstanding in Supplemental Water lease fees. They also owe some monies for tap fees. A letter requesting payment within ten days was sent and when that time is up, a termination letter will be sent. Smith can lien the property and certify it to the El Paso County Treasurer for collection. Smith said that a Hearing should be held first.
10. **Amended Joint Use Agreement:** There were some typos and a word missing in the final version. Schutz would like to know what to do about it. Shaffer said that the three managers had agreed that corrected sheets could be inserted where appropriate rather than re-doing the whole agreement and signatures. The WWSD Board agreed that would be all right provided that a follow-up letter is also provided.
11. **CWPDA Lease Agreement:** The augmentation water lease agreement with the CWPDA expired at the end of March, 2009. A new lease has been proposed at \$60 per acre foot. It was moved, duly seconded, and unanimously passed that the CWPDA Lease Agreement be approved for the period of April 1, 2010 to March 31, 2011; and that the president be authorized to sign it.
12. Shaffer said that the District needs to dispose of 4 old computers that have been replaced. After discussion, it was moved, duly seconded and unanimously passed that the computers are of no value and should be offered to employees and/or donated.

#### VII. Special Reports and Subjects:

1. **Engineer's Report:** Rothberg said there was nothing other than Executive Session.
2. **Attorney's Report:** Smith said that she had nothing additional other than Executive Session.

#### VIII. Old Business:

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

#### IX. New Business:

1. **Board Vacancy:** Smith informed the Board that they have a wide latitude. The appointee must be a resident and own property in the District. The Board doesn't have to fill the vacancy unless there is a pool of willing candidates. The Board has a great deal of freedom in choosing, or not choosing, a new appointee to serve on the Board of Directors. Different lawyers will have different opinions on the Statute of Limitations. The appointee must be approved by majority vote.

**Executive Session:**

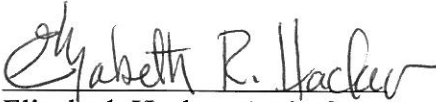
It was moved, duly seconded, and unanimously approved that the Board move into Executive Session pursuant to Section 24-6-402(4)(e) C.R.S., “Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators” related to negotiations with the State Engineer’s Office; and pursuant to Section 24-6-402(4)(f) C.R.S., “Personnel Matters” related to personnel. The Executive Session commenced at 2:49 p.m. The Board returned to Regular Session at 3:45 p.m.

It was moved, duly seconded and unanimously passed that the Board approve Resolution 10-04 “Establishing an augmentation Water Service Policy and Plan and Amending the District Rules and Regulations by Adding the Augmentation service Policy and Related Changes”.

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 3:47 p.m.

Respectfully Submitted,

  
Elizabeth Hacker, Ass't. Secretary