

Regular Meeting – October 20, 2009

Board Members

Mike Hayes
Craig Johnston
Tony Lucas
Jim Matchett
Gary Peterson

Visitors

David Weckerly-Hidden Forest Development, LLC

Staff / Consultants

Sue Byrnes – District Staff
Alan Hill – Tienken & Hill, LLP
Diana Miller – District Manager
Scott Monroe – Semocor, Inc.

1.0 Call To Order

The meeting was called to order at 16:30

2.0 New Business and Open Items

2.1 Meeting Minutes – A motion was made and seconded; (RESOLUTION 09-105) TO APPROVE THE MINUTES OF THE OCTOBER 6, 2009 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. The motion passed unanimously.

2.2 Water/Sewer Permits – No new permits were approved.

Two (2) permits have been issued year to date.

2.3 Disbursements – A motion was made and seconded; (RESOLUTION 09-106) TO APPROVE CHECKS 19803 THRU 19821 IN THE AMOUNT OF \$61,009.41 TO BE DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

Director Matchett requested clarification on check number 19804 issued to All About Bonds, Inc. in the amount of \$100.00. The District Manager explained that as per §32-1-901 C.R.S. the District must maintain a surety bond for each Board Member.

Director Hayes requested clarification on check number 19818 issued to The Engineering Company in the amount of \$15,770.47 specifically related to items LFPD Sprinkler System, Oil & Sand Interceptor and Fire Station #2 Construction Services. He suggested that those items should be highlighted, indicating that the

District would be reimbursed the costs. The District Manager advised that at the completion of the project a reconciliation of expenditures would be performed and that any amount in excess of what the District committed to contribute would be billed to the Larkspur Fire Protection District.

Related to the same disbursement, Director Peterson requested an update on items Perry Park Ranch Reservoir Study and Waucondah Reservoir Storage. The District Manager offered that both projects were moving forward and that the cost per acre foot of storage for each location would soon be available to the Reservoir Committee for analysis.

A motion was made and seconded; (RESOLUTION 09-107) TO RATIFY CONSENT AGENDA ITEMS DATED OCTOBER 16, 2009 IN THE AMOUNT OF \$4,942.39 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

- 2.4 Hidden Forest Development –The Board reviewed a letter submitted by Mr. David Weckerly regarding a rebate program that had been established in 2004 for the purpose of stimulating construction in the Hidden Forest Development. The Board reviewed the Meeting Minutes from the April 20, 2004 Board Meeting which contained two resolutions formalizing the agreement. Mr. Weckerly was in the audience and explained to the Board that while the established program had worked well in the past, due to the current economic environment it was no longer manageable. He requested that the Board consider changing the established program to assist Hidden Forest Development in their collection of funds from builders. The Board in an effort to understand the original intent of the program requested background information from Director Hayes who was an audience member at the April 20, 2004 Board Meeting. Director Hayes concurred that the purpose of the program was to stimulate construction in the area. Director Peterson expressed his displeasure concerning any type of fee reduction or relinquishment. Mr. Scott Monroe with Semocor, Inc. suggested that to insure full disclosure with all current lot owners, that they be contacted in writing regarding the program and that a signed document which validates that the current owner is aware of the program, should be added to each property's long term file. The Board authorized the District Manager to further investigate changes to the program.
- 2.5 2010 Budget – The Board reviewed the proposed 2010 Budget that had been submitted by the District Manager. The Board agreed to supply the District Manager with feedback via e-mail.
- 2.6 Agreement for Services Contract with Semocor, Inc. – The Board reviewed the Agreement for Services Contract that had been submitted by the District Manager. She noted that there were no changes in the contract, including the annual compensation of \$325,920.00, from the previous year and that the contract had been reviewed by the District's legal counsel Mr. Alan Hill. Director Hayes queried Mr. Hill on the need to send this type of contract out to bid. Mr. Hill advised that this was a services agreement and that it did not need to go out to bid. A motion was made and seconded; (RESOLUTION 09-108) TO EXECUTE THE AGREEMENT FOR SERVICES CONTRACT WITH SEMOCOR, INC. FOR THE YEAR 2010. The motion passed unanimously.

- 2.7 Proposed 2010 Board Meeting Schedule – The Board reviewed the proposed 2010 Board Meeting Schedule that had been presented by the District Manager. The Board requested that an additional meeting be added to the schedule during the first half of the year. A motion was made and seconded; (RESOLUTION 09-109) TO ADOPT THE 2010 BOARD MEETING SCHEDULE AS AMENDED. The motion passed unanimously.

3.0 Staff and Consultant Reports

- 3.1 Perry Park Water and Sanitation District Systems Report – The members of the Board reviewed the monthly operations report which had been submitted by Semocor, Inc. The Board requested that Mr. Monroe validate that the Glen Grove well did not run during the month of September 2009. The Board suggested that Mr. Monroe add annual precipitation to the report.
- 3.2 Monthly Staff Report – The members of the Board reviewed the Monthly Staff Report which had been submitted by the District Manager.

The Board discussed a letter from People's National Bank informing customers that they have agreed to a consent order issued by the Office of the Comptroller of Currency. The District Manager advised the Board that a copy of the letter and the Banks's PDPA Report were provided to Clifton Gunderson for their review. She indicated that she spoke with Mr. Kevin Collins and that he felt that the District's deposits were secure.

The members of the Board reviewed the monthly Project Status Report which had been submitted by the District Manager.

The District Manager updated the Board on the recent meeting that she had with the Larkspur Town Manager, Mr. Matt Krimmer regarding the change in ownership of the property needed for the East Plum Creek wells. She advised that the meeting was productive and that she was hoping to work with the Town to procure the well easements. Director Peterson suggested that the District maintain file memorandums that might assist future Boards in understanding past Board decisions as well as issues that the District has encountered in working with different business owners.

4.0 Old Business/Immediate Issues

There was none.

5.0 Audience Participation

There was none.

6.0 Executive Session

A motion was made and seconded; (RESOLUTION 09-110): TO ENTER EXECUTIVE SESSION CONCERNING THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY REAL, PERSONAL OR OTHER PROPERTY INTEREST AS

AUTHORIZED BY §24-6-402(4)(a), C.R.S., SPECIFICALLY RELATED TO REMUDA RANCH WATER RIGHTS. The motion passed unanimously.

The public meeting reconvened at 19:30.

7.0 Adjournment - A motion was made and seconded; (RESOLUTION 09-111): TO ADJOURN THE REGULAR MEETING. Passed unanimously. The meeting adjourned at 19:31.

ATTEST:

Secretary