



Perry Park Water and Sanitation District
5676 West Red Rock Drive
Larkspur, Colorado 80118
www.ppwsd.org

Regular Meeting - January 18, 2023

Board Members Present

Brian Arthurs
Tony Lucas
James Maras
Jim Matchett
Gary Peterson

Visitors

Staff / Consultants in Attendance

Alan Hill – Hill & Pollock, LLC
Diana Miller – District Manager
Will Parker – Semocor, Inc.
Ashley Pollock-Zahedi – Hill & Pollock, LLC

1.0 Call To Order

The Regular Board Meeting was called to order at 14:01.

2.0 New Business and Open Items and Operational Status

- 2.1 Meeting Minutes – A motion was made and seconded; (RESOLUTION 23-001) TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2022 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-002) TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2022 EXECUTIVE SESSION AS PRESENTED. The motion passed 4-0. To avoid a conflict of interest, Director Maras was not in attendance at the November 15, 2022 Executive Session, and he abstained from the vote.

The approval of the December 14, 2022 Regular Board Meeting and Public Hearing was rescheduled until the February 15, 2023 Regular Board Meeting.

- 2.2 Disbursements – A motion was made and seconded; (RESOLUTION 23-003) TO APPROVE ELECTRONIC PAYMENTS DATED DECEMBER 11, 2022 IN THE AMOUNT OF \$13,247.48 AND ELECTRONIC PAYMENTS DATED DECEMBER 21, 2022 IN THE AMOUNT OF \$7,466.20 WHICH WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-004) TO RATIFY AN ACH TRANSACTION ISSUED TO TRUIST BANK FOR \$190,133.75 DATED DECEMBER 1, 2022 FOR THE ANNUAL PRINCIPAL AND SEMIANNUAL INTEREST PAYMENT THAT WAS PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-005) TO APPROVE CHECKS 13635 THRU 13642 IN THE AMOUNT OF \$244,234.80 THAT WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

In reference to check 13638, issued to KP Ventures Well Drilling & Pump Co., Director Peterson asked if the original contract price has been exceeded. The District Manager advised that it had and she would provide the detail at the February 15, 2023 Regular Board Meeting.

A motion was made and seconded; (RESOLUTION 23-006) TO APPROVE CHECKS 13643 THRU 13670 IN THE AMOUNT OF \$176,931.14 TO BE DISBURSED FROM 1ST BANK. The motion passed unanimously.

In reference to check 13643, issued to American Overhead Door, Director Peterson requested additional information. Mr. Parker advised that an unknown entity had collided with the slide gate causing damage requiring repair.

In reference to check 13648, issued to Colorado Community Media, Director Arthurs asked if this was for the Water and Sanitation District Utility Assistant position. The District Manager advised that it was.

In reference to check 13661, issued to Lytle Water Solutions, LLC, Director Peterson requested clarification on the item *Construction & Testing – Dakota Well*. The District Manager advised that this was a reissued check due to it not being received by the vendor.

A motion was made and seconded; (RESOLUTION 23-007) TO RATIFY CONSENT AGENDA ITEMS DATED DECEMBER 23, 2022 IN THE AMOUNT OF \$7,591.98 AND CONSENT AGENDA ITEMS DATED JANUARY 6, 2023 IN THE AMOUNT OF \$7,053.73 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK. The motion passed unanimously.

- 2.3 2023 ELECTION RESOLUTION – A motion was made and seconded; (RESOLUTION 23-008) to pass the following resolution:

PERRY PARK WATER AND SANITATION DISTRICT

A RESOLUTION CALLING FOR THE 2023 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Perry Park Water and Sanitation District (the "**District**") is a quasi- municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the terms of office of Directors Gary Peterson, Brian Arthurs, and Jim Maras shall expire after their successors are elected at the regular special district election to be held on May 2, 2023 (the "**Election**") and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the "**Act**") and the Colorado Local Government Election Code (the "**Code**") (the Act and the Code being referred to jointly as the "**Election Laws**"), the Election must be conducted to elect three (3) Directors to serve for a term of four (4) years.

NOW, THEREFORE, be it resolved by the Board of Directors of the Perry Park Water and Sanitation District in the County of Douglas, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, three (3) Directors will be elected to serve a four-year term.

2. There shall be one election precinct for the convenience of the eligible electors of the District, the boundaries of which shall be identical to the boundaries of the District, and there shall be one (**1**) polling place at the following location:

5676 West Red Rock Drive
Larkspur, Colorado

This/these polling place(s) shall also be for disabled electors and for eligible electors not residing within the District. If the Designated Election Official deems it to be more expedient for the convenience of the eligible electors of the District (who are also eligible electors in other special districts with overlapping boundaries which are conducting elections on the Election day), the Election may be held jointly with such special districts in accordance with coordinated election procedures as set forth in an agreement between all participating special districts. In such event, the election precincts and polling places shall be as set forth in such agreement. The Designated Election Official is authorized to execute such agreement on behalf of the District, which agreement shall include provisions for the allocation of responsibilities for the conduct and reasonable sharing of costs of the coordinated Election.

3. The Board of Directors hereby designates Crystal Schott as the Designated Election Official for the conduct of the Election on behalf of the District and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the

provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall provide the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. Self-Nomination and Acceptance forms are available from the Designated Election Official at 165 S. Union Boulevard, Suite 785, Lakewood, Colorado 80228; email: cschott@cogovlaw.com. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2023, nor later than the close of business on Friday, February 24, 2023.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 28, 2023, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 27, 2023, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

7. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. The provisions of this Resolution shall take effect immediately.

The motion passed unanimously. _

- 2.4 RESOLUTION DESIGNATING POSTING LOCATION – A motion was made and seconded; (RESOLUTION 23-009) to pass the following resolution:

PERRY PARK WATER AND SANITATION DISTRICT
RESOLUTION DESIGNATING LOCATION TO POST NOTICE

WHEREAS, pursuant to §§24-6-402(2)(c) and 32-1-903(2) C.R.S., notice and, where possible, the agenda of the Perry Park Water and Sanitation District (“District”) Board of Directors (“Board”) meetings at which the adoption of any formal action is to occur or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be posted within the boundaries of the District at least 24 hours prior to each meeting at a location designated at the first regular meeting of each year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Perry Park Water and Sanitation District as follows:

Notices of meetings (regular, special and work/study session) of the Board required pursuant to §24-6-401, *et seq.*, C.R.S., shall be posted at least 24 hours prior to each meeting at:

<https://www.ppwsd.org/>

In the event of an exigent or emergency circumstance such as a power outage or an interruption in internet service, the District will post notice of public meetings at least 24 hours prior to a meeting at the following physical location within the District:

5676 West Red Rock Drive
Larkspur, Colorado

The motion passed unanimously.

- 2.5 District Systems Report - The members of the Board reviewed the District Systems Report presented by Mr. Parker.

Director Peterson noted that the Ammonia levels at both the treatment facilities were lower and asked if part of the treatment process had changed. Mr. Parker advised that the Ammonia reduction was related to colder weather not changes to treatment.

- 2.6 Monthly Staff Report - The members of the Board reviewed the Monthly Staff Report that was presented by the District Manager.

- 2.7 Well Site Property Acquisition – The District’s attorneys from Hill & Pollock discussed the Contract to Buy and Sell Real Estate (Land) for the District to purchase from James P. Maras and Robin A. Maras a vacant lot located at 630 Poncho Road, Larkspur for the District’s new well site (the “Contract”). James P. Maras is both a party to the Contract as a seller and a Member of the Board and, therefore, Board Member Maras recused himself due to the conflict of interest.

Attorney Alan Hill reviewed the provisions of the Contract, including how the purchase price of \$236,600 was obtained from a licensed MAI real estate appraiser and his appraisal of the fair market value of the lot. Considerable discussion took place concerning the suitability of the lot as a well site and whether the lot, zoned by the County as a “Residential Lot,” can be used by the District to drill a new well. Attorney Hill explained the provisions in the Contract discussing an option for James P. Maras and Robin A. Maras to repurchase the lot if the District determines within 18 months that the lot does not meet the District’s needs. Attorney Hill explained that, if the Board approves the Contract, a separate agreement called the “Option to Repurchase Real Property” would be executed by the parties at closing and that a Notice of Option would be recorded in the Douglas County real property records.

A motion was made and seconded; (RESOLUTION 23-010) TO ACCEPT THE CONTRACT TO BUY AND SELL REAL ESTATE (LAND) AS IT IS, AUTHORIZING THE PRESIDENT TO SIGN THE CONTRACT, THE OPTION TO REPURCHASE REAL PROPERTY AND THE NOTICE OF OPTION. The motion passed 4-0. Due to a conflict of interest Director Maras abstained from the vote.

- 2.8 Audience Participation – There was none.

- 2.9 Board Member Discussion Items – Director Maras advised that he had filed a conflict of interest notification with the State of Colorado.

- 3.0 Adjournment** - A motion was made and seconded; (RESOLUTION 23-011) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 15:03.

Secretary, James Maras