



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

Regular Meeting – May 15, 2019

Board Members Present

Judy LaCrosse
Jim Maras
Jim Matchett
Andy Morris
Gary Peterson

Visitors

Tony Lucas
Robin Maras

Staff / Consultants in Attendance

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

1.0 Call To Order

The Regular 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 19-029) TO APPROVE THE MINUTES OF THE APRIL 15, 2019 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS AMENDED. The motion passed 4-0. As Director Peterson was not in attendance at the April 17, 2019 Regular Board Meeting he abstained from the vote.

In reference to *New Business and Open Items* Director Matchett noted that section *2.1 Meeting Minutes* the sentence “*The motion passed 4-0*” should be “*The motion passed*” 3-0.

- 2.2 Disbursements – A motion was made and seconded; (RESOLUTION 19-030) TO RATIFY ELECTRONIC PAYMENTS DATED MAY 3, 2019 IN THE AMOUNT OF \$6,814.94 WHICH WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 19-031) TO APPROVE CHECKS 12265 THRU 12280 IN THE AMOUNT OF \$100,436.19 TO BE DISBURSED FROM 1ST BANK. The motion passed unanimously.

In reference to check 12266, issued to DRC Construction Services, Inc., Director Maras requested additional information on the Description *CCTV Inspection I-25*. The District Manager advised that the inspection was related to locating the

District's sewer main for the I-25 GAP (I-25 expansion construction that is underway) project. The District Manager noted that the District's as-built drawings were not exact to what the District was finding in the field, so it was prudent to put a camera in the line to pinpoint the exact location. The District Manager added that it is the District's responsibility to locate their utilities.

A motion was made and seconded; (RESOLUTION 19-032) TO APPROVE CHECKS 12281 THRU 12288 IN THE AMOUNT OF \$7,426.69 TO BE DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 19-033) TO RATIFY CONSENT AGENDA ITEMS DATED APRIL 19, 2019 IN THE AMOUNT OF \$6,649.97 AND CONSENT AGENDA ITEMS DATED APRIL 5, 2019 IN THE AMOUNT OF \$7,080.57 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK. The motion passed unanimously.

- 2.3 Amend Rules and Regulations Regarding Private Wells – The Board reviewed the resolution to modify the District's Rules and Regulations to not approve any new "private wells". Mr. Hill provided the history and background of the intent of the District for using "private wells". At the conclusion of the discussion the following motion was made and seconded;

RESOLUTION 2019-05-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PERRY PARK WATER AND SANITATION DISTRICT, MODIFYING ITS RULES AND REGULATIONS, INCLUDING SECTION 4.10.1, TO NOT APPROVE ANY NEW "PRIVATE WELLS"

WHEREAS, the Perry Park Water and Sanitation District (District) provides domestic water and sanitary sewer service to property within the District's boundaries; and

WHEREAS, the District's Rules and Regulations currently provide, in Section 4.10.1, that owners of property not served by the District's water system may request that the District apply, on behalf of the property owner, for a well permit from the State of Colorado, which allows domestic water to be provided to the property by a "private well;" and

WHEREAS, the Board of Directors of the District has considered information from consultants and citizens regarding the continued issuance of private well permits, including public comments at a Board meeting, and determined that no new well permits to use private wells shall be allowed within the District's boundaries; and

WHEREAS, the Board is modifying Section 4.10.1 of the Rules and Regulations to recognize the existing private wells within the District's boundaries, and to not approve any new private wells.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PERRY PARK WATER AND SANITATION DISTRICT, THAT SECTION 4.10.1 OF THE DISTRICT'S RULES AND REGULATIONS SHALL BE AMENDED TO READ AS FOLLOWS:

Private Wells. Beginning May 16, 2019, all property within the District's boundaries, other than those properties with existing Private Well Agreements, shall be served by the District's central water system, through the District's water mains, and individual taps. New Private Wells, drilled pursuant to well permits obtained by the District, are no longer available. Certain property within the District's boundaries is currently not served by the District's central water system; instead, domestic water is provided by a private well pursuant to a "Well Permit Agreement" or a "Private Well Lease and Well Permit Agreement" with the District. Those properties currently served by a Private Well may continue to use the Private Well. At the time that any Private Well is not providing adequate water to the property, or the District's water mains are extended to within 400 feet of the nearest lot corner, or property line, it will be necessary for the property owner to pay the

required tap fee and core charges (except for certain lots subject to special contractual agreements), hook up-to the system, abandon and plug the well or abandon it for use by the District at the District's discretion, and assign the well permit to the District if the permit is in the property owner's name. The District will not allow a Private Well to be replaced or re-drilled.

PASSED AND ADOPTED at the May 15, 2019 Regular Board Meeting.

- 2.4 Gove Ditch Water Court Case – Mr. Hill advised that the District’s application to change the use of the portion of the Gove Ditch water right dedicated to the District in the inclusion process is currently pending on the judge’s docket in the water court in Greeley. Mr. Hill noted that the District is entitled to an average of 59.0 acre-feet annually of historical consumptive use water associated with the senior Gove Ditch water right. Mr. Hill added that extensive negotiations have occurred with the eight parties to the case, including circulation of numerous proposed decrees to the parties, and engineering support and analysis from Lytle Water Solutions. One party has agreed to the proposed form of the decree. Mr. Hill offered that the District will continue to work with the parties, and the District’s water attorneys and engineering consultants are confident that agreement will be obtained from all parties to a stipulated form of the decree, which would then be entered by the court without the necessity for a trial.

Mr. Hill added that he believed that the water court case had worked through the majority of the issues, and that the focus now is the Bear Creek Administration Procedure and the West Plum Creek Administration Procedure. Mr. Hill advised the Board that he believed the water court case would go in front of the water court judge in the October, November 2020 timeframe.

Mr. Hill offered that the Gateway pond at the entrance of Perry Park Ranch had caught the attention of the new Water Commissioner with the Colorado Division of Water Resources and that whereas the Perry Park Metropolitan District owns and manages the property, they don’t own any water rights or have an augmentation plan.

- 2.5 Execute Crossing Easement Agreement with Thrive Broadband, LLC – Please see section 2.6.

- 2.6 Execute Broadband Easement Agreement with Thrive Broadband, LLC – Mr. Hill advised the Board that he had reviewed both documents. Mr. Hill added that the Crossing Easement Agreement was related to locations where the fiber would cross the District’s water line and the Broadband Easement Agreement was related to locations where the fiber would be in the District’s existing easement located on the District’s property.

Director Peterson highlighted that there was no consideration included on either agreement. The District Manager advised that this was an oversight and that she would contact Thrive Broadband, LLC to rectify.

- 2.7 Noise Complaint from Customer with Regard to Waucondah Wastewater Treatment Plant – The Board discussed an e-mail from a Customer in the District regarding the noise coming from the Waucondah Wastewater Treatment Plant. The District Manager advised that this is the second complaint in the last few years. The District Manager added that the complaints came from different residences. The District

Manager offered that she was researching sound barrier fencing. Director Peterson suggested that some type of baffling may help. Mr. Parker advised the Board that a barrier that is positioned to diminish sound in the Country Club Drive direction was approximately 250 feet. Director Morris suggested that some large evergreen trees be planted. The District Manager advised that she would provide pricing at the next Board Meeting.

3.0 Operational Status

- 3.1 Perry Park Water and Sanitation District Systems Report – The members of the Board reviewed the monthly operations report which was prepared by Mr. Parker. Mr. Parker highlighted that the A4 well improvements were underway.
- 3.2 Monthly Staff Report – The members of the Board reviewed the Monthly Staff Report that was presented by the District Manager.

The District Manager highlighted that Mr. Geoff Polidoro had sent an e-mail to the District to make sure that the Board was aware that the Bannock Local Improvement District is still on track and moving forward. The District Manager added that Mr. Polidoro was very appreciative of the help that the District has provided.

- 4.0 Old Business/Immediate Issues** – Director Peterson expressed his frustration with the Douglas County Road Construction Permit pricing associated with a water main break that occurred in 2018. The District Manager advised that that pricing is based on the square foot of the asphalt repair at a rate of five dollars per square foot. This repair was 2,000 square feet which equated to ten thousand dollars.

Director Maras suggested that vehicles searching for the old Territorial Road were driving into the Sageport Wastewater Treatment Plant when the gates are left open.

- 5.0 Audience Participation** – Mr. Lucas attended the Board Meeting to express appreciation for the resolution to his loud water meter.

Mr. Lucas then advised the Board that the Committee to Preserve Perry Park's Water had in excess of a thousand dollars in funds remaining. He added that the Committee's account could be closed if the funds were donated to a non for profit 501c3. The Board thought this was a great idea and agreed that this would be the best direction to take.

- 6.0 Adjournment** - A motion was made and seconded; (RESOLUTION 19-034) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 18:40.

Secretary, Judy LaCrosse