

Regular Meeting – May 19, 2009

Board Members

Mike Hayes
Craig Johnston
Tony Lucas
Jim Matchett
Gary Peterson

Visitors

Judy Lacrosse
Kim Seter – Seter & Vander Wall, PC
Bruce Smith – Darling, Bergstrom & Milligan, PC

Staff / Consultants

Alan Hill – Tienken & Hill, LLP

Sue Byrnes – District Staff
Diana Miller – District Manager
Scott Monroe – Semocor, Inc.

1.0 Call To Order

The meeting was called to order at 15:01

The Board interviewed Mr. Kim Seter regarding the District's need for legal counsel related to a potential condemnation action.

The Board interviewed Mr. Bruce Smith regarding the District's need for legal counsel related to a potential condemnation action.

A motion was made and seconded; (RESOLUTION 09-042): TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING ADVICE FROM LEGAL COUNSEL ON SPECIFIC LEGAL QUESTIONS AS AUTHORIZED BY §24-6-402(4)(b), C.R.S. The motion passed unanimously.

The public meeting reconvened at 16:30.

The Board discussed the merits of Mr. Seter and Mr. Smith. After consideration, a motion was made and seconded; (RESOLUTION 09-043): TO ENGAGE MR. KIM SETER AS LEGAL COUNSEL FOR A POTENTIAL CONDEMNATION ACTION AND TO AUTHORIZE EITHER THE CHAIRMAN OR SECRETARY TO SIGN THE ENGAGEMENT LETTER. The motion passed unanimously.

2.0 New Business and Open Items

The District Manager updated the Board on a referral request from the Town of Larkspur regarding a project referred to as Bear View. The project consists of four planning areas which includes retail, educational facilities, tent and cabin camping, and significant outdoor water recreation. Mr. Alan Hill indicated that the letter that the District sent to the Town of Larkspur almost a year ago, requesting master planning information for properties that are being annexed into the Town that are also in the Perry Park Water and Sanitation District, had not been responded to.

The District Manager provided the Board with a letter that had been submitted to the District by Mr. Tom Wiens requesting that due to the economic downturn the inclusion fees that are owed to the District be paid at a future date. The Board directed the District Manager to add the item to a future agenda.

2.1 Meeting Minutes – Director Peterson requested that the language in paragraph 4.2 Emergency Egress Draft Response be improved to better reflect Director Hayes’s concerns about encumbering the potential reservoir property. The Board authorized the District Manager to work with Director Hayes to refine the language. A motion was made and seconded; (RESOLUTION 09-044): TO APPROVE THE MINUTES OF THE APRIL 21, 2009 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS AMMENDED. The motion passed unanimously.

2.2 Water/Sewer Permits – No new permits have been approved.

One (1) permit has been issued year to date.

2.3 Disbursements – A motion was made and seconded; (RESOLUTION 09-045) TO APPROVE CHECKS 19580 THRU 19601 IN THE AMOUNT OF \$26,837.71 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 09-046) TO APPROVE CHECKS 19602 THRU 19610 IN THE AMOUNT OF \$309,087.04 TO BE DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

Director Hayes was pleased to announce that check number 19609 in the amount of \$274,725.00 was the final bond principal and interest payment for the District.

A motion was made and seconded; (RESOLUTION 09-047): TO RATIFY CONSENT AGENDA ITEMS DATED MAY , 2009 IN THE AMOUNT OF \$4,912.57 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 09-048): TO RATIFY CONSENT AGENDA ITEMS DATED MAY 15, 2009 IN THE AMOUNT OF \$4,912.57 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. 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 noted that the same amount of sludge was removed from both the Sageport and Waucondah Treatment Plants (26,000 gallons).

Director Matchett requested clarification on the necessity of a curb stop repair when service is being terminated. Mr. Monroe explained that infrequently when a service is being terminated the curb stop valve does not function and needs to be repaired to complete the termination.

- 3.2 Monthly Staff Report – The members of the Board reviewed the Monthly Staff Report which had been submitted by the District Manager.

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

The Board reviewed a proposal for appraisal services from Hunsperger & Weston, Ltd. for the purpose of appraising easements necessary to add water storage redundancy to the east side of the District. After clarifying the amount of the estimate a motion was made and seconded; RESOLUTION (09-049): TO AUTHORIZE THE DISTRICT MANAGER TO ENGAGE HUNSPERGER & WESTON, LTD. FOR APPRAISAL SERVICES. The motion passed unanimously.

The Board discussed amendments to the District's Rules and Regulations related to Emergency Meetings and the procedure that the District follows when calling an Executive Session. A motion was made and seconded; (RESOLUTION 09-050): TO ADOPT THE EMERGENCY MEETINGS AND EXECUTIVE SESSION POLICY AS PRESENTED. The motion passed unanimously. Copies of the amendments are attached to these meeting minutes.

4.0 Old Business/Immediate Issues

The District Manager advised the Board that a presentation from the Palmer Divide Project was scheduled for the next meeting.

5.0 Audience Participation

- 6.0 Adjournment** - A motion was made and seconded; (RESOLUTION 09-051): TO ADJOURN THE REGULAR MEETING. Passed unanimously. The meeting adjourned at 18:23.

ATTEST:

Secretary