

Regular Meeting – August 15, 2012

Board Members

Tim Johnson
Judy LaCrosse
Tony Lucas
Jim Matchett

Visitors

Craig Johnston
Mitchell Kahn

Excused Absence

Gary Peterson

Staff / Consultants

Sue Byrnes – District Staff
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 12-064) TO APPROVE THE MINUTES OF THE JULY 18, 2012 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. As Director Lucas was not in attendance at the July 18, 2012 Board Meeting, he abstained from the vote. The motion passed 3 – 0.

2.2 Disbursements – A motion was made and seconded; (RESOLUTION 12-065) TO APPROVE CHECKS 10038 THRU 10055 IN THE AMOUNT OF \$58,270.49 WHICH WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

In reference to check number 10043 issued to Falcon Environmental Corp., Director LaCrosse requested clarification on the description EG Controls Duplex Panel. The District Manager explained that this was the control panel for the lift station replacement project.

A motion was made and seconded; (RESOLUTION 12-066) TO APPROVE CHECKS 10056 THRU 10062 IN THE AMOUNT OF \$46,231.42 TO BE DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 12-067) TO RATIFY CONSENT AGENDA ITEMS DATED AUGUST 3, 2012 IN THE AMOUNT OF \$5,557.18 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

Director Johnson requested the rationale for issuing checks from the 1st Bank account as opposed to the Wells Fargo account. The District Manager explained that at the January 18, 2012 Board Meeting the Board had decided to eliminate the District's lock box with Wells Fargo for payment processing and instead begin processing the payments via the 1st Bank Desktop Teller which reduces costs and improves cash flow.

- 2.3 8000 Inca Road – Mr. Mitchell Kahn – Mr. Mitchell Kahn was in the audience to request that the Board consider some type of relief associated with tap and development fees that are due to the District when a lot is abandoned. The Board reviewed the documentation that had been discussed at the January 18, 2012 Regular Board Meeting. Mr. Kahn advised the Board that the dry utilities had not been installed with the LID (Local Improvement District), noting that only water and sewer had been available and that he and other property owners had to fund the installation of dry utilities.

Director LaCrosse offered that in 2007 the District had contributed \$36,387.21 to the LID for utility design and construction administration.

Mr. Kahn explained that he had originally purchased two lots, 43 and 44 with the intent of constructing his home on lot 43. After completing the Douglas County Building Envelope survey it was determined that water runs from lot 44 through lot 43 where he had planned to build his home, drawing him to the conclusion that lot 43 was not buildable. This resulted in his decision to vacate the property line and move the home onto lot 44.

Mr. Monroe raised the issue of the water and sewer stubs that would need to be capped for lot 43 regardless of the outcome of the Board's decision. Mr. Monroe offered that other lots in the LID may have the same type of drainage issues.

The District Manager advised the Board that she would contact Douglas County to gain an understanding of any building issues associated with other lots in the LID.

The Board agreed that any decision to vary from the District's Rules and Regulations must be made after serious debate and that a decision to vary from the District's Rules and Regulations was not to be considered a policy change. The Board will consider a variance from the District's Rules and Regulations on a case by case basis only.

After discussion, a motion was made and seconded; (RESOLUTION 12-068) TO REDUCE THE FEES OWED TO THE DISTRICT BY MR. KAHN BY \$21,450.00 WHICH IS COMPRISED OF THE TAP FEES, DEVELOPMENT FEES AND LOSS OF AVAILABILITY FEE ASSOCIATED WITH THE ABANDONED LOT 43 AND TO REQUIRE MR. KAHN TO CONTRIBUTE UP TO \$5,000.00 FOR CAPPING THE WATER AND SEWER STUBS IF NECESSARY. The motion passed unanimously.

Mr. Kahn expressed his appreciation for the Board's consideration.

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.
- 3.2 Monthly Staff Report – The members of the Board reviewed the Monthly Staff Report.

The District Manager summarized the analysis that she and Mr. Monroe had undergone to resolve the Sageport 4, prepaid tap fee questions. She advised the Board that Mr. Garry Lawrenz who had attended the July 18, 2012 Board Meeting, had been correct and that the tap fees associated with his lot are prepaid. She noted that she had contacted Mr. Lawrenz and provided him the corrected information.

The Board agreed to move the discussion of the Quarterly Legal Summary Report until the next Board Meeting to insure Director Peterson's participation.

The Board reviewed a letter submitted by Ms. Patricia Adkins requesting that the Board reconsider their decision to not deviate from the District's K Copper pipe standard and her assertion that if the District changes its standard in the future that she would be due compensation. After discussion it was agreed that there was no basis for Ms. Adkin's assertion for compensation if the District changes its standards in the future and that the Board would not entertain any further requests on the matter.

The Board requested that the District Manager advise Ms. Adkins of their decision.

4.0 Board Member Discussion Items

There was none.

5.0 Audience Participation

There was none.

6.0 Adjournment - A motion was made and seconded; (RESOLUTION 12-069) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 18:05.

ATTEST:

Secretary