



Perry Park Water and Sanitation District  
5676 West Red Rock Drive  
Larkspur, Colorado 80118  
[www.ppwsd.org](http://www.ppwsd.org)

## Regular Meeting December 13, 2023

### Board Members Present

Brian Arthurs  
Tony Lucas  
James Maras  
Jim Matchett  
Gary Peterson

### Visitors

### Staff / Consultants in Attendance

Diana Miller – District Manager  
Will Parker – President, Semocor, Inc.

### 1.0 Call To Order

The Regular Board Meeting was called to order at 14:00.

### 2.0 New Business and Open Items and Operational Status

2.1 Meeting Minutes – A motion was made and seconded; (RESOLUTION 23-080) TO APPROVE THE MINUTES OF THE NOVEMBER 8, 2023, REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. As Director Matchett was not in attendance at the November 8, 2023 Regular Board meeting he abstained from the vote. The motion passed 4-0.

2.2 Disbursements – A motion was made and seconded; (RESOLUTION 23-081) TO APPROVE ELECTRONIC PAYMENTS DATED NOVEMBER 11, 2023, IN THE AMOUNT OF \$10,891.26 AND ELECTRONIC PAYMENTS DATED NOVEMBER 25, 2023, IN THE AMOUNT OF \$927.91 AND ELECTRONIC PAYMENTS DATED NOVEMBER 29, 2023, IN THE AMOUNT OF \$15,167.68 WHICH WERE PREVIOUSLY DISBURSED FROM 1<sup>ST</sup> BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-082) TO APPROVE AN ACH PAYMENT DATED DECEMBER 1, 2023, ISSUED TO TRUIST GOVERNMENTAL FINANCE, IN THE AMOUNT OF \$193,082.50 FOR THE DISTRICT'S LEASE PURCHASE AGREEMENT PAYMENT. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-083) TO APPROVE CHECKS 13966 THRU 13979 IN THE AMOUNT OF \$44,637.89 THAT WERE PREVIOUSLY DISBURSED FROM 1<sup>ST</sup> BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-084) TO APPROVE CHECKS 13980 THRU 14000 IN THE AMOUNT OF \$136,573.81 TO BE DISBURSED FROM 1<sup>ST</sup> BANK. The motion passed unanimously.

In reference to check 13991, issued to Hill & Pollock, LLC, Director Peterson asked for clarification regarding Description, Two 30 Properties. The District Manager advised that Mr. Tom Smith, associated with the Echo Valley Country Estates development is the owner of Two 30 Properties. The District Manager added that Hill & Pollock and Mr. Smith's legal counsel were working through infrastructure easements.

A motion was made and seconded; (RESOLUTION 23-085) TO RATIFY CONSENT AGENDA ITEMS DATED NOVEMBER 10, 2023, IN THE AMOUNT OF \$8,590.02 AND CONSENT AGENDA ITEMS DATED NOVEMBER 24, 2023 IN THE AMOUNT OF \$8,872.60 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK. The motion passed unanimously.

- 2.3 Letter Hill & Pollock, LLC – The Board reviewed a letter from Hill & Pollock, LLC regarding the retirement of Mr. Alan Hill who has provided legal counsel for the District for over thirty years. The Board asked the District Manager if she had any concerns about Mr. Hill's retirement, Ms. Zahedi taking over as lead counsel and the formation of the new law firm. The District Manager offered that Mr. Hill and Ms. Zahedi had been transitioning knowledge for the past few years. The District Manager added that she had no concerns about Ms. Zahedi or the new law firm. The Board offered their best wishes to Mr. Hill and thanked him for his years of service to the District.
- 2.4 Reimbursement Resolution – The Board discussed and reviewed the Reimbursement Resolution prepared by Ms. Kim Crawford, with Butler Snow LLP.

A motion was made and seconded; TO PASS THE FOLLOWING:

#### RESOLUTION 23-086

**WHEREAS**, the Perry Park Water and Sanitation District, Douglas County, Colorado (the "District") is a quasi-municipal corporation and political subdivision duly organized and existing under the laws of the State of Colorado; and

**WHEREAS**, the members of the Board of Directors of the District (the "Board") have been duly appointed and qualified; and

**WHEREAS**, it is the current intent of District to construct certain water and wastewater capital improvements (the "Project"); and

**WHEREAS**, the District has determined that it is in the best interest of the District to finance the Project through the execution and delivery of one or more lease purchase agreements or loan agreements or one or more series of bonds; and

**WHEREAS**, the Board has determined that it is necessary to make capital expenditures to acquire and construct the Project prior to the time that the District arranges for the specific financing of such Project; and

**WHEREAS**, it is the District's reasonable expectation that when such financing occurs, the capital expenditures will be reimbursed with the proceeds of the financing; and

**WHEREAS**, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the District's desire that this resolution shall constitute the "official intent" of the Board to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PERRY PARK WATER AND SANITATION DISTRICT, COLORADO:**

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Board and the officers, employees and agents of the District directed toward the financing of the Project is hereby ratified, approved and confirmed.

Section 2. The District intends to finance approximately \$12,500,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the District prior to the receipt of any proceeds of a financing, upon terms acceptable to the District, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2. The District shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 3. The officers, employees and agents of the District shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution.

Section 4. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. All acts, orders and resolutions of the District, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 7. The resolution shall be in full force and effect upon its passage and approval.

The motion passed unanimously.

- 2.5 Asset Management Plan – As the estimate for the Asset Management Plan had been received too late to be included in the Board Packet this agenda item was postponed until the January 17, 2024 Regular Board Meeting.
- 2.6 Sageport Wastewater Treatment Plant Engineering - Professional Services Agreement – The Board reviewed and discussed the Professional Services Agreement prepared by Mr. Mark Morton, with GMS, Inc. This was received too late to be in the Board Packet, but as it was a standard professional services engineering agreement and the project is on a CDPHE (Colorado Department of Public Health and Environment) compliance schedule, a motion was made and seconded; (RESOLUTION 23-087) TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT WITH GMS, INC. FOR ENGINEERING SERVICES FOR THE SAGEPORT WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT. The motion passed 4-1.
- 2.7 Staffing and Compensation Committee Recommendations – The Staffing and Compensation Committee, Director Arthurs and Director Matchett, advised the Board that they had received recommendations from the District Manager. Director Arthurs advised the Board that he had met with the District Manager to discuss compensation recommendations made to the Staffing and Compensation Committee. Director Arthurs and Director Matchett noted that they had done diligence, related to salary ranges for similar roles in Colorado, including evaluating salary information available from comparable job postings on the SDA (Special District Association) website.

At the conclusion of discussion, a motion was made and seconded; (RESOLUTION 23-088) TO ACCEPT THE STAFFING AND COMPENSATION COMMITTEE'S RECOMMENDATION OF A 2% SALARY INCREASE FOR FULL TIME DISTRICT STAFF EFFECTIVE JANUARY 1, 2024 AND TO GRANT THE DISTRICT MANAGER A 2023 YEAREND BONUS OF \$2,000 AND TO GRANT THE DISTRICT'S ADMINISTRATIVE ASSISTANT A 2023 YEAREND BONUS OF \$1,200 AND TO GRANT THE DISTRICT'S WATER AND SANITATION DISTRICT UTILITY ASSISTANT A 2023 YEAREND BONUS OF \$500 IN RECOGNITION OF THEIR EFFORTS AND COMMITMENT TO THE DISTRICT. The motion passed unanimously.

The District Manager thanked the Board for their consideration.

- 2.8 2024 Budget – Director Arthurs advised that the Other Funding Sources (Lease Purchase Agreement amount to borrow) should be \$12,700,000. The Budget Hearing was rescheduled to January 2024 due to the lack of final property assessments.
- 2.9 District Systems Report – The members of the Board reviewed the District Systems Report that was prepared by Mr. Will Parker. Mr. Parker advised the Board that there was a leaking seal at the Red Rock lift station. As a result of the necessary repair Fischer Enterprises, Inc. is doing some access improvements to accommodate large vehicles. Mr. Parker advised the Board that as a result of a power outage event at the Waucondah Wastewater Treatment Plant some odor issues were detected.

- 2.10 Monthly Staff Report - The members of the Board reviewed the Monthly Staff Report that was presented by the District Manager.
- 2.11 Audience Participation – There was none.
- 2.12 Board Member Discussion Items – Director Maras suggested that the target listing price for the District’s property at 1802 Silverheels Drive be the assessed value \$534,805.

Director Maras advised the Board that the newly formed Water Commission will meet the fourth Monday of each month.

Director Maras suggested that when signers are notified of a Colotrust account transaction, that research regarding the purpose of the transaction should be done as another level of Board financial diligence.

Director Peterson advised the Board that a resident in the District had notified him of potential misuse of water. Upon researching the report Mr. Parker advised that it was Douglas County’s authorized use. Director Maras raised the lack of hydrant meter use by Douglas County.

**3.0 Adjournment** - A motion was made and seconded; (RESOLUTION 23-089) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 15:14.

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Anthony Lucas, Vice President