



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

Regular Meeting – December 18, 2013

Board Members

Tim Johnson
Judy LaCrosse
Tony Lucas
Jim Matchett
Gary Peterson

Visitors

Joey Edge
Craig Johnston
Greg Stetman

Staff / Consultants

Scott Baker – Yates Law Firm, LLC
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 13-081) TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2013 REGULAR BOARD MEETING AND BUDGET HEARING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. The motion passed 4-0, with Director Lucas abstaining as he was not in attendance.

A motion was made and seconded; (RESOLUTION 13-082) TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2013 EXECUTIVE SESSION AS PRESENTED. The motion passed 4-0, with Director Lucas abstaining as he was not in attendance.

Director Peterson requested that the proposed December 4, 2013 Meeting Minutes be updated to include further detail on the lessons learned discussion. Approval for the meeting minutes was rescheduled to the January 15, 2014 Board Meeting.

- 2.2 Disbursements – A motion was made and seconded; (RESOLUTION 13-083) TO RATIFY ELECTRONIC PAYMENTS DATED DECEMBER 5, 2013 IN THE AMOUNT OF \$7,004.28 AND ELECTRONIC PAYMENTS DATED DECEMBER 9, 2013 IN THE AMOUNT OF \$4,391.35 WHICH WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 13-084) TO APPROVE CHECKS 10499 THRU 10500 IN THE AMOUNT OF \$1,895.88 WHICH WERE PREVIOUSLY DISBURSED FROM 1ST BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 13-085) TO APPROVE CHECKS 10501 THRU 10524 IN THE AMOUNT OF \$94,327.54 TO BE DISBURSED FROM 1ST BANK. The motion passed unanimously.

Director Matchett requested that check 10516 issued to Spronk Water Engineers, Inc. be held until the District receives a response to their billing inquiry.

A motion was made and seconded; (RESOLUTION 13-086) TO RATIFY CONSENT AGENDA ITEMS DATED NOVEMBER 22, 2013 IN THE AMOUNT OF \$5,220.94 AND ITEMS DATED DECEMBER 6, 2013 IN THE AMOUNT OF \$5,559.19 AND ITEMS DATED DECEMBER 20, 2013 IN THE AMOUNT OF \$5,559.19 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

- 2.3 Audience Participation – As there were meeting attendees who wished to speak to the Board, Director Matchett opened Audience Participation prior to entering Executive Session.

Mr. Greg Stetman who owns the property commonly referred to as the Echo Hills Club property attended the Board Meeting to provide his thoughts on actions that the District had taken to resolve the issue with the District's access to the Echo Hills Tanks, and to provide his suggestions for resolution to the matter.

Mr. Scott Baker introduced himself as the District's legal counsel in this matter.

As the District had been working in good faith for over a year to resolve the tank access issue, Director Matchett requested that Mr. Stetman provide his input to his legal counsel, allowing his counsel and the District's counsel to work together to reach final resolution.

The Board thanked Mr. Stetman for attending the Board Meeting.

- 2.4 Executive Session – A motion was made and seconded; (RESOLUTION 13-087) TO ENTER EXECUTIVE SESSION FOR CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC ENTITY FOR THE PURPOSES OF RECEIVING LEGAL ADVISE ON SPECIFIC LEGAL QUESTIONS AS AUTHORIZED BY §24-6-402(4)(b) C.R.S., SPECIFICALLY RELATED TO THE TOWN OF LARKSPUR, EXCLUSION OF PROPERTY. The motioned passed unanimously.

The Regular Board Meeting resumed.

- 2.5 Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets and Settlement Agreement – The following Resolution was made and seconded; (RESOLUTION 13-088):

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
PERRY PARK WATER AND SANITATION DISTRICT**

WHEREAS, C.R.S. §32-1-502 provides the procedure for exclusion of property within a municipality from a special district; and

WHEREAS, the Town of Larkspur (“Town”) filed a petition for the exclusion of certain land from the Perry Park Water and Sanitation District (“District”); and

WHEREAS, the relevant statutory provisions require the Town and the District to submit plans to the Douglas County District Court for the disposal of assets and the continuation of services for all areas of the District; and

WHEREAS, the Town and District have negotiated a Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets (a copy of which is attached hereto), which the District believes is fair and equitable, and in the best interests of the District; and

WHEREAS, the Town and District have also negotiated a Settlement Agreement (a copy of which is attached hereto), pursuant to which the Town will convey to the District certain well site easements for Wells EP-1, EP-2 and EP-3, together with associated pipeline and access easements; and

WHEREAS, the District acknowledges that the petition for exclusion filed by the Town will be granted, and the land described in the petition will be excluded from the District by order of the Douglas County District Court; and

WHEREAS, the District desires to enter into the Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets and Settlement Agreement, as attached hereto.

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

Pursuant to C.R.S. §32-1-502, Perry Park hereby agrees to the terms of the Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets and the Settlement Agreement, consents to the entry of an order of the Douglas County District Court excluding the property described in the Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets (anticipated to be in substantially similar form as proposed by the Town and the District, as attached to this Resolution), and authorizes the President and Secretary of the District’s Board of Directors to execute the Joint Exclusion Plan and Agreement for Continuation of Services and Disposition of Assets and the Settlement Agreement, and to execute any other documents reasonably necessary to effectuate the exclusion sought by the Town.

RESOLVED this 18th day of December, 2013.

- 2.6 **Engagement Letter – 2013 Audit Services** – The Board reviewed an Audit Engagement letter from Wagner Barnes & Griggs, PC to perform the 2013 audit. After discussion, a motion was made and seconded; (RESOLUTION 13-089) TO EXECUTE THE AUDIT ENGAGEMENT LETTER WITH WAGNER BARNES & GRIGGS, PC. The motion passed unanimously.
- 2.7 **2014 Proposed Board Meeting Schedule** – The Board reviewed the 2014 proposed Board Meeting Schedule presented by the District Manager. A motion was made and seconded; (RESOLUTION 13-090) TO ADOPT THE 2014 PERRY PARK WATER AND SANITATION DISTRICT BOARD MEETING SCHEDULE AS PRESENTED. The motion passed unanimously.

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 had been submitted by Semacor, Inc.

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

4.0 Old Business/Immediate Issues

There was none.

5.0 Adjournment - A motion was made and seconded; (RESOLUTION 13-091) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 19:08.

ATTEST:

Secretary