

RECORD OF PROCEEDING

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF: FOREST VIEW ACRES WATER DISTRICT AND THE BOARD OF DIRECTORS OF THE WATER ACTIVITY ENTERPRISE HELD THURSDAY SEPTEMBER 25TH, 2024

ADMINISTRATIVE ITEMS

The regular meeting of the Board of Directors of the Forest View Acres Water District, El Paso County, Colorado was called to order on the day shown above by Director Pheteplace in accordance with the laws of the State of Colorado. The following Directors were acting:

David Pheteplace, President, Term Expiration: May 2025
Nancy Wilkins, Term Expiration: May 2025
Paul McKean, Term Expiration: May 2025
Vincent Guthrie, Term Expiration: May 2027
Matt Quinlan, Term Expiration: May 2027
Gregory Hoffman, Term Expiration: May 2025
P.K. Robinson, Term Expiration: May 2025

Also present were:

Joel Meggers; Community Resource Services, LLC (“CRS”)
Molly Couture; Community Resource Services, LLC (“CRS”)
Peter Johnson; Vranesh and Raisch, LLP
Andrea Kehrt; Vranesh and Raisch, LLP
Gabby Begeman; ORC Water Professionals
Jon Smart; ORC Water Professionals
Mike Waresak, Forsgren Associates, Inc.
Candice Russell-Vermilyea, Notary Public
Martin Taylor, Resident
Martha Taylor, Resident
Ed McAleer, Resident
Mike Mozingo, Resident
Craig Pryor, Resident

CALL TO ORDER

A quorum of the Board was present, and the meeting was called to order at 6:06 p.m.

APPROVE AGENDA

Ms. Couture presented for the Board’s approval the proposed Agenda. Upon motion duly made by Director Hoffman, seconded by Director Guthrie and, upon vote, unanimously carried, as presented.

MINUTES

The Board reviewed the Minutes of the August 28th, 2024, Regular Board meeting. Motion duly made by Director McKean, seconded by Director Guthrie and, upon vote, unanimously carried, the minutes were approved, as presented.

PUBLIC HEARING IN CONSIDERATION OF RATE INCREASE

Director Pheteplace officially opened the Public Hearing in Consideration of the Proposed Rate Increase. Ms. Couture confirmed that the Public Hearing had been properly noticed. He shared an explanation about the process and a status update what has led the Board to this point.

Mr. McAleer and Mr. Pryor asked questions and shared concerns about the rate increases. Mr. Taylor shared concerns about the rate increase process and expressed a desire for an increase to the tiered rates. He asked a question about the back up pump that was intended to be ordered when he was on the Board. He also shared his opinion with the Board about how to handle water shortages communications.

Director Pheteplace closed the Public Hearing.

PUBLIC COMMENT

Mr. Smart from ORC Water Professionals introduced himself to the Board of Directors.

AUDIT PRESENTATION

Mr. Schilling presented the results of the 2023 Audit to the Board. The Board accepted the results of the Audit.

OPERATIONS REPORT AND MAINTENANCE ITEMS

ORC Water Professional's Monthly Operations Report – Ms. Begeman introduced a new member of ORC, Jon Smart, to the Board. She also mentioned the addition of Trevor to the team, as well. She shared updates regarding the Arapahoe Treatment Plant, the Surface Water Treatment Plant, the Booster Pump Station, the incident of the Redstone Ridge, and the remote monitoring devices. She shared an update regarding the Interconnect project, as well. She asked if a Board member would be willing to participate in the Lead and Copper compliance efforts due by September, and Director McKean, Director Hoffman, and Director Guthrie volunteered to support.

Additionally, she reported on valve testing. She named that the Booster Pump is failing, and there is a possibility that there will be a need to hook up to the emergency Interconnect. She requested a back up pump to replace the spare Arapahoe. Upon motion duly made by Director Quinlin, seconded by Director Wilkins and, upon vote, unanimously carried, not to exceed \$10,000.

The Board discussed a response to Marty Taylor's question.

CAPITAL / ENGINEERING ITEMS

Forsgren Engineering Updates – Mr. Waresak reviewed and discussed the monthly report prepared by Forsgren Associates, Inc.

Mr. Waresak addressed the Interconnect Project and shared the status of the interconnect with Monument. He believes the project will be complete in November.

Velocity Constructors, Inc. came in as the low bid for the Surface Water Treatment Plant. Upon motion duly made by Director McKean, seconded by Director Wilkins and, upon vote, unanimously carried, the Board of Directors awarded the Contract to Velocity Constructors, Inc., for the bid of \$922,085.00.

Mr. Waresak also shared updates regarding the Clovenhoof Loop Project.

FINANCIAL ITEMS

Mr. Guthrie presented the monthly cash position and unaudited financial statements that were provided in the board packet.

- Billing Register Report (enclosure) – No action was required.
- Tap Fee Report (enclosure) – No action was required.
- ARPA Expense Form & Summary (enclosure) – No action was required.

Payment of Claims: Mr. Guthrie presented the current payment of claims in the amount of \$174,996.53. Following review, upon motion duly made by Director Hoffman, seconded by Director Pheteplace, upon vote, unanimously carried, the claims were approved, as presented.

The Board reviewed the Cash Projection to determine the final conditions of the Rate Increase. Upon motion duly made by Director McKean, seconded by Director Wilkins, upon vote, the Rates and Fees Resolution unanimously carried and is shown as Exhibit A of these minutes.

DIRECTORS ITEMS / OTHER BUSINESS

Look Ahead Schedule – Ms. Couture reviewed and discussed the look ahead with the Board.

Motion duly made by Director Quinlin, seconded by Director Wilkins and, upon vote, unanimously carried, the Board extended the meeting by 30 minutes.

LEGAL MATTERS

ADJOURN INTO EXECUTIVE SESSION IF NECESSARY Pursuant to §24-6-402(4)(e), C.R.S. to develop negotiating positions, strategy, or instruct negotiators, pursuant to §24-6-402(4)(b), C.R.S. to consult attorney on specific legal questions.

Motion duly made by Director Wilkins to move into Executive Session at 7:03 p.m. seconded by Director Hoffman and, upon vote, unanimously carried, the Board moved to Executive Session to review and discuss contract negotiations regarding the Water Court Case of GTG Red Rock LLC as well as the Waterline Break at 4639 Redstone Ridge.

Motion duly made by Director Quinlin to move out of Executive Session at approximately 7:27 p.m., seconded by Director Wilkins and, upon vote, unanimously carried, the Board moved to return to the regular Agenda.

After discussion, the Board directed Ms. Kerhl to communicate with the lawyer for the homeowners of 4639 Redstone Ridge to approve a tap, requiring a fee to be paid within thirty (30) days; to allow for access to a fire hydrant in accordance with the Rules and Regulations; to direct the contractor to properly backfill the exposed pipe; and to communicate the accrued costs and responsibility of those costs to the District for its response to the Waterline Break at 4639 Redstone Ridge.

Ms. Wilkins asked Mr. Johnson questions about water rights and provided documents for the GTG Red Rock LLC Water Court Case.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Hoffman, seconded by Director Quinlan, upon vote, unanimously carried, the Board adjourned the meeting at 8:04 p.m.

Respectfully submitted,

_____/s/_____

Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL SEPTEMBER 25, 2024 MINUTES OF THE FOREST VIEW ACRES WATER DISTRICT BY THE BOARD SIGNING BELOW:

_____/s/_____

David Pheteplace

_____/s/_____

Vincent Guthrie

_____/s/_____

Nancy Wilkins

_____/s/_____

Gregory Hoffman

_____/s/_____

Paul McKean

_____/s/_____

P.K. Robinson

_____/s/_____

Matt Quinlan