

Regular Meeting – June 16, 2009

Board Members

Mike Hayes
Craig Johnston
Tony Lucas
Gary Peterson

Visitors

Bonnie Anderton
Richard Anderton
Judy Lacrosse

Excused Absence

Jim Matchett

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 16:32.

2.0 New Business and Open Items

2.1 Meeting Minutes – Director Peterson requested that the meeting minutes be amended to reflect his request that a letter from TEC be prepared that describes the life of system piping. A motion was made and seconded; (RESOLUTION 09-058): TO APPROVE THE MINUTES OF THE JUNE 2, 2009 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS AMENDED. 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 09-059) TO APPROVE CHECKS 19628 THRU 19651 IN THE AMOUNT OF \$69,171.23 TO BE DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

Director Peterson pointed out that check number 19639 issued to Fischer Enterprises, Inc. included \$14,580.72 for the Fox Circle water main break repair.

Director Peterson requested that current committees provide an update to the remainder of the Board on a monthly basis. He also requested that the District Manager provide a list of current committees.

A motion was made and seconded; (RESOLUTION 09-060): TO RATIFY CONSENT AGENDA ITEMS DATED JUNE 12, 2009 IN THE AMOUNT OF \$4,912.57 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK WEST. The motion passed unanimously.

2.4 2008 Audit – A motion was made and seconded; (RESOLUTION 09-061): TO POSTPONE THE AUDIT REVIEW UNTIL THE JULY 21, 2009 BOARD MEETING. The motion passed unanimously.

2.5 Water Main Break – Fox Circle – The District Manager provided the Board with the documents that she had received from Mr. and Mrs. Anderton and Mr. Scott.

The Anderton's had received estimates from Service Master of Colorado Springs, Inc. for water damage cleaning and additional estimates for construction, landscaping and supplies. The estimates totaled \$22,047.89. The Anderton's submitted a page from their Homeowners Policy Packet and highlighted that paragraph three states "Your policy does NOT cover loss due to flood from any source". Mr. Anderton advised the Board that his insurance company was preparing a letter regarding the denied claim. He let the Board know that as soon as he received the letter from his insurance company it would be provided to the District.

As detailed in the June 15, 2009 letter submitted by the Anderton's to the District, Mr. Anderton requested that costs associated with the damage done to their home be reimbursed by the District.

The Board discussed Mr. Anderton's request as well as other possible alternatives. Director Peterson read the summary of the Colorado Special Districts Property and Liability Pool no-fault insurance coverage provided on the Monthly Staff Report. A suggestion of reimbursement in the same amount that the insurance would pay was made. Mr. Anderton requested that the District consider reimbursing them for fifty percent of the total estimates received.

Director Peterson offered that after reviewing his homeowner's insurance policy he did not believe that it would cover damage from a water main break.

Director Hayes advised Mr. Anderton that the Board could take no further action until the letter from their insurance company was provided to the Board. He added that the District understands the urgency of the situation and that the District would schedule a supplemental meeting for final resolution when all of the necessary documents were available for the District to make their decision.

A motion was made and seconded; (RESOLUTION 09-062): TO AUTHORIZE THE DISTRICT MANAGER TO WORK WITH THE DISTRICT'S LEGAL COUNSEL TO PREPARE AN AGREEMENT THAT WOULD INDEMNIFY THE DISTRICT AND THE DISTRICT'S AGENTS AGAINST CLAIMS FROM THE ANDERTON'S AND / OR THEIR INSURANCE COMPANY AND WOULD OUTLINE THE DISTRICT'S CONTRIBUTION TO THE COSTS INCURRED BY THE ANDERTON'S AND THAT

THE DOCUMENT WOULD BE PREPARED IN A MANNER THAT WOULD ALLOW THE DISTRICT TO UTILIZE IT FOR SIMILAR CIRCUMSTANCES. The motion passed with 3 – Ayes and 1 Nay.

Director Lucas requested that the District Manager get the official definition of a flood from the Colorado Division of Insurance.

The District Manager provided the Board with the estimate that she had received from Fischer Enterprises, Inc. for the repair of Mr. Scott's driveway. The Board agreed to handle the request for reimbursement in the same manner as the Anderton's request.

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.

Director Johnston noted that again the same amount of sludge was removed from both the Sageport and Waucondah Treatment Plants (26,000 gallons).

Director Peterson commented on the number of non-payment shut-offs listed on the report. The District Manager advised the Board of the District's policy to file a lien on property for non-payment when an account balance reaches \$250.00. She indicated that past due balances are collected when property ownership changes and that water remains off until the past due balances are collected. Ms. Byrnes added that a \$50.00 water turn on fee and a \$50.00 water turn off fee are assessed when water is turned on or off.

- 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.

Director Peterson asked if the engagement letter from Mr. Kim Seter had been signed. The District Manager advised that after review and approval by the District's legal counsel Director Hayes had signed the letter.

The Board discussed the Colorado Special Districts Property and Liability Pool no-fault water and sewer coverage and concluded that it was inadequate to meet the District's needs.

The District Manager advised the Board that she had not yet received comments from the District's legal counsel on the Second Amendment to the Inclusion Agreement for Sandstone Ranch. Director Hayes added that the map provided with the agreement was unclear.

The Board discussed the high water use of a customer during the previous billing cycle. Mr. Monroe advised the Board of a 1999 agreement between the District and the customer that defines annual acre feet allowable for that customer.

4.0 Old Business/Immediate Issues

The Board was advised of recent activities that were occurring in the District related to the proposed Bearview development.

5.0 Audience Participation

6.0 Adjournment - A motion was made and seconded; (RESOLUTION 09-063): TO ADJOURN THE REGULAR MEETING. Passed unanimously. The meeting adjourned at 18:27.

ATTEST:

Secretary