

**MINUTES OF THE BOARD OF DIRECTORS
COLORADO CENTRE METROPOLITAN DISTRICT
REGULAR MEETING**

Thursday, July 23, 2009 at 5:00 PM
4770 Horizonview Drive
Colorado Springs, CO 80925

Board Members Present:

Michael Cantin	President, Chairman
Floyd Edwards	Treasurer
Frank Ingraldi	Vice President, Vice Chairman
Shawn Eccles	Secretary
Michael Terry	Assistant Secretary/Treasurer

Also Present:

Al Testa, Paul Anderson, Cindy Monroe, Pedro Velazquez, Sandy Goad

I. **Preliminary**

- A. Call to Order
Director Cantin called the meeting to order at approximately 5:01 pm.
- B. Roll Call - Determination of a Quorum.
A Quorum was present.
- C. Acknowledgment, Notice and Consent to Regular Meeting-Entered with the minutes.

II. **General Business Items**

- A. Approval of the Minutes of the Regular Meeting of June 25, 2009.

A motion was made and seconded to approve the Minutes of the Regular Meeting of June 25, 2009. Upon a voice vote, the motion passed unanimously.

- B. Board's Time

None needed.

- C. Changes to the Agenda

None needed but Director Cantin announced that, if anyone wanted to speak during public comment time, there was a sign-up sheet and that comments must be limited to a maximum of five minutes per person.

D. Review of District Finances – Cindy

- Bank Balances

Ms. Monroe gave the report on bank balances at this time. Ms. Monroe reported that as of July 20, 2009 the District has \$3,677,867.48 in funds with \$3,602,955.46 unencumbered. The ColoTrust rates have dropped to .31%. The First Community CD's are at 2.00%, 2.60% and 2.50%. A transfer of \$14,500 needs to be approved to reimburse CCMD for Cuchares and Case expenses.

A motion was made and seconded to approve the transfer of \$14,500 from ColoTrust accounts 7269, 7276, and 7277 into ColoTrust account 7035 to reimburse CCMD for Cuchares and Case expenses. Upon a voice vote, the motion passed unanimously.

Director Cantin inquired about the requirements for investing monies into CD's. Ms. Monroe stated that all banks must be an eligible public depository approved by the State of Colorado.

- Budget Review – June 2009

Ms. Monroe reported on the budget comparison for the month of June, 2009. All funds are pretty much on target at this point in the year. Most of the property taxes have been collected for the year.

At this time Director Cantin introduced CCMD residents, Paul and Jody Woissol. Mr. and Mrs. Woissol were able to find information regarding the individual responsible for the defacing of CCMD property. This individual was charged and is in pre-trial status. They were presented a \$500 reward from CCMD for this information and the help it lend the District in attempting a prosecution.

E. Approval of Payables

The Board reviewed the list of payables. Ms. Monroe stated that two items were mistakenly omitted on the payables. Both were payable to Great Western Bank in the amounts of \$2,903.59 for the principal and interest on the fire engine loan and \$753.47 interest only for the wastewater loan.

A motion was made and seconded to approve the current list of payables with the stated additions. Upon a voice vote, the motion passed unanimously.

F. District Operations

- Water and Sewer Operations – (Pedro)

Superintendent Velazquez reported that water and sewer operations are going well with no major problems. Wells 214 and 217 are now fully operational. During the process of connection to the Cuchares development some flushing was necessary which led to some residents experiencing brown water. The residents needed to flush out their lines and the brown water would be alleviated. Cuchares has now finished their sewer line. New floats were installed at the wastewater lift station and a new meter bypass line.

- Water and Sewer Demand and Augmentation Reports (AI)

Dr. Testa reported that for the month of June, 2009 we produced approximately 8.4 million gallons of water and sold approximately 7.8 million gallons. A significant loss occurred this month (8.7%) which is being monitored. The sewer numbers are down and the wastewater to water ratio is 59.4 percent. The augmentation report for period November 2006 – October 2007 was included with the Board packets.

Dr. Testa has been researching and conferring with Cell-Net about the feasibility of installing remote meters. The Cuchares and Case developments will be using the remote meters therefore this would be a good transition period in terms of costs, etc. The CSU natural gas customers in Colorado Centre already have the remote meter system in place. Dr. Testa will keep the Board apprised of this issue.

- Grant Application to GOCO – Resolution 2009-07-23.2

Regarding the small systems Grant that was submitted, Dr. Testa explained that CCMD was in 51st position and there was only money for 24. CCMD missed out on this Grant because our situation is not an emergency type issue.

Dr. Testa is now working on a GOCO Grant (lottery monies) to build Fitness Trails with work/exercise stations around the 22 acre Mosko Park. Letters from community residents are needed to submit with the Grant application. A request for letters will be posted on the CCMD website.

A motion was made and seconded to approve Resolution 2009-07-23.2 To Support The Grant Application For Local Parks And Outdoor Recreation Grant From The State Board of Great Outdoors Colorado For the “Colorado Centre Fitness Trails” Park Addition. Upon a voice vote, the motion passed unanimously.

- Update on Cuchares Development (Pedro/Tom Benkert)

Mr. Velazquez reported earlier that the Cuchares development sewer line is finished and testing done. Mr. Benkert was not in attendance. Dr. Testa

commented that from conferring with Mr. Benkert it is projected that the building of 50 homes will begin this fall.

Director Cantin stated at this time that he has real concerns about continuation of the free recycling program. The residents have been warned that if there is any continued abuse of the program, it will be terminated. In recent weeks there has been quite a large amount of non-recyclable items being placed in and around the recycle can. Director Ingraldi stated that some of the pick-ups could not be recycled and had to be taken to the trash dump. It was determined that since this is a free program, extra monies should not be expended to monitor the recycling area with cameras, personnel, etc.

A motion was made and seconded to discontinue the free recycling program immediately. Upon a voice vote, the motion passed with Directors Cantin, Edwards, Eccles, and Terry voting yes and Director Ingraldi voting no.

G. Legal Report – Paul Anderson

- Approval of IGA with Colorado Springs Utilities and related Documents - Resolution 2009-07-23.1

The Bradley Heights property is located near CCMD's current service area and is within the City of Colorado Springs municipal service area. With the City's consent, Marksheffel-Woodmen Investments, LLC (owner and developer of Bradley Heights) has requested certain utility services from CCMD on an interim basis. An IGA was composed to address the water distribution and wastewater collection, treatment and disposal. Also an Individual Plan for Marksheffel-Woodmen Investments, LLC shall apply to the Interim WW Collection System and Interim Water Distribution System for the Bradley Heights development area.

Dr. Testa introduced Mr. Brian Whitehead, Development Projects Manager, from Colorado Springs Utilities and Mr. Steve Mulliken, Case Family counsel. Mr. Whitehead commented that this IGA is a benefit to CSU and Colorado Centre and creates a "win-win" situation for all. Mr. Mulligan gave a "salute" to and commended Dr. Testa's diligence in putting this IGA in place. Mr. Mulligan and Mr. Whitehead thanked the Board, Mr. Anderson and Dr. Testa for extending the deadline for addressing and putting together the payment process. All documents were signed by the authorized Directors. Mr. Whitehead will take the documents to the Colorado Springs Utilities' Board and have them executed by the them. Both parties will get signed originals.

A motion was made and seconded to approve Resolution No. 2009-07-23.1 Regarding an Intergovernmental Agreement with Colorado Springs Utilities and Individual Plan for Marksheffel-Woodmen Investments, LLC. Upon a voice vote, the motion passed unanimously.

- Approval of Water Tank Lease – Resolution 2009-07-23.4

Mr. Anderson has been conferring with Gary Mancuso from the City and aviation director, Mark Earle. Mr. Mancuso stated that CCMD will be treated no differently than any other lessee; therefore all are subject to the same deposits, appraisals, etc. Ms. Monroe has started the appraisal process. An amendment to the airport lease agreement has been drafted by Mr. Anderson which determines it is in the best interests of the District to renew the current lease on substantially the same terms and conditions as contained in the Draft Amendment. District Manager, Al Testa is authorized to take such actions, including the negotiation of additional agreements as he deems reasonably necessary, to carry out the terms and provision of the lease Amendment, and District staff are directed to assist in and take all actions necessary to carry out and/or implement the same.

A motion was made and seconded to approve Resolution 2009-07-23.4 Regarding Approval of An Amendment To The Airport Lease Agreement With The City of Colorado Springs. Upon a voice vote, the motion passed unanimously.

- Adopt Resolution 2009-07-23.3 to cover fire fighter deductible reimbursements in case of non-negligence claims.

Mr. Anderson, per Dr. Testa's instructions, prepared a resolution for the Board to consider covering fire fighter deductible reimbursements in case of any potential claims against the fire fighters if there is no negligence on part of the contracted firefighter. The insurance is in the District's name and the deductible is \$2,500.

A motion was made and seconded to approve Resolution 2009-07-23.3 Regarding Payment of Insurance Deductible For Claims Against Firefighters or Fire Department. Upon a voice vote, the motion passed unanimously.

H. Emergency First Responder Services Report – Fire Chief

Chief Tom Byes reported that the fire station had fifteen calls in the last month consisting of eight medicals (six required ambulance transport to an area hospital), two traffic accidents with injuries, one automatic alarm sounding, one automatic medical alarm, one hazmat and two public assists/service calls. A pump test has been scheduled which is a yearly requirement. Hose testing will also be done.

I. El Paso County Water Authority (AI)

The EPCWA did not meet this month; therefore, there is no report.

J. Fountain Mutual Irrigation Company – (AI)

Minutes of the June 16, 2009 meeting were included with the Board packets. They are still in negotiations with the City of Fountain regarding the conversion of the No. 4 and No. 17 water rights to FMIC shares. Also there has been discussion regarding The Applegate study of Big Johnson Dam and dredging issues.

K. Lower Fountain Metropolitan Sewage Disposal District (Mike Cantin)

Minutes of the June 11, 2009 meeting were included with the Board packets. Director Cantin reported that approval from the Water Quality Control Division Board has been received. A Special Meeting will be held next week to choose the contractor for the Interceptor. We should be breaking ground after Labor Day. Request for qualifications have been sent out for contract manager risk assessment personnel. Several responses have been received regarding the ultra violet equipment and the best equipment to purchase for the plant. Since CCMD is a part of this regional plant we will have a say and input regarding the management, rates, etc.

L. Presentation by Floyd Edwards on CCMD's Fire Department's History.

Director Edwards gave a presentation on the Fire Department's History for all in attendance. This presentation was given in the context of Mr. Edwards being a resident of the community and not as a Board Director. Packets of the presentation were available and additional packets are available at the CCMD offices.

Director Eccles made a Motion to Revoke the Motion passed at the June 25, 2009 Regular Board Meeting to participate in the November, 2009 El Paso County Coordinated Election to determine by a yes or no vote whether to keep the fire station open. There was no second; therefore the Motion died.

M. Public Comments – Maximum of 5 minutes per person who has signed in.

There were nine individuals in attendance who signed the public comment sign-up sheet to have five minutes to voice any concerns they have. All questions and concerns were addressed by the Board, staff and Mr. Anderson. Questions answered concerned the Motion to participate in the November El Paso County coordinated election, the survey process, duties and powers of the Board under Title 32, First Responder Services, the ISO rating, mutual aid, etc.

Several residents, one with a letter to the Board, voiced their concerns about the Board's motion to have an election after the extensive survey process and results

that indicated that the higher percentage who participated in the survey process wanted to keep the First Responder Fire Services as they now exist.

One resident commented that his home owners insurance did indeed go down when the fire station was re-opened and even with the \$33 Fee he is still saving approximately \$190 a year. His insurance agent was in attendance and stated that his company does recognize the CCMDFD as a number 2 ISO rating. This reiterates the statements that the Board of Directors made about it being very beneficial to shop around for lower insurance.

A motion was made and seconded to table making any decision regarding the future of First Responder Services and the El Paso County November, 2009 Coordinated Election until the August 27, 2009 Regular Board Meeting. Upon a voice vote, the motion passed unanimously.

III. Adjournment

A motion was made and seconded to adjourn the regular meeting at approximately 8:00 p.m. Upon a voice vote, the motion passed unanimously.

Respectfully Submitted,

Michael Cantin, President

Shawn Eccles, Secretary