

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

Thursday May 28, 2020 at 5:30 PM
4770 Horizonview Drive
Colorado Springs, CO 80925

Board Members Present:

Floyd Edwards	President, Chairman
Jackie McClintock	Vice President
Joan Lucia-Treese	Treasurer
Norman Wodell	Secretary
Kenneth Grant	Assistant Secretary/Treasurer

Also Present: Dr. Al Testa, Cindy Monroe. Paul Anderson appeared by telephone.

I. Preliminary

- A. Call to Order
Director Lucia-Treese called the meeting to order and took a roll call.
- B. Roll Call – All Board members were present. Determination of a Quorum.
A Quorum was present.
- C. Acknowledgment, Notice and Consent to Regular Meeting - Entered with the minutes.
- D. May 5, 2020 Election results. Jackie McClintock was re-elected to another term. New Board members are Kenneth Grant and Norman Wodell.
- E. Election of Board positions.

A motion was made and seconded to elect Floyd Edwards as President, Chairman of the Board. Upon a voice vote, the motion passed unanimously.

A motion was made and seconded to elect Jackie McClintock as Vice President of the Board. Upon a voice vote, the motion passed unanimously.

A motion was made and seconded to elect Joan Lucia-Treese as Treasurer of the Board. Upon a voice vote, the motion passed unanimously.

A motion was made and seconded to elect Norman Wodell as Secretary of the Board. Upon a voice vote, the motion passed unanimously.

A motion was made and seconded to elect Kenneth Grant as Assistant Secretary/Treasurer of the Board. Upon a voice vote, the motion passed unanimously.

II. General Business Items

A. Approval of the Minutes of the Regular Meeting of April 23, 2020.

A motion was made and seconded to approve the Minutes of the Regular Meeting of April 23, 2020. Upon a voice vote, the motion passed unanimously.

B. Board's Time

Director Edwards indicated that he would like to make a change to the agenda starting with next month's Board meeting. Director Edwards asked for an invocation of Prayer and Pledge of Allegiance. Director Edwards asked for a second and one was given. Director Edwards indicated at next month's Board meeting the invocation of Pledge of Allegiance would be done after roll call.

C. Changes to the Agenda

Director Lucia-Treese indicated item N, Recognition of Michael Cantin and Shawn Eccles, Former Directors, should be moved up to be the next item and Item E, Mr. Caldwell's Sewer Base Hearing should follow. Director Edwards agreed.

N. Recognition of Michael Cantin and Shawn Eccles

Director Edwards had Michael Cantin and Shawn Eccles come to the front of the room and thanked them for their service on the board. Director Edwards presented each of them with a plaque.

Director Lucia-Treese thanked them for their service.

E. Mr. Caldwell's Sewer Base Hearing

Ms. Monroe presented that Mr. Caldwell is contesting his sewer base rate. Ms. Monroe advised that Mr. Caldwell's letter and pictures are in the Board packets and turned the microphone over to Mr. Caldwell.

Paul Anderson asked Director Edwards to officially open the public hearing.

Director Edwards opened the public hearing at 5:41pm.

Mr. Caldwell indicated that the most relevant thing relating to his increase in sewer base was the time table that took him to find the leak. Mr. Caldwell stated that when he moved into his home, he unplugged the water softener and didn't think about it again until November sometime. At that time, Mr. Caldwell stated that what he was experiencing was what sounded like large surges of water. At this time, he thought it might have been his humidifier and turned it down. Mr. Caldwell stated that he did not return to that part of the home to identify any leaks between November and January. Mr. Caldwell stated that when he realized something else was going on in December he started walking around his house, called his mom and dad, wondering what should he do as this is his first home. Mr. Caldwell stated he didn't know how to properly identify the leak or the areas of the leak. Mr. Caldwell stated that CCMD has a document on our website that he used to try and determine where his leak might be. The water softener is listed on the document but since he had already unplugged it, Mr. Caldwell didn't think that the water softener would be the source of the leak. Mr. Caldwell stated that he did check his toilets, sinks, all the water lines, water lines underneath the house and that his sprinkler system was unplugged. But it took about 3 weeks to check all these things. Mr. Caldwell stated that finally he was able to figure out, after taking off the lid to his water softener, that there was a tiny crack in one of the housings and indicated that is where the leak was coming from. Mr. Caldwell went to Lowe's to purchase items to fix his leak. Mr. Caldwell stated he knew his water bill was going to high but didn't realize that it would over \$500.00. Mr. Caldwell stated that being that this is his first home he didn't know that he needed to provide proof of his water leak and of what he did to fix it to present it to the Board. Mr. Caldwell states that he does understand that he is responsible for the water that was consumed pertaining to the leak but is asking for a reduction in his sewer base. He is asking for a credit on his account for the amount he has already paid in regards to his sewer base.

Director Edwards advised that he has a few questions before he turns this matter over to the rest of the Board. Director Edwards advised that he had a "little heart burn" with paragraph 4 of Mr. Caldwell's letter. Director Edwards explained that he was newly appointed as President but has been on the Board for quite a while. Director Edwards explains that Mr. Caldwell used some words that irritate him so he is going to be very blunt with him. Director Edwards stated that he is a father of 3 boys and he is the oldest member on this Board. Director Edwards states that Mr. Caldwell states in his letter that he is a Veteran. Director Edwards stated everybody here is a Veteran also. Director Edwards advised Mr. Caldwell that he used the "Veteran card" as other people have used other cards. Director Edwards advised that he didn't appreciate that. Director Edwards thanked Mr. Caldwell for his service but advised that use of the "Veteran card" had no bearing on the situation. As a first time home owner, Director Edwards advised that he appreciates Mr. Caldwell's willingness to buy a home and take responsibility as

a good citizen. Director Edwards states that Mr. Caldwell should have called our water techs to solve his problem. Mr. Caldwell stated that he had been down here several times. Director Edwards asked Mr. Caldwell if he shut off his water. Mr. Caldwell stated he did shut off his water. Director Edwards advised he couldn't understand how he then used 44,000 gallons. Mr. Caldwell advised it was a slow leak and that if he didn't take off the cap to the water softener there was no way to determine where the leak was. Director Edwards commended Mr. Caldwell for working 2 jobs and for working 7 days a week, but stated he didn't need to know that. That was something else that irritated him. Director Edwards advised Mr. Caldwell that he was a good man. Director Edwards states Mr. Caldwell states in his letter that the sewage calculation is fallible and there is discussion back and forth regarding how the yearly sewage calculation is adjusted. Director Edwards also explained how CCMD will put reminders in the newsletters leading up to the months when CCMD sewer adjustments will be made. Director Edwards also explained how it irritated him that he asked for the proper authority to consider recalculating his sewer rate. Director Edwards explained that District Manager, Cindy Monroe was the proper authority and probably gave him the best offer he would receive.

Director McClintock asked Ms. Monroe regarding the 44,000 gallons used, according to the print out it looked like it was in November. Ms. Monroe advised it was December usage. Director McClintock advised again according to the print out, it shows as November usage. Ms. Monroe advised the prior read date was 11/30/19 and current read date was 12/31/19 to show usage for December. Director McClintock stated that it is for November usage. Director McClintock stated that she is going to make a motion to table this discussion and go into Executive Session because she needs to clarify when that 44,000 gallons was used. Ms. Monroe explained the print out to Director McClintock. Director McClintock still believes the usage was for November.

Director Lucia-Treese advised that several of the other Board members have gone through the same situation as Mr. Caldwell. Director Lucia-Treese advised that they all had to suck it up and pay their bills. Director Lucia-Treese explained how she didn't realize that turning off a water softener would cause a leak. Director Lucia-Treese explained how the water is used and put into the sewer system and has to be treated. Director Lucia-Treese explained how this situation is not a new situation for this Board. Director Lucia-Treese agreed with Director Edwards in regards to Mr. Caldwell throwing out the "Vet card" and she resents it very much. Director Lucia-Treese explained that she has served in 2 branches of the military and you don't throw out a "Vet card" at us and please know the audience to whom you are presenting. Mr. Caldwell advised that he didn't understand why the Board thought he was doing this out malice or sympathy, I'm telling you that I'm a Vet because I'm dealing with issues while I'm serving. Mr. Caldwell explained that the Board didn't need to know what those issues were

but they do exist and they cause me financial strain. Director Lucia-Treese explained that she was angry that Mr. Caldwell tried to use his status as a Veteran as a conditional lesson of responsibility for his actions because he happened to be in the service. Mr. Caldwell explained that was not the intention and he apologized that they took it that way. Director Lucia-Treese advised that Mr. Caldwell needed to a better job of word smithing. Director Lucia-Treese explained that the Board hears every imaginable excuse you could hear from people and Mr. Caldwell's Veteran status has absolutely nothing to do with his current water issue.

There was further discussion between Mr. Caldwell, Director Edwards and Director Lucia-Treese regarding Veteran Status and using that status to try and get what you think you may be entitled to. Director McClintock advised that this discussion should probably stop and it seems to be going off the deep end.

Director McClintock advised that Mr. Caldwell's billing needed to be discussed. Director Lucia-Treese advised that she believed they did not need to go into executive session as decisions can't be made during that time and that was an extra step that didn't need to be taken. Director McClintock asked for clarification regarding Mr. Caldwell paying for the 44,000 gallons of water used and when he was actually first charged for the new sewer base calculation. Director Wodell asked a few questions of Mr. Caldwell. Director Wodell advised that he felt Mr. Caldwell has paid for his water usage in addition to the sewer charges as of to date for the 44,000 gallons of water used. Director Wodell then stated Mr. Caldwell had ideas for sewer rates and consumption and they could speak regarding these at a later date. Director Lucia-Treese advised that's not how this works. Director Lucia-Treese advised that we have the calculations and the information from the District Manager. The District Manager placed an offer of 50 percent reduction in the sewer base for 2020 in her letter to Mr. Caldwell. Director Lucia-Treese advised that offer was taken off the table when he requested an audience with the Board. Director Edwards stated that Mr. Cantin from the audience would like to say something. Mr. Cantin advised that the Board should go back and look at the revised Rules and Regulations, (back in December or January) where this same discussion has already been had.

Director Lucia-Treese advised where the Board stands is, we can either say no, there will be no reduction in Mr. Caldwell's sewer base, it stands at \$100.00 as provided in the Rules and Regulations, or we can adopt what the District Manager has offered at a base rate of \$81.44. Director Wodell disagrees. Director Wodell believes Mr. Caldwell has paid for all the water and sewer he has used up to date. Director Edwards advised Director Wodell that he would need to visit the Rules and Regulations, and that you cannot change policy at this time. Director Lucia-Treese made a motion to have Mr. Caldwell's sewer base rate be calculated at the District Manager's offer of 50% rate reduction to be \$81.44. Director Lucia-

Treese asked for a second. Director McClintock advised she understands the Rules and Regulations but feels he has already paid his consumption and his sewer base rate should be recalculated and 10 to 15 percent be added to his recalculated amount. Director Edwards advised we have to base it on the current rules at it stands right now. Mr. Caldwell wanted to know if that meant there would be no consideration for his offer. Director Edwards advised that we have to go by what the current rules state. Director Edward seconded Director Lucia-Treese's motion. There were discussions regarding Mr. Caldwell's sewer base rate how it is currently in the Rules in Regulations, it is either going to be the reduced rate of \$81.44 offered by the District Manager or \$100.00 as stated in the Rules and Regulations.

A motion was made and seconded to approve Mr. Caldwell's sewer base rate at a reduction of 50% to be \$81.44. Upon a voice vote, the motion passed unanimously.

Dr. Al Testa asked if there was anything that Mr. Paul Anderson would like to add. Mr. Anderson indicated the public hearing needs to be formally closed.

Director Edwards closed the public hearing at 6:13.

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

Mike Cantin addressed the Board. Mr. Cantin advised that he has been out walking and noticed the District has 269 concrete blocks and suggested that the District coordinates with either the County or the Widefield School District to see if the concrete blocks can be moved to block the entrances to the open spaces. Mr. Cantin believes that houses are going to change ownership and people are going to continue riding the motorized vehicles in our open spaces.

Director Edwards stated that it is a good idea and they will consider it.

B. Board's Time

Director McClintock would like to re-visit Board's Time. Director McClintock wanted to advise that her neighbors came to her stating that there are weeds in the dog park. That their dog is getting full of burrs after visiting the dog park. Director McClintock just wanted to bring this to Mr. Velazquez's attention. Dr. Al Testa advised that the weather has been perfect for weeds and Mr. Velazquez is getting weed killer ordered and taking care of the weeds in all the parks.

F. Review of District Finances (Cindy)

- Bank Balances

Ms. Monroe gave the report on bank balances at this time. As of May 26, 2020, the District has \$3,380,288.91 in funds.

- April 2020 Budget Comp Review

Ms. Monroe reported on the April 2020 Budget Review.

- Bank Transfers and Other Financial Activities

Ms. Monroe advised that the District needed to wire \$132,475.16 to BNY for the 1992 Bond Series "A" interest payment.

A motion was made and seconded to approve to pay them. Upon a voice vote, the motion passed unanimously.

A motion was made and seconded to add the new Board Members, Kenneth Grant and Norman Wodell the CCMD accounts at Farmers State Bank, ColoTrust and Wells Fargo. Upon a voice vote, the motion passed unanimously.

G. Approval of Payables

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

Ms. Monroe gave a brief update regarding the audit. Ms. Monroe advised the audit presentation should happen at the June Board Meeting.

H. District Operations

- Parks, Water and Sewer Systems (Pedro)

Ms. Monroe reported on the behalf of Mr. Velazquez. Ms. Monroe reported the daily average water use has increased to 450,000 gallons. CCMD is pumping 24 hours a day, 4 to 5 days a week. Hamacher installed a new, larger pump on well 214. The pump went from a 7.5 horse power to at 10 horse power pump, with a daily average of 630 gallons per minute.

Ms. Monroe reported that the wastewater daily average has decreased about 10,000 gallons per day to an average of 150,000 gallons per day.

Ms. Monroe reported that the Field Department continues to provide regular maintenance on Horizonview Dr, Parkview Park and Mosko Park. The new sport field grass is growing and the fence is $\frac{3}{4}$ completed.

- Augmentation and Usage Reports (Al)

Dr. Testa reported that the District produced 7,663,000 gallons and sold 6,757,465 gallons of water. The wastewater to water ratio is 71.7% for the preceding month. Dr. Testa also reported on the augmentation plan data.

- Approval of Mutual Aid Agreement

Ms. Monroe asked the Board to ratify the Colorado Water/Wastewater Agency Response Network (CoWARN) Mutual Aid and Assistance Agreement.

A motion was made and seconded to ratify the Colorado Water/Wastewater Agency Response Network (CoWARN) Mutual Aid and Assistance Agreement. Upon a voice vote, the motion passed unanimously.

I. Legal Report (Paul)

Mr. Anderson thanked the Board for consideration of his letter he emailed to the Board yesterday regarding Board meetings during the pandemic. Mr. Anderson still has concerns about in person meetings. Mr. Anderson thanked Director Lucia-Treese for her response email and respects her right to disagree with his conclusions. Based on Director Lucia-Treese's email, Mr. Anderson contacted the El Paso County Board of County Commissioners office to find out how the County is complying with Governor's executive order and the Colorado Department of Public Health and Environment public health order that currently limits public gatherings to a maximum of 10 people. The County indicated it is complying with the executive order and that any County departments holding public meetings should also be complying with it. Mr. Anderson understands that the Board would like to meet in person and recognizes there is value to in person meetings, and in his letter from yesterday he suggested having public participation by telephone or through the internet. Mr. Anderson suggests if there is a public hearing that one person may show up for the party requesting the hearing.

Mr. Anderson wants to make sure the District is complying with public health legal requirements currently in effect. In that regard, Mr. Anderson asked what the District is doing to protect any of the public that attends a meeting and the District employees? Director Lucia-Treese advised that they did spread out the tables and at one point had 12 people in attendance but are now down to 10 and the bay door is open. Director Lucia-Treese advised that Directors are sitting at opposite ends of the tables. Director Edwards is sitting alone, Al is back 6-feet and Cindy is

sitting alone. Director Lucia-Treese advised that everyone has masks, some are wearing them and some are not. Director Lucia-Treese advised that as you know, there is no mask requirement as it is a personal choice issue. Director Lucia-Treese advised she has been attending zoom meetings with the County and finds they are not effective as in person meetings especially when there is a hearing. Director Lucia-Treese advised that the public rarely attends and if they do its just 2 or 3 people. Director Lucia-Treese advised that she is aware of what the County is doing but believes as Directors of the Board they have a first and foremost responsibility to meet in person and to conduct the business of this District as we were elected. Director McClintock advised that she had a comment as well. Director McClintock stated that if restaurants and other facilities can open at 50% capacity which have a heck of a lot more than the District's 10 or 12 people, she can't understand why that 10-person thing still applies at all. It is a contradiction of what they are doing. Director McClintock agrees with Director Lucia-Treese, if we are social distancing and those that want to wear masks can, and believes we are fine. Mr. Anderson asked if the Board had any other comments regarding his letter, and there were none.

Mr. Anderson advised that given the COVID pandemic the District needs to be looking at things long term. Mr. Anderson knows that Cindy has been working on anticipating things that may be coming. Mr. Anderson advised that he has been trying to do that to some degree as well. Mr. Anderson suggested that Cindy, Pedro, Chief Winter and himself should meet regarding an emergency plan. Mr. Anderson advised on some federal laws that have been passed regarding funding for COVID-related expenses and that El Paso County received a direct distribution of funds and retained some of the funds after making distributions to other local municipalities. Mr. Anderson advised that he has been researching ways for the District to make a request to El Paso County for reimbursement of items related to COVID-19. Cindy indicated that most of these expenses are related to supplies for the firefighters.

Mr. Anderson advised on pending state legislation.

Mr. Anderson reported on the status of an amendment to the interim service IGA amendment. The City of Colorado Springs is pre-purchasing the District's excess sewer line capacity and treatment capacity in the Lower Fountain plant. Mr. Anderson advised that he still has not received any communication back from Bethany Burgess at the City Attorney's office.

Mr. Anderson advised that he has not heard on anything regarding Copart.

Mr. Anderson advised that he has not heard on anything regarding the Lacey Estate bonds.

Director Wodell asked Mr. Anderson if he has heard anything regarding the Senior Tax Exemption being withheld for next year. Mr. Anderson advised that he has not heard anything yet but will keep the Board posted.

J. Fire Department Report (Josh Winter)

Ms. Monroe reported on the behalf of Chief Winter. Ms. Monroe advised that Engine 3410 has responded to 12 alarms: 6 medical, 1 smoke investigation, 2 fire alarms, 1 grass incident and 2 traffic accidents. Ms. Monroe advised there is a slight decrease in run numbers as it is similar to national numbers, and it is due to COVID-19. Most agencies are reporting anywhere from a 10 to 40 percent drop in overall call volume.

Ms. Monroe advised that Chief Winter had his interview with the Board for the State grant. Ms. Monroe advised that Chief Winter indicated that the Board did not give any indication on how the interview went, but Chief Winter felt it went very well. Chief Winter wanted to remind everyone that he was requesting a 50% match for 28,000 dollars for radio equipment. Mr. Monroe reported that we should hear by mid-June if we have been approved for the grant.

Ms. Monroe reported that Chief Winter advised we are losing 1 firefighter at the end of June. The reason he is leaving is because the contract position is costing him more in taxes.

Ms. Monroe reported that Chief Winter has been keeping up with COVID updates and changes.

K. Fountain Mutual Irrigation Company (Dr. Al Testa)

Dr. Testa reported Fountain Mutual has been watching some water cases but because of COVID things have been pretty quiet right now.

Dr. Testa reported that they still have trucks taking dirt out of the reservoir. They are still working on the excavation.

L. Lower Fountain Metropolitan Sewage Disposal District (Floyd)

Director Edwards reported at the last Board meeting for Lower Fountain Officers were elected. Dr. Charles Durbin is the President, Floyd Edwards is Vice President, along with being the CCMD representative and Gary Holtz is Treasurer.

Director Edwards advised that the water table for the potable well in Lower Fountain, is going down. Jonathan Moore and Tim Long are working on a method for a possible underground potable water tank solution.

As a side matter, Director Edwards then advised that he would like to discuss setting up a planning session for the new Board members. He would like to have the planning session set up within the next couple of months.

It was determined that the planning session/work session will be set of the 27th of June. Information will be provided at a later date. Discussion commenced on planning a tour of the District's properties for the District's two new directors.

Director Edwards then advised he would like to go into Executive Session after a 5-minute break.

M. Executive Session

There was no motion made or seconded by the Board to approve going into Executive Session.

During Executive Session, the Board discussed history of the Board and CCMD in general. Also discussed were the Rules and Regulations to be discussed at the upcoming planning session.

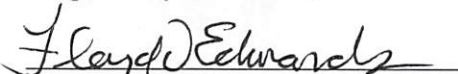
The Board came out of Executive Session at 8:20 p.m.

A motion was made and seconded for the Board of Directors to come out of Executive Session at 8:20 p.m. Upon a voice vote, the motion passed unanimously.

III. Adjournment

Director Edwards adjourned the regular meeting at 8:21 p.m.

Respectfully Submitted,


Floyd Edwards, President


Norman Wodell, Secretary