

**MINUTES OF THE BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
DENVER SOUTHEAST SUBURBAN WATER
AND SANITATION DISTRICT**

A regular meeting of the Board of Directors of the Denver Southeast Suburban Water and Sanitation District was held on Thursday March 16, 2023, the time and place of the meeting according to the posted notices. Present were Board Treasurer Franklin, Secretary Jim McGannon, and Joshua Connors. Chairman Walt Partridge and Lisa Neal Graves were absent. Their absences were excused. Secretary McGannon opened the meeting at 6:00PM established that there was a quorum. Also, present was Heather Beasley, District Manager, Thuy Dam, District Accountant and Joe Kinlaw, District Counsel.

DIRECTOR BUSINESS

Director Connors talked briefly about the article he passed along via email to the group pertaining to the PFAS regulations published by the EPA. Manager Beasley let the Board know that the District has been testing for PFAS in its water supply for the last two years to be ready to react when the time came. For the most part the Pinery's water supply is in good standing relative to the published MCLs from the EPA.

Secretary McGannon presented an idea at the Board meeting last month about getting tablets for the Board members. He will bring it up next month when all the Board is there to vote on it and Manager Beasley will send out the cost of getting tablets ahead of the meeting. He also directed Manager Beasley to join the American Water Resources Association, with the Board's blessing. Manager Beasley will sign up the District for that regional group. It is Chairman Partridge's turn to write the Board message for the April Newsletter.

Secretary McGannon made a motion to set the April Regular Board Meeting at 6:00 PM on April 17, 2023. Terry Franklin seconded the motion and all Directors present voted in favor of the motion.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Matt Ecuilani, a resident of the District was present but had no comment. Kelly Tisher, property owner within the District was present for a Board agenda item and had no public comments. Patrick Lyng, developer and petitioner for inclusion into the District was present but had no public comment.

MINUTES OF THE FEBRUARY 16, 2023 REGULAR BOARD MEETING

The minutes for the February 16, 2023 Regular Board meeting were approved as with one correction to the last sentence.

Motion: Joshua Connors

Seconded: Jim McGannon

Vote: All Directors present voted in favor.

CONSENT AGENDA

RESOLUTION 2023-13 APPROVING A LICENSE AGREEMENT WITH DOUGLAS COUNTY

This agreement will allow the County to construct the Bayou Gulch extension to Chambers Blvd. There was some confusion over the names of the streets; Scott Road vs. Scott Avenue as shown in the County's exhibits to the agreement. Mr. Kinlaw will reconcile prior to recording the agreement.

A motion was made to approve Resolution 2023-13.

Motion: Terry Franklin

Seconded: Joshua Connors

Vote: All Directors present voted in favor.

ITEMS FOR BOARD DISCUSSION OR ACTION

RESOLUTION 2023-14 APPROVING CONTRACT WITH CORE ELECTRIC COOPERATIVE FOR WELL L

This is an annual agreement for Core Electric to extend electrical service to Well L. A motion was made to approve Resolution 2023-14.

Motion: Joshua Connors

Seconded: Terry Franklin

Vote: All Directors present voted in favor.

RESOLUTION 2023-15 APPROVING A PETITION FOR INCLUSION FOR CROSS CREEK DEVELOPMENT

RESOLUTION 2023-16 APPROVING AN INCLUSION AGREEMENT AND DEVELOPER SERVICE AGREEMENT FOR CROSS CREEK DEVELOPMENT

Patrick Lyng addressed the Board giving the members a background on the development and outlining some of the major components of the Inclusion Agreement and Developers Service Agreement. He acknowledged the deficiency in the water rights dedication by not having the deep groundwater adjudicated by the Water Court. This will prevent the developer from dedicating the water rights to the District by the time the final plat will be processed through the County. He asked the Board to consider changing that requirement to allow the property to include prior to water rights dedication. The Board was not in favor of this change and decided not to act on this item until next month. Secretary McGannon made a motion to continue Resolution 2023-15 and 2023-16 pertaining to the Inclusion of the Cross Creek Development to the April 17, 2023 meeting.

Motion: Jim McGannon

Seconded: Joshua Connors

Vote: All Directors present voted in favor.

REQUEST FROM SINGLETREE EQUESTRIAN, LLC REGARDING TAP FEES FOR COLORADO HORSE PARK

Mr. Tisher, part owner of the Colorado Horse Park, addressed the Board about the request by the Colorado Horse Park. He clarified that they have the appropriate amount of taps for the year round operations, just not enough to run summer operations. At 6:50 PM there was a motion to enter into executive session pursuant to C.R.S. §24-6-402(4)(b) for the purpose of receiving legal advice regarding a request from Singletree Equestrian, LLC to discount and/or defray tap fees.

Motion: Jim McGannon

Seconded: Joshua Connors

Vote: All Directors present voted in favor

A motion was made to exit the Executive Session at 7:04 PM. All directors present voted in favor of the motion. For the record, Mr. Kinlaw stated that no decisions were reached, and no formal action was taken by the board during Executive Session.

Secretary McGannon told Mr. Tisher that both requests made in the letter to the Board dated March 8, 2023 were denied. He further asked Mr Tisher if he would be open to an agreement with the District to complete improvements and pay full tap fees for half of the work now and the other half by the end of this year. Mr. Tisher agreed that he would be willing to enter that sort of arrangement. The Board then directed Manager Beasley and Mr. Kinlaw to draft an agreement with those terms and gave Manager Beasley the authority to sign that agreement on behalf of the Board. The executed agreement will be ratified at the April Board meeting. There was a motion to that effect.

Motion: Terry Franklin

Seconded: Joshua Connors

Vote: All Directors present voted in favor.

ATTORNEY REPORT

Mr. Kinlaw presented his Attorney Report and let the Board know that preparing all the documents related to the Petition for Inclusion and associated documents took most of his time this last month. He informed the Board that the statutes that limit the amount of construction contracts requiring bids may be changing from \$60,000 up to \$125,000. That means the District may contract for work less than \$125,000 without be required to bid the work publicly. Mr. Kinlaw assured the Board that his office will post all the necessary notices for the changed date of the April Regular Meeting.

ACCOUNTANT REPORT

Thuy Dam from CliftonLarsonAllen presented the Financial Statements ending December 31, 2022, January 31, 2023, and February 28, 2023. She said that revenues and expenses in 2023 are tracking consistent with the four-year averages. There were no questions regarding the Financial Statements. Ms. Dam let the Board know that work on the Audit is proceeding and the field work from WIPFLI is scheduled to begin March 23rd. The plan is to present the Audit for approval in May.

TREASURER REPORT

Treasurer Franklin presented the Interim and Disbursement reports to the Board for approval. He made a motion to approve the interim payments of \$239,034.45 and the current disbursements in the amount of \$231,607.91 for a total authorization of payments in the amount of \$407,642.36.

Motion: Terry Franklin

Second: Joshua Connors

Vote: All Directors present voted in favor.

MANAGER REPORT

Manager Beasley presented the communication plan for the conservation measures. She informed the Board that she would be presenting this to the Water Efficiency Task Force along with some more detail on the Drought Response Action Plan in a few weeks. She noted that she would be asking the Board to consider Mandatory Watering Restrictions and potential penalties associated with violating those restrictions. The Board made a motion to set a Public Hearing for the purpose of setting rates, tolls, fees, or penalties in connection with the Drought Response Plan for May 18, 2023 at 6:00 here at the Old Schoolhouse Road District Office.

Motion: Joshua Connors

Second: Terry Franklin

Vote: All Directors present voted in favor.

There being no additional business to come before the Board, Treasurer McGannon adjourned the meeting at 7:50 PM.



JIM MCGANNON, SECRETARY
DENVER SOUTHEAST SUBURBAN WATER & SANITATION DISTRICT

ATTEST:



HEATHER BEASLEY, ASST. SECRETARY