

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
FOUNTAIN SANITATION DISTRICT**

January 12, 2022

Opening:

Mr. Christian called the regular meeting of the Board of Directors of the Fountain Sanitation District to order at 5:30 p.m. on January 12, 2022.

Directors Present:

Mr. Christian
Dr. Durbin
Mr. Thomas *via telephone*
Mr. Holtz
Mr. Blankenship

Also In Attendance:

District Manager Jim Heckman
Office Administrator Cindy Murray
District Engineer Jonathan Moore
Attorney Scott Johnson
Consulting Engineer Roger Sams

Guests in attendance: Marcus Neal (715 Ohio)

A. Approval of Minutes

Mr. Holtz made a motion to approve the regular meeting minutes of December 8, 2021. Second by Dr. Durbin. Motion carried.

B. Approval of Bills

Dr. Durbin made a motion to approve the bills for December 2021 for payment. Second by Mr. Holtz. Motion carried.

*The Board reviewed the financial statements for December 2021 at this time with no questions or comments.

C. Special Business –

1. Mr. Neal attended the meeting to make a cost sharing request the Board. Mr. Neal will be required to extend the sanitary main from Fountain Mesa Road to the property he purchased at 715 E Ohio. He is requesting the Boards consideration to help fund the required extension. Alternatively, Mr. Neal would request a variance to allow the installation of an On-Site Wastewater System (septic tank). He stated that his property is 1.2 acres. Mr. Heckman indicated that the District Regulations and State Statute requires 2.5 acres or more to allow a septic tank. Discussion followed on alternatives and options for Mr. Neal. A Recovery Agreement with the District would be an option, but it would be Mr. Neal's responsibility to fund the initial installation and the District would recover a percentage of those costs from any future connections. Mr. Blankenship stated that the most cost-effective approach would be to try and get a variance from the Colorado Department of Public Health and Environment (CDPHE) on installing a septic tank as it would have to be approved at that level before the District Board can consider approval. Mr. Heckman asked Mr. Neal to contact the District they would get him the contact information with someone at CDPHE to find out would be needed to start the variance process. Mr. Neal thanked the Board for their time.

2. Mr. Thomas made a motion to approve Resolution No. 2022-01, Appointing James Heckman as the Designated Election Official (DEO) and Authorizing the Designated Election Official to Cancel the Election. Second by Mr. Blankenship. Motion carried.
3. Mr. Blankenship made a motion to approve Resolution No. 2022-02, Election Resolution for May 3, 2022, Regular District Election. This Resolution states that the Election will be a Polling Place Election, the times and location of the Election. Second by Dr. Durbin. Motion carried.

D. General Business –

1. District Engineer Jonathan Moore reported that he is working on a bid package for the Wilson Road Sanitary Main replacement project. This project will be for the replacement of approximately 800-feet of 12-inch sanitary main in Wilson Road. He is anticipating this project will go to construction this upcoming spring.
 - ✓ He reported that he is still working with the Railroad Company. They have requested Mr. Moore move the alignment and Mr. Moore let them know why they can't move the alignment. He will keep the Board updated.
 - ✓ He reported that the BNR project at the HDT facility is underway. He will keep the Board updated.
2. Consulting Engineer Roger Sams reported on some regulatory issues he continues to follow. Roger stated the District continues to be well represented by AF CURE on the regulatory issues that may affect the District. He will keep the Board updated.
3. Attorney Scott Johnson reported that he reviewed a contract for Mr. Heckman on an SL-Rat (Pipeline Assessment Program) and made some suggested edits.
 - ✓ He stated that he would like to request the Board go into executive session to discuss a property exclusion request received by the District. LaPlata Development is making this request so that their request to annex the same property into City of Colorado Springs may move forward.
 - ✓ Mr. Thomas made a motion to enter into Executive Session for the purpose of receiving advice from legal counsel on specific legal questions related to the exclusion of property request on the Amara Subdivision received by LaPlata Development and the annexation request into the City of Colorado Springs of LaPlata's Amara Subdivision as authorized by §24-6-402 (4)(b), C.R.S. Second by Mr. Holtz. Motion carried.
 - ✓ At this time, Attorney Scott Johnson stated that as the District's legal representative, there was a portion of the Executive Session that no record was kept for the reason that the discussion constituted privileged attorney-client communications.
 - ✓ Mr. Blankenship made a motion to come out of Executive Session. Second by Mr. Thomas. Motion carried.
 - ✓ Mr. Heckman recommended the Board appoint two representatives from the Board to serve as liaisons along with Attorney Scott Johnson, Attorney Paul Rufien, Jim Heckman and Jonathan Moore when in depth communications are needed. Mr. Thomas and Mr. Christian volunteered. Dr. Durbin made a motion to appoint Mr. Thomas and Mr. Christian as liaisons

for when in depth communications are needed. Second by Mr. Blankenship. Motion carried.

4. District Manager Jim Heckman reported on the following items:

- ✓ Mr. Heckman requested the Board enter into an agreement with Attorney Paul Rufien retaining his services as Special Counsel for the exclusion/annexation issues regarding LaPlata Development and their Amara Subdivision. Mr. Holtz made a motion to enter into an agreement with Attorney Paul Rufien retaining his services as Special Counsel for the exclusion/annexation issues regarding LaPlata Development and their Amara Subdivision Second by Mr. Blankenship. Motion carried.
- ✓ He reported that the sewage backup into two residential homes up that occurred on Maram Way has been settled between the property owners and the District's insurance carrier.
- ✓ The City of Fountain submitted a copy of its issued Certificate of Acceptance for the 36-inch water line constructed by Challenger Homes. City staff is also aware of several outstanding issues that remain to be completed on the District grounds including the restoration of a gravel roadway.
- ✓ They continue to advertise for the Wastewater Treatment Plant Operator position.
- ✓ He reported that one of the District's vehicles was involved in an accident where an individual ran into the side of vehicle during the last snowstorm. Thankfully, there were no injuries, and the truck is at Rainbow Auto Collision for repairs. The insurance will pay the District for the damages minus the deductible and then will subrogate the balance with the other party's insurance which will be returned to the District when collected.

- District Manager Jim Heckman reported on the following RJCII Facility items:

- ✓ Mr. Heckman reported they had a State Inspection of the RJCII facility on January 6, 2022. There were no major violations however the inspector will issue some minor findings related to the Stormwater Management Program. There is a question about two trench drains around the aeration basins installed at initial construction in 1997. They are looking into the need for a permit even though the groundwater flows are periodic. He will submit the inspection report to the Board when received.

District Manager Jim Heckman reported on the following Collection system items:

- ✓ He reported that the contractor started using the SL-RAT on the District's collection system working North to South. Any scores seen in the field that would indicate a potential problem is addressed immediately. There have not been any to date.
- ✓ He reported that staff continues to complete the identification of all service line laterals within the public right of way with the lateral launcher camera system.
- ✓ Staff continues to use the GPS unit to identify existing and new sanitary sewer lines.

- District Manager Jim Heckman reported on the following maintenance items:

- ✓ Staff completed 149 service orders this month.
- ✓ Staff completed 172 locates in December.
- ✓ Staff completed 4 residential point repair inspections since the last meeting.

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- District Manager Jim Heckman reported on the following HDTRWRF/LFMSDD items:
- ✓ The security cameras around the facility are scheduled to be replaced within the next couple of weeks.

E. New Business –

1. Ms. Murray requested the Board consider ratifying the following transfers:

- ✓ \$197,273.42 from the UBB checking account to US Banks to repay the loan.

Mr. Holtz made a motion to ratify the transfers. Second by Dr. Durbin. Motion carried.

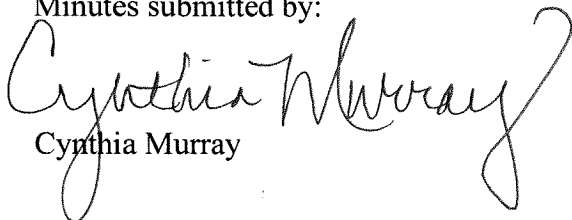
2. Mr. Heckman requested the Board ratify the purchase of a replacement safety harness/tripod setup in the amount of \$3626.56 on November 21, 2021. Mr. Blankenship made a motion to approve the purchase. Second by Mr. Holtz. Motion carried.

F. Other Business – None

Adjournment:

Dr. Durbin made a motion to adjourn the meeting at 6:55 pm. Second by Mr. Holtz. Motion carried. The next regular meeting will be at 5:30 pm. on February 9, 2022.

Minutes submitted by:


Cynthia Murray