

RECORD OF PROCEEDINGS

April 5, 2005

1 **Special Meeting Board of Directors**

2 A Special Meeting of the Board of Directors of the South Adams County Water and
3 Sanitation District was held following a Study Session that convened at 3:05 PM. on
4 April 5, 2005 at 6595 E. 70th Avenue. Board Members present: Warren Kerls, President;
5 Dick Smith, Treasurer; Mike Benallo, Secretary; James Allen and Neal Wikstrom,
6 Directors. Also in were Legal Counsel, Tim Beaton of Moses, Wittemyer, Harrison &
7 Woodruff PC; Greg Fabisiak, General Manager; Jim Jones, Water Systems Manager;
8 Ron Lay, Finance Director; and JM Grebenc, Wastewater Systems Manager

9 **Call to Order**

10 The Special Meeting was called to order by President Kerls at 5:10 PM. Legal Counsel,
11 Tim Beaton advised the Board the notice of special meeting had been posted in
12 accordance to State Statutes.

13 **Public Comments**

14 None

15 **Jim Jones, Water Systems Manager**
16 **Acquisition of Real Property for Water Storage**
17

18 Mr. Jones presented the Board with a copy of the "Consent to Entry of Rule and Order"
19 in the matter of real Property being acquired as a water storage site by the City and
20 County of Denver Water Board and South Adams County Water and Sanitation District.
21 The "Order" outlines the terms of the Agreement and has been agreed upon and signed
22 by the City and County of Denver Water Board, Herklotz Ventures, Inc., and Cat
23 Construction Co. and representatives of all other respondents.

24
25 Total compensation to be paid for the Property and all appurtenances thereto including
26 damages, if any, interest, and all reimbursable costs of names respondents including but
27 not limited to appraisal, engineering and other expert witness fees, discover costs and
28 expenses is \$5.4 million. \$3.5 million was deposited on September 25, 2000 by South
29 Adams County Water and Sanitation District in the Court Registry pursuant to the
30 September 20, 2000 Court Order in this matter, and the remaining \$1.9 million will be
31 deposited by the Denver Water Board.

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33 President Warren Kerls called for a motion regarding this Agreement. Board Members

1 Wikstrom and Benallo moved to approve the Agreement for property as presented.

2 Motion passed unanimously.

3 **Greg Fabisiak, General Manager**

4 **Signature Authorization – Implementation Contract Documents**

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6 Mr. Fabisiak asked the Board to consider authorizing the General Manager to sign
7 implementation documents as they relate to contracts that the Board has approved. These
8 implementation documents include such things as “Notice of Award” and “Notice to
9 Proceed” that the Board President is currently signing.

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11 President Kerls called for a motion regarding this matter. Board Members Wikstrom and
12 Allen moved and seconded to authorize the General Manager to sign implementation
13 documents as they relate to contracts that the Board has approved. Motion passed
14 unanimously.

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16 **Small User ERU Exemption**

17 Mr. Fabisiak explained to the Board that the new Fire Station in the Northern service area
18 is seeking water service to their facility. Mr. Fabisiak stated that the District’s current
19 Small User policy allows properties seeking inclusion with a water and wastewater
20 service requirement of less than or equal to two ERU’s. This request could be served
21 under this policy.

22
23 Mr. Fabisiak asked the Board for guidance in determining the appropriate criteria to
24 apply to these types of requests and the General Manager’s authority to grant such
25 requests. After discussion, the Board agreed that the new Fire Station in the Northern
26 service area meets the spirit of the Small Users Exemption intended for single family
27 residences and other unique circumstances, excluding commercial.

28
29 President Kerls called for a motion regarding the General Manager’s authority regarding
30 Small User Exemptions. Board Members Benallo and Smith moved and seconded to
31 authorize the General Manager to make Small User Exemption determinations based on
32 the spirit and intent of the Policy. Motion passed unanimously.

33 **Adjourn**

34 With no further business, President Kerls adjourned the meeting.

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2 **Respectfully Submitted,**

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Mike Benallo

Mike Benallo

Secretary