

**MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING  
ARABIAN ACRES METROPOLITAN DISTRICT**

November 16, 2016: 5:00 P.M. at

Denny's: 100 Morning Sun Drive, Woodland Park, Colorado

**ATTENDEES**

Directors present:       Kalvin McBride, Director  
                                  Rebecca Seaman, Secretary  
                                  Betty Williams, Treasurer  
                                  Elric Winterer, President

Others present:           Judy Bertrand, Metropolitan District Management  
                                  Jason Downie, District Attorney  
                                  Lynn Willow, AAMD Water ORC

Members of the Public: See attached list

**ADMINISTRATIVE  
MATTERS**

Attendance and Agenda: President Winterer called the meeting to order at 5:03 p.m. and a quorum was noted.

The Manager requested approval to modify the Agenda to move discussion of the 2017 Budget to item "e" under the Agenda and to move Public Discussion prior to the Operator's Report to allow Mr. Fortin to discuss a 35-acre parcel.

Treasurer Williams made a Motion to modify the Agenda per the Manager's request; with Director McBride seconding said Motion and it was unanimously approved.

Disclosure of Conflicts of Interest: The Board had previously been informed of the Colorado Revised Statutes to disclose potential conflicts of interest to the Board of Directors and Secretary of State. There were no conflicts.

Minutes: Secretary Seaman made a Motion to approve the Minutes from the October 19, 2016 Board meeting, with Treasurer Williams seconding said Motion. The Minutes were unanimously approved.

2017 Budget: Secretary Seaman made a Motion to pass the Resolution to Adopt the Budget; with Director McBride seconding said Motion. The Board unanimously passed and signed the Resolution.

Director McBride made a Motion to pass the Resolution to Adopt Mill Levy; with Treasurer Williams seconding said Motion. The Resolution was unanimously approved and signed.

Treasurer Williams made a Motion to pass the Resolution to Appropriate Sums with Secretary Seaman seconding said Motion. The Resolution was unanimously approved and signed.

Public Comment: Jim Fortin (property owner) and Linda Aanestad (listing realtor) had provided a letter from the potential buyer's attorney. The issue is that approximately 7.6 acres of the 35-acre parcel is located within AAMD. The owner of the property failed to state that this portion was in a Special District when applying for a well permit with the State Engineer.

Ms. Aanestad stated that the State only allows one source of water for the 35 acres. President Winterer stated the Board's concern is that the new buyer may seek to subdivide and that they could not approve the buyer's attorney's request.

Jason Downie discussed the Service Plan and Rules and Regulations and said that the section on unbuilt properties apply. He stated that nothing was exempted in 2012 and that Mr. Rupp filed for an exemption and it was denied. He stated that District can require connect at 400 feet, but asked the Board to consider the feasibility of doing so with this property. Mr. Downie also said that Mr. Fortin had not applied for exemption.

Secretary Seaman stated that 7 acres is in the District and she would not vote to exempt them from tapping in. She stated that Mr. Fortin had failed to inform the State that a portion of his property was within the District. Secretary Seaman stated that the owner had failed to obtain approval from the Board.

President Winterer acknowledged that the well and house were not on District property. However, he stated that he would like to insure no buildings were constructed or placed on the 7 acres; but at this time he was unwilling to waive our rights.

Mr. Willow stated that we are not allowed to cross road to extend line.

The Manager asked if the Board would authorize Jason Downie to contact the potential buyer's attorney. Treasurer Williams made a Motion to authorize; with Director McBride seconding said Motion. The Board unanimously authorized Mr. Downie to contact the attorney and prepare a letter for the Board to review.

The Manager stated that the Board may want to consider charging the seller for legal charges if this issue causes the District to expend large amounts for legal services.

## **OPERATORS REPORT**

Mr. Willow reported that he found a time frame when the pumps were off and monitored the pressure. He found that there we no leaks shown in the system.

President Winterer stated that there was no way to determine actual storage and usage and we don't know the percentage of loss. However, he believes we need to apply for grants to assist with this lack of information.

## **MANAGER'S REPORT**

The Manager stated that the President of the POA had still not signed the Agreement to use District property for storage. Treasurer Winterer and Secretary Seaman stated that the Manager may not have the correct email address.

The Manager requested retroactive approval to transfer \$10,000 from Key Bank to Park State Bank on November 2, 2016 and \$10,000 from Key Bank to Park State Bank on November 15, 2016 in order to pay bills. Director McBride made a Motion to approve the transfers; with Treasurer Williams seconding said Motion. The transfers were unanimously approved.

The Manager provided the Board with the 2017 Transparency Notice that will be filed with the State.

The Manager requested clarification on Board compensation for Secretary Seaman and Treasurer Williams as they had stated they would accept \$100 per meeting in May 2016. The Manager wanted to know if they wanted compensation for the entire year or from May. Both Board members stated receiving compensation from May would be acceptable.

The Manager presented a letter for Board signature on lowering of supplemental fees for 2017. Treasurer Williams made a Motion to approve, sign and post to the website; with Secretary Seaman seconding. The letter was unanimously approved and signed.

As the Board may need to hold a Special Meeting regarding the Fortin property, it was decided not to hold a Board meeting on December 21, 2016. Director McBride made a Motion to cancel the December 21<sup>st</sup> meeting; with Treasurer Williams seconding said Motion. It was unanimously approved.

## **FINANCIAL MATTERS**

Claims: The Manager presented the claims and Secretary Seaman made a Motion to approve; with Director McBride seconding. The claims were unanimously approved.

Financial Reports: The Manager presented the Balance Sheet (Statement of Net Position) and the Income Statement (Statement of Revenue, Expenses and Net Position). Secretary Seaman made a Motion to accept the unaudited financials; with Treasurer Williams seconding said Motion. The Financial Reports were unanimously accepted.

## **PUBLIC COMMENT**

There were public comments regarding protecting the District from any Agreement with Mr. Fortin.

## **ADJOURNMENT**

Secretary Seaman made a Motion to adjourn the meeting at 7:20 p.m. with Director McBride seconding. The meeting was adjourned.

The next Regular meeting is scheduled for January 18, 2017 at 6:00 p.m. at Denny's; 100 Morning Sun Drive, Woodland Park, Colorado.

Respectfully submitted,  
Judy Bertrand, District Manager: Secretary

**THESE MINUTES APPROVED AS THE OFFICIAL NOVEMBER 16, 2016 MINUTES OF ARABIAN ACRES METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS.**

**(Signed copy in possession of the District Manager)**

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Kalvin McBride, Director

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Rebecca Seaman, Secretary

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Betty Williams, Treasurer

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Robert (Elric) Winterer, President