



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

April 20, 2022 at 5:30 P.M.
Via Telephone and Video Conference Call

In attendance were Directors:

Allan Brown
Edith Coffman
Elizabeth Douglass
Lanny Hoel
Stan Claassen

Also in attendance were:

Kevin Walker, WSDM
Rebecca Hardekopf, WSDM
Lynn Willow, ORC

1) ADMINISTRATIVE MATTERS

- a) Call to Order & Declaration of Quorum: President Coffman called the meeting to order at 5:30 PM and confirmed a quorum was present.
- b) Confirm any Potential Conflicts of Interest: The Directors each confirmed there were no potential conflicts of interest.
- c) Discussion and Approval of the Agenda: The Board approved the Agenda as presented.
- d) Consider Approval of Meeting Minutes from March 16, 2022: After review, Director Douglass moved to approve the Meeting Minutes from March 16, 2022; seconded by Director Claassen. Motion passed unanimously.

2) FINANCIAL MATTERS

- a) Review of Billing and Collection Status: Ms. Hardekopf presented the Billing and Collection status. There were three shutoffs this month and all three paid as of today. 10 reminder letters were sent last Friday.
- b) Review and accept the March 31, 2022 Unaudited Financial Status: Ms. Hardekopf presented the March 31, 2022 Unaudited Financial status. The Board discussed the total cost of the February leak is \$15,000 with invoices coming in for repairs. Director Douglass moved to accept the March 31, 2022 Unaudited Financial Status; seconded by Director Brown. Motion passed unanimously.
- c) Review and Approve the Payment of Claims: Ms. Hardekopf presented the Payment of Claims. After review, Director Douglass moved to approve the Payment of Claims; seconded by Director Brown. Motion passed unanimously.
- d) Director Brown discussed the history of the reserve fund. He suggested that the reserve fund remain the same and the mill levy be reduced and adjusted as necessary to better match the bond payment. President Coffman commented that we don't know if the tax income will remain the same and if the property values will remain the same and that is why she voted against. Director Douglass also noted that there was discussion on if the mill levy was reduced could it be raised again without a vote, and nobody knew the

answers to that. Director Brown commented that he thinks it is unfair to the people who overpay in the beginning and then it is potentially refunded to other people at the end. He thinks more research needs to be done on this issue and address these questions. President Coffman commented that last time the mill levy was raised it was a big deal and a lot of people were against it. She believes that it is better to have more money than what we need than not enough money and need it to pay the bond. Director Douglass asked if the bond could be paid off early. The Board requested that Ms. Hardekopf research this issue to answer some of these questions. The Board agreed to continue discussions on this issue.

3) MANAGEMENT MATTERS

- a) Update on Exclusion Process with Teller County: Ms. Hardekopf reported there was a meeting with the Planning Commission on April 12th, and they recommended the decision to the Board of County Commissioners. The meeting with the Board of County Commissioners will be held on May 12, 2022. Notices have been sent out to property owners in the District and posted on the District website. Mr. Walker explained the requirement for a material modification of the service plan in order to do exclusions be removed which passed unanimously at the Planning Commission meeting, and that will be recommended to the Board of County Commissioners. It effectively allows the exclusion process to move forward. President Coffman commented that she was assured by Mr. Downie that the excluded properties will still be required to pay the original bond.
- b) Review and consider approval for Leak Adjustment Policy: President Coffman noted the language regarding the design and construction services being inspected by the District Manager. She suggested it be changed to inspected by the ORC. She also noted adding language regarding utilizing professional services to inspect lines and make repairs. After discussion, Director Douglass moved to approve the Leak Adjustment Policy as amended; seconded by Director Claassen. Motion passed unanimously.
- c) Capital Improvements Discussion: Mr. Walker noted he is working to bring this issue up in the Fall during budget discussions and a long-term budget plan.

4) LEGAL MATTERS

- a) 2022 Election Update: Ms. Hardekopf reported the new Directors will complete their Oaths of Office and qualifications to be seated on the Board at the next Board meeting after the cancelled election on May 3, 2022.

5) OPERATIONS

- a) Review and update on February leak: Mr. Willow updated the Board on the February leak and noted it is located and repaired as of today. The leak was located at the service line for 14 Donzi Circle between the curb stop and the meter pit. When the line was connected from the meter pit to the curb stop, an interior connection was used instead of an exterior material. The Board discussed that this work was done by Velocity during the meter project, and it is no longer under warranty. The Board discussed this is a defective installation and the leak was caused by Velocity's work. Mr. Walker will look into pursuing the contractor for damages.
- b) ORC Report: Mr. Willow presented the Operator's Report.

6) PUBLIC COMMENT

Mr. Elric Thurstonsen commented that he is impressed with how well things are running right now. He is sorry to hear about the leak and the cause, and he hopes that the District can get compensation. He thanked Directors Brown and Claassen for their

time and service to the Board. Director Douglass also thanked Directors Brown and Claassen for their service.

- 7) **ADJOURNMENT:** Director Douglass moved to adjourn the meeting at 6:41 PM; seconded by Director Brown. Motion passed unanimously.

THE NEXT REGULARLY SCHEDULED MEETING IS SCHEDULED FOR WEDNESDAY, MAY 18, 2022 AT 5:30 PM.

Respectfully Submitted,
Walker Schooler District Managers

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By: Recording Secretary

THESE MINUTES ARE APPROVED AS THE OFFICIAL APRIL 20, 2022 REGULAR MEETING MINUTES OF THE ARABIAN ACRES METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

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Allan Brown Jennifer Shepard

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Stan Claassen Martin Lempecki

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Edith Coffman

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Elizabeth Douglass

Lanny Hoel



**THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO**

RESOLUTION NO. 5-12-22 (22)

**A RESOLUTION APPROVING A MATERIAL MODIFICATION OF THE
ARABIAN ACRES METROPOLITAN DISTRICT'S SERVICE PLAN.**

WHEREAS, the Arabian Acres Metropolitan District (AAMD) has requested a Material Modification to its Service Plan to harmonize its Service Plan with both the Colorado Special District Act at C.R.S. § 32-1-101 et seq. and Section 8.5 of the Teller County Land Use Regulations ("LUR"), Title 32 Districts and Other Entities.

WHEREAS, pursuant to the Special District Act, C.R.S. § 32-1-207, material modifications of a special district's service plan require approval of the Board of County Commissioners.

WHEREAS, the Special District Act does not consider the exclusion of property from a special district to be a material modification of a service plan and Part 5 of the Special District Act, C.R.S. § 32-501 et seq., gives special districts the statutory authority to act on petitions for exclusion of property without approval by a Board of County Commissioners.

WHEREAS, AAMD's Service Plan was adopted in 2002 and its definition of a material modification includes the exclusion of property from the district, which definition matched the language in Section 8.5 of the LUR.

WHEREAS, AAMD has received numerous petitions from property owners in AAMD to be excluded from AAMD, expects to receive additional petitions from property owners for exclusion from the district, and would like the ability to exercise the statutory authority given to it under Part 5 of the Special District Act for the exclusion of property from the District.

WHEREAS, on February 24, 2022, the Board of Directors of AAMD adopted a resolution Concerning Exclusion of Properties with a Material Modification to the Service Plan by which it approved an amendment to its Service Plan and requested the Board of County Commissioners to approve such amendment, as follows:

Contingent upon (1) the approval of an amendment of Section 8.5.A.3 of the Teller County Land Use Regulations (the "LUR") by the Board of County Commissioners of Teller County (the "County") to harmonize the LUR with C.R.S. § 32-1-207 regarding the modification of an existing service plan, and (2) the approval by the County of an amendment to AAMD's Service Plan to be consistent with the LUR, the board of directors of AAMD hereby

amend AAMD's Service Plan by deleting the text of Section IX. MODIFICATION OF SERVICE PLAN in its entirety and replacing it with new text as follows: "The District will obtain approval from the County before making any material modifications of its Service Plan if required by C.R.S. § 32-1-207, as may be amended from time to time."

WHEREAS, on April 12, 2022, the Planning Commission held a duly noticed public hearing, considered AAMD's request for the Material Modification of the Service Plan, and recommended the Board of County Commissioners partially approve the request.

WHEREAS, the Teller County Planning Director supports and recommends approval of AAMD's request in its entirety as stated in the Planning Staff Report dated March 28, 2022 (the "Staff Report").

WHEREAS, a duly noticed public hearing was held by this Board on May 12, 2022, and after consideration of the request, the supporting materials, the recommendation in the Staff Report, referral responses, public comment received, and the Planning Commission's findings, the Board adopts the findings in the Staff Report, and finds that the request complies with the requirements of Section 8.5 of the LUR for a material modification.

WHEREAS, the Board hereby finds, determines and declares that adoption of this Resolution is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado.

NOW, THEREFORE BE IT RESOLVED, that AAMD's request for a Material Modification to its Service Plan as stated herein is hereby approved.

THE FOREGOING RESOLUTION WAS ADOPTED AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO HELD THE 12TH DAY OF MAY 2022 AT CRIPPLE CREEK, COLORADO.

THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO

BY: _____

Dan Williams, Chairman

ATTEST:


COUNTY CLERK & RECORDER

