

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

**December 13, 2023**

**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 December 13, 2023.

**Directors Present:**

Mr. Christian  
Dr. Durbin  
Mr. Holtz  
Mr. Blankenship  
Mr. Thomas

**Also In Attendance:**

District Manager James Heckman  
Asst. District Manager Jonathan Moore  
Office Administrator Cindy Murray  
Attorney Scott Johnson-*via telephone*

**Guests in attendance:** None

**A. Approval of Minutes**

Mr. Holtz made a motion to approve the regular meeting minutes of November 8, 2023. Second by Phil Thomas. Motion carried.

**B. Approval of Bills**

Dr. Durbin made a motion to approve the bills for November 2023 for payment. Second by Mr. Blankenship. Motion carried.

\*The Board reviewed the financial statements for November 2023 at this time with no questions or comments.

**C. Special Business –**

1. Mr. Christian opened the meeting for public comment on the 2024 Proposed Budget. Mr. Heckman presented the Board with a PowerPoint presentation covering major points of the proposed budget for the year 2024 including proposed operational, capital projects, and major equipment purchase items. He reported that there will not be a request to increase the customer user rates as requested in October. The District's current and projected investment income will subsidize or offset management's earlier request. Brief discussion followed. Being no public questions or questions or concerns from the Board of Directors, Mr. Christian closed the meeting for public comment.
2. The Board was asked to consider approval of the Resolution to set the Gross Mill Levy at 5.399 for Budget year 2024. Mr. Heckman reported that with the overwhelming defeat of Proposition HH and subsequent Governors call of a special session, the dates for all Colorado county assessors to submit a Final Certification of Assessed Value to local governments have been delayed. The mill levy rate currently reflected in your 2024 Proposed Budget is based around the valuation received in August. Below are the changed dates from the special session:
  - ~~December 10, 2023~~ Now **January 3, 2024**: Assessor provides 2023 Final Certification of

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Assessed Value of property to local governments.

- ~~December 15, 2023~~ Now **January 10, 2024**: Certify the Mill Levy, after approval of 2024 budget by the governing body of the local government.
- ~~December 31, 2023~~ Now **January 10, 2024**: Deadline to Adopt the 2024 Budget.
- ~~December 22, 2023~~ Now **January 17, 2024**: Approval of Property Tax Mills by the Board of County Commissioners.

*Filling certified copies of the budget with the Division of Local Government no later than 30 days following the beginning of the fiscal year was not amended by special session legislation - SB23B-001.*

With that, the District will not receive the final certification of assessed value of properties until or before January 3, 2024, but must also adopt the 2024 Budget by January 10, 2024. This date is prior to the next regular meeting of the Board of Directors on January 11, 2024. Mr. Heckman is requesting that the Board adopt the 2024 Proposed Budget as presented contingent upon the 2023 Final Certification of Assessed Value received from the Assessor’s office does not negatively affect the District’s Enterprise status. Should the Gross Mill Levy need to be adjusted because of the Enterprise status, he is requesting the Board set a Special Meeting on January 8<sup>th</sup> at 5pm., to certify the Gross Mill Levy before the January 10<sup>th</sup> certification deadline if necessary. Discussion followed. Mr. Blankenship made a motion to approve the Resolution to set the Gross Mill Levy at 5.399 mills for the year 2024 contingent upon the final certification of assessed value of properties does not negatively affect the District’s Enterprise status. Second by Mr. Holtz. Motion carried.

3. Mr. Thomas made a motion to approve the 2024 Proposed Budget contingent upon the 2023 Final Certification of Assessed Value received from the Assessor does not negatively affect the District’s Enterprise status and to set a Special Meeting on January 8<sup>th</sup> at 5pm., to certify the Gross Mill Levy before January 10<sup>th</sup> certification deadline if necessary. Second by Mr. Blankenship. Motion carried.
4. The Board was asked to consider approval of Resolution No. 2023-06, Regular Meeting Date/Time Designation. Mr. Heckman stated that this would change the Regular meeting of the Board from the second Wednesday of each month to the second Thursday of each month at 5:30p.m. Mr. Holtz made a motion to approve Resolution No. 2023-06 Regular Meeting Date/Time Designation changing the Regular Meeting of the Board from the 2<sup>nd</sup> Wednesday to the 2<sup>nd</sup> Thursday of each month at 5:30 pm.
5. Mr. Holtz made a motion to approve Resolution No. 2023-07, Posting for Meetings. Mr. Heckman stated that the designated posting places shown in the Resolution remain unchanged, which are the District Administration offices and the District website. Second by Blankenship. Motion carried.
6. Mr. Thomas made a motion to approve the Notice of Public Meetings for scheduled meeting dates in 2024. Mr. Heckman stated there are no conflicting holiday dates and that the posting locations remain unchanged, which are the District Administration offices and the District’s website. Second by Mr. Holtz. Motion carried.
7. Mr. Heckman requested that the agenda item for approval of Resolution No. 2023-08, regarding the District’s Rates, Charges, Fees and Monetary Penalties be tabled until the

February meeting in order to meet the requirement of posting for 30-days. The Board concurred. This agenda item was tabled until the February meeting.

8. Assistant District Manager Jonathan Moore reported that the Bandley Road/Fountain Creek Bank Armoring project is complete. He is recommending the Board approve final payment to Total Terrain, Inc. in the amount of \$537,577.36 which NRCS will reimburse the District 75% of the costs in the amount of \$403,183.02. He stated that the required notices have been posted. He stated that this project came in under budget by \$886.87. At this time, the Board watched a project progress drone video completed by Mr. Heckman. Dr. Durbin made a motion to approve Final Payment to Total Terrain, Inc. in the amount of \$537,577.36. Second by Mr. Blankenship. Motion carried.

**D. General Business –**

1. Attorney Scott Johnson reported that he reviewed the Resolutions being presented and had discussions on Colorado Springs Utilities' request to construct a competing system project and how it will affect the District.

**E. New Business – None**

**F. Other Business –**

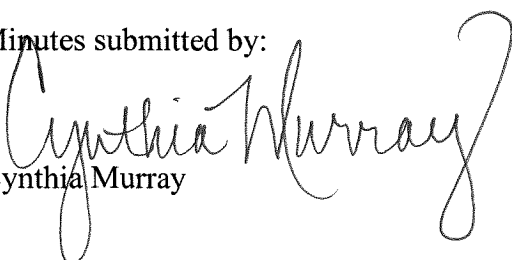
1. Ms. Murray asked the Board to ratify the following transfers:
  - ✓ \$100,000 from the United Business Bank checking account to the Community Banks of Colorado Payroll account on November 21, 2023,
  - ✓ \$700,000 from the CSAFE/FSD account to the United Business Bank account on December 12, 2023, and
  - ✓ \$100,000 from the United Business Bank checking account to the Community Banks of Colorado Payroll account of December 12, 2023.

Mr. Holtz made a motion to approve the transfers. Second by Mr. Thomas. Motion carried.

**Adjournment:**

Mr. Blankenship made a motion to adjourn the meeting at 5:52pm. Second by Mr. Thomas. Motion carried. The next regular meeting will be at 5:30 pm. on January 11, 2023.

Minutes submitted by:

  
Cynthia Murray