

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

February 8, 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 February 8, 2023.

Directors Present:

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

Also In Attendance:

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

Guests in attendance: David Morrison (Goodwin Knight – Cottages at Mesa Ridge)

A. Approval of Minutes

Dr. Durbin made a motion to approve the regular meeting minutes of January 11, 2023. Second by Mr. Thomas. Motion carried.

B. Approval of Bills

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

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

C. Special Business –

1. Mr. David Morrison with Goodwin Knight attended the meeting to request approval of the Subdivision Public Improvement Agreement (SPIA) for the Cottages at Mesa Ridge Subdivision. Assistant District Manager Jonathan Moore reported that per an agreement between Widefield Water & Sanitation District (WWSD) and Fountain Sanitation District (FSD), WWSD will provide the water and FSD will be the service provider for this planned development. The proposed subdivision is planned for approximately 186 Single Family Equivalents (SFEs) all of which will be prefabricated homes for rent. The District is requiring the sanitary sewer system be constructed under FSD regulations and specifications. Each residential unit will have a separate sanitary service line and the sanitary main will be owned and maintained by FSD after the warranty period. Staff is recommending that the Board give favorable approval consideration of the SPIA for the Cottages at Mesa Ridge Subdivision. Mr. Blankenship made a motion to approve the SPIA for the Cottages at Mesa Ridge Subdivision. Seconded by Mr. Holtz. Motion carried.
2. The Board was asked to consider favorable approval of a Subdivision Improvement Agreement (SPIA) for the Carousel at Fountain development. Assistant District Manager

reported that this development will consist of 11 3-story apartment buildings and will be located at the Southwest corner of Mesa Ridge Parkway and Fountain Mesa Road. Staff is recommending the Board give favorable approval consideration to the SPIA for the Carousel at Fountain subdivision development. Mr. Blankenship made a motion to approve the SPIA for the Carousel at Fountain Subdivision development. Seconded by Mr. Thomas. Motion carried.

3. At this time, District Manager Jim Heckman requested that the Board table the Petition of Inclusion for 7 Circle C Road until the March 8, 2023, regular meeting. He stated the legal posting requirements was not posted in time for this meeting. Mr. Blankenship made a motion to table the Petition for Inclusion of 7 Circle C Road until the March 8th meeting. Second by Mr. Thomas. Motion carried.
4. The Board was presented with a Bill of Sale between the District and Evergreen-Mesa Ridge & Syracuse, LLC. for a section of sanitary main installed at the Mesa Ridge Crossing Filing No. 1. Development. Discussion followed. The Bill of Sale transfers ownership of the sanitary sewer within the development to the District. Mr. Holtz made a motion to approve the Bill of Sale between the District and Evergreen-Mesa Ridge & Syracuse, LLC. for the Mesa Ridge Crossing Filing No. 1. Second by Mr. Blankenship. Motion carried.

D. General Business –

1. Assistant District Manager Jonathan Moore reported on the Indiana Crossing/BNSF Railroad sanitary realignment project. He reported that the initial Geotech borings have been completed and no concerns were discovered. Start of construction is still scheduled for the first week of March. Brief discussion followed. He will keep the Board informed.
2. Consulting Engineer Roger Sams reported that the WQCC rulemaking hearing for Regulation #85 and #31 and #32-38, Nutrients Management Control Regulation, Basic Standards and Methodologies for Surface Water, and Classifications Numeric Standards is scheduled for April 10, 2023. He stated that it has the potential to impact the District. The District is being represented by AFCURE. He also reported that the rulemaking hearing for Regulation #31 and #33, The Basic Standards and Methodologies for Surface Water and Classifications and Numeric Standards has been rescheduled for June 10, 2024, which will possibly push the District's current discharge permit renewal out to 2025. He will keep the Board updated.
3. Attorney Scott Johnson reported that he has been working with Mr. Heckman on the PFAS litigation proposal. Mr. Heckman has contacted other entities to see if they have participated or what if any steps they have taken. Mr. Johnson also spoke with the District Managers of these entities as well as the legal counsel that was secured by Security Water and Sanitation District. He was informed on the national status of the PFAS litigation, and the matter has been consolidated in a single federal court with a single federal judge. The process is and will continue to be very complex to navigate. He continues to recommend the District not participate until the District can show the PFAS caused injury, monetarily or otherwise.
4. District Manager James Heckman reported that RH Borden has completed the annual sonar assessment of the Districts sanitary main lines. He submitted a copy of the summary report received to the Board for their review. Mr. Heckman reported that with a good 2-year

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baseline understanding of where the system problems are known, the team will be evaluating if a third-year assessment will be needed. They are also looking into other products and services offered by RH Borden which will help monitor the system. He will keep the Board informed.

E. New Business –

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

- ✓ \$150,000 from the United Business Bank Checking account to the Community Banks of Colorado payroll account on February 8, 2023, and
- ✓ \$50,000 from the Community Banks of Colorado payroll account to the Community Banks of Colorado HRA account on February 8, 2023.

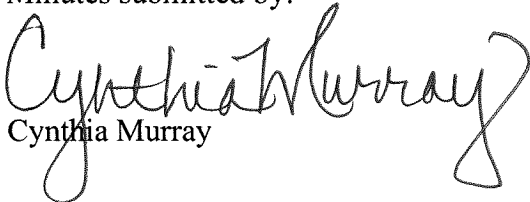
Mr. Holtz made a motion to ratify the transfers. Seconded by Dr. Durbin. Motion carried.

F. Other Business – None

Adjournment:

Dr. Durbin made a motion to adjourn the meeting at 6:15 pm. Second by Mr. Blankenship. Motion carried. The next regular meeting will be at 5:30 pm. on March 8, 2023.

Minutes submitted by:


Cynthia Murray