

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
HAVANA WATER AND SANITATION DISTRICT
HELD
MAY 17, 2017

A regular meeting of the Board of Directors of the Havana Water and Sanitation District was duly held on Wednesday, May 17, 2017, at 5:00 p.m., at 8390 E. Crescent Parkway, Suite 500, Greenwood Village, Colorado. The meeting was open to the public.

Attendance

Board members in attendance:

Howard Buchalter
Bernard F. Gehris
Dan Marks
Richard G. Keene

Also in attendance:

Gigi Pangindian and Pat Shannon; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver Pogue, P.C.
Mark Klee; Tetra Tech
Margaret Piccinelli; Resident
Elizabeth Aeschbacher; Resident
Tony Frost; Resident

**Call to Order/
Agenda**

Director Buchalter called the meeting to order at 5:02 p.m, excusing the absence of Director Kirven. Upon a motion duly made by Director Buchalter, seconded by Director Marks and, upon vote, unanimously carried, the Board approved the agenda.

Review and

**Approve
Minutes**

Upon a motion duly made by Director Keene, seconded by Director Buchalter and, upon vote, unanimously carried, the Board approved the minutes of the March 7, 2017 Special Meeting as amended to reflect Director Buchalter's late arrival and to clarify the public comment.

**Public
Comments**

Ms. Aeschbacher introduced herself and inquired as to any impending changes that are coming to lift station #1, specifically physical changes to the lift station, as it is behind her property. Director Buchalter informed Ms. Aeschbacher that this would be addressed later in the agenda.

Ms. Piccinelli noted that she was in attendance for an update on the odor mitigation project at lift station #1, specifically in regard to a possible solution, the impact and the cost for odor mitigation. Director Buchalter decided to move this matter up in the agenda after public comments.

Mr. Frost reported that he surveyed eight of the nine homes that back onto Cherry Creek drive to solicit opinions in regard to the odor mitigation project.

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He reported that 75% of residents he polled were in favor of the odor mitigation project. In addition, Mr. Frost reported that the HOA Board of Directors voted unanimously to support the odor mitigation effort.

Legal Matters

- A. Executive session pursuant to C.R.S. §24-6-402(4)(b) and C.R.S. § 24-6-402(4)(e) for the purpose of conference with an attorney for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations regarding an AT&T Lease.

Ms. Seaver reported that she contacted AT&T's attorney and was informed that they are considering a redesign and will bring back plans to the Board.

- B. Discuss Developer Deposit Regulations In Place

Ms. Seaver reviewed Resolution No. 2017-11-01, Regarding an Amendment to Schedule of Fees and Charges, noting that the schedule of fees and charges would be amended to include an incremental developer deposit of \$5,000 to cover costs incurred to the District due to time spent by District contractors reviewing developer designs and plans.

Upon a motion duly made by Director Buchalter, seconded by Director Marks and, upon vote, unanimously carried, the Board approved Resolution No. 2017-11-01, Regarding an Amendment to Schedule of Fees and Charges.

- C. Other

None.

Administrative Matters

- A. Manager's Report

Mr. Shannon reported that a letter was sent to the developer of the Hampton Inn requesting a payment of \$5,000 for design review costs. The developer has not yet responded.

- B. Consider Fee Increases and Adoption of Resolution No. 2017-11-01, Regarding an Amendment to Schedule of Fees and Charges

This item was previously covered in Legal Matters.

Financial Matters

- A. Review and Consider Approval of Current Claims

Ms. Pangindian reviewed interim claims with the Board. Upon a motion duly made by Director Gehris, seconded by Director Keene and, upon vote, unanimously carried, the Board ratified interim claims in the amount of \$24,413.88 represented by check numbers 1012-1026.

Ms. Pangindian reviewed current claims with the Board.

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Upon a motion duly made by Director Buchalter, seconded by Director Marks and, upon vote, unanimously carried, the Board approved current claims in the amount of \$17,980.30 represented by check numbers 1027-1032.

B. Discuss Bond Refunding Analysis

Ms. Pangindian reported that Mr. Urkoski received an unsolicited proposal from George K. Baum to refinance the District's bonds. Ms. Pangindian reviewed the refinancing scenarios presented by George K. Baum with the Board. The Board discussed the merits of refinancing the bonds. Ms. Pangindian will invite a representative from George K. Baum to next meeting to further discuss with the Board.

C. Other

None.

**Engineering
Matters**

A. Update on Projects / Engineer Report

Mr. Klee reported that the Hampton Inn appears to be a ways away from acquiring its certified occupancy permit.

Mr. Klee reported that he has not had any interaction with the developers of the Self-Storage project.

Mr. Klee reported that the new development on the Walmart pad will be a Federal Naval Credit Union.

Mr. Klee presented the updated capital and maintenance expenditures to the Board. Mr. Klee recommended replacing the pump rotating assemblies at Lift Station #1 as well as replacing the pump at Lift Station #2.

After discussion, upon a motion duly made by Director Keene, seconded by Director Buchalter and, upon vote unanimously carried, the Board approved the replacement of the pump rotating assemblies at Lift Station #1 and the pump at Lift Station #2.

B. Discuss Lift Station #1 Odor Mitigation

Mr. Klee reported that he met with Arapahoe County for a pre-submittal meeting for the Lift Station #1 odor mitigation system plans. At the meeting, Mr. Klee was informed that the District would need to submit a complete resubmittal application in order to receive a new permit. The county's direct fee for the application is \$21,000, and most likely total an amount of \$25,000 to \$30,000 with other fees. Mr. Klee also noted that the county will require the District to attend a public hearing of the Arapahoe County Planning Commission and host a formal neighborhood meeting to solicit public input.

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The Board asked if there was any alternatives to paying this fee, including the possibility of an appeal. Discussion ensued amongst the Board and consultants regarding the fees and alternatives.

Board Member Matters

A. Other

None.

Other Business

A. Confirm Quorum for the July 19, 2017 Regular Board Meeting

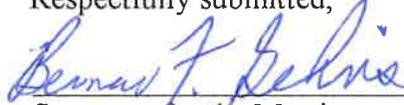
Director Keene noted that he would not be available for the July 19, 2017 Regular Board Meeting.

After discussion, the Board decided cancel the Regular Board Meeting and schedule a Special Board Meeting for July 11, 2017.

Adjournment

There being no further business to come before the Board, upon a motion duly made by Director Buchalter, seconded by Director Marks and, upon vote, unanimously carried, the Board adjourned the meeting at 6:34 p.m.

Respectfully submitted,



Secretary for the Meeting