

**Will-O-Wisp Metropolitan District  
956 Wisp Creek Drive  
Bailey, Colorado 80421**

**Wednesday, November 8, 2023 - 6:30 p.m. MST**

**BOARD MEETING MINUTES**

- **Call Meeting to Order**
  - President Merriman called meeting to order at 6:30 p.m.
- **Approval of Agenda**
  - Motion by President Merriman, seconded by Secretary Knudsen, the Board unanimously approved the agenda.
- **Roll Call of Board Members**
  - Board members present were President Kimberly Merriman, Vice President Sameer Surampalli (attended virtually), Secretary Kat Knudsen, Treasurer Joe Weidner (attended virtually), and Director Sabine Preisinger (attended virtually). Also present virtually were District Legal Counsel Kathryn T. James of Folkestad, Fazekas, Barrick, & Patoile, P.C. and District Accountant Nickie Holder of NM Holder Financial, Inc.
- **Approval of Prior Meeting Minutes**
  - October 11, 2023
  - October 18, 2023

Motion by President Merriman, seconded by Secretary Knudsen, unanimously approved October 11, 2023 Regular Meeting Minutes and October 18, 2023 Special Meeting Minutes (5-0).

- **Public Comments**

There were no public comments, but the following residents were in attendance at the meeting: Nathan Omsberg, Jeff Hennings, Greg Canady, and Andi Weidner (attended virtually).

- **Plant/System**

- TIN Project (State Grant) update
  - WET Testing: Update from Will Raatz – President Merriman updated the Board with a recap. Results were mixed. P.promelas passed and the C. dubia were adversely affected. Engineer Raatz believes the dose of the dechlorination chemical was likely too high, and that was due to an error

on Raatz's part. Raatz proposes running another WET test on the C. dubia with better dosing control and will do so at Raatz expense. Raatz checking with the lab to see when WOW can get on the schedule.

- Mike Towner Request
  - Well 4 Repair Quotes – Mr. Towner received 2 quotes for the repair which he sent to President Merriman sent via email. M&D Pump Service is the preferred contractor because they know the plant, they have done lots of work in the District, and they are an excellent contractor but cost \$800 more than the other quote. The Board discussed the options.
    - President Merriman motioned to vote for approval, seconded by Secretary Knudsen, Board approved (5-0).
- Line Repair - 163 Silver Springs line repair completed.
  - Vice President Surampalli took pictures of the completed repair and will send to Mike and Terry for final approval.
- **Legal**
  - Elk Creek
    - Lee Johnson Status Meeting Update – The last court status conference was held on October 28<sup>th</sup>. President Merriman updated the Board about the recent revisions that she and Attorney James worked on with Lee. The District Engineer approved that the height of any improvements could be limited to 15 feet or 18 feet with a little bit of cushion and Lee has revised the Stipulation accordingly.
  - SWSP/Ponds – Rate Study
    - HASP Board Meeting, Fairplay- Nov 8<sup>th</sup> – President Merriman attended the HASP Board Meeting, sent evidence for SWSP plan (expires in April of 2024). There was no resolution at the HASP meeting today. HASP has a 1 year moratorium on water sales but want to make exception for the District. If the District is working with HASP to make a plan, that might be criteria for an extension with the State.
  - PUD Update – President Merriman updated the Board on Board of County Commissioners meeting, she discussed that there were a lot of people in attendance that were against the project but there were also a lot of people in attendance in support of the project. The next meetings that will be scheduled will be returning to the planning commission for final plat approval and then the Board of County Commissioners for the same. The next meetings are not currently scheduled.
  - CORE – Attorney James discussed the CORE proposed easements that were sent to President Merriman. President Merriman updated the Board on what has

transpired and the meeting that President Merriman and Treasurer Weidner attended with Attorney James and Brooks Kaufman, who is the land use agent for CORE. Nothing has been done on CORE's side to actually apply for service with the District which was contrary to what Mr. Kaufman believed when he scheduled the meeting. Previous counsel did not send the application to CORE that was approved at the August District meeting. There are many more conversations to be had between the District and CORE in order to determine exactly what is the project status. President Merriman has requested any and all documentation and agreements that CORE might have in their records between the District and CORE so that everyone can get up to speed.

- **Finance/Administration**

- Treasurer's Report

- President Merriman updated the Board that they are way over budget for sludge hauling, and will adjust that in the budget for 2024.
- President Merriman and Attorney James updated the Board that proposition HH failed on the November ballot, but likely there would still be other changes coming on some level to address increased property taxes.
- Nickie Holder discussed that she will prepare the budget resolution and the budget packet for filing and send to Attorney James for review.

- Approval of Bill Payments

- President Merriman updated the Board, (broken audio). Upon a motion by President Merriman, seconded by Treasurer Weidner, the Board approved payment of bills/claims.
- Bailey Towing Discussion – At the end of September Bailey towing was called to pull out the sledge hauling truck that got stuck on the road into the water plant. This was discussed by Treasurer Weidner at the October 18<sup>th</sup> District meeting. The District finally received a bill and it was for \$971.25. Treasurer Weidner believes it was partly driver error and Terry has asked Denali, the sledge hauling company, to share the bill. Terry is waiting for a response from them.
- The internet connection was so poor in the water plant building that the attendees in person moved to a virtual location outside of the plant at 7:12 p.m.

- Delinquent Water Accounts

- Director Preisinger sent out 5 shut off Notices, 1 made a payment plan, but his payment came back. The Board will check for payment again on

November 27<sup>th</sup> and send shut off notices water after if not. She noted that some of the unpaid accounts are repeat offenders.

- Lone Rock 2022 Service Fees
  - Vice President Surampalli updated the Board with information sent to Lone Rock and really only 1 tap is possible for a refund, but he reminded Lone Rock about the service fluctuating and that they may need that possible tap with future service needs. He also reminded Lone Rock about the refund being discounted according to the agreement plus the other money owed by Lone Rock in the amount of \$6,372.50 under other provisions of the agreement. Lone Rock's representative is looking into the numbers that Vice President Surampalli sent him.
  - Director Preisinger noted that no sewer water reports have been received recently. The Board discussed that those reports are coming to the admin email, and President Merriman will now forward them when she receives them once a month from Mike.
- 2024 Budget Hearing
  - President Merriman opened the budget hearing at 7:24 p.m. There was no comment from the Public in attendance, and President Merriman closed the budget hearing at 7:25 p.m.
  - Nickie Holder explained the different columns that she created in the budget to reflect changes in the property tax laws under different scenarios. She also explained the transfer from reserves and other expenses listed on the budget. The Board discussed changes to the draft budget and directed Nickie Holder to make adjustments based on changes to certain line items.
  - Approval of budget with changes discussed subject to final A/V, upon a motion by Treasurer Weidner, seconded by Vice President Surampalli, the Board unanimously approved.
- **Architectural Control Committee**
  - 125 Wisp Creek – Dog Run approved November 5, 2023
  - 57 Sunlight – Shed approved October 20, 2023
- **Old Business – Rates discussion**
  - Attorney James reminded the Board that a hearing has to be held for any increases to tap fees or any other water fees through the District and by

giving 30 day notice to the public of such hearing. The Rules and Regulations have the current prices listed and any change will be subject to that public hearing rule. The Board discussed that they are not looking to increasing rates at the moment. They discussed the need for a professional rate study to be performed to evaluate any needs the District might have to adjust fees based on the age of the system, etc. Director Preisinger believes that a rate study has already been performed and Attorney James asked to please get a copy of the same.

- **New Business**
  - **Century Link**
    - Vice President Surampalli is working on it.
- **Miscellaneous District Items** – None.
- **Public Comments** – Resident Andi Weidner requested that the District consider purchasing a few of the ice skating mechanisms to assist children that are ice skating for public use when pond freezes over. The Board will consider the same.
- **Adjourn**
  - The meeting was adjourned at 8:09 p.m. upon motion by President Merriman, seconded by Treasurer Weidner and unanimously approved (5-0).