

**VALLEY AT WINTER PARK WATER DISTRICT
MEETING MINUTES**

June 29th, at 6:00 P.M.
meeting held via
teleconference

<https://www.vwpwaterdistrict.org/>

Kerri J. Stroupe, President	Term to May 2025
Kelli Kolar, Vice President	Term to May 2025
Lauralee Kourse, Treasurer	Term to May 2025
Matt Small, Secretary	Term to May 2027
Jay Kenney, Director	Term to May 2027

1. **Call to Order:** Director Stroupe called the meeting to order at 6:01 pm.
2. **Attendance and Quorum Declaration:** Roll call was taken. All Board of Directors were present. A quorum was met.
 - a. Guest Attendees:
 - i. Theresa Jehn-Dellaport – Quantum Water & Environmental
 - ii. Beth Van Vurst – Van Vusr Law
 - b. Lot Owners (Attendance noted from Zoom participant list):
 - i. Mary and Tom Sangster – Lot 4
 - ii. Jody Mintkin – Lot 31
 - iii. Gary Kolar – Lot 33 & 34
3. **Approval of Agenda**
 - a. A ***motion*** was made by Director Kourse to approve the Agenda which was seconded by Director Kenney and carried unanimously.
4. **Consent Agenda**
 - a. Approval of Minutes of May 18 meeting (enclosures): ***Motion*** was made by Director Kourse to approve the meeting minutes. Seconded by Director Kenney and carried unanimously.
5. **Legal Matters**
 - a. Potential Filing of Statement of Opposition in Tabernash Meadows Water and Sanitation District’s Case No. 23CW3053, Water Division 5.
 - i. Draft statement provided in board packet for review. Beth Van Vurst provided

summary of case, current listed objectors, and the three parts of Tabernash Meadows Water and Sanitation's application pertaining to adjudication of ground water and other rights that the VWPWD has claims to.

1. 23 CW30 53 case filed in division 5 water court.
 - a. Adjudicate 6 wells
 - b. Change water rights to use in current augmentation plan
 - c. Approval of new augmentation plan.
 2. Recommend filing statement of opposition.
 - a. Case concerns a portion of water rights owned portion by VWPWD.
 - b. Water rights associated with is case are located in relative close proximity to VWPWD.
 - c. Attorney Van Vurst recommended that district file the objection to monitor the case and ensure no harm is caused to VWPWD water rights.
 - ii. The board discussed the various aspects of the application including anticipated timing, other parties that could become a part of this case, budget implications and if the application could be withdrawn at a later time.
 - iii. Theresa Jehn-Dellaport with Quantum Water & Environmental further supported Attorney Van Vurst in recommending that filing a statement of opposition was the best way to ensure the VWPWD water rights are protected.
 - iv. **Motion** was made by Director Kenney to have attorney Van Vurst submit a statement of opposition related to Case no. 23CW3053 in Water Court – Division 5. Seconded by Director Kourse and carried unanimously.
- b. Update on correction of legal description for well locations
- i. Attorney Van Vurst provided summary of required updates to fix clerical errors in previous decrees to ensure consistency across all decrees. Van Vurst outlined the actions she recommends the Board consider including reviewing the draft motion, authorizing her to send to motion to opposing council for review, and then filing a motion with court related to Division 5 16CW34 Case.
 - ii. **Motion** was made by Director Kenney to have attorney Van Vurst proceed with draft motion and to send motion to opposing council, as well as filing a motion with the court regarding motion pertaining to Case no. 16CW34 in Water Court – Division 5. Seconded by Director Kourse and carried unanimously.

- iii. Director Kourse provided an update regarding clerical corrections including change or ownership of well from original developer to VWPWD. Director Kourse noted that clerical updates were not an anticipated cost in the 2023 budget but they are important to address to avoid future issues with CDWR, CDPHE and other parties.
6. Executive Session of the Board of Directors (as needed) for the purpose of receiving legal advice from the Board's water attorney regarding the Valley at Winter Park Water District's water rights, including operation and maintenance of such rights as well as the potential filing of a statement of opposition in Tabernash Meadows Water and Sanitation District's Case No. 23CW3053, pursuant to Section 24- 6-402(4)(b), Colorado Revised Statutes.
- i. The board did not enter Executive Session.
7. Board member workload distribution and hiring assistance.
- i. Quantum Engineering as administrative contact with CDPHE
 - 1. Director Stroupe indicated that Director Kourse has been responsible for compliance and oversight reporting with CDPHE, requiring over 16 hours a month, and that a consultant is needed to take over these responsibilities.
 - 2. Quantum Engineering has been asked to be administrative contact for VWPWD related to CDPHE compliance. Theresa Jehn-Dellaport with Quantum Water & Environmental provided a brief overview of firm and qualifications related to matter. Quantum Engineering has capacity to take over monthly administrative duties and oversight estimated to be approximately 16 hours a week. Estimated fee of \$1600 dollars a month for services. This estimated time spent will be reevaluated later this fall.
 - 3. ***Motion*** was made by Director Small to approve to approve a 3-month engagement to Quantum Engineering Services with a maximum not to exceed of \$1600 each month, starting on July 1, 2023. Seconded by Director Kourse and carried unanimously.
 - ii. Addendum to Colorado Water Inc. Contract
 - 1. Colorado Water Inc. has submitted an addendum request to cover CDPHE testing and reporting requirements not included in the current contract.
 - 2. Director Kourse highlighted need for increased testing and reporting. First year after ACTIVE status needs to abide by monitoring schedule outlined by CDPHE. After 4 quarters, CDPHE will revisit monitoring schedule. District may get relief from testing and monitoring in the future

if we meet requirements. The first two years of monitoring are very detailed and should have been completed in 2003 when the water system was brought online, but the system was placed in INACTIVE status instead by the board at the time.

3. Addendum Discussed: \$2400 additional per month (30 hours at \$80 dollars an hour) – Through end of November of 2024 at which time this will be revisited after CDPHE sanitary inspection has been completed.
4. **Motion** was made by Director Kenney to approve a monthly increase of \$2400 a month for Colorado Water Inc. from July 1, 2023 to November 30, 2023 to cover increased CDPHE testing and reporting requirements. Seconded by Director Kourse and carried unanimously.

iii. Increased costs and budget concerns

1. General Discussion regarding budget expenses and budget. Director Stroupe to request updated financial statements be prepared by Eric Weaver, the district accountant, for review and discussion at next board meeting.
2. Director Stroupe to draft letter for owners to explaining current budget shortfall situation related to unforeseen expenses the District has incurred this year.

8. Water System

a. Water System Capital Improvement Updates

- i. Water System CIP – Director Kourse provided update. Water treatment design by Wright Water Engineering in progress with target design completion in September.
- ii. Well Drilling – Director Kourse provided update. August date for drilling and construction. Tim Shank doing survey for access easements, elevations and benchmarks for proper as-builts. Easement information will be shared with HOA once completed and finalized.
- iii. Fire Suppression – Director Kourse provided update. Fire department meeting is pending. Fire flow requirements needed for design of district system. Director Kourse needs to get confirmation of flow requirements in writing. Pond in open space was tested for first time and passed dry hydrant requirements.

b. CDPHE follow-up: Delegation plan

i. Delegation Plan:

1. Director Kourse provided update. Plan has been completed as required

by CDPHE and identifies and provide contact information for responsible parties with knowledge of the district operations and systems.

ii. Cross connection violation follow-up

1. One lot owner was notified last fall related to a cross connection violation. The district requested plan for spring issue resolution. This issue has not been resolved to date. CDPHE has indicated that this issues needs to be resolved. Board is aware of response from owner.
2. Director Stroupe to draft letter indicating that this issue must be resolved by 7/31/23. Failure of the owner to resolve issue will require the district to take other actions to ensure compliance with CDPHE requirements.
3. The board also discussed that a proof of water will not be issued to a title company until this issue is resolved.

c. Water usage and schedule of fees

- i. Director Stroupe indicated that the board has a draft of Rules and Regulations that need to be reviewed by attorneys at a later date. Board reviewed draft addendum to set clearer expectations for water usage that needs to be defined in the rules and regulations. Director Kourse indicated that water usage thresholds need to be defined to design water treatment system. The board discussed need to communicate changes to appendix A. A draft form of revisions to appendix A will be circulated and reviewed at the next scheduled meeting.

9. Operations Reports

- a. Director Kourse provided an operation report. Meter and meter buttons have been an ongoing issue. Owners need to provide access to meters for operators, including during the winter months.
- b. Unpaid meter
 - i. Outstanding water meter payments to be resolved. Owners that require work to be in compliance will be issued letter by Director Stroupe.

10. Administrative Overview

- a. Minute book
 - i. Director Stroupe and Director Kolar provided an update on an ongoing effort to create an archive of meeting minutes, motions, and other district correspondence.
 - ii. ***Motion*** was made by Director Kourse for Director Kolar to apply for grants on behalf of VWPWD related to digitization of district archives. Seconded by Director Kenney and carried unanimously.

b. District Manager

- i. Director Stroupe provided update on initial bid received to outsource some of the district management tasks being handled by current directors. Director Stroupe asked other directors to email any tasks they are currently doing that should be considered as part of scope of work for district manager. Board discussed need to define scope of work with target and/or fixed fee on a monthly basis. Director Small to attempt to solicit additional bids.

c. Meeting schedule

11. Public Comment

a. Mark Kolar – Lot 33 & 34.

i. Fire Cisterns

1. Mary Sangster is looking into opportunities for firefighting cisterns via matching grant. Requested to have Mary on agenda to provide update to VWPWD. Brad White is going to help write the grant.
 2. If firefighting is installed and paid for by HOA, then water district would be relieved from this obligation.
- ii. RE: Water Usage Limits. Usage issue. Mr. Kolar requested that the VWPWD be thoughtful related to usage including seasonality, bedrooms, etc.
 - iii. 1000 SF of irrigated landscape. Mr. Kolar asked that board keep in mind discrepancies related to landscape, etc. when establishing maximum allowed usage.
 - iv. Mr. Kolar requested that the board consider full scope of election costs during the next budget cycle to avoid future shortfalls.

12. Other Business

- a. Susan Koeneke – Director Stroupe to reach out and get a proposal for consideration of miscellaneous district takes that need to occur on a monthly basis, as required for compliance with ongoing district matters.

13. Adjourn

- a. **Motion** was made by Director Kourse to adjourn the meeting at 8:06 pm. Seconded by Director Stroupe and carried unanimously.

Minutes approved on: July 13, 2023

Signature: *Kerri Stroupe*

President

Signature: 

Secretary

