
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors of Lake Creek Metropolitan District August 11, 2022

A meeting of the Board of Directors of the Lake Creek Metropolitan District, Eagle County, Colorado, was held on August 11, 2022 at 4:00 p.m., via electronic Zoom meeting, <https://us02web.zoom.us/j/82929454620>, phone only US 1 253 215 8782 Meeting ID: 829 2945 4620, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Hatsie Hinmon (Zoom)
- Anne McGonagle (Zoom)
- John Horan-Kates (Zoom)
- Kathleen Eck

Also in attendance:

- Tony Zancanella, Zancanella & Associates (Zoom)
- Vance Holzmann, Zancanella & Associates (Zoom)
- Ken Marchetti, Marchetti & Weaver, LLC (Zoom)
- Kendra Nicholson, Marchetti & Weaver, LLC, secretary for the meeting

Absent and Excused:

- Ann Bourke

**Call To
Order**

The meeting of the Board of Directors of the Lake Creek Metropolitan District was called to order at 4:03 p.m. by Director Eck noting a quorum was present. There were no conflicts of interest disclosed.

Agenda

There were no changes to the meeting agenda.

**Public
Comment**

There was no public comment.

Minutes

The Board reviewed the Minutes from the June 2 and June 30, 2022 meetings which were included in the Board packet. Upon motion duly made and seconded, it was

RESOLVED to approve the June 2, 2022 Minutes

FURTHER RESOLVED to approve the June 30, 2022 Minutes

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**Summary of
Division
Engineer
Tour
July 19th 2022**

Three (3) representatives of the Water Division 5 Engineer's office (Jana Miller, Vikki Devine, and Joe Zupancic) as well as Directors Eck, Bourke, Hinmon, Horan-Kates, and McGonagle and Tony Zancanella, Vance Holzmann and Paul Westhoff from Zancanella and Associates and Beth Johnston and Kendra Nicholson from Marchetti and Weaver attended a tour conducted by Tony Zancanella on July 19, 2022 of portions of the Lake Creek Metro District's water system. The tour included the Brooke Place Pump House, Eagle Crest water vault, the Kelly diversion, Moore's Ponds and various other places within the District. The primary purpose of the tour was to show the Division 5 Engineer's office the operation of the District's water system and explain the water accounting procedures used by the District.

While touring the Kelly diversion Director McGonagle asked Mr. Zancanella about the history of the diversion. Mr. Zancanella stated that the Kellys provided a survey to the Division Engineer showing the channel for their water and that some of the area was a braided stream section. Mr. Zancanella also conveyed that Ms. Kelly stated that water runs through the channel only during runoff when the water is high in the main channel of East Lake Creek and does not run through the channel after August. [However, Ms. Kelly's statement is not an accurate statement.] Director Hinmon stated that she had recently been to the area and that water was still running through the channel. Mr. Zancanella then stated that an agreement was in place that had been approved by several parties to restore the creek bank. Director Eck responded that the parties involved in the restoration agreement were Mr. Spector, the Kellys and Dan Barry, a Lake Creek resident who was on the HOA Board at the time. Following further discussion, Director Horan-Kates stated that he needed to better understand the issue, and Director McGonagle stated that she had a file on the subject to review.

The question of extra water usage with the installation of water features came up during the tour and Jana Miller stated that the augmentation ponds aren't something that the State is investigating at this time. Mr. Zancanella stated that they still need to update the accounting to the new State forms. He also stated that all points of diversion are currently metered, which the State officials liked to see. The District releases an estimated amount of water to cover Tabb's water feature, which satisfies that diversion. Jana Miller of the District Engineer's office stated that the Green Mountain Reservoir water right is a protected water right, which would be good for the District so it doesn't get shorted. Under the District's Decree which

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provides for multiple points of diversion, Mr. Zancanella stated that the one concern is the Tabb's water feature and the fact that, according to Mr. Zancanella, Mr. Tabb will not allow it to be metered. The Board decided to discuss this issue in more detail with legal counsel. Tab has filed for multiple water rights. Mr. Zancanella stated he will put together a map of the water rights within the District that are not owned by the District. Director Eck said she believes it would be appropriate for the Board to revisit the issue of private water rights within the District, an issue that has been discussed on prior occasions by the Board.

Water Operations Report/Capital Projects

Mr. Zancanella reviewed the water production report. The Board discussed the unaccounted for water usage. Director Hinmon stated that the unaccounted water may be the result of faulty meters and they may need to be replaced to fully account for the water usage. Mr. Zancanella stated that a request for a loan to pay for new meters has been made to the State. Under the terms of the loan, if granted, fifty percent (50%) of the loan amount would be forgiven. Mr. Zancanella brought up placing another hydrant at the top of Eagle Crest, which he believes is the best location, as it would be on top of the vault which is currently in place near the McGonagle's property. Director McGonagle stated that insurance companies are starting to drop insured properties due to fire risk in the area. Following discussion, the Board agreed to continue the placement of fire hydrants in those areas which are not adequately served by existing hydrants, including the location by Director McGonagle's property. Mr. Zancanella then stated he would need to price a different type of hydrant than those currently in place in the District as those are no longer available or have a long lead time for delivery.

Financial Statements

Mr. Marchetti presented the financial statements included in the packet.

2023 Budget

Mr. Marchetti reminded the Board that this is not a reassessment year, so property taxes will stay about the same for 2023's budget. He reviewed the budget for 2023 and mentioned that several of the capital projects will be moved forward from 2022 and 2023. Mr. Zancanella stated some of the larger projects may move into 2024 due to permitting issues and landowner permissions. The Board needs to decide the type of generator and specific location to be installed at the top of Eagle Crest. The generator is needed to keep pressure in the system in the event of a fire. Mr. Zancanella described the different types of generators and the best placement. Director Eck reminded that Board that an additional hydrant should be installed near the top of Jackman Place. Mr. Zancanella said he would follow up with homeowners to see if he can get an easement. A new hydrant is required to be installed for the District to be in compliance with the 500' rule.

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Creamery Lateral Discussion

Director Eck stated the Spector's caretaker, Tony Lamb, asked who is responsible for cleaning out the Creamery Lateral headgate which needs to be cleaned out daily. Mr. Zancanella stated that they discussed in the past taking the screen off that is causing the issue, as it was put on to protect the pump on the Woodard property. Another option would be to divert water so that there doesn't need to be the same level of maintenance. He stated that the area may need more maintenance. Following discussion and after hearing Mr. Zancanella's opinion that the screen is really not necessary, the Board decided to have the screen removed to see if that solves the issues. The Board requested the affected homeowners in that area be notified that the screen will be removed.

Accounts Payable

The Board reviewed the Accounts Payable list. Following discussion and, upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Accounts Payable List as presented.

Legal

No legal issues were discussed at the meeting.

Future Meetings

The Board confirmed the next meeting for October 11, 2022 at 4:00 pm

Adjournment

There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

RESOLVED to adjourn the meeting of the Lake Creek Metropolitan District Board of Directors this 11th day of August, 2022.

Respectfully submitted,
/s/ Kendra Nicholson
Kendra Nicholson
Secretary for the Meeting