

MEETING MINUTES
SPECIAL MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT

Via Zoom Video Conference:

<https://us02web.zoom.us/j/81781610369?pwd=vVALxwLhZPOIaH8zUjgnvz6pfE1iaJ.1>

To Join by Phone, Dial (719) 359-4580, Enter Meeting ID 817 8161 0369

November 15, 2024, 1:00 P.M.

Directors:

Jack Buchheister – President
Sean Flanigan – Vice President
Jim Lenzotti – Secretary
Stan Cazier – Treasurer
Mike Eytel
Gary Bumgarner (not present)
Tom Long

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
MPWCD Attorney Cooper Gehle

Jack Buchheister called the meeting to order. The Board generally followed the agenda, and the following topics and resolutions were discussed and passed, as the case may be, during the meeting (a copy of the agenda is attached):

1. CALL TO ORDER
2. RON JONES AGREEMENT

A draft agreement was included in the meeting materials and was discussed by the Board. Comments and questions from the Directors were fielded by Mr. Whitmer, and proposed edits to the agreement were discussed. The Board recommended that Mr. Jones have preliminary design approval in addition to final design approval, to provide early notice of potential issues. If Mr. Jones provides preliminary design approval, that approval should carry through to final design approval as long as no substantial changes are made between the preliminary and final designs. Discussion was held regarding the design of pond banks, and any potential scenarios where the District may want to lower the water level below the 18 inches referenced in the draft agreement. Provisions regarding lowering the pond levels for maintenance were then discussed. The Board provided suggestions to refine the language about freshening flows, the scope of contemplated operation and maintenance, and the reference to the District's water rights in Exhibit C. **Following discussion, a motion to approve the agreement with modifications as discussed was made by Sean Flanigan,**

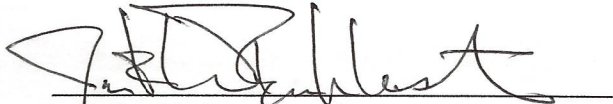
seconded by Jim Lenzotti. Motion carries unanimously. If the modifications are accepted by Mr. Jones and his counsel, District Staff are authorized to move forward in securing a title commitment for the subject property, which shall be reviewed prior to final Board approval of the Contract at a subsequent meeting.

3. ENGAGEMENT OF SETER, VANDER WALL & MIELKE, P.C.

The engagement agreement from Seter, Vander Wall & Mielke, P.C. was included in the meeting materials and was discussed. The scope of work and estimated associated costs were also discussed, with different options and costs evaluated for De-Brucing, debt authorization, and mill levy questions to be presented to voters next November. Kent Whitmer noted that many of the questions from Directors would be best answered by an expert in this area of law, and MPWCD needs to decide whether to hire Seter Vander Wall & Mielke to do this work. **Following discussion, a motion was made by Tom Long and seconded by Sean Flanigan to approve the engagement agreement with Seter Vander Wall & Mielke, P.C. Motion carries unanimously.**

4. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned.



Jack Buchheister, President