

## MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS

A Regular Meeting of the Board of Directors of the Blue Valley Metropolitan District was held July 11, 2016 at 83 GCR 3810, Silverthorne at 6:30 p.m. Board Members present were Todd Nelson, John Ilgner, Buck McNichols, Mark Nelson, and Tammy Hanohano. Guests Present: Henry & Jan Broadhurst, Tom Combs, Ona Hanohano, Don Tebbs, Wayne Scyzgial, Tim Vermeer, Bob Heid, Blake Nudell, Mike & Mary Roal, Flipp Brumm, Ron & Leah Walsh, Bob Jones, Dave Scoles, and Matt Willits.

Todd called the meeting to order at 7:00 pm.

**Review & Approval of Minutes of Previous Meeting:** The minutes from prior meetings were reviewed and approved. Buck made a motion to approve, Todd seconded and all were in favor.

**Proper Order of Meetings:** During public address, guests are given 3 minutes to address any agenda item. This will be the only time the public is allowed to speak during the meeting.

**Public Address:** Flip Brumm addressed the board with the following; still concerned about scrap metal and tank, concern about amount of control held by Blue Valley Ranch, gratitude for grading of 100 yards of mailbox road, and was curious about the clear cutting, meandering river, river signage, and tree cutting agenda items. Tim Vermeer spoke in favor of Mike Roal in regard to his situation and asked about possibility of grading road 1012 with own tractor. Don Tebbs spoke for Bob Martin curious about any additional water draining possibly being an issue.

**Water Operator:** Matt Willits informed board of hand surface treatment rule requiring additional sampling 2 times a month in addition to routine and will be additional cost to the district. Fire hydrant maintenance is complete after being performed on 28 hydrants. Hydrant #7 is out of service and the District needs to contact the fire department. Hydrant #10 needs weather shield repaired. Replacement and repair cost is estimated to total \$1250 for parts & labor (\$850 for hydrant #7 and \$350 for hydrant #10).

The Consumer Confidence Report has been posted on website and at display board by mailboxes. Invoices issued in September by Andrea will have additional notification. Computer at water plant was running XP still and was upgraded and will be approximately \$4500, previously approved by Todd.

Usage is up 8-10 gallons a minute this summer. They expect it is tied to irrigation rather than a leak. Matt reminded all present to be mindful of conservation. Todd asked if he had any updates on DOVE. Matt stated that there are already changes to regulations and he is in conversation with people regarding such. Matt was asked about repurposing the old tank and he state that he believes you could buy a new tank cheaper than refurbishing the old tank and should probably be disposed of.

**Architectural and Rules Committee:** Bob will present ARC Committee items after meeting.

**Unauthorized Clear Cutting on BVMD Property:** Mike Roal addressed the board and began by apologizing to the board and the community. He stated he did not cut trees but thorny bushes and it was done for river access. He stated he was not on site the entire time the process was done. He stated it was a spur of the moment decision and acknowledged he should have handled it differently by communicating with the board first. He believes the area will have 3 to 4 feet of growth by next year at this time. He stated that 2 years ago he had asked for and was granted permission to remove old trees and that impacted his decision. He believes there is a crusade to crucify him and believes otherwise people would not have even noticed. He stated that it was an extension of taking good care of his property and the property adjoining them.

Buck stated appreciation for the apology and asked if his goal was for personal access or for community access. Mike replied that it was for everyone's benefit and believed he was being helpful as it is community land. He stated that the beautiful green belt is unusable because of overgrowth. Buck also asked if part of his decision was to improve his view of the river. Mike acknowledged it does allow him to see the river and it did improve his view and access.

John asked if Mike would mind people cutting through their yard to use the cleared area and asked if the previous trees cut were healthy. John stated that it bothered him that Mike took it upon himself to do something without other people's consideration.

Todd thanked Mike for the apology. Todd expressed the following concerns;

- Todd spoke with an entomologist who works with the conservation district and he stated that the trout will leave the area as the food and shade has been removed.
- Todd counted 9 live willows with 6 to 15 branches removed and stopped counting at 33 shrubs.
- Todd feels like the habitat for wildlife was removed.
- Todd called Susan due to it being a wetland area. Core of Engineers likely will not have to be involved due to the ground itself not being disturbed but may be a Federal Violation of Clean Water Act.
- Todd stated access is not an issue as access it is normal for the habitat in the area.
- Grasses are dying due to too much sun light.
- No sounds of bugs and birds in clear cut area.
- Todd stated he surveyed many places and they stated that if federal land, BLM stated fines would be \$50,000.00 to \$100,000.00.
- Todd is concerned that skirting the board is not acceptable and would share pictures with anyone interested.
- Todd tried to get bids for revegetating the area but they are too busy right now and will take a couple more weeks.

Todd asked Mike how he believes the board should approach mitigating the trees. Mike stated that he believes it will grow back fast and be a naturally established regrowth. Mike hopes an apology and his time spent in the community is sufficient and does not believe he could apologize any further. Mike stated this will not happen again and believes it did not impact anyone in the neighborhood. Mike stated that Todd has brought humiliation to him and that is retribution in itself.

Buck stated that Todd had not done it and that Mike was the one that did something wrong.

Mark stated that Mike's actions put the board in this position.

Buck stated that their job is to stand up for the community and is concerned that the foot traffic will turn that into a dirt hole. Buck stated it is unfair for putting it on Todd. Mike stated the access will not be overused as you have to break through bushes to get there.

John stated he had two easy access areas to area in question. John stated the cottonwoods will take a long period of time to regrow.

Buck stated that they have to handle the issue in a manner that is fair to the community and consistent to prevent future situations. Buck reiterated the issues Todd stated and that they have to take all of that into consideration. Buck asked Mike to choose his own punishment and make it fair. Mike stated he had not

given any thought to his own punishment as he expected the board to have something already in mind in regards to restitution. Buck and Mark stated they want to be fair to the community but do not want to mistreat Mike because they are neighbors. Buck asked Mike to help the board make a fair decision.

John expressed concern over the area of the damage (60 x 120). John expressed he is not wanting to sue Mike. Mike disagrees with the area and states it is smaller. Buck expressed concern about Mike debating over the size.

Buck suggested the possibility of giving him a couple weeks to come up with an idea for a restitution. Todd suggested tabling this and adding it to the agenda at the special meeting. Buck stated Mike must present a very clear and valid written proposal. Mike expressed gratitude for that. Mark moved that we table this till the Special Meeting to be held on August 15 @ 7 pm. John seconded and all were in favor.

**Snow Plowing RFP:** Board will plan to discuss further at the October meeting. Todd expressed to guests that Mark & Buck are contacts regarding this issue.

**Meandered Water Line on Blue River:** Questions raised throughout the years over who owns water and where. Matt explained the meandered line is fluid access point and you can either gain or lose land. Blue Valley and BVMD own from the center each way. Todd explained this is becoming an issue because fishermen are moving onto Blue Valley Ranch's property on downstream side, just this side of the bridge.

**River Signage:** The budget has \$500 in budget annually for signage. The river has shifted approximately 4 ft. and has taken out the existing sign. Todd estimates the signs would be approximately \$50 each. Andrea will get verbiage from Todd to add to the Fishing Regulations to be signed.

**Handi-cap Access to River:** Todd has been asked about access for residents needing hand-cap access. Todd explained that in 2004 members of the community asked for parking down at the river but Matt had expressed concerns for water system, therefore vehicles have not been allowed with the exception of dumping boats, board members on board business, and the water operator. John suggested allowing a caregiver to allow providing a ride down then needing to leave. Buck expressed concern that it would open up concerns and further compliance issues. Todd expressed he is concerned that is not fair to those needing handi-cap access since boaters have access. The board discussed further concerns regarding advertising handi-cap access and that they will allow same access as boaters' access.

**River Erosion by Gallery:** Todd discussed something needs done to protect infiltration gallery. He talked with Susan at Core of Engineers and believes they will fall under exemption 27 or 31. Size of rocks and equipment to be used provided to Mark. Todd suggested budgeting for 2017. Mark is tentatively scheduled to come in August to give suggestion. Board expressed desire for Todd to proceed.

**Tabled Item – Road Work:** Buck explained the RFP will be published by Andrea this week for two weeks and read the verbiage to be published. Bids received will be reviewed and a decision will be made at the Special Meeting on August 15, 2017. The timing is aimed at beginning when the state road construction closes. Todd stated that they we need to have something in writing from water attorneys. Mark expressed he is working on it and asked Todd to discuss with lawyers any verbiage regarding industrial use and if nothing if presently included, to add it. Buck expressed making sure the access point for road maintenance agreement with Blue Valley Ranch be solidified.

**Tree Cutting:** Cottonwoods by Water gallery are very tall and dying. Todd explained that cottonwoods die from inside out and if a limb is visibly dead, the tree is actually very dangerous. The board expressed need to have bids from someone with good liability insurance. Todd will acquire a bid to discuss this fall.

**Community Clean-Up Dumpster:** Roll off container in on Friday and out on Monday would be \$965 from Waste Management. Refrigerators without Freon would be ok but tires would be extra charge. Summit roll off quote for 30-yard dumpster would be under \$1000.00, plus possibly \$79 per ton. Buck expressed concern about policing. Todd explained the trouble is at night time. Board discussed misuse is inevitable. Buck expressed concern with being too visible for use by non-residents. Todd moved to provide a dumpster for community clean-up day and John second. All in favor. Andrea will add notice to September billing.

**Water Audit from Water Commissioners:** Todd expressed need for a one-time request for water commissioners to go house to house to notify residents of misuse as a necessary step to prove our due diligence for compliance. Todd stated that outside use is very conditional and has to be renegotiated every 6 years. Buck expressed possibility of educating residents what they are allowed to do in regards to collecting rain water.

**Fishing/Parking Passes:** Todd notified that fishing and parking passes are in full swing and he gets multiple calls. Andrea stated that she is up to date issuing all passes except for two requested today and all are documented.

**Bylaws:** Board will review suggested bylaws provided by attorneys and will discuss more at October meeting. Andrea emailed attorneys and Rebecca to see if we can get a copy of Bylaws that are on file.

**Service Plan:** Board will begin reviewing Service Plan in multiple work sessions in 2017 meetings.

#### **Secretary's Report:**

**Current Balances:** As reported to date; \$25,913.64 Colo Trust; \$216,259.13 GMB Money Market; \$86,031.15 Grand Mtn Bank Checking. Balances stand for audit.

**Bills Paid:** Andrea presented a report detailing all bills paid in April 5, 2016 through today totaling \$18,475.07. The Board reviewed the bills paid and approved. Todd made a motion to approve, Buck seconded and all were in favor.

**Auditor Updates:** Andrea notified the board that all items requested by David Green have been scanned and updated to shared google folder. Todd signed Request for Extension of Time to File Audit.

**Bond:** Andrea notified the board that the CNA Surety bond was refunded and canceled and the Liberty Mutual bond is in place. Andrea also read the email with statement from attorney. Board expressed interest in seeking cheaper insurance but also to make sure Town & Country Insurance also has a chance to maintain the District's business.


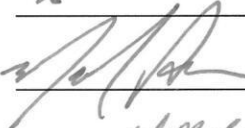

**Future Meeting Location:** Blue Valley Shooting range does not have internet access. Library does have internet access. Prior meetings held at Blue Valley Shooting range a donation of \$50 was given. Todd moved Shooting Range with Library as back-up and Mark seconded. All in favor.

**Certify Delinquent Accounts:** Andrea presented a report detailing the delinquent account for Karen Wade to be certified in October. Todd made a motion to notify Karen Wade via certified mail of impending certification of the delinquent account plus any applicable fees at the October meeting. John seconded and all were in favor.

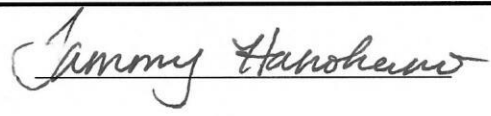
There being no further business John moved to adjourn the meeting, Buck seconded and all voted in favor.  
Meeting adjourned at 8:59 p.m.

The foregoing minutes of the regular meeting of the Board of Directors of the Blue Valley Metropolitan District held July 11, 2016 are hereby approved.

---

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Todd Moran  
\_\_\_\_\_  
  
\_\_\_\_\_

---

  
\_\_\_\_\_

Attest:   
\_\_\_\_\_