# MINUTES OF SPECIAL MEETING
# BLUE VALLEY METROPOLITAN DISTRICT

Zoom virtual meeting called to order at 6:03 pm on Monday, June 8, 2026. Board Secretary Andrea Buller present. Board members present: Buck McNichols, Mark Nelson, Tim Vermeer, Brenda Kellen, and Jeff Powles. Board absent: None. Guests present: Kathy Walton, Blake Nudell, Mike & Mary Jo Roal, "9708463438", Andrea Ridder, Billy Walker, "Butter Bean", BVA, Dave Marony, Dennis Cunningham, Diana Armstrong, Flip Brumm, Greg Hansen, Jill Guttman, Kim Riddle, Mark Mahorney, Matthew Kallman, McKenzie Rains, Nikki Vaughn, Ron Mentch, River Mentch, Sue Hobrock, "T man", Tammy Hanohano, Ted Zagone, Vince Stuber, "Zoom user", "Zoom user", and "7205441384".

**Water Restrictions**

- Buck gave a general summary review of the situation and reason for emergency resolution.
- Buck stated he spoke with the water comissioner today and they are practivley working to have a plan in place to address the issue upon the current Aug 31 expiration date. Water Commissioner assured Buck that the state will not come in and shut off the diversion to BVMD on Aug 31.
- The board began discussion on what day per week to allow the one day per week to utilize outdoor watering.
- Jeff suggested it may be beneficial to consider weekends as some residents are only in the neighborhood on weekends.
- Ron & River Mentch discussed the water usage history of the District. The usage does peak on weekends.
- The Board and Water Operators discussed the alotted 2.5AF water usage and 132 meters in the District and calculations. All concluded the system can handle usage on any day of the week.
- Mary Jo Roal expressed concern regarding impact of out-of-district residents on usage allowed for other residents. She also stated concern for selecting weekend days for watering to accommodate residents who don't live in the community.
- Tim Vermeer asked Ron if on average the District uses that much water. Ron and River looked at historical usage and stated that in previous years the District has used roughly double the allotted usage during the summer months.
- There was discussion regarding the water usage allowed for the out of district taps. This issue needs to be reviewed in a future meeting as their contractual usage maybe different then what has been customarily enforced.
- The board reminded everyone the District is benefiting from a gift of water and what the responsibility of the District is to keep that gift.
- Buck moved to set the allotted monthly usage per meter to 6170 gallons which equates to a total of 2.5AF for the District as a whole, as confirmed by Wendy via text to Buck during meeting, and to have even houses water on Saturdays and odd houses on Sundays. Brenda mentioned the watering schedule was challenging and asked for discussion of an alternative. The board discussed options and decided to amend the motion to be one day per week with trust in residents to understand the severity of the situation and to self-enforce based on the honor system. Jeff seconded. All in favor. Motion carried.
- Mike Roal stated he has multiple lots with many trees and would like to be allowed more water to accommodate such.
- Tim reiterated that this is not BVMD giving out water. It is BVMD regulating water that has been gifted to the District and the gift was gracious enough to allow some outdoor watering.
- Mary Jo Roal expressed concern regarding out of district usage.
- Buck read on of the agreements for the out of district homes and clarified that per that agreement, it is not to use any outdoor usage. Board discussed and reiterated that this is an area that needs to be researched for future board action but they are part of our water system and any water being saved by their non-usage outdoor can be saved in the system and not reallocated.
- Andrea asked Buck to reiterate the reasoning for different regulation of indoor and outdoor usage. Buck explained that outdoor usage has more depletion and that is taken into account when usage is calculated.
- The board discussed the current overage rate of $18.93 per 1000 gallons. The board discussed that overage will be considered "Water Waste" under the Emergency Resolution and will therefore be fined. The board determined that in consideration of the fine amount, the current usage rate is sufficient and does not need to be changed.
- Mary Jo Roal asked if that applies to the commercial property in the District. The board clarified that the property she was referencing does not have water.
- Andrea asked the board to discuss adding a Notice Policy to the resolution to clarify and make enforcable. The board discussed the time frame for notice and the method of notice. Buck stated that the District's Service Plan

does allow for the board to create emergency rules and restrictions to include a different time frame. The board discussed the desire to have a specific timeframe in writing from legal counsel rather than the recommendation received via email from legal counsel today. Buck moved to pass the resolution as presented without a notice policy stating a timeframe with a plan to amend the resolution at a later date after receiving more specific timeframe guidance from legal counsel. Brenda seconded. All in favor. Motion carried.

- Mary Jo Roal asked why the June meter reading was moved to the 8th instead of the typical date of the 15th and if there would be a refund for the week. Buck explained that these restrictions actually were effective at the state level on June 1st and there will be no refund.
- Kathy Walton expressed gratitude for the outdoor water schedule flexibility. Kathy asked if the fee for water would decrease since usage is decreased. Buck stated that the District has already had to spend a lot of money on legal counsel for these restrictions and has the potential to have further expenses in acquiring water in the future.
- Ron Mentch pointed out that 80% of the meters in the District used an average 3900 gallons per month so these numbers are very doable.
- Kim Riddle asked for clarification on the outdoor water usage and asked why variance from SWSP regarding outdoor water usage for other vegetation. Board discussed. Mark Nelson pointed out that the purpose of that regulation is to allow for maintaining permanent property, not seasonal. The board discussed that the District is required to conserve as much water as possible and acknowledge it is unprecedented and a tough situation. Tim pointed out that as of September 1, the District has no right to any water usage so how the water is handled now could impact the water availability in the future. The board discussed and determined to leave the outdoor usage as stated for trees, shrubs, and bushes only.
- Dave Marony expressed concerns regarding the self policing of outdoor usage and the impact of that if someone choses to purchased water to be used outdoors. The board discussed it is an unknown and complication. Jeff expressed that part of the fine process would allow for a hearing where the resident could show proof of purchased water. Dave stated he is 100% on board with conserving water. Dave expressed that they have a 10 person residence and would like the idea of pooling water and sharing with a neighbor to be reconsidered. Tim stated that he has spoken with the water comissioner about this idea and was told the usage can't be micromanaged on that level and that BVMD is operating on an emergency augmentation plan.
- Tim asked if the resolution has a procedure for notice and potential hearing for each violation at this point.
- Andrea stated that one change legal counsel made was the term "household" was changed to "meter" and this resolution is enforcable per meter.
- Jeff stated that the board needs to revisit the notice policy to provide clarity on requesting a hearing. Andrea requested they revisit it as she believes what she hears the board's desire is and what she reads in the resolution are not consistent. The board discussed and all agree they hope this to be a nonissue and believe everyone will voluntarily comply but there is a need to have a policy in the resolution. Andrea stated both legal counsel made effort to respond promptly today with an opinion. Buck agreed that both attorneys stated 5-7 days in writing. The board discussed utilizing either a 7 or 15 day notice period. The board discussed posting a physical notice on the residence and taking a photo for evidence of such in addition to sending a certified letter.
- Buck moved to add a Notice Policy to the Resolution providing 7 days from date of notice for residents to submit a written request for a hearing. The Notice of Violation will be physically posted on the home in addition to be sent via certified mail. Tim seconded. All in favor. Motion carried.
- Andrea clarified details of resolution.

Zoom Chat Discussion

- Kathy Walton 6:20 PM
  We are paying for 30,000 per quarter at about $258.00. Now we are only getting 18,450 so less 11,550 gallons. We would prefer to water odd day during the week. On the weekends we are not at home

- Diana Armstrong 6:21 PM
  Couldn't each home owner sign up for a dedicated day of watering, based on their schedule?

- Andrea Ridder 6:24 PM
  🙏🏾

- Jill G 6:25 PM
  One week day would be extremely helpful.

- Dave Marony 6:25 PM
  it's all on the honor system

- Kathy Walton 6:25 PM
  Great job, Brenda!

- butter bean 6:25 PM
  do wednesday and saturday  and odd and even house
  thank you Tim, you are correct

- Kim Riddle 6:39 PM
  How were the fine values determined? I saw that other entities with GM contract water such as Copper Mtn have first a warning then a $250 fine for every offense

- Kathy Walton 6:47 PM
  Question

- butter bean 6:56 PM
  If the gallery goes dry we are out of water period, paper water does not fill the gallery.

As this is a special meeting, no other business was discussed.  Buck moved to adjourn the meeting at 7:25 pm.  Brenda seconded.  All in favor.  Meeting adjourned.

BLUE VALLEY METROPOLITAN DISTRICT

Andrea Buller, Secretary

Buck McNichols, Chairman

Mark Nelson, Vice Chairman

Brenda Kellen

Brenda Kellen, Treasurer

Jeffrey Powles

Tim Vermeer