

BCMD Minutes

Date: January 13, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Mike Cooper, Joyce Hardy, Bill Johnston, Glenda Knight, Jerry Scheinbaum, Lawson Wills

Absent: Rosa Bielec, Kelly Gessele

Public: No public present.

Agenda:

1. **Call to Order:** 5:37 p.m.
2. **Approve Minutes:** Motion to Approve December 9, 2008 minutes was made by Jerry, 2nd by Mike. Motion Passed.
3. **Public Comment:** None.
4. **Water Plant Manager's Report:** There was no water plant manager's report. Kelly spoke with Bill about a couple of issues. He has been doing meter readings and thinks that the system is currently stable.
 - Kelly is interested in having the board purchase the flexible parts coupling parts for the repair that he will be doing at the 4-way intersection at Medicine Bow and Juniper Hill roads. Bill recommended that Grand Junction Pipe or another supply house be asked to stock the materials we would need and then order it in the spring when it is closer to the time the project will be done.
 - He also added a frost cap to one of the meter's freeze plates in the meter pit. He thought that would solve the problem of meter bottoms braking due to freezing temperatures for those meters installed closer to the gravity line. He thought that the rest of the meters could wait to have caps installed this spring. The pit diameters are 24". The overabundance of snow in the subdivision will help insulate those meter pits.
4. **BCMD Manager's Report:** Dumpster painting is finished and turned out well. Alex is doing a good job of monitoring the area. Bill will prepare a current proposal for cost of water meter installation from some plumbing companies and the computer program by February.
5. **Glenda's report:**
 - **Bills/Finance:** Motion to approve December 2008 bills as presented. Motion Passed. A/R were reviewed and approved.
6. **Budget:**

- Quarterly water statement will include a rate increase notice. \$20,000.00 operating cost increase will be covered.
 - Rates will increase at the first of the year due to increase in the cost of water and maintaining the water system. Water service fees will increase from \$75.00 to \$100.00 a quarter. 137 homeowners pay the quarterly water service fee. Base rate will be raised from \$4.20 to \$5.50 per 1000 gallon. The second rate will be raised from \$5.00 to \$6.50 per 1000 gallon. The last 3 rate structures will remain the same. Infrastructure improvements are necessary in the upcoming year. Rates have not been raised since 2003, however our rates from Snowmass Water and Sanitation were increased in 2006. Motion to Approve Resolution 02 Series of 2009 to increase water rates was made by Michael, 2nd by Lawson. Motion for adopting the resolution was approved.
 - Board will discuss annually whether to increase the rates at 3-5% or CPIU (whichever rate is lower) to cover increasing costs.
- 7. Other Business:** A Tuesday, May 5th variance meeting before the Planning and Zoning committee for home at bottom of Juniper Hill Drive across from Jerry's driveway. This lot is not in the subdivision boundaries but borders the subdivision and will be using the roads. Discussion regarding whether we have influence regarding building plans for this lot.
- Joyce reviewed the Annual Landowner's Meeting and passed the homeowners' questions and requests on to the board.
 - Resolution 01 Series of 2009 was adopted for designating the location of the official public notice boards within the Brush Creek Metropolitan District. The locations will be the dumpster sheds on Medicine Bow and Juniper Hill Road. Motion to Approve resolution was made by Jerry, seconded by Lawson Resolution was Approved.
- 8. Adjournment:** 7:10 p.m.

BCMD Minutes

Date: February 19, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Kelly Gessele, Joyce Hardy, Bill Johnston, Glenda Knight, Jerry Scheinbaum, Lawson Wills

Absent: Rosa Bielec, Mike Cooper

Public: No public present.

Agenda:

1. **Call to Order:** 5:55 p.m.
2. **Approve Minutes:** Motion to Approve January 13, 2009 minutes was made by Lawson, 2nd by Joyce. Motion Passed.
3. **Public Comment:** None.
4. **Water Plant Manager's Report:** Meter readings have been taken every week on the master meter. Home meters can be read with a touch pad and gun; the main meter must be read in the pit. Kelly's company reads the meters and forwards the numbers to Glenda, who adds them to the water program software. Water readings are typically 20,000-24,000 gallons daily usage this time of year. The third week the usage increased to 40,000 gallons for a day and then returned to the usual daily usage. Losses for the month were 35%; meter reading usage added up to 65% of the water purchased from Snowmass Water and Sanitation discussed whether there was a leak in the system or if water might have been removed from a hydrant. It was decided that due to the erratic reading that caused extraordinary losses the system will be monitored by taking readings every couple of days. If it is an ongoing problem, we will have to come up with a plan.
 - The addition of Flex 10-type fittings at the four-way intersection that would move if pipes were stressed and help eliminate a system break at the fault area is a project planned for the spring. We will discuss purchasing the materials in April.
4. **BCMD Manager's Report:** Dumpster issues are improved. Alex has been doing a good job of keeping the areas clean. Pickup is now scheduled for 5 days a week. We may consider adding an extra day during the Christmas holidays of January depending on how impacted the system seems to be.
 - Discussion regarding snowplowing charges and review of the service we are receiving. We have had a couple of snowy years and have been plowed more frequently. The question was brought up whether that was the price of doing business in the subdivision or could we save money by using less service. Jerry will speak with Bobby Holmes to make sure we are within our budget

guidelines, but we are happy with the job he has been doing. Bobby will cover any signage repairs that were caused during the winter plowing. We will review this subject again after the February bill is received. At the end of the season, we should sit down with Bobby and review the year.

- The computerized water meter order should have a 30-day lead time to receive the meters for installation this summer. Bill has contacted plumbers to receive bids for installation of meters but has had no response.
- The plan for asphalt improvements for Daniel Drive in June or July was discussed.

5. Glenda's report:

- **Bills/Finance:** Motion to approve January 2009 bills as presented. Motion Passed. A/R were reviewed and approved. To make sure bills are paid on time and in full, money should be borrowed from the capital fund and replaced when funds are deposited.

6. Budget:

- Snowplowing budget items were discussed comparing bills to the budget item allocated for this year and how it compares with the last couple of years.

7. Other Business: Rosa and Mike will be unavailable the next couple of months. In the interim, Jerry as Vice President will become President Pro Temp and oversee the BCMD meetings.

- County outside residential lighting guidelines for the subdivision will be included in the next water bill. Bill will write a letter informing the neighborhood of the county regulations and providing a link to the county site for more information. Offenders can also be called.
- Joanie Klar A/R was discussed. Steve Conner is looking into collections through a property tax lien. Bill will call her.
- PDPA (Public Deposit Protection Act) number is being applied for. This is in regards to the capital fund bank accounts with Alpine Bank who has been requesting the number.

8. Adjournment: 7:30 p.m.

BCMD Minutes

Date: March 18, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Steve Connor, Kelly Gessele, Joyce Hardy, Bill Johnston, Glenda Knight, Jerry Scheinbaum, Lawson Wills

Absent: Rosa Bielec, Mike Cooper

Public: No public present.

Agenda:

- 1. Call to Order:** 5:35 p.m.
- 2. Approve Minutes:** Motion to Approve February 19, 2009 minutes was made by Jerry, 2nd by Lawson. Motion Passed.
- 3. Public Comment:** None.
- 4. Water Plant Manager's Report:** While taking the meter reading on March 1st Snowmass Water & Sand became aware of the vault leaking. They proceeded to try to repair it by adding a radio-controlled meter, but were unsuccessful and resorted to installing a regular meter. The vault is on BCMD property. By mid-day the middle tank showed a low-water level which continued to drop when checked the following morning. Kelly replaced a 1-1 brass ball valve at the upper pumphouse. The leak is still occurring and SW&S is currently repairing it. Kelly and Dean DeRosier will consult with them regarding the 4"-pipe and meter Snowmass Water & Sand wants to install. Project approval will be needed from SW&S's Kit Hamby.
- 5. Steve Connor:** Steve has been contacted by Matt Dalton, the attorney representing Pioneer Springs. To assure "uniformity of taxation" it was recommended by the Pitkin County Assessor, Tom Isaac that PS form a separate tax district. We would still service their water needs through water sales to the homeowners. By creating their own association, they would be legally involved. PS would continue to pay for the current water mil levy. They would not pay for water repairs, or the road bond mil levy. The question was raised as to how repair costs to the water system would be billed to them. A master meter could be installed to bill them for water that would be limited to a predetermined water usage amount and some lien right to collect if needed. Glenda will compile the data needed into a 8-year projection spreadsheet to determine what they are currently paying towards the mil levy and what we would lose if they were excluded from paying. Units or valuations of their lots figure a percentage of the mill levy. BCMD can recommend to PS that their current costs are actually lower than would be by forming their own district, and we would release them from the district when bonds are paid off in 2018.

5. **BCMD Manager's Report:** A complaint was filed about the dumpster door handles being difficult to operate. Bill explained that they must be bear-deterrent by county regulations.
 - Bill will get installation cost quotes from plumbers for super water meters. Kelly is currently reading the meters weekly and reporting results to Glenda. Discussion regarding 2" pipe section that will be replaced by SW&S to 4" and whether SW&S will cover all costs, or share with BCMD.
 - Some weed control services will be scheduled for this summer.
 - Road striping by county or private contractor will be scheduled. Chip and seal quote for Daniel Drive (considering roto-milled tailings for the base and then chip and seal on top).
 - County lighting regulations will be included in the next water bill mailing.
 - Bill offered to cover minute-taking for meetings by his wife for a fee. We will continue with the same course for now.
6. **Glenda's report:**
 - **Bills/Finance:** Motion to approve February 2009 bills as presented. Motion Passed. A/R were reviewed and approved. High-water usage for Rasmussen mentioned. Klar paid \$2000, still owes \$1800 (\$1143 finance charges, \$712 usage). Lawson moved that if she pays the \$712 in the next 30 days we will reduce finance charges 50%, Joyce 2nd Motion, Motion Passed. Chris Sheehan debt from May 2005 for \$372.20 will be written off. Glenda is taking information to Roger for audit.
7. **Budget:** No budget items were discussed.
8. **Other Business:** Executive session regarding Cozy Point ended the meeting. Lawson will attend the task force meeting tomorrow.
9. **Adjournment:** 7:30 p.m.

BCMD Minutes

Approved

Date: April 21, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Rosa Bielec, Mike Cooper, Joyce Hardy, Bill Johnston, Glenda Knight, Lawson Wills

Absent: Kelly Gessele, Jerry Scheinbaum

Public: No public present.

Agenda:

1. **Call to Order:** 5:35 p.m.
2. **Approve Minutes:** Motion to Approve March 18, 2009 minutes was made by Lawson, 2nd by Joyce. Motion Passed.
3. **Public Comment:** None.
4. **Water Plant Manager's Report:** The water plant manager was unable to attend. There is still a question as to who will be responsible for paying for the 4" water meter that Snowmass Water & Sanitation is planning on installing. They had ordered a \$300 meter which cannot be used to solve the problem; and we will pursue getting a credit towards that amount. Bill or Mike will speak with Kip Hamby. Paul Rasmussen has challenged his quarterly water usage and had planned on speaking to Kelly about it. Because it is unsure if and when the meter was read incorrectly, his bill will be estimated at his normal usage charge. Braun water usage was 15,000/month for the quarter, totaling 45,000 gal. He is questioning his bill. There was no decision made on Braun.
5. **Pioneer Springs Update:** Steve Conner is currently composing a letter to Pioneer Springs. It will be reviewed by the board.
6. **BCMD Manager's Report:** Bill is completing a water meter proposal and will show the project to plumbers who wanted to check out the terrain after the snow melted before bidding quotes were made. Bill is looking for 2-3 competitive quotes from plumbers. The system works off a battery and the software program allows customers to check their water usage and allow us to monitor any leak warnings. BCMD will need approximately 120 registers and readers.
 - Elam's paving proposal for Daniel Drive is \$27,500 for application of a textile fabric, leveling coat and overlay for 8,000 square feet of road coverage. American Asphalt has quoted \$14,500 for chip and sealing the area that should last 7-10 years. Kaufman Seal Coating quoted \$8,800 for crack sealing around the subdivision. Mike would also like the pavement area in front of the Juniper Hill dumpster repaired. The estimate for that area will probably be \$2,000.00. Jim Kaufman from American Asphalt can do the work this week.

Neighbors will be notified on Daniel Drive. Lawson made the motion to use American Asphalt, Mike 2nd. Motion Passed.

- The budget allowed for \$13,000.00 for ditch work last year. This year's needs are estimated at \$4,000.00. The contractor for the job site on Medicine Bow will repair the driveway culvert they installed last fall.
- Dumpster handles will be modified in the next couple of weeks. A response letter to Ron Hochfield's complaint was sent. Bill will have knobs welded to the existing handles and enlarge the latch to improve the slide operation.
- Bill will investigate county's availability to stripe the roads. Discussion as to whether we pay for that service or is it not billed to us.

4. Glenda's report:

- **Bills/Finance:** Motion to approve March 2009 bills as presented. Motion Passed. A/R were reviewed and approved. A/R is high because bills had just been mailed out. Joanie Klar was not reachable to present our offer for reducing her finance charges. Bill will try to reach her again. Highway tax funds totaling \$22,230 was received from the county on April 2nd. Waste management would like to add another day pickup. Even though they are increasing their yardage charge we still feel it is cheaper to keep the current service we have with them.

5. Budget:

- Budget vs. actual spreadsheet total was prepared and reviewed. General fund spreadsheet will be completed by next meeting. Roger has received the materials needed to prepare the audit.

6. Other Business: Marty Barbour is a potential candidate for recording minutes at the board meetings. Glenda will see if she can attend the next meeting.

7. Adjournment: 7:30 p.m.

BCMD Minutes

Date: May 19, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Rosa Bielec, Mike Cooper, Joyce Hardy, Bill Johnston, Glenda Knight, Lawson Wills, Kelly Gesselle and Marti Barbour, recorder of minutes

Absent: Jerry Scheinbaum

Public: Susan Hershey

Agenda:

1. **Call to Order:** 5:35 p.m.
2. **Approve Minutes:** Motion to Approve April 21, 2009 minutes was made by Joyce Hardy and seconded by Mike Cooper. The Motion was passed.
3. **Public Comment:**
 - With summer coming up and the increase of children and pedestrian traffic, is it possible to get speed bumps if homeowners pay for installation, can the county get signage? It was the general consensus that speeding is a problem and is usually the same offenders. It is more of a summer problem than a winter problem. Mike asked if the rubber speed bumps have been priced out. Susan could check out the price and installation cost. Discussion centered upon what may and may not be effective. The big bumps on Cemetary Lane are effective. Mike will ask the County Sherriff to evaluate the speeding problem. Lawson suggested that perhaps electronic signs be loaned out to the subdivision to bring about awareness of speeding. It was also suggested that a letter be included with the next mailing; posters distributed, etc. Joyce suggested that we try to record who the offenders are and report them to the county sheriff's office. Mike will talk to the Sheriff's Office Wednesday May 20th. The most problematic time during the school year is about 3:30 pm. Mike will report by email.
 - Another question from "the bottom of the hill" homeowners regarding the Brush Creek Mill Levy; why are the taxes are higher or as high as \$10,000,000 homes in Aspen. The response was that our mill levy varies by year as the assessed value goes up. The Mill Levy for this group will decrease but the school district keeps it high. The snowplowing costs are included; the county does not maintain our roads or operating of the water system. Mike suggested that Susan could look at the budget to see what is included in cost of service. About \$1,000,000 is for roads; state and county taxes with schools being 55% of the budget. Also it seems higher because the cost is split between only 100 people as compared to the number in town. Glenda will email a copy of the budget for Susan's review.

4. **Water Plant Manager's Report:** (Kelly): Cost to redo water line above Medicine Bow: Suggested that we look at the budget and determine if it is possible to do before winter; \$18,500. Mike asked about the possibility of putting it into winter. The leak detector representative will be in next week. Kelly reminded us that putting off maintenance can potentially cause more expensive repairs in the future. There is a 44% differential in what we use and are being charged for. As discussed in last month's meeting, there seems to be an inaccurate reading. Just down from the 4-way intersection is one of the most common places for water leakage. Dave Anderson is the one who can analyze where the leak is and costs about \$1,000/day Mike asked that when Dave Anderson gets here that Kelly be here with him for the whole day. Lawson asked if the earthquake pipe was in the budget and should be considered. Glenda confirmed that it is included in the budget.

Bill said that the new meter system can be read by phone and responded to Lawson's question that we would only have to buy one. We would have purchase our own software to collect the data and input into our billing system. The software would cost about \$4,000. Kelly asked if there was a downside; the response was only if something were to go wrong with the modems. One box, depending on location, could pick up 5,000 homes; One data collection box is \$9,350.

Usage analysis; leak detection; bar graph or numbers--- Lawson offered to work with Paul Taddune on it. Mike asked Bill if we can get away with another year. It will be determined on whether a leak is detected. Joyce asked Bill how ready we are to move on this; Bill will have proposals at the next meeting. There is about a 20-year life on registers. It will attach to different brand meters but functionality would change. A new meter and register for every house is what is being proposed. The registers have a solar cell on top that can be read by shining a flashlight to determine water usage and flow rate. An attractive 4x4 redwood post for the meters makes a nice presentation and keeps them above snow level. Lawson asked for pictures of what the generator and meters look like. Rosa suggested that discussion be completed; get a cost; get an approval and proceed.

Bill is going to rough something out with Meg Haines and Paul Taddune including bids for plumbers. Kelly will also put in a bid. Rosa asked that projected start dates be included.

Bill Johnson reiterated that if there is a leak that it will be fixed. Annual leak detection surveys are the key to lower costs in the long run.

5. **Glenda's report:**

- **Bills/Finance:** Mike made the motion to approve April 2009 bills as presented. Motion Passed. A/R were reviewed and approved.

- **Budget:** General discussion followed regarding the budget which was exceeded by \$100,000; \$60,000 was for snow removal, although some of it was from December of 2007; Lawson expressed concern as we can only increase our budget by 5.4% per year.

Other Business:

Lawson asked Kelly if we bought the water meter. Snowmass Water & Sanitation will do all of the hook up; all we have to do is buy the meter; \$2,750. Bill Johnson asked that Kelly email the specs on the meter. Snowmass has the ability to read the meter & we can find out if they can help. If there is a problem with a water leak, Snowmass Water & Sanitation will fix it. Back pressure (gravity feed) from Brush creek created a problem in the middle tank. Now there is a water leak and the meter continues to run. Kip was very accommodating in getting the problem resolved. In other words, \$2,700 contribution for the water meter is good value. Maximum water pressure on the pipe is 350#. Kelly asked for approval to purchase and will bill for the cost. \$2,750 is the amount approved. Lawson asked what the turnaround time is for purchase and installation; installation will be made ASAP.

Kelly finished and left at 6:50.

Budget/Glenda:

This years' budget has \$55,000 for meters and \$20,000 for pipe out of capital. There is money in the fund balance. Everyone received a bound copy of the audit. Page 4, the auditor makes recommendation to add Rosa and remove Isabel's name from the bank accounts. Fund account corrections were made. Regarding the proper segregation of the duties...Being a small district, we don't have to comply. The audit is the year end financial statement; there is nothing alarming on the profit and loss. Lawson questioned the snow removal costs as we can only increase our budget by 5.5% per year. Mike asked Bill if there was info on signage; any other road projects to think about? Striping and surfacing of Juniper Hill dumpsters; proposals being obtained by Bill for concrete. Rosa asked for clarification on what is going to be paved and what is going to be concrete. She asked Bill that a drawing be included as part of the proposal. The bid will include bids for both concrete and asphalt. One asphalt is now for \$11,500; another being obtained. Concrete pad bids being obtained. Glenda confirmed that the money is in the budget for Road Maintenance; still have \$22,300 remaining. Rosa brought up the question regarding the interest rate and getting only a few dollars interest on thousands of dollars and getting a 30-day CD to make more money; Mike asked Glenda to ask the auditor.

General discussion:

Overweight limits – signage question to Bill from Glenda. Is there a way to charge for over limit weight? Concrete trucks will be over 30 tons but there is no way to monitor it.

Question is whether we can charge extra for permits of overweight construction vehicles. Does the county administer road usage? Mike asked if Bill would ask Brian Pettit. A suggestion was made that when someone comes to the Board to build that they be referred to the Metro District for fees. Rosa asked who is on the Architectural Review Committee. Can we impose a "construction impact fee" for new construction rather than call it road usage? Mike said that it may be worth getting a survey done. Bill said that the construction bid could be used to determine quantity of trips and weight of concrete for weight purposes.

Mike: On June 16, 2009, a meeting is being held to approve 40 acres for development of a large single family dwelling. Contractors will want to be staging on our roads which is something we need to be aware of. Mike told Suzanne Wolf that there would be no access between Cozy Point and their access.

The meeting adjourned at 7:35 p.m.

BCMD Minutes

Date: June 16, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Jerry Scheinbaum; Rosa Bielec Joyce Hardy, Bill Johnston, Glenda Knight, Kelly Gessele and Marti Barbour, recorder of minutes

Absent: Lawson Wills

Public: There was no public present at this meeting. The Board agreed that any homeowner who wishes to bring something up be welcomed to attend and present their concerns.

Agenda:

1. **Call to Order:** 5:34 p.m.
2. **Approve Minutes:** Motion to Approve May 19, 2009 minutes was made by Joyce Hardy and seconded by Rosa Bielec . The Motion was passed and minutes approved.
3. **Public Comment:** No public comment.
4. **Water Plant Manager's Report.** Kelly reported that 3 weeks ago he met with Dave Anderson. They went all throughout Brush Creek. Medicine Bow and Juniper Hill kept coming up as a leakage area; they went over it three times to double check; they dug down about 2 x 14'; found a leak within 7 feet out of 1000 and fixed it. A neighbor (Stan) recommended that the area be grassed in; Jerry sends an invitation for him to bring his recommendations to the next Board meeting for public comment. Buffalo Seed Company (Longmont, CO) has some very effective seed that has been used recently in the Basalt area. There is money in the budget. (regarding pipe breakages). Kelly will make a call regarding the water meter. Snowmass Water & Sanitation is going to do a redo. It will take a few more weeks to get a meter; 4" meter; 4" pipe.
5. **Bill Johnson Report:** Regarding research on speeding. He found info on radar that can be put on the speed signs. A lot of data and driver feedback can be obtained through the software; there are three companies to compare. An option is available to lease at \$130/month per sign and start up costs with pole installation and signage of approximately \$1,000. Actual data may bring more attention from the Sheriff's Department . Mike spoke with the Sherriff's office and they are hesitant to put them into a residential neighborhood for more than a day. There a few speed limit signs and some "Slow—Children" signs currently in place.
 - Bill spoke with Pitkin County Weed Control about additional funding for Brush Creek weed control. Bill gave approval to begin spraying some time next week. We have some money in the budget and with the county's

financial help we can get it into control. Two applications will be required and are \$3,000 each. Rosa approached Mike Otte, President of the Homeowner's Association to help with weed abatement and he was in agreement and will approach the individual homeowners. Joyce asked if we could find out which homeowners are participating. Rosa asked that a decision be made as far as our including info on weed control again along with the water report.

6. **Bills/Finance. Review of Bills/General discussion.** Billing for 10 hours of track hoe drilling. Kelly was asked about the time; it was continuous running time with an operator. No down time was billed. It was a big job because of the hill behind it. Rosa again asked that we look into getting a better interest rate on eligible account(s). Glenda reported that the Accounts Receivable looked pretty good. Joyce made the motion to approve May 2009 bills as presented; Rosa seconded the motion and it was passed. A/R were reviewed and approved.
7. **Other Business: Response to Cozy Point:** The opposition has been making attempts to sway City Council. They have not attempted to contact BCMD as far as we know. Jerry asked if it was appropriate to make a recommendation for an approval in support of Monroe. It was agreed that BCMD write up an official proposal. There are some activities that they want that would not work well for Brush Creek. Joyce will help Jerry compose the letter; the meeting is Monday. Jerry's letter to Aspen City Counsel will state something to the effect that Brush Creek Metro District, as one of the major Cozy Point neighbors, wholeheartedly supports Monroe Summers in the continuing stewardship of the land. The Board disagrees with the accusations published in the paper ads and wants to go on the record in supporting Monroe but not coming against the opposition in a public way.
8. **General Discussion:**
 - Rosa called Susan Hershey back and voiced support of her concerns. Rosa gave her email address to be notified if the neighbors observed who was speeding and could get a vehicle description and license plate number; Pitkin County Sheriff Dept would contact them but not ticket them. Susan is very interested in bringing the neighborhood "school moms" together on this issue and they would identify the areas where speeding is prevalent. Bill offered to work with Susan on this; Rosa will put the two of them together on this. Jerry asked if we would like to authorize funds for putting in posts. Jerry suggested imbedding some sleeves at road height so that they can be moved from location to location and keep out of the way of snowplows. Bill will work on that idea.
 - Dumpsters; the locks on the dumpsters are working well (Juniper Hill). Paving at Juniper Hill dumpster: Proposal for \$11,500 to redo paving and asphalt (only) in dumpster area. Excavate old pad; install new (patch & overlay) with drain. Bill is waiting for final proposal from Bobby but will look for other bids also.
 - Joyce asked if we were ready to buy water meters. We are not ready yet with pricing. Jerry asked if there was a way to check the weekly reading; Glenda confirmed that this was started in January or February. From this, it was evident that the leak started in May. Starwood Metro District has decided to go into

intergovernmental agreement to read water data service for Brush Creek Metro District. Next step is to find qualified plumbers (Tom Goode was recommended...Bill will start working on getting proposals and email to Jerry for review.

- Isabel offered to come back until the election in May. Kelly will report to Bill as the Subdivision Manager who will bring any financial questions to the Board
- Striping – Bill will try to get that done in the next week or so and work with the County on getting it done.
- Regarding lighting; we want to go on record as being conservative in the amount of outdoor lighting, especially as a new home is being approved.
- American Asphalt gave a good price on the chip seal. Bill will try to get Alex to do posts. Bill will ask for a firm proposal on the signs in order to bring back to the Board.
- Rosa asked Joyce if the Board will give approval to Jerry to authorize \$2500 to get started with getting the posts, as the summer is progressing. Bill will get the numbers to Jerry.
- Discussion of memorial for Mike: Glenda suggested that the Board make a donation to the animal shelter. The Board agreed to wait until Lawson gets back for a consensus. Bland wants to keep Cooper Day Real Estate going but there was some discussion about future meeting locations and getting Bland's approval to continue to meet here for the time being.

The next meeting is tentatively scheduled for Wednesday, July 22nd. Jerry called for adjournment at 7:30; seconded by Joyce. Meeting adjourned.

BCMD Minutes

Date: July 22, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members: Rosa Bielec, Joyce Hardy and Lawson Wills. Steve Connor, Attorney
District Manager-Bill Johnston, Water Plant Manager-Kelly Gessele
Glenda Knight, Finance and Marti Barbour, recorder of minutes

Public: Michael Mullen re: Backhoe & ACC
Steve Shapiro, Resident

Agenda:

1. **Call to Order:** 5:34
2. **Approve Minutes:** Motion to Approve June 23, 2009 minutes was made by Jerry Scheinbaum and seconded by Rosa Bielec. The Motion was passed and minutes approved.
3. **Public Comment:**
 - Michael Mullen – Backhoe & ACC. Mr. Mullen's came to address the topic of the front end loader which has been parked on Medicine Bow for a long period of time; now a "For Sale" vehicle is parked at a different location on lower Juniper Hill Rd. With complexion of the community changing and land values going up, Mr. Mullen is concerned about the overall look of the community and that if we don't preclude it now, it may happen more in the future. He wanted to know who is responsible for the bylaws, restrictions, etc in order to prevent this from becoming a problem. Lawson answered that monitoring the parking is not BCMD's responsibility. BCMD and others have made complaints, however it is the landowner's responsibility. Jerry's position is that we don't want to take an adversarial position and that these things are going to go away as the neighborhood takes on a different complexion. Mr. Mullen will take it up with the Homeowners Association. On a similar note, Mr. Steve Shapiro also voiced concern with the increasing number of garage tents in the area. Mr. Shapiro was asked if he could plant something in the dirt area in front of his house. Irrigation is a problem, but Lawson would be willing to work with him on a temporary water rate for resolving this on going problem. Lawson said that there are probably some covenants in place with the Homeowner's Association.
4. **Water Plant Manager's Report:** Kelly has previously submitted estimated costs for fittings. BCMD will put in flexible fittings and a whole new stretch of pipe (about 90'). It was increased to about \$25-30,000. In response to Lawson's comment that we should put this off until next year due to the cost of the new water meters, Kelly proposed that he gives an estimate of cost and see if there is a

percentage increase which may help determine if we wait until next year. Rosa suggested that we take some of the \$251,000 out of the Capital Fund which hasn't been touched in two years. The last break in January cost \$12,000. The money from the meters is \$70,000 which is coming out of the Capital Fund. The bank said that the fund has been dormant for two years. Lawson suggested that we authorize Bill to speak to a qualified engineer to assess the situation. Jerry asked that perhaps we could get some free technical information from George T. Sanders Plumbing Wholesale, Grand Junction Pipe or Dahl Plumbing if they have an engineer on staff.

Kelly replaced a fire hydrant and about five valve boxes. Also there was a problem with Gonsky's pit meter corner horn. One of the copper fittings was leaking and we had to replace it because it was on our side. We got a new main meter in Snowmass. There are two meters with 4" valve and 4" pipe, including a blow-out valve (above the meter) which blows out into the creek. Snowmass Water and Sanitation paid for it. Kelly finished his report and left at 6:55 pm.

5. BCMD Manager's Report

Weed Report from Prima Plant Services: The first bill came in at \$2,000; we have a budget of \$6,000. BCMD has a list of 20 properties which have noxious weed problems. Rosa recommended that we send out notices to those property owners. We would like to ask them to get involved with the Pitkin County noxious weed program; sign up will be in August for Fall spraying. It was agreed that we will send out such notices.

Upkeep of 10 Vacant Lots Owned by BCMD is a weed control question. Bill suggested that BCMD should do something to beautify the lots.

Stan Bialek did not want to come to the meeting. Jerry said we should get someone to spread out some top soil and seed to re-vegetate his property where the land was disturbed. Lawson seconded the motion. It was approved that this should be a matter of course when homeowner's properties are disturbed.

6. Lawson/Bill Report:

Water Meters: IGA with Starwood to share use of their data collection equipment. Unrestricted telephone access; the telephone sends the info into the computer system. There will be training available online; several people should learn how to work it.

Cost is \$2,000 initial fee and \$2,500 per year; renewable one year revolving contract. So far, in putting meters out across Brush Creek, all of them have read. Jerry moved that it be approved and Rosa seconded the motion.

Bill requested that the Board authorize the purchase of this system. Jerry moved that we approve the purchase with a contingency in the contract not to exceed their amount and that we authorize on a per item basis, any changes. A completion date and back hoe charge, fitting charges, etc., should be included. Bill will put together a contract to propose to the Board and feels confident that

the contractor will do a good job for us. Jerry made the motion to authorize Bill to make the purchase. Lawson seconded the motion and all approved. Bill will begin this on July 23.

The Board members would like to see some clauses in the contract regarding change orders in order to contain costs and a deadline date for completion.

7. Budget – General Review

8. Bills/Finance

- a. Bills for June 2009 were approved as presented.
- b. Glenda's Report
- c. A/R

9. Other Business

- a. Steve Conner re: Pioneer Springs & overweight trucks on roads. The only way we can enforce weight restrictions is to go into intergovernmental agreement as the County owns the roads. The homeowners association could possibly do it. Lawson asked whether the BCMD can enforce a usage fee. Steve thought that chances were slight that this would happen. It needs to be fair and equitable across the board. The problem needs to be addressed to the county and they set the weight limits and are the ones to enforce it. Steve discussed the options for Pioneer Springs to split out the taxes. If they are out of the District, the question is how to get them to help pay for the water bonds. Any future road bonds would not encumber Pioneer Springs but future bonds for the water system could. Steve recommends that we make this proposal back to them. There is a meter there already and they are responsible to upgrade. It should be included that they do not have an unlimited supply of water. Glenda said that what she bills is usually less than what is read on the meter, so she could just bill for what is read on the meter. Currently they are paying nothing for service fees. Steve suggests that they pay their fair share of improvements. The savings are nominal for them and they lose some tax benefit. Steve will prepare a proposal for the Board's review by email prior to presenting to Pioneer Springs. Rosa agreed that we need to do a master meter. Kelly brought out the point that they are considered a consecutive system. Jerry asked if we could present the proposal to them without consulting Snowmass Water and Sanitation. Steve didn't think that this would make a dramatic difference. Lawson asked that if there is a way to maintain our two million gallons? The other side of the meter would be considered a master line; the customer would be the Pioneer Springs Homeowner's Association. Kelly confirmed Jerry's question that there is one fire hydrant in that area. A spring exists in the area for supplemental water in the case of a fire. Steve said that a fire truck had the power to suck the water out of a tank faster than it can be replenished. If the valve was open, they could get the water from Snowmass. Jerry asked if the fire truck could suck out all of our tanks. Kelly has advocated that they put in another tank for this very reason. If there was a major brush fire, the area would not have enough water. Steve concluded at

6:30 p.m. with the commitment to prepare a proposal for Pioneer Springs and submit it to the Board for review.

Rosa requested input as far as discussion to change some of our funds in order to increase the interest rate by going to CD's and leaving the minimum in the Money Market fund. 2.5% as opposed to 1% is worth making the change. Rosa discovered that only \$250,000 of \$1,000,000 was protected by FDIC; Alpine Bank had not realized until the bank audit that the remainder of the funds had not been protected. Rosa suggests that the account of \$318,000+ (Road Fund) that we take a min of \$100,000 of that and put it into a CD with Community Bank with an 3.01% for three years; 24 months of 2.52%. We have \$251,000 in the Water Fund we could take out \$75,000 and put in for 90 days with CD it would 1.64%. With Alpine it would be .85% but putting it into two different banks would allow more FDIC protection. Jerry asked about liquidity as far as getting money out of the water fund for an emergency. We would only lose three months interest. The \$12,000 in the Conservation Trust Fund can be put in a 90-day or 180-day CD. April 1, 2010 we can put in \$10,000. Account activity will remove any accounts from dormant status and qualify us for better interest. If we go below \$10,000 there will only be a \$9.00/month account fee. Lawson moved that we put \$200,000 out of the Road fund into the three year CD. Jerry seconded the motion. Two out of three agreed.

- b. Resurfacing at Juniper Hill dumpsters – There is approx \$31,000 still available. Rosa asked if there was a plan to do something with the dumpster itself. Jerry said that we can go ahead and put in the pad and paving in order to do a creative “face lift” of the area. In time we could spend about \$5,000 to make it look nicer. Jerry asked if we could put in a pipe to put a hose through for irrigation purposes rather than running a hose across the street. A few 4” conduits would work. Jerry moved that this expenditure be approved; Lawson seconded the motion and all approved.
- c. Dumpster pick up is 5 days a week and have been full. The up-charge was \$450 for eight yards of trash and clean up. After July 4th; they missed both Saturday and Sunday; Bill asked the company for a credit for Sunday and Monday because Saturday was a holiday. It was agreed that we would monitor the dumpsters before scheduling in another day of \$450 per month. Regarding problems with bear break-ins in the neighborhood, Glenda will call Kevin Wright from DOW for bear signs and educational materials.
- d. Gonsky water meter repairs. Bill spoke with Kelly about the problem. The sprinkler contractor reported that water was coming out of the meter. Bill tightened up the connection at the gasket and Kelly came out to complete the repair. Glenda has checked their meter and will give the Gonsky's a call.

- e. Speed signs. Bill has not yet spoken with Susan Hershey regarding identifying offenders. He did speak with the County; they would only bring out their speed monitoring equipment every so often. Jerry commented that he has seen only two speed limit signs. Rather than going high tech, he suggested that we install more signs, i.e., “slow down—children playing” that can be used on a seasonal basis. There is a signs budget item of \$4,000. Jerry made to motion to authorize Bill’s purchase of six speed limit signs and four pedestal signs.
- f. Damage on the road – A large truck had a blow out on his tire and drove on his rim. Paul Rasmussen has information on the truck company involved. Jerry authorized Bill to pursue contacting the company’s insurance company to compensate for repair costs.
- g. Mike Cooper memorial – Jerry proposed that we put a bench in his honor at the Aspen Animal Shelter. The invitation for donations was presented to all present.

10. Adjournment. Jerry motioned for adjournment. Joyce seconded it; the meeting was adjourned at 8:49p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: August 25, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum and Board Members Rosa Bielec, Lawson Wills and Joyce Hardy. Bill Johnston, Manager, Kelly Gessele, Water Plant Manager; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Public: Ron and Carol Gonsky

Agenda:

- 1. Call to Order:** 5:35 p.m.
- 2. Approve Minutes.** After a few corrections to the minutes, Jerry Scheinbaum motioned to approve July 22, 2009 minutes and seconded by Rosa Bielec. The Motion was passed and minutes approved with corrections.
- 3. Public Comment:** Ron and Carol Gonsky were present and brought up the discussion of their \$8,000 water bill. Although the leak has since been fixed, the July bill showed that they used 60,000 gallons in the month. The average should be about 30,000 if divided out equally amongst the residences. Lawson addressed the problem of over water usage and its effects in relationship to Snowmass Water & Sanitation. Although the Gonsky's have decreased their usage by 30%, they are still consistently one of the highest water users. Kelly explained that the control has to be focused on the irrigation. Lawson recommended "Dry Land Pasture Mix" for use in stabilizing the hillsides without the need for watering. Rosa suggested a landscaper who specializes in xeriscaping asked the Board if we may give some rebate for planting the area with drought resistant plants and seed. Jerry and Joyce agreed. The Board will give the Gonsky's a break in their water costs if they submit a proposal and follow through with the work. Lawson explained how the new meter system will work and that they can monitor their water usage online. The Gonsky's left at 6:15 pm with the agreement that they will look into xeriscaping. Rosa will follow up with Glenda with the contact information for a landscaper/s and Glenda will pass the info on to Carol Gonsky.
- 4. Water Plant Manager's Report.**

Over the month, Aspen Fire Dept checked fire hydrants; they found a few that needed some adjustments but overall BCMD got a good report. When Top Gun Plumbing starts, they will start one house at a time for a period of about 6 weeks. In response to Lawson's question regarding preparation for winter, Kelly suggested that we address the pipe issue. Lawson recommended and Jerry agreed

that we could wait on it. Kelly had a maintenance emergency and had to leave at 6:00 pm.

5. **Bills/Finance. Review of Bills/General discussion.** July 2009 bills were approved as presented. A change was made to the liability insurance at no extra charge to the District. Glenda has the addendum to the policy if anyone would like to see it. The renewal date is January; it comes due in March; it is a government insurance liability pool and the best available insurance for cost.
6. **Other Business.** Pioneer Springs: We should have something from Steve on this by the end of the week.
 - **CDs:** The 3-year jumbo CD at Community Bank CDs are not available to government entities. Rosa's recommendation is to transfer \$100,000 from the Road Capital Fund to a 2-year, 2.42%. and \$100,000 from the Road Capital Fund to a 1-year CD at a 1.49% for a 1-year. \$10,000 from the Conservation Trust Fund to a 9-month CD would gain 1.44% interest. Although Alpine Bank's CDs are a bit lower, Jerry, Lawson and Rosa would like to go with Community Bank for the sake of diversity and security. Applications need to be completed and returned to Community Bank for set up of the accounts.
7. **Bill Johnson's Report:** The letters regarding weed control have not gone out yet. There was discussion regarding putting some grass seed down in the Medicine Bow area this Fall in order to stabilize the hill by Stan's house where the land was disturbed. It was agreed that BCMD should continue with that plan.

Meter System Installation - The posts were delivered and ready to go forward with installing them. The new meters will be ready to begin installing next week and could take 4-6 weeks. The meters can be read by a hand scanner until the remote data collection system is operational. Board members discussed the method of notifying the homeowners. It was decided that it should be the contractor's responsibility to create the schedule. Doors can be tagged with notices and a sign can be posted at the dumpster area to notify of the general time that meters will be changed out. Lawson complimented the work done on the dumpster area and striping. The striping calls to attention the narrow roads and the ability to help control speeding.

Meter System Billing Software discussion. Bill emailed the contractor to update the quote before we proceed with purchase.

Snowplowing and Culverts- Lawson asked if we were set up yet with Bobby. Jerry asked that we get the culverts cleaned in the Fall to help with water runoff in the Spring. Glenda said that we still have \$2,500 in the fund for ditches and that we would ask Bobby to do the work at a set price.

Speed signs project was unfortunately not completed before school started. If there is not enough time to get the monthly “To Do” lists completed, the Board would like to be kept informed. Jerry asked that Bill communicate through Glenda to Jerry and the Board in order that some tasks could be distributed.

8. General Discussion:

- Jerry brought up the point that Mike had given Jerry a discount for watering the grassy knoll.
- **Senate Bill 09-87.** Lawson said that someone needs to put together a compliance notice. Lawson will work with Glenda in putting this together. The bill passed and compliance is required by November.
- **Mike Cooper Memorial.** It was discussed that as a District, we most likely can't make a donation. Individually, people can donate money to Bland's fund in order to put a bench in Mike's honor at the Aspen Animal Shelter at a cost of approximately \$2500-5000. Jerry will talk to Bland and possibly write something up for the newspaper.
- Regarding the availability of Cooper Day office, it has not been determined how long we will be able to use this space.

The meeting was adjourned at 7:35p.m.

Brush Creek Metro District (BCMD)

Monthly Board Meeting Minutes

Date: September 17, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Isabel Day, Bill Johnston, BCMD Manager; Kelly Gessele, Water Plant Manager; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Absent: Rosa Bielec

Agenda:

- 1. Call to Order:** 5:35 pm.
- 2. Approve Minutes:** Motion to Approve August 24, 2009 minutes was made by Jerry Scheinbaum and seconded by Lawson Wills. The Motion was passed and minutes approved.
- 3. Board Appointment.** Lawson Wills made a motion to appoint Isabel Day to fill the vacancy on the Board of Directors due to the passing of Michael Cooper. It was seconded by Jerry Scheinbaum and passed unanimously. Isabel has been approved to fill the vacancy of Michael Cooper until the next election.
- 4. Water Plant Manager's Report.** Kelly got an exemption until 2013 for annual testing for chlorine. It was approved because BCMD is a secondary district and below a certain count.

Kelly asked about revegetating. Bill confirmed that a load of topsoil and seed should be put down in the area that was disturbed.

Extra charge for non conforming meter sizes Lawson asked that we get a list of how many people need 2" meters (\$90 for standard versus \$600+ for two-inch meters.) Jerry asked if it was for fire protection that two inch meters were put in initially. Board members discussed having those homeowners needing two-inch meters pay the difference. Bill will compose a letter and send it to Board Members for approval.

Jerry asked Kelly about putting plastic pipes (HDPE) in fault zones and whether they would have more flexibility. Kelly will get to the manufacturer to determine the feasibility of using this product. A question would be whether the connections would work and whether there would be a water quality issue.

The question arose regarding the possibility of putting a fire hydrant on Brush Creek Road near the Droste house. Kelly will get a bid and give it to Bill for a hydrant within 500 feet of his home (per insurance regulations).

Kelly left at 6:10 pm.

5. **Pioneer Springs Discussion:** Lawson summarized Steve's memo and suggested that BCMD deny the request but recommended that a special meeting be held with Steve Connor to discuss this situation with all Board members present. Lawson will contact Neil Garing Insurance regarding the Special District Liability Pool. Glenda will contact Steve Conner to discuss availability for a special meeting on October 13th followed by the regular meeting on Thursday, October 20, 2009.

Lawson left at 6:30 pm.

6. BCMD Manager's Report

- a) **Status of new water meter system.** Several of the meter pits were buried in dirt and debris so there was some extra time spent in preparation. A few days were lost due to not receiving connection parts. Twelve were done today and estimate 15 will be done tomorrow. It is expected that the completion date will be met. The old posts will be removed. There will be some additional costs for the connection parts (1" adapters) but will stay within the budget and save the \$100 difference. The \$500-600 difference, as discussed will be addressed with the homeowners involved. It is expected that the project will be within budget and time constraints. Bill would like to get together with Glenda and Rosa regarding the business requirements for the meter reading software. Since the new computer will be going into Glenda's home office, she asked permission to combine things from her computer into the new District's computer. The Board agreed that this is acceptable.

There may be a discrepancy after the new system goes into place and a letter of explanation will go out with the bills.

Maintenance & General: Bill asked Alex to remove extra vegetation in the ditches and keep the recycling and trash areas clear. Bill brought up the question again whether we want to get an extra day of trash pick up or whether we want to pay overage fees. Jerry asked that Bill address the question of fuel surcharge with Waste Management.

7. In order to be in compliance with SB-09-087, Bill will acquire the Plat Map from Pitkin County.

9. Long term planning. \$5,000 had been put into the Budget last year. Glenda posed the question as to whether BCMD will use this money in 2009. Jerry said that it won't be used this year but that we will keep it in the budget. A future beautification project on the Juniper Hill dumpster area was suggested.

10. Bills/Finance

- a) Approve bills. August 2009 bills were approved as presented.
- b) Glenda's report. The budget is still looking good
- c) A/R is pretty good. Glenda is working with the Beck's on one bill. The property is for sale and the bill can be collected upon closing if necessary.
- d) Preliminary property tax valuations have been received. Pitkin County has requested a deadline of November 1st. Many people have been protesting the valuations; Pitkin County expects to have all the figures for new valuations by mid-October.
- e) The Gate's want an adjustment in their second quarter water bill. There is no existing BCMD policy on this. They had some water leaks in their new irrigation system but got it under control in June and July. They are only supposed to have 1500 sf of irrigated land. Jerry asked for postponement of this discussion until Lawson and Rosa are present, although it was generally felt that BCMD shouldn't be responsible for poor workmanship in their new irrigation system. This will be an agenda item for the October 20th Board Meeting.
- f) Gonsky: Ms Gonsky wants an adjustment retro for the future. They have cut down from 3000/day to 1100/day. Glenda said that there was one month that could be adjusted, amounting to about \$30-40. The Board agreed that their bill be adjusted accordingly.

11. Other Business. Use of Upper Ranch Road. Jerry said that Waste Management might be using the road and causing wear and tear; Bill will remind them of road usage.

12. Adjournment. The next meeting is Tuesday, October 20th. Jerry motioned for adjournment at 7:40; it was seconded by Isabel and the meeting was adjourned at 7:45 p.m.

Brush Creek Metro District (BCMD)

Monthly Board Meeting Minutes

Date: October 20, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Isabel Day, Bill Johnston, BCMD Manager; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Absent: Rosa Bielec; Kelly Gessele

Agenda:

1. **Call to Order:** 5:32 pm.
2. **Approve Minutes:** The minutes to the Special Meeting of October 13 had some minor corrections which were made; Jerry approved and Isabel seconded that the minutes be approved as corrected.
3. **Public Comment:** None
4. **Water Plant Manager's Report.** Kelly was not present. Glenda said that Kelly attempted to contact Mr. Droste and left a message regarding his request for a fire hydrant and where he would like to have it located. He did not receive a reply from Mr. Droste.
5. **BCMD Manager Report**
 - a. **Status of New Meter System:** A discussion for addressing questions regarding the new meters arose. Either people will call Glenda or BCMD will build a website for posting information.
The meters should be done within the next week. Some of the registers for the 2" meters need to be switched out. The cost will be about \$700 for each 2" meter. Bill will forward a list of who has 1.5" meters and who has 2" meters to Glenda. Bill has already had readings on his software and has notified homeowners whose meters seemed to be running excessively. During the summer months it may be more difficult to determine because of continuous watering. Bill received the data collection unit via UPS today. The location of the fourth unit will be determined once 100% of the meters are installed.
 - b. **Extra Charge for non-conforming meter sizes.** The Board decided that we will not charge for the four two-inch meters.
 - c. **Stone-Challinor mix up.** Before everything goes into operation, Bill Johnston and Glenda will go on location next week in order to check each meter and match it to the correct address. It was decided that Challinor (only) should be told that there was a meter mix up and that in the future they will be billed as read by the new meter system. Stone's cost difference will be absorbed by BCMD. Challinor will be given a credit for the usage.

The Board agreed that the overpayment should be fully reimbursed rather than crediting the account.

- d. **Boyer adjustment.** The water was turned off and not turned back on. Mr. Boyer had to turn his own water back on. The Board agreed that it would be a good gesture to give him a credit of \$100 for his inconvenience in having to remedy the situation himself.
- e. **Discussion regarding size of water lines/fire safety.** The Board would like to start a Water System Evaluation for Long Term Planning.

6. Bills/Finance

- a) **Approve bills.** September 2009 bills were approved as presented.
- b) **Budget for 2010.**
 - The plowing budget for 2009 was discussed and we still have \$50,000 to take us through December.
 - In 2009 \$65,000 was budgeted for road maintenance; the Board decided to keep it at \$65,000 for 2010. Bill Johnston said that Sage Brush Lane and Turtle Cove Road are in bad shape and can be chip-sealed.
 - Weed Control – We still have another bill to come in for 2009 from Prima Plant Services. BCMD has not yet received any Weed Program reimbursement by Pitkin County; we may have been too late in getting into the program.

The road signs for slowing down still in Bill's office. He will need the specific locations for placement
Glenda will submit a proposed budget for 2010 before the next Board meeting.
- c) The State tax exempt number was received.

7. Other Business.

- a. Rosa requested through Glenda that Jerry email Stan Bialek to let him know that we are still working on addressing his situation.
- b. Discussion ensued regarding the high billing from Mountain Temp Services. Lawson asked if it was coming in within budget. As of last month it looked good. Jerry asked if the capital fund increased with water profits.
- c. Joyce brought up the question again about the excess trash. Bill Johnston will discuss the issue of road usage of Upper Ranch Road by the trash trucks. Jerry suggested that we add another day of trash pick up into the trash budget for 2010 and possibly increase the fee. The fee discussion was tabled. Another day of recycling would be an additional \$190. This should be added to the budget and discussed later.
- e. Bill needs the locations for placement of the "Slow Down" road signs.
- f. Gates Second Quarter Bill Adjustment. They used 130,000 gallons the second quarter; third quarter they used 33,000 gallons. They were billed \$2,200 and paid \$1,000.. The Board determined that the Gates has to go back to the system installer for faulty installation. Bill Johnston suggested

that homeowners make an application to BCMD for new trees/landscaping. Lawson asked that the Gates be invited to attend the next Board meeting to explain and make their appeal.

12. Adjournment. Next month's regular meeting will be Tuesday November 17th and will also be the Budget Hearing meeting. Jerry motioned for adjournment at 7:35 pm; it was seconded by Isabel and the meeting was adjourned at 7:40 p.m.

Brush Creek Metro District (BCMD)
Special Meeting Minutes
Pioneer Springs

Date: October 13, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Isabel Day; Rosa Bielec; Steve Conner, Counsel; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Absent: Bill Johnston

1. **Call to Order:** 5:43 pm.
2. **Approval of Minutes** Joyce moved that the minutes from the last meeting be approved and Lawson seconded it, they were unanimously approved.
3. **Discussion of Agreement with Pioneer Springs:**

Steve Connor had a few meetings with Pioneer Spring's attorney Matt Dalton. Lawson Wills said that Bill Johnston had talked with the insurance company who thinks we will be covered. Steve confirmed that the insurance company would cover it, however his concern is that we will waste a lot of time, plus there will be a deductible. Their proposal is unacceptable as it stands. It is 18% of the District. Pioneer Springs paid for the first road bond in 1986; it is the new road bond that they are complaining about. The pre-inclusion is part of the document. Lawson stated that it is their burden of proof to show that it was water only—Steve said that they had no proof. Rosa questioned what exactly they were asking for; 18% of the road bond is what they are requesting. (approximately \$15,000/year) We are proposing that they pay 1.5 times the water fees if they become out of district. They will need to pay the Mill Levy. They would be a contract service recipient. Rosa asked if the bond holders object to having to pay 18%. Pioneer Springs would not be responsible for road debt but only water fees. Question is whether we can assess fees to offset this \$15,000. The fee that we charge will have to be adjusted yearly to cover the costs of government. The ones that are asking to opt out are everyone but the son of Mr. Droste. We do not believe they paid tap fees. If we go to court, they will say that what ended up is not what they bargained for; they only wanted water service. If they are not in the district they are violating the approval that allowed them to build their houses. There was discussion as to what happens to the water rights for Droste. The Board agreed that it would be an administrative nightmare to set things up in order for us to collect fees from them. When they purchased the land to build the house, it was in the agreement that they were part of the water district.

Steve asked for the Board's direction, i.e., "On the basis of what they are proposing, BCMD is not interested in proceeding." Steve will write a response letter, citing minutes from meetings, pre-inclusion agreements; easements granted, etc. The Board feels that it has acted responsibly on what was originally agreed upon in order to be fiducially responsible. If the Board gets sued based upon an official act, the insurance company will cover it.

The Board unanimously agreed upon the above position: **On the basis of what Pioneer Springs is proposing, Brush Creek Metro District is not interested in proceeding.**

9. Adjournment. The regular monthly Board Meeting is Tuesday, October 20th. The meeting adjourned at 6:55 p.m.

Brush Creek Metro District (BCMD) Monthly Board Meeting Minutes

Date: November 17, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Rosa Bielec; Isabel Day, Bill Johnston, BCMD Manager; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Absent: Kelly Gessele

Agenda:

- 1. Call to Order:** 5:35 pm.
- 2. Approve Minutes:** Motion to Approve October 20, 2009 minutes as corrected was made by Jerry Scheinbaum and seconded by Joyce Hardy. The Motion was passed and minutes approved.
- 3. BCMD Manager's Report**

Status of new water meter system. The 2" water meters have been received and the plumber should begin installation next week. There are two locations that the Starwood Collection Units are unable to read. Larson and Lull's readers will need inspection and may need to be relocated.

The new water system is now able to print out a water leak detection report. It has yet to be determined if we are able to get readings from the rodeo grounds; Pioneer Springs meters. A homeowner that showed high water usage as a result of the leak detection report asked Glenda and Bill to enter their home and determine the cause of the excessive water usage since he was unable to contact his house manager. **Jerry suggested that we get a billing system in place to help cover this type of expense.** Jerry asked that by the next meeting, Rosa present a draft to the Board regarding the new water system to include benefits, indemnify Board members regarding notification of leaks, and the new service billing system. Rosa was also asked to request telephone and/or email information for notification of leak detection.

Leak detection will be more of a challenge in the summer months due to increased irrigation but going forward there should be much more control of the water usage.

Jerry asked the question and Bill responded if there may be governmental stimulus monies available next year that might fall under the green initiative. When asked by Lawson if we were on budget for the new water system, Bill replied that we may be over-budget due to having to provide some of the 2" meters and more temporary labor for installation and removal of poles.

The billing system has been set up in Bill's Starwood office; Rosa and Glenda attended an orientation on the use of the new system. Final training on the Neptune software takes place on Thursday, November 19. Jerry asked how this will affect Kelly's billing. Glenda replied that the monthly charge for reading meters would be eliminated. **Bill will get a quote for a pump monitoring/control system.** This could reduce the amount of time and money spent on physical inspections. It may also reduce the phone charges for an alarm system.

St. Ville has a meter inside his home but is not making it accessible to BCMD. Lawson suggested that BCMD send him a letter and a deadline to make the meter accessible or turn off the water. This homeowner also has lights on 24-hours a day that shine very brightly. Glenda has made several attempts to contact the owners for availability and is hopeful she will be able to obtain their cooperation in changing out the meter before additional action is necessary.

Dumpster discussion: The dumpster usage is still high. An extra day of recycling and trash pick up is included in next year's budget. **Rosa wrote a letter for the Board's approval to ask that Aspen Ridge residents help with the trash service bill at a rate of \$130/per quarter.**

ADU Units and dumpster usage. Rosa knows of 10 ADU's; four are detached. Rosa suggested that we consider charging an additional trash fee for owners with ADU units. There could also be an exemption of some units if they are not used as a rental. Discussion ensued as to how much we want to become ADU police. Isabel suggested that BCMD initiate a survey to determine how people are using the dumpsters. Rosa suggested that we put in a code system; Bill suggested that we put in security cameras. **It was agreed that we could get some competitive bids for trash service. Bill will follow up with this. Lawson suggested that we monitor the usage and make it an agenda item in a few months.**

Other business:

Discussion arose regarding using a credit rather than writing a \$5000 check to the homeowner for overpayment of water usage. Isabel stated the prior decision was made for accounting simplification. **Rosa moved that the homeowner be issued a credit rather than a check.** The motion was seconded by Joyce Hardy and was unanimously approved.

Rosa made a suggestion regarding the use of the Meeting Agenda as a way to better keep track of ongoing projects. Each month the tasks would be addressed as an agenda item under "Old Business" with a simple spreadsheet format of item discussed and checked off as either on-going or complete. **Board members agreed that implementation of this suggestion would help bring about more clarity and accountability.**

Transparency Notice to homeowners of Brush Creek. In order to be compliant with Senate Bill 09-087, BCMD has to send out a notice. **Completion deadline is January 15th, 2010. Lawson and Glenda are continuing to work on this requirement.**

Budget: Each item of the budget was discussed to determine appropriateness. There was some discussion regarding whether some of the money set aside in the conservation trust fund could be used for the entrance beautification project. Lawson Wills moved that the Budget be approved as set. Jerry seconded the motion; all were in favor. It was agreed that another budget meeting would not be necessary.

Lawson made the motion that Jerry or Rosa sign the resolutions before December 15th. It was unanimously approved.

4. Bills/Finance

- a) Approve bills. October 2009 bills were approved as presented.
- b) A/R is pretty good.
- c) Glenda received the new IGA

5. Adjournment. The next meeting is Tuesday, December 15th. Jerry motioned for adjournment at 7:40; it was seconded by Isabel and the meeting was adjourned at 7:45 p.m.

Brush Creek Metro District (BCMD) December 2009 Board Meeting Minutes

Date: December 15, 2009

Time: 5:30 p.m.

Location: Cooper Day Real Estate, 400 East Hyman, Aspen, CO 81611

Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy, Bill Johnston, BCMD Manager; Glenda Knight, Finance and Marti Barbour, recorder of minutes

Absent: Isabel Day, Rosa Bielec

1. **Call to Order:** 5:30 pm.
2. **Approve Minutes:** Minor changes were made to the minutes; a motion to approve November 17, 2009 minutes as corrected was made by Jerry Scheinbaum and seconded by Joyce Hardy. The Motion was passed and minutes approved.
3. **Water Plant Manager's Report**
 - a. Old Business
 - b. Chlorine in the water system. Testing at the upper water tank has indicated that there is not a problem. Sampling has to be done from top to bottom in order to be in State compliance. It is BCMD's responsibility to ensure that Snowmass Water & Sanitation is providing enough chlorine. **Kelly will do the test & inform Bill of the results.**
 - c. Water Meters. The meters are working great. St. Ville still does not have a new meter. **Phone calls were made; Bill will send a certified letter to St. Ville addressing the water meter issue and the lighting issue.**
 - d. Snowmass Water & Sanitation. Glenda received a bill for \$7,000+ for meter; valves; bypass. It was the understanding of the Board that we would pay for the meter but not the installation. BCMD should have received a proposal for the work prior to installation. **Bill Johnston will begin negotiation with Kip on the Board's behalf on Wednesday, December 16th.**
 - e. Representatives from Sherlock Homes called. Mann, property owner on Medicine Bow Road is not currently on our system and is interested the procedure for getting a tap. **Bill Johnston will call Sherlock Homes to follow up.** It is a flat fee of \$25,000.

- f. Billing from Kelly. The meter reading fee is an add-on and BCMD will therefore see a decrease of \$500 per month.

4. BCMD Manager's Report

- a. Old business. Reviewed
- b. Placement of new data collection unit or not. It is compatible and will be installed in Spring. The new software will work with both systems.
- c. Trash hauling proposals. Three proposals received: Snowmass Village for \$3,300/month include recycling 3/days per week; \$31/extra yardage; Waste Management came in the lowest \$2369 for six days; 2/days recycling \$186.50 (no extra charge for extra day). Lawson moved and Jerry seconded that BCMD negotiates with Waste Management to add in the extra recycling day at no charge and fuel charge be reduced by 10% of the base fee. Bill Johnston will call Mike from Waste Management.

6. Budget – Regular Review

- a. Approve bills. November 2009 bills were approved as presented.
- b. Old Business
- c. Glenda 's Report
- d. A/R Discussion of Jallifer & Klar. Glenda has left messages in order to collect past due amounts.

7. Other Business

- a. Charge “quarterly water service charge” based on water line size; discussion ensued but topic was tabled for January’s agenda.
- b. Election for Isabel and Lawson are coming up in May. The Board discussed the advisability of not adding more than one new Board member at a time.
- c. **Jerry asked Bill to contact Mr. Deboer regarding road use issues.** He has concerns about the construction traffic at the Mann’s and has questions regarding his well.
- d. Trash Service. Jerry disagrees with the suggestion of charging extra fees for ADU units because of the inequities regarding square footage and usage. **A motion was made to charge each residence an equal fee for trash service. Jerry proposed that \$5 additional be universally charged for trash service.** No action was taken.

8. Adjournment. Jerry motioned for adjournment at 7:35; it was seconded by Joyce and the meeting was adjourned at 7:37 p.m.