

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
BMR METROPOLITAN DISTRICT
HELD
MARCH 3, 2009

A regular meeting of the Board of Directors of the BMR Metropolitan District was held on Tuesday, March 3, 2009 at 6:00 p.m. at Lowell Ranch, 2330 South I-25, Castle Rock, Colorado. The meeting was open to the public.

Attendance: In attendance were Directors:

Jeanne Dassel
Bob Brabec (also a Member of the HOA Board)
Alan Cobb (appointed at this meeting)
Kirk Fischer (appointed at this meeting)
Russell Grant (appointed at this meeting)

Also in attendance:

Chuck Reid; R.S.Wells L.L.C.
Bob Brooks; R.S.Wells L.L.C.
Tim Flynn, Esq.; Collins Cockrel and Cole
John Simmons; Simmons & Wheeler, P.C.
Jeff Sucher; Treatment Technology, Inc.
Don Murray; Treatment Technology, Inc.
Al Hawkins; 1238 Riva Rose Circle, Castle Rock, CO
Bob Zimmerman; 1240 Glade Gulch, Castle Rock, CO
Al Quist; 908 Glade Gulch Road, Castle Rock, CO
Mike Sheahan; 3929 Old Gate Road, Castle Rock, CO
Lynn Norwood; 3590 Winterhawk Circle, Castle Rock, CO
Lou Kasunic; 1225 Riva Rose Circle, Castle Rock, CO

Call to Order

Director Dassel, who presided as Chair, called the meeting to order and declared a quorum was present.

Conflicts of
Interest / Approval
Of Agenda

Director Dassel handed out a revised agenda and confirmed that there were no conflicts of interest based on items on the agenda. Upon a motion duly made by Director Brabec, seconded by Director Dassel and, upon vote, unanimously carried, the Board approved the agenda as amended.

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Appoint and Administer Oaths

Following a brief discussion Director Brabec moved and Director Dassel seconded a motion to appoint Russell Grant, Kirk Fischer and Alan Cobb to the District's Board of Directors. Upon a call of the vote, the motion was unanimously carried.

Jeanne Dassel, acting as Chair then administered the Oaths of Office to the new Board members.

Following discussion, upon a motion duly made by Director Brabec, seconded by Director Dassel and, upon vote, unanimously carried, the Board reappointed Director Dassel as President of the District and Chair of the Board, Director Cobb as Vice-President, Director Brabec as Secretary/Treasurer, Director Grant as Assistant Secretary/Treasurer and Director Fischer as Assistant Secretary/Treasurer.

Administrative Matters

- A. Review and Approval of February 3, 2009 Special Board Meeting Minutes.

The Board tabled approval of the February 3, 2009 special board meeting minutes.

- B. Financial Matters.

1. Review and Consider Approval of Claims for February 2009, Totaling \$36,071.45, Represented by Check Numbers 1723 through 1731.

Following review, upon a motion duly made by Director Brabec, seconded by Director Fischer and, upon vote, unanimously carried, the Board approved claims for February 2009, totaling \$36,071.45, represented by check numbers 1723 through 1731, with the exception of holding check number 1725 to McGeady Sisneros for further review.

2. Review and Consider Approval of Unaudited Financial Statements as of December 31, 2008.

No financials were presented for approval.

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C. Ratify Approval of Meeting and Posting Locations Resolution for 2009.

Following review and discussion, upon a motion duly made by Director Grant, seconded by Director Brabec and, upon vote, unanimously carried, the Board ratified approval of the meeting and posting locations resolution for 2009.

D. Budget and Costs: John Simmons, Clifton Gunderson.

Mr. Simmons updated the Board on the District's financial position, noting that the District faced a potential deficit at the end of 2008. The District did meet all obligations for 2008. Director Dassel reported that the District will be looking into cash flow and management issues. It is anticipated that the revised fees' schedule and conversion to monthly billing will assist in the District's cash management goals. Following additional discussion, Director Dassel and Mr. Flynn will draft a shut off policy.

Attorney Items

A. Bill to McGeady Sisneros.

Attorney Flynn reported to the Board that he had contacted Mary Jo Daugherty of McGeady Sisneros, P.C. and that she had agreed to accept payment of the McGeady Sisneros bill in four equal installments.

B. Settlement Agreement.

Attorney Flynn reported that the Settlement Agreement has been signed and ratification is in process.

Manager

A. Consumption and Charges Report and Delinquent Accounts Report.

Mr. Reid reviewed the Consumption and Charges Report and Delinquent Accounts Report with the Board. It was requested that the Delinquent Accounts Report be printed the day of the meeting and distributed with the most recent month's water billings.

Engineer

A. Platte River Watershed: Status of Testing.

This item was held for future discussion.

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Water System Issues

Mr. Sucher distributed a report to the Board and noted the following specific items:

- Tank cleaning will be done later this Spring.
- Treatment Technology can warehouse approximately 34 pallets of sodium hypochlorite in order to save the District money by buying chemicals in large quantities.
- The Board has been considering installing “blow-off” valves in order to avoid stagnant water at dead-ends in the distribution lines. Treatment Technologies estimates that eight blow-off valves are needed and C&L Backhoe can install approximately two “blow-off” valves in one day, which would lower costs (as opposed to installing the valves one at a time). Additional discussion regarding this issue occurred, including the aesthetics of the blow-off valves and the Board requested a rendering of the valve design and placement, including improvements needed to minimize erosion.
- The Board discussed other issues with the water distribution system that have been recently raised. There are recent mechanical problems at the plant and the status of the control system was discussed. Mr. Murray stated he is comfortable with the existing controls.

Residents inquired when the next well or connection with other providers is contemplated. The Board responded that following ratification of the water settlement agreement by the homeowners, the Board can focus in earnest on drilling another well and taking other measures that will increase the redundancy in the District’s source of supply.

Mr. Sheahan reported on discoloration of the water at his residence. He is working directly with Treatment Technology on researching the issue. Mr. Kasunic also reported the same discoloration issues and noted his concern with the water quality and increased fees.

Director Dassel stated that the Board appreciates the residents’ concerns and the Board continues working to identify and improve the Bell Mountain Ranch water system. Without input from residents, the Board would not be able to identify and provide solutions.

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Directors' Items

- A. Acknowledgement of Resignations from Evan Zucker, Scott Schaible and James Mulvihill

Following review and discussion, the Board noted and acknowledged that prior Board members, Evan Zucker, Scott Schaible and James Mulvihill have resigned from the Board and conveyed all of their interest in the director's parcels used to qualify said individuals to sit on the Board.

Other Business

There was nothing further to discuss.

Community
Comments

No comments were received.


Adjournment

There being no further business to come before the Board, upon a motion duly made by Director Brabec, seconded by Director Dassel and, upon vote, unanimously carried, the Board adjourned the meeting at 6:40 p.m.

The foregoing minutes were approved by the Board of Directors on the 7 day of April, 2009.

The foregoing record constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,


Secretary for the Meeting