

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BMR METROPOLITAN DISTRICT HELD OCTOBER 6, 2009

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

#### Attendance

In attendance were Directors:

Jeanne Dassel  
Alan Cobb  
Bob Brabec  
Kirk Fischer  
Russell Grant

Also in attendance:

Tim Flynn, Esq.; Collins Cockrel and Cole  
Jeff Sucher, Treatment Technology  
Chuck Reid; R.S. Wells L.L.C.; and  
Lynne Norwood; BMR HOA  
Bob Zimmermann; 1240 Glade Gulch, Castle Rock, CO  
Al Hawkins; 1238 Riva Rose, Castle Rock, CO

#### Call to Order

Director Dassel, called the meeting to order at 6:00 p.m. and declared a quorum was present.

Upon a motion duly made by Director Brabec, seconded by Director Fischer and, upon vote, unanimously carried, the Board approved the agenda as presented.

#### Conflicts of Interest / Approval Of Agenda

Mr. Flynn reported that all of the Directors had previously filed Disclosure of Potential Conflict of Interest Statements with the Board and with the Secretary of State in accordance with statutory requirements. Such conflicts arise because each Director is also a Director on the Consolidated Bell Mountain Ranch Metropolitan District. The Consolidated Bell Mountain Ranch Metropolitan District has entered into and may from time to time enter into additional agreements with the BMR Metropolitan District. Director Brabec disclosed that in addition to the foregoing he sits on the Board of Directors of the Bell Mountain Ranch Homeowners Association.

All Disclosure of Potential Conflict of Interest Statements, whether filed for this meeting or previously filed are deemed continuing in nature and are incorporated into the record of this meeting. All Directors stated that the participation of at least three of them in the meeting was necessary to obtain a quorum of the Board or otherwise enable the Board to act.

After each Director had summarily stated for the record the fact and nature of his or her respective private interest and stated that the determination to participate in voting or take any other action on any contract or other matter in which he or she may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an *ad hoc* basis, the Board turned its attention to the remaining agenda items.

Administrative  
Matters

A. Review and Approval of September 1, 2009 Special Board Meeting Minutes

Upon a motion duly made by Director Grant, seconded by Director Brabec and, upon vote, unanimously carried, the Board approved the September 1, 2009 special board meeting minutes as presented.

B. Financial Matters

Following review, upon a motion duly made by Director Grant, seconded by Director Brabec and, upon vote, unanimously carried, the Board approved claims totaling \$47,854.42, represented by check numbers 1812 through 1824.

C. Review and Consider Approval of Cash Position as of August 31, 2009

The Board reviewed the cash position statement provided by Simmons & Wheeler. The Board took no action on the cash position statement.

D. Draft 2010 Budget

Director Cobb presented the draft 2010 budget and the Board discussed the draft. Director Cobb will make changes to the draft budget based upon the conversation and will present the 2010 proposed budget at the public hearing.

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Director Cobb requested that the public hearing on the budget be moved to November 4<sup>th</sup> at 6:00 p.m. so that he may attend. Following discussion, upon a motion duly made by Director Brabec, seconded by Director Grant and, upon vote, unanimously carried, the Board moved its November meeting and the Public Hearing on the proposed 2010 Budget to November 4, 2009 at 6:00 p.m. at Lowell Ranch.

### Discussion Items

There were no discussion items.

### Action Items

There were no action items.

### Attorney Items

Mr. Flynn noted that he is looking for current contracts for all consultants and requested this item be listed on the November agenda. Scopes-of-services will be requested from all consultants.

Mr. Flynn received a proposal from TetraTech Inc. to help determine the District's phosphorous waste load allocation need and continues to explore options for the District to purchase a phosphorous allocation from another entity in the Chatfield Water Quality Authority. No action was taken on this issue.

### Manager

Mr. Reid provided the Consumption and Charges Report which was briefly discussed by the Board. No action was taken on this issue.

### Engineer

No report.

### Water System

Mr. Sucher presented his report noting that:

- The media replacement cost proposal is expected soon, the well speed has been lowered due to lower seasonal water demands, and test results were favorable.
- Treatment Technology recommends the installation of blow-off valves at two intersections of Bell Mountain Drive and Autumn Sun Circle and Starburst. Following discussion, upon a motion duly made by Director Fischer, seconded by Director Brabec and, upon vote, unanimously carried, the Board approved installation of these blow-off valves and asphalt repair by C&L Backhoe in an amount

not to exceed \$14,000. Mr. Flynn will prepare a standard contract for this work.

- There have been no recent complaints regarding discolored water. Treatment Technology will be flushing lines in the next few weeks and will notify Director Brabec before this occurs so that an email may be sent to residents regarding the line flushing.
- The District has a new motor in storage and its water pump is 10 years old. Treatment Technology recommends purchasing a new pump that could also be stored. The Board directed Mr. Sucher to get proposals for a new pump.
- Mr. Sucher presented proposals for new tank telemetry (\$2,100), Reionator Head Replacement kits (\$2,900) and a new HMI and programming for the system's electronics cabinet (\$3,450). Following discussion, upon a motion duly made by Director Grant, seconded by Director Brabec and, upon vote, unanimously carried, the Board approved these proposals with a collective amount not to exceed \$10,000.
- C&L Backhoe will be performing utility locate services for the District. The Board directed the Manager to transfer the UNCC Membership from Consolidated Bell Mountain Ranch Metropolitan District to the BMR Metropolitan District.

Directors' Items

Following a discussion on the need for weed control at the Water Treatment Plant, upon a motion duly made by Director Brabec, seconded by Director Grant and, upon vote, unanimously carried, the Board approved mowing and weed control services with Reitz Management in an amount not to exceed \$825.

Other Business

There was no other business for discussion.

Community  
Comments

Ms. Norwood indicated that the community is reading the Bell Mountain Newsletter articles regarding water expenses and is appreciative of the information.

Mr. Zimmerman asked if any administrative expenses could be saved by consolidating the Bell Mountain Ranch and Consolidated Bell Mountain Ranch Metropolitan Districts. Ms. Dassel responded that the Districts may pursue this option at a later date, but that at this time there is no overriding savings or benefits to consolidation, and accordingly this is not being considered by the respective Boards.

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Adjournment

There being no further business to come before the Board, Director Dassel adjourned the meeting at 6:50 p.m.

The foregoing minutes were approved by the Board of Directors on the 4<sup>th</sup> day of November, 2009.

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

Respectfully submitted,

  
Secretary for the Meeting