

# NOTICE OF REGULAR MEETING

## BLUE VALLEY METROPOLITAN DISTRICT

Meeting called to order at 7:02 pm on Monday, October 8, 2018. Board members present: Buck McNichols, Mark Nelson, Tom Kellen, Mike Stoveken, and John Norton. Absent: None. Guests present: Tyler Owens, Kathy Walton, Jan Poyser, Marian Shafer, Ronald Mahorney, Matt Willits, Brenda Kellen, Ken Novak, Todd Nelson, Tim Vermeer, Flip Brumm, Jeremy Hufford, Robert Heid, Henry Broadhurst, and John Hasegawa.

**Review and Approval of Minutes of Previous Meeting(s)** Buck moved to approve minutes of previous meetings. Mark seconded. All in favor. Motion carried.

- Janet Poyser – requests to have July minutes amended. Buck stated that we have conferred with the attorney and we do not record specifically what is said during public address, just a summary. After confirming an acceptable option with Janet, Buck motion to attach Janet’s letter dated 9/21/18 to the July minutes. Mark seconded. All in favor. Motion carried.

**Culvert Compliance Issues** – Buck stated that after the prior meeting’s discussion, we did confirm with the attorney and that it was a proper assessment and that homeowners are financially responsible for maintaining to requirements. Buck also stated that the notice could have been done in a more-timely manner, therefore, at this time believes it is not worth the turmoil to enforce it as the budget already was able to cover the costs. Buck moved to, as a one-time courtesy, rescind the invoices sent to the residents- Janet Poyser, Timothy & Carolyn Wachuta, Amy Pace, Scott Hanold, Jermiah Walnofer & Laura, Brian Strathman, Brandon & Courtney Ciullo, and Jeremy Hufford - for culvert installation and that the District absorb the cost. John seconded. All in favor. Motion carried. The board reiterated that compliance violations, known or unknown, in the future will be the property owner’s responsibility and will be enforced.

- Kathy Walton – requests to discuss culvert compliance
  - Kathy is concerned regarding the property across from her and the installation of the ditch without a culvert. Buck stated the property is still under construction and that before he can get his water turned on, he will have to install a culvert and pay for it. Buck stated that he will go speak to him and ask him to please install a culvert before the spring run off season.
  - Kathy is wondering if the district burns the ditches out or anything. Buck stated that getting a burn permit currently with the fire ban would be challenging. Kathy stated here neighbor had a fire yesterday. Buck stated she should call the county as that is not for the district to enforce.
- Janet Poyser – requested to be placed on the agenda to request a RFP specifically mentioning culvert work. No further action needed following discussion above during prior meeting minute approval.
- Janet Poyser – requested to be placed on the agenda to request prior invoice regarding culvert to be reviewed. No further action needed following discussion above during prior meeting minute approval.

### **Public Address**

- Flipp Brumm – received UPS delivery addressed to the District. Andrea advised him to reject mailings in the future.
- Jeremy Hufford – question if RFP for snow included road maintenance.
- Todd Nelson – wondering if our water attorneys were at the water meeting in August. Buck stated we haven’t gotten anything but we will reach out and ask if there is anything we need to be aware of.
- Bob Heid – he received a call about a meter and since tried to return the call. Matt Willits stated he apologizes if it was their error. Matt informed Bob that he had used 26600 gallons from April 20 to today.

### **Water Operator**

- Discuss current Utility Notification Center of Colorado (UNCC) membership status and if there is a need to upgrade the District’s level of membership or “Tier”. Matt stated there are two tiers for digging and the district is being forced to change to a tier 1. We will eventually get a bill every time someone calls. Matt recommends that he set it up to have UNCC contact him directly. Mark suggested that we request to have a duplicate email sent to the district. If unable to, the monthly bill will be a back-up notice to request copies.
- WSI has repaired or replaced 7 water meters within the District in 2018. We continue to work with the District Administrator to track and repair non-reading meters. 5 meters have been purchased as authorized in April. Most meters have been able to be repaired rather than replaced. He replaced one meter at Mark Nelson’s. Buck asked if the breakdown will be a reoccurring issue. Matt stated they are plastic and are vulnerable to break. Once fixed, they will jump to match the internal reader.
- WSI has completed the 2018 Backflow Survey. The 2018 Annual Report will be completed by the compliance date.

- WSI collected annual lead and copper samples with the assistance of 5 homeowners. Individual homeowners were notified of their results. The results are below the Action Level and no further treatment is needed at this time. WSI will submit CDPHE required reports by compliance deadlines.
- WSI received two bids to replace the pump/motor for infiltration gallery pump #1. Abbott's Pump and Osprey Pump were both quoted and were comparable in price. Abbott's previously has done most, if not all the gallery pump work and their availability is better. WSI will be working with Abbott's to repair/replace infiltration gallery pump #1. They have better availability and are more familiar with the system so we will proceed with Abbots.
- Update from Board on river access. Buck would like to table for this meeting as he hasn't had time to research to change the rules and regulations but he will do it.
- WSI has forwarded mapping requests to Henry. Henry sent an email to Buck estimating total cost to complete the mapping is \$780.00. Buck moved to approve the estimate and for Henry to finish the work, get with Matt, and complete the mapping. Mark seconded. All in favor. Motion carried.

#### **Land Exchange – requested to be on agenda by Todd Nelson per July sign-in sheet**

- Todd stated he stopped by BLM today to see current status but today is a holiday so the office was closed. He stated that timeframe estimate was Thanksgiving but could get pushed to next spring if anyone files a lawsuit against it. He stated he spoke with Rob Firth and the K Tract suggestion was for the community to find out if we would like it encumbered or not. Mr. Mahorney stated there was an article in the Sky-Hi regarding this a couple months ago. Todd stated there are a lot of changes at Blue Valley Ranch lately. He would like the board to be proactive and ask the community if we were receive it, what would we want to do with it. Buck stated there is a fine line in how to handle it. Todd stated the trade is between Blue Valley Ranch and BVMD and it would be nice to get information to Rob as to what we would like to see. Mr. Mahorney stated there is a tax and liability concern. Brenda Kellen stated this is not the proper time to bring it up. Buck stated he agrees that it is not the proper time and that it is prudent to wait for conversation to be initiated by Blue Valley Ranch. Buck stated it would definitely have to be voted on by the entire ownership. Buck recommends the board to address this with the attorney to get his recommendation on best way to approach this. John stated he would like to know something concrete before proceeding. Brenda stated this could take years.

#### **Architectural and Rules Committee**

- Todd stated we should discuss moving the ARC under the water board. Buck stated we will place it back on the agenda for the next meeting. Todd stated it would be nice to have it done in 2019. It was all one unit prior but was split out when the district was formed. Buck asked the rest of the board and they all agree to proceed with getting the process started. Bob asked to find out how to proceed financially also. Buck stated that the ARC would be a committee and would not have a separate board. The committee would advise the board and then the board would ultimately make the decisions. Tim stated that he received a large old ARC book for reference.

#### **Snow Plowing Bids due Oct. 1 – review & award**

- One bid, to include certificate of liability insurance, was received from Maximum Services in the amount of \$4800. Buck stated the specifics of the bid. A Conflict of Interest has been filed with the state. Mike motioned to award the bid to Maximum Services. Tom seconded. Mark abstained. Remaining of board in favor. Motion carried.

#### **Engineering RFPs – review & award**

- Buck gave some background of the situation and stated this is a huge milestone for the district in setting up the district for long-term success in regards to the water. The following update was given;
  - Mark stated one significant difference in bids is that one gave what we requested and one gave a list of hourly rates.
  - John noticed that one had a quicker estimated timeline.
  - Buck stated there were 3 other companies that bowed out after reviewing the scope of work.
  - Mark stated these 2 both are pretty close to having in house staff to get the job done.
  - Mark stated another big point made in the RFP meeting was that they specialize in searching for grants for engineering and projects and they are very aware of what is available and which ones will fit our district better.
  - Buck asked for Matt's opinion on the RFP meeting. He stated they have the same structure and he is familiar with their work. Matt stated it was a good meeting and they were given a good outline.
  - Mike stated that JVA took the time to complete our requirements and may be more likely to successfully complete the grant application.
  - Mark stated that he has heard multiple times from JVA and they are being proactive.
  - Buck asked for Matt's blessing as he is our water guy. Matt stated he has worked with JVA and has had no problems.
  - John stated his trusted engineer friend gave a very solid recommendation for JVA.
  - Buck stated it is a long-term relationship and is a very serious decision.

- o Mark stated we want to hire them as our engineer and have a successful relationship with them. He believes the contract needs to be structured similar to Matt's service. The board needs to stay in the position that the board remains head of cost control.
- o Buck stated the contract needs to establish structure for continuity. Buck opened it up to the guests for comments.
- o Todd agreed to have a contract structured similar to Matt's.
- o Mark stated to have attorney review and have it stated as 1 year with option.
- o Tim stated that the only hitch he sees would be the grant process, so if a grant process is in place, they need to complete it.
- o Buck stated we can start with the scope of work under the RFP and during that time, review a contract to put in place.

The board reviewed the budget for 2018. Mark moved to award the RFP to JVA, Inc. for the initial scope of work to not exceed \$20,000 billed in 2018 and \$3,600.00 billed in 2019 as well as to execute a contract for the initial year with JVA. Tom seconded. All in favor. Motion carried. Andrea will send a letter to High Country and JVA then Mark will contact them verbally.

**US Dept of Interior – Use of water for Hemp and Marijuana Cultivation** – Buck read the letter aloud. Andrea will place a digital copy on the website.

**Unfinished Prior Business**

- Due Diligence update – Andrea read the 9/27/18 letter from Balcomb and Green stating the district received a favorable summary.
- Audit completed – Buck moved to approve invoice of \$5300.00. Tom seconded. All in favor. Motion carried.


**Secretary's Report**

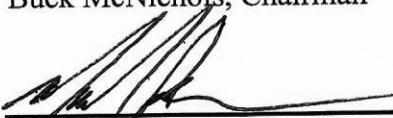
- Current Balances as of 9/30/18 – Stand for Audit  
 GMB Savings = \$217,130.45  
 GMB Checking = \$24,361.45  
 CO Trust = \$26,697.50
- Paid bills to be approved (April 3 to Oct 8) \$81,869.49. Buck moved to approve paid bills. Mark seconded. All in favor. Motion carried.
- 8/2/18 Paypal charge for \$10.50 – Andrea will keep an eye on it and will try to remedy but not spend a lot of time on it.
- Water bills mailed later due to meter reader being out of town.
- Draft Budget 2018 submitted.
- One property possible shut-off for NSF payment & no response to certified letter

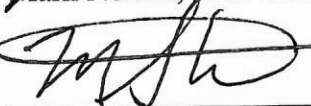
Buck adjourned the meeting at 9:34. Tom seconded. All in favor. Motion carried.

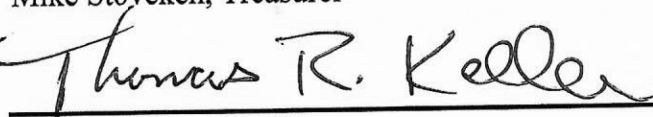
BLUE VALLEY METROPOLITAN DISTRICT

  
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 Andrea Buller, Secretary

  
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 Buck McNichols, Chairman

  
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 Mark Nelson, Vice Chairman

  
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 Mike Stoyeken, Treasurer

  
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 Tom Kellen

  
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 Jack Norton