

MINUTES OF REGULAR MEETING

BLUE VALLEY METROPOLITAN DISTRICT

Regular meeting called to order at 7:00 pm on Monday, July 10, 2023 following a work session that began at 6:30pm. The meeting was held at Blue Valley Sportsman Club with a live Zoom meeting feed. Board secretary Andrea Buller present via Zoom. Board members present: Buck McNichols, Brenda Kellen, and Jeff Powles. Board present via Zoom: Tim Vermeer and Mark Nelson. None. Board absent: None. Guests present in person; Matt Willits, Todd Nelson, Kalen & Jenna Orock, Mike & Mary Roal, Dan Campbell, Kade Sessions, Ken Novak, and Patrick Wiszowaty. Present via Zoom; Mike Stoveken and Ryan Walker.

Review and Approval of Minutes of Previous Meeting(s) – Brenda moved to approve minutes from April & May. Jeff seconded. All in favor. Motion approved.

Water Operator –No minutes presented by Matt Willits. Points below from meeting.

- Todd Nelson asked Matt for his professional opinion regarding why vehicles should not be parked near river and infiltration gallery. Matt explained that hazmat concerns are extreme to not contaminate the drinking water and also to ensure full access to the area for water operator and crew in case of any problems or emergencies. Human waste is also a concern in regard to hazmat contamination. The conversation was mostly to benefit new attendees who were wondering why the access is limited.
- Buck thanked Matt for the great job they do in jumping in to track down leaks and be proactive in minimizing the loss of water to as many residents as possible.

ARC – No committee members present.

- Secondary Building for Housing Not Allowed – Buck read the email from Todd Nelson sent to the ARC in regard to the secondary building rules in the District.
 - Buck reaffirmed that our water rights do not allow for secondary residences. Buck will follow up with the ARC committee to make sure they understand.

River Committee – Minutes as presented by Ben McCormick – See Minutes and documents presented by Ben McCormick. Additional points from meeting as with bullet points.

- Written Report to be presented by Committee with items to address.
 - Buck explained the format of the meeting and that it is not an open forum. Ben is presenting on behalf of the committee to the Board. The committee is brand new and is greatly appreciated by the board. Buck expressed gratitude to them.
 - Ben stated that they have had a good response and involvement of neighbors with the committee.

The River Committee has 6 initiatives to present to the board.

1. **Stop the sale of public fishing passes** - The river committee has consulted Husted Law Firm and found no legal proof that the Metro District is required to sell public fishing passes. We have requested a thorough legal explanation from the Board's lawyers on 06/22. We would like to thank Buck and the Board for delaying the sale of these passes until 2024. When does the Board expect to have a response?
 - Buck clarified that the committee sought outside counsel which would not be financially covered by the District.
 - Buck explained this is not a by-law issue or covenant issue and believes the other legal counsel did not consider state law on this topic.
 - Buck explained we did provide the outside legal opinion to the District's legal counsel and expect to receive it this week to forward on to the River Committee.
 - Ben expressed that the River Committee desires to not see public access granted if at all possible. Buck expressed that the Board also has concerns and will do everything possible to protect the District's interest legally.
2. **Quantify/Measure the value of our river access to the neighborhood** - 80% of property purchasers in the last 3 years are fishing pass holders. We surveyed 13/22 individuals who are fishing pass holders who also purchased property in the last 3 years. The survey results are attached.
 - Ben discussed the results of their survey. They want everyone to have a full recognition of the value of the resource of the river.

- Jeff and Buck believe it would be interesting to have the survey sent to the entire community as it was initially only sent to 22 people. Andrea will send to everyone she has contact information for electronically and then the board and committee members will reach out to those who do not have electronic communication options with the District.
3. **Become a stakeholder in scientific studies** - We met with Dr. Yoichiro Kanno and Nitsa Plats from CSU and Brien Rose from Blue Valley Ranch on May 24th and covered two presentations. Our River Committee understands the purpose of these studies but we feel the shocking on the lower Blue River has become extremely excessive and we request that the River Committee be consulted when the next study is up for discussion.
 - The River Committee is concerned regarding the practice of shocking the fish. They have reached out to the appropriate people to express concerns and receive further education on the practice.
 - Buck expressed the need to continue to develop a product relationship and continue to communicate with all involved.
 - Jeff will work on drafting a letter as the river committee liaison.
 4. **Revamp fishing passes and lockbox codes** - We would like to invest in a new lockbox, all owners receive a unique code that is updated annually. This will allow the neighborhood to track/understand usage and identify when access is being abused. Add owner picture to fishing passes. We would like to establish a written policy for trespassing and seeking assistance from the board on how to best go about trespassing enforcement. The River Committee will raise the funds necessary to purchase this new lockbox and we will volunteer ourselves to manage updating codes if necessary.
 - Jeff asked the committee to research the lockbox technology available and present back to the Board.
 5. **Track usage and trespassing enforcement**
 6. **Invest in our river access** - The committee is actively discussing an annual fishing pass fee that would be utilized for river improvement projects.
 - Buck asked if it might be a good idea to add a question to the survey regarding willingness to pay for the access.
 - Tim suggested it might be a good idea to put together a cost estimate of what it would cost so people understand why they are being asked to contribute.
 - Jeff asked Andrea to reach out to Peggy and ask if they have a sample charter with guidelines of operation for the river committee.

Engineering Project Update – Buck stated the augmentation plan and water rights are moving forward without any obstacles at this point.

Spring Road Work Status – Buck stated the road work has been completed by G&G Services as coordinated by Mark and the job was done well. Buck asked Mark regarding the road barriers that were moved to cut the ditch. Mark stated there is not a specific plan to replace or remove them and either option is ok but would recommend just removing them. Mark stated he will remove them the next time he has a loader in the neighborhood. The board thanked him.

Public Address –

- Todd Nelson
 - He wants to make sure anyone on zoom has the right to address the board during public address. He believes this has not happened in the past.
 - He wants to know what the status is of the covenant changes as he believes that when he left the ARC there was overwhelming support for the changes.
 - He thinks Mark did a wonderful thing cutting the ditch by Susie's house. He stated he spoke to G&G and they asked why the roads are slanted away from the ditch and believes the slope should be changed in future years.
 - He spoke with someone who was so frustrated with getting his water turned on that he went ahead and turned it on without District approval.
 - He wants to know the bill for the last water main break.
 - He was wondering about 24/7 cameras on the fishing gate, pump house facing the gallery, water plant on tank facing the building and the parking lot down below. He believes it should be a live feed that anyone can view at any time. He also thinks there needs to be a 6-foot fence.

- He stated that Dennis wanted to talk about the water line freeze and the impact on Tony and thinks he should get reimbursed as it was no fault of his.
 - Buck stated the valve was not closed and the problem with that waterline is that it is in the middle of the road and is shallow. He stated it hasn't happened for 20 years and the board is trying to figure out how to resolve.
 - Mark stated that the solution is that the water line project needs to happen on CR 1012.

Todd had an aggressive outburst toward board member, Brenda Kellen. Buck stated the aggressive behavior toward a board member was not acceptable and asked Todd to leave the meeting. He refused. Buck stated that due to the aggressive behavior toward a board member and Todd's refusal to leave, he was adjourning the meeting and would determine if law enforcement needed to be called. Meeting was adjourned at 8:22 pm.

Secretary's Report -

- Current Balance(s) as of 6/30/23 – Stand for Audit
 - UBB Checking = \$ 138,667.21
 - UBB Savings = \$ 88,395.15
 - COLO Trust = \$ 187,374.43
- Paid Bills to Approve = \$ 68,507.09
- Need digital signatures from Board members and approval to use this year
- ARC Funds
 - Nonrefundable Funds to be used by ARC = \$ 8,029.46
 - Deposits held (could be refunded) = \$ 19,306.50
- Consumer Confidence Report (haven't received from Matt yet – will post on website when received)
- Accounts to Certify with County (letters sent by 7/31 if any)
- Snow Plowing RFP (to be published in Sept for Oct meeting)

BLUE VALLEY METROPOLITAN DISTRICT

Andrea Buller

_____, Secretary

[Signature]

Buck McNichols, Chairman

[Signature]

Mark Nelson, Vice Chairman

[Signature]

Brenda Kellen, Treasurer

[Signature]

Jeffrey Powles

[Signature]

Tim Vermeer