

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: January 18, 2011
Time: 5:30 p.m.
Location: Pitkin County Library, Aspen, CO 81611
Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Isabel Day; Glenda Knight, Finance; and Marti Barbour, Recorder of Minutes
Absent: Brad Manosevitz, Joyce Hardy

1. Call to Order. The meeting was called to order at 5:39 pm by Jerry Scheinbaum
2. Approve minutes. A motion was made by Lawson and seconded by Isabel to approve the minutes which were approved as read.
3. Public Comment. None.
4. Water Plant Manager's Report. Kelly reported that, because of the low snow year, there isn't much going on as far as water problems. Glenda reported that the losses were low. Jerry asked Kelly if there were any extra pumps. Kelly has one extra PRV that he just purchased. Diffendaffer's meter has a lock on it. The Board discussed Doug Raines \$800 balance. He declared bankruptcy. BCMD should get the money due when the property sells. The Board discussed the situation and asked Glenda to call Doug for a few hundred dollars on the bill. The Board agreed that any past due amounts to should be put on the agenda for discussion each month until resolved.
 - a) Old Business – New Manager. The Board discussed getting someone on a part-time or temporary basis and for special projects. Mark Asher cannot attend on Tuesday nights; February's meeting will be moved in order to allow him to attend.
5. BCMD Manager's Report.
 - a) Old Business. The tank monitoring system (quote of \$53K) was discussed. The Board agreed that at some time it may be viable but is not currently in the Budget.
6. Budget – regular review. At this time, there is plenty left in the snowplowing budget and will most likely be a remainder at the end of the fiscal year.
7. Bills/ Finance
 - a) Approve bills. The December 2010 bills were approved as presented.
 - b) Glenda's report. Alpine Bank called Glenda and said that as of 1/1/11, there would be no interest paid on Capital funds. The Board considered shifting money around to some interest-bearing CDs but determined best to wait until rates went up.
8. Other Business
 - a) Discuss water plant easement on Droste property. Glenda will ask Steve Conner if he was able to do something on this.
 - b) Water emergency plan – to be addressed at next month's meeting.
 - c) Sign Posting Resolution. The Resolution Designating the Locations of the Official Public Notice Boards within the Brush Creek Metropolitan District was approved.
 - d) Loose dogs and dumpster security (from BCVLOA meeting). Per discussion, dumpster security can be addressed as a Neighborhood Watch by the residents

and that loose dogs didn't seem like it was a problem needing to be addressed by the Metro District.

- e) Web site – parcel map w/contact information. The Board considered, due to privacy issues, to decline the use of homeowner contact information. Regarding the website, Board member's name; title and email can be listed. Glenda will be the main contact and two people for emergency contacts. Isabel agreed to have her phone number listed as well.
 - f) Amend Rules & Regs to require 3/4" water line. Lawson suggested that Steve Conner draft a resolution for the amendment and make a suggestion at the same time for the backflow requirement.
 - g) SCADA. To be addressed at the March or April meeting
 - h) Next meeting is scheduled for Wednesday, February 23, 2011
9. Adjournment. Jerry made the motion to adjourn and it was seconded by Lawson. The meeting adjourned at 7:07 pm.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: February 24, 2011
Time: 5:30 p.m.
Location: Red Brick Center, Aspen, CO
Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Isabel Day; Joyce Hardy; Brad Manosevitz. Also in attendance were Glenda Knight, Finance; Riley Gessele for Kelly, Mark Asher of Starwood and Marti Barbour, Recorder of Minutes

1. The meeting was called to order at 5:37 P.M.
2. The minutes were approved with one small correction. Jerry made the motion; Isabel seconded and they were approved as corrected.
3. Public Comment. None present
4. Water Plant Manager's Report
 - a) Old Business. Riley gave the report in Kelly's absence. A meter pit at Weber residence was damaged by a snow plow. Kelly dug up and replaced aluminum pit meter top w/ 24" inner and outer lids. Kelly will bill BCMD. One meter was reading 3x the actual usage. They investigated and confirmed the meter was defective. The meter was at 652 Upper Ranch Road, home of Rita Sherman. The meter was replaced and the defective one is being returned to the manufacturer and BCMD will get credit.
 - b) The Board members are trying to get a solid number of how many flex joints are needed in the new pipe to be installed in the fault area below the 4 way in order to get realistic bids. The Board would like to have that number available at the March meeting in order to make the order. Dean will be invited to the March meeting to present his recommendation. Kelly & Riley will present their bid based on using super joints and cost per joint, including the extra labor required to put in the special joints. Riley assured Jerry that they would get 90% compaction. Riley will attend the March meeting with Kelly. For the record, Mr. Droste is having Kelly & Riley put in a fire hydrant for him.
5. BCMD Manager's Report
 - a) Old Business – New Manager. Jerry presented Mark with the offer to become the BCMD Manager and gave him a brief overview of what the position entails. He will consider the offer based on his time available and discussion with his Executive Director. Mark will contact Glenda regarding his decision.
6. Bills/ Finance
 - a) Approve bills. Motion to approve January 2011 bills as presented, 2nd, Motion passed.
 - b) Glenda's report. Glenda will speak to UMB Bank, CO regarding the \$150 processing fee. Doug Raines was not present at the meeting. The Board discussed their request to remove the old past due amount of \$863.50. They are paying their current bills. BCMD will wait for the bankruptcy order. Glenda will inform the Raines of the Board's decision.
7. Other Business
 - a)

- b) Mark Asher – Data sharing w/Starwood, FTP site. As a background, Grand Junction Pipe can no longer keep the FTP equipment or will have to charge on a monthly basis to maintain the site. The FTP equipment will be located in the basement of the Starwood office. BCMD pays Starwood \$2500/year currently; Mark is checking on the location of an intergovernmental agreement; Glenda has a copy.
- c) Water emergency plan – inform owners. There was brief discussion regarding getting the phone tree and telephone message updated.
- d) Dumpster security (from BCVLOA meeting) and recent complaints. Glenda reported that there had been some problem with illegal use of the dumpsters. Brad will contact the Sheriff's Department about giving a citation to the offender. There have also been complaints about the latches; more room needed for expansion/contraction.
- e) Illegal parking, warnings, towing. Three cars were parked on Upper Ranch Road and were snowed in. That obstruction caused a propane truck to go off the road. The cars belonged to renters of Grayson, who couldn't get up the driveway. According to the rules & regulations, BCMD has authority to do what is needed on their roads.
- f) IRS letter regarding Directors as employees. IRS sent BCMD a letter stating that Board members must be paid as employees rather than independent contractors. The Board discussed using a temp service to do the payroll work (at a 35% cost). Lawson recommended contacting the SDA and will follow through with his suggestion. Glenda will fax him the IRS letter.
- g) Web site. The skeleton of the website is ready to add the content. The Blue Lake website is a model that the Board would like to have as an example. Brad will get a parcel map of Brush Creek and take some pictures. The map will have addresses with a link to the County Assessor website.
- h) Amend Rules & Regs to require 3/4" water line. Steve Conner will attend the March meeting to address this topic, backflow preventers and the issues with BCMD and the agreement with Droste for a potential future water plant.
- i) A stop sign is missing at the bottom of Medicine Bow Road. Glenda will make that call.
- j) Next meeting March 22, 2011

9. Adjournment. Brad made the motion to adjourn. Jerry seconded the motion and the meeting adjourned at 7:53 p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: March 22, 2011
Time: 5:30 p.m.
Location: Pitkin County Library, Clock Tower Room, 120 North Mill St., Aspen, CO
Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Isabel Day; Brad Manosevitz, Kelly Gessele, Water Plant Manager, Glenda Knight, Finance, Dean Deroiser, water engineer and Marti Barbour, Recorder of Minutes

Call to Order: 5:36 pm.

1. Jerry made the motion to approve the minutes; Brad seconded and minutes approved as read.

2. Water Plant Manager's Report
 - a) Old Business. The extra charge on Kelly's bill was for the chlorine residual testing. The chlorine level will be checked by Kelly frequently. The Health Dept gave a good report. We need all the names & numbers for Snowmass Water & San for the Emergency Response Plan.
Design for Flex Pipe: Dean Derosier. The bid the Board is looking for will have six flex joints. Going a bit further on each end will give it more stability, as it is a known fact that the soil is moving 6-8 inches every few years. Lawson asked Dean for his opinion on whether six flex joints would be enough or if he has another recommendation. He recommended that six be the minimum. Jerry asked if we should put in a straight piece or whether we should allow some flex. Dean said that because we are looking at disturbed ground, it may add too much stress to the flex joints. A few feet wouldn't gain a lot. The amount of excavation should be minimal. Jerry asked about the feasibility of setting it up to put a camera in to monitor how well it is working. Kelly is proposing to put in a two inch bypass in order to make water available at all times and putting in a concrete vault on each side. 20-40-40-40-40-20 would be the spacing for the flex joints. The goal is that the movement is in the flex and not the ends that break it out. Isabel asked what the optimum amount of flex joint would be. If the soils are bad, it may be a good investment to have a few more on hand if needed. Jerry asked about putting some survey stakes in at each end to monitor movement. Lawson asked how much sand was needed to be put in; Dean said that road base would be the best material to pack it in securely. Lawson asked if there would need to be any State approval/inspections. This would be considered an emergency repair. The optimum time is when the soil is at its driest; probably July or August. Glenda is going to call Mark about getting some boulders that Bill Johnston said were available. The boulders would be used to build a retaining wall near the ditch going towards the Bialek's.
Kelly's bid: All of the parts are at cost, no mark up. The bid breakdown is: Parts and Materials - \$25,517. Labor, mobilization, machine time, replacement asphalt -

\$44,855. Total bid of \$70,372. The rock wall was included as far as time but not materials. It will depend upon if we are able to get the rocks from Starwood. Kelly has liability insurance and is covered for everything. The Board discussed the option of whether to get competitive bids. Since Kelly is completely familiar with this specific problem area of the pipe and because of his working history with BCMD the Board agreed to proceed without getting further bids on this project. Also, Dean Derosier was able to verify the material costs as accurate and reasonable. The Board agreed on ordering one extra flex joint and asked Kelly to negotiate waiving a re-stock fee in advance if it is not needed. Jerry asked Dean if he would be able to look in on the project. Dean committed to making a check on the project once per day and will sign off on the work being done correctly and according to design. He expects it will take 60 minutes per day and will bill hourly. Jerry made the motion to approve Kelly's proposal; Lawson seconded the motion and it was unanimously approved

3. BCMD Manager's Report

- a) Old Business – New Manager. BCMD does not yet have a new manager, but Mark from Starwood will work with us. Glenda said that Alex reported finding about 10 cans of paint at the dumpster and will try to find out who the culprit is. Pitkin County Landfill has a program for residents whereby using a punch card gives entitlement for some free usage, including hazardous materials.
- b) Glenda is checking on getting the stop sign replaced at the bottom of Medicine Bow Road.

4. Budget – regular review. Lawson asked that we check into possibly getting an exemption to the annual audit based on income. BCMD would not qualify for this exemption because annual revenues and expenditures are more than \$500,000.

5. Bills/ Finance

- a) Approve bills. The February 2011 bills were approved as presented.
- b) Glenda's report. The Conservation Trust Fund CD at Community Bank matured and the interest rate went to .05%, so the money was transferred to the CTF account at Alpine Bank.
- c) A/R – Glenda passed out the Aged Accounts Receivable report for review. Beck's house is scheduled for closing at the end of next week. The Board discussed shutting off water for Jean Paul Jallifier for his \$2496.93 overdue balance. Glenda will call him; send a certified letter, and post one on the door.

6. Other Business

- a) Steve Conner did not show up to discuss rules & regs revisions and water plant easement on Droste property. He will be invited to next month's Board Meeting
- b) Water emergency plan. Kelly will find out what the Snowmass Water & Sanitation plan is and we will build it from there.
- c) IRS letter regarding Directors as employees. The Board discussed the pros and cons of going with the temp service or having Glenda do payroll. The Board would like Glenda to do the payroll for Board members, which will include going back to 2010.
- d) Dumpster security. Brad contacted Pitkin County Sherriff's department. Their recommendation was to put locks on the dumpster. Joyce will do some research on dumpster locks and report back to the Board.
- e) Web site – Brad reported that a parcel map is needed to complete the website.

- f) Isabel reported that there is a hole about 2.5' across and about 6" deep on the edge on Turtle Cove Road. The Board will ask Kelly to look at it and report back.
 - g) Glenda brought up the discussion of the IGA we have with Starwood and brought a copy to the meeting. The Data Collection unit (shared) was placed in Starwood, although it was purchased by BCMD as an extra unit. Glenda will contact Bill Johnston to get the story on how/why that happened. She will also contact Mark to see if his technology person has it connected.
9. Next Meeting. April 19, 2011
10. Adjournment. Jerry made the motion to adjourn, Lawson seconded the motion and the meeting adjourned at 7:39 pm.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: April 19, 2011
Time: 5:30 p.m.
Location: Pitkin County Library, 120 North Mill St., Aspen, CO
Present: Board Members; Lawson Wills; Joyce Hardy; Isabel Day;
Brad Manosevitz, Glenda Knight, Finance; and Marti Barbour, Recorder of
Minutes
Absent: Jerry Scheinbaum;

Call to Order: 5:40 pm.

1. Approve minutes: The minutes had one small addition. Brad made the motion to approve; Lawson seconded and they were approved as revised.
2. Water Plant Manager's Report. Kelly could not be present at this meeting. Glenda reported for Kelly that there would be no restocking fee for the flex joints; once we place the order, they will not take it back. The Board agreed to order six flex joints, based on Dean Derosier's suggestion.
3. BCMD Manager's Report. As there is no manager at present, the Board discussed creating a job description for a part-time position. Isabel will put together the first draft for review by the Board.
4. Budget – regular review
5. Bills/ Finance
 - a) Approve bills. The March 2011 bills were approved as presented.
 - b) Glenda's report. Ms. Kuhn's meter pit was damaged by a car. Kelly will be asked to fix it and send her the bill for submission to her insurance company.
 - c) A/R – Glenda raised some concern about the clarity of the shut-off letters. Lawson will re-write them.
6. Other Business
 - a) Raines Bankruptcy discharge of debtor. Because BCMD received official notice, Raines \$863 debt will be removed from his account and be reflected as a loss.
 - b) Repair lower Juniper Hill Road dip near Cozy Point.
 - c) Water emergency plan. Jerry was assigned the project of creating it or finding it.
 - d) Dumpster security. Joyce has been looking around town and discovered that very few, if any, locations have locking dumpsters. Joyce will call Snowmass Water & Sanitation to inquire what their experience was as far as locking dumpster areas. There were a few complaints about the mismatched color of the dumpster doors. This will be resolved by re-staining them. Signage will be changed at the dumpster area once the website is complete.
 - e) Website – parcel map. A link to the GIS site would show the location and owner's name for each parcel. The Board would like to get this project completed by the end of summer.
 - f) Entrance Sign – The topic was brought up again as it is something that the residents of Brush Creek want. This item will be put on May's agenda.
7. Next Meeting. May 17, 2011 at the Snowmass Chapel.

8. Adjournment. Brad made the motion to adjourn; Lawson seconded the motion and the meeting adjourned at 6:50 pm

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: May 17, 2011
Time: 5:30 p.m.
Location: Snowmass Chapel – Library, 5307 Owl Creek Road, Snowmass Village, CO
Present: Board Members; Lawson Wills; Joyce Hardy; Isabel Day; Brad Manosevitz, Water Plant Manager, Kelly Gessele, Attorney Steve Conner, Glenda Knight, Finance; and Marti Barbour, Recorder of Minutes
Absent: Jerry Scheinbaum

Call to Order: 5:37 pm.

1. Approve minutes. Lawson made the motion to approve the minutes; Isabel seconded & all approved.
2. Water Plant Manager's Report
 - a) Old Business. Kelly voiced concern about the type of pipe connector. There are three different types of pipes and three different types of restraints. Kelly and Dean are trying to figure out what is the best way to go. The Board expressed frustration that Dean Derosier has been hired as the engineer but to date there is nothing in writing; no specs; drawings, etc., although the Board has been billed. Lawson offered to call Dean and ask for drawings and specs. With regard to the flex joints, Isabel suggested that, before investing we get references from the company's customers who have used their products. The Board wants the job complete by July or August.
Kelly hasn't noticed any leaks but there has been water seen coming up in different places and he is checking it out.
Glenda asked Kelly about the percentage differences on the meter readings. The meters don't lie. Dave Anderson will be called to check to see if and where leaks could be in order to clear up the question on percentages.
3. BCMD Manager's Interview. Kevin McClure. Kevin feels comfortable with what needs to be done and likes the fact that he wouldn't have to do the minutes and would be able to focus on the operational duties. Isabel addressed the key items which need to be a part of the job description. Asked what Kevin would consider a monthly on-call stipend, he said that he has to consider what his threshold is. A figure he had in mind was \$1000/mo for 4-6 hours per week with an hourly rate for extra work. Kevin asked how the Board was set up as far as requiring liability insurance.
 - a) Next candidate – Steve Hopkins. General contracting/property management and Aspen local. No experience with water and roads. Lawson explained our system and asked if he had any experience with pumps or if he was comfortable talking with the homeowners. The Board will provide Steve with a job description which will contain things such as: 10-20 hours per month; drive the neighborhood twice a week; self-motivated; police the neighborhood for water and road issues; address complaints; log calls, etc).

4. Bills/ Finance
 - a) Approve bills. A motion was made to approve the April 2011 bills as presented, 2nd, motion passed.
5. Other Business. The ditch on the high side below Mitchell's house on Juniper Hill is filling up with dirt. Alex will be asked to dig it out (before the 4-way where the road was replaced last year; 724 Juniper Hill)
6. Steve Conner – Revised Rules and Regs, Droste agreement. The bylaws will take awhile to complete. The plant easement for Droste will have to be taken care of in Executive Session because it has to do with attorney/client privileges. Steve will put the requirement in for 3/4" line. Bylaws and Rules & Regs are interchangeable. Bylaws are intended to be used like Roberts Rules of Order. The Rules are not recorded with the County Clerk. The Board would like a procedure for when and how to terminate water service. \$2,000 or two quarters of non-payment will be the basis for termination of service. 30 days after payment is due is the beginning of delinquency. Kelly will disconnect and \$150 reconnection fee will apply. An application to reconnect will be part of the process. In the Fall when the mill levy is certified is the time to report any uncollected water bills due to bankruptcy, foreclosure, etc. The full amount will be added to the property tax bill. The amount collected will be subject the 5% treasurer's fee. Steve will work on getting these updates into a draft of the Rules and Regs by the next meeting in June.
7. Droste's plant site easement. Brad made the motion and Lawson seconded to go into Executive Session; at 6:30. Lawson made the motion at 6:44 to go back into regular session
8. Water Emergency Plan – to be on June 21 Agenda
9. Dumpster Security – to be on June 21 Agenda
10. Entrance Signage - Signage was briefly discussed, as this continues to come up in discussion with Brush Creek residents. This is an item that the Board would like the new manager to pursue.
11. Next meeting – June 21, 2011.
12. Adjournment. Joyce made the motion to adjourn; Isabel seconded the motion and the meeting adjourned at 7:50 pm.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: June 21, 2011
Time: 5:30 p.m.
Location: Snowmass Chapel Library, 5307 Owl Creek Road, Snowmass Village, CO
Present: Board President, Jerry Scheinbaum; Board Members; Lawson Wills; Joyce Hardy; Isabel Day; Brad Manosevitz, Kevin McClure; Steve Connor, Glenda Knight, Finance; and Marti Barbour, Recorder of Minutes

Call to Order: 5:40 pm.

1. Approve minutes: One sentence was changed. Joyce made a motion to approve the minutes and Lawson seconded, the minutes approved with the minor revision.
2. Water Plant Manager's Report
 - a) Old Business. There is a small leak just up from one of the valves; it will have to be monitored closely. Kelly tried to go through the field rep, Jim Weidner for pipe bids. He got three bids on them. The bid he got from Dean Derosier seemed high. The water systems are not in bad shape, however one pump (4 years old) went out. Kelly purchased two pumps (5 hp). He had to get new electrical service and five service lines. Kelly suggested that people get back up tanks and pumps. Brad asked if there was some sort of mobile system that we could set up for back up. Jerry asked how much it would cost; Kelly said it was \$25K. Jerry asked if there was a map to show where breaks have been and subsequently repaired. Jerry suggested that we have a "history" page set up to help future Board members make decisions on repairs/replacements. American Leak Detection was the company that found the leak. While they were fixing the leak, another one started at a nearby joint. Kelly suggested that an air vacuum be put at the top in order to blow out the air. Kevin asked how far up the pipes will go. The middle tank gets filled by gravity and the upper tanks get filled by pressure. The 4-way is about as high up as it would go. Isabel asked what could have been done differently. Kelly said that he would have had Dave Anderson up there. BCMD should have an Operator with a "C" qualification. The rules are that there be an "Inspector" who can speak for the Board. As the manager, Kevin could do it; it will have to be finalized by the Board.
3. BCMD Manager's Report. After Board questions regarding how Kevin would be able to work the position around his other job, he stated that it would not be a problem with his other employer. Isabel has started working on a job description for the Manager position. It is the Board's intention to hire Kevin once the job description and salary are finalized. Kevin said that the hourly fee would be up to \$45. Joyce asked that his A/R be brought up to date. Kevin is researching liability and Workman's Comp insurance. Lawson made the motion to hire Kevin for \$1200/month and hourly billing of \$45 hour for extras. Jerry seconded the motion and it was unanimously approved that Kevin be hired as the BCMD Manager.

4. Budget – regular review. There was \$31K for R & M; we are now close to that amount. There is approximately \$9K saved for the time when a manager was not being paid. Road Repair budget is \$65K. Sagebrush Lane needs to be re-surfaced as does Turtle Cove.
5. Bills/ Finance
 - a) Approve bills. A motion was made to approve the May 2011 bills. The motion was seconded and the bills were approved as presented.
 - b) A/R – Diffendaffer house is under contract. Vectra Bank is willing to pay the \$2500 water bill in order to get the lock removed and the water system inspected prior to sale. There will be a \$150 connection fee to turn the water on.
6. Other Business. Kevin was asked to start discussions with Pitkin County to get the stop sign put in. On Upper Ranch road, there is some slough. The first application of weed spraying has begun; Glenda will call the County and asked about coordination of spraying.
7. Steve Conner – Revised Rules & Regs
 - a) Steve went through the rules & regs and cut things out and added in rules & regs having to do with other BCMD services. The weight limit issue is not being enforced. Parking will not be formalized in the Rules & Regs. Glenda supplied Steve with the trash and water fee amounts to be included. The rules regarding swimming pools will be left as is; hot tubs are ok. All Board members have signing authority with the bank for signing checks. All checks require two signatures. The “inspector” is the BCMD Manager. According to the existing rules & regs, back flow preventers are be checked/adjusted yearly. Kevin will check with the County for their back-flow requirements. Steve will have something for the Board to look at, at the July meeting.
 - b) Alex has formed a company and would like his company be hired as an independent contractor by BCMD rather than go through a temp agency. Independent contractors should each complete a proposal of what they will do for an hourly rate.
 - c) Crack sealing and Juniper Hill Road dip near Cozy Point. Kevin is going to get a second bid.
 - d) Water emergency plan – Brad asked Kevin to research what the Snowmass plan is; some discussion followed regarding getting info out on the website.
8. Next Meeting. Thursday, July 21, 2011
9. Adjournment. Joyce made the motion to adjourn; Brad seconded the motion and the meeting adjourned at 8:00pm.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: July 21, 2011
Time: 5:30 p.m.
Location: Snowmass Chapel, Snowmass, CO
Present: Board President, Jerry Scheinbaum; Board Members; Joyce Hardy; Isabel Day; Kelly Gessele; Kevin McClure; Glenda Knight, Finance; Steve Conner, Attorney, and Marti Barbour, Recorder of Minutes

Call to Order: 5:52 pm.

1. Approve minutes; Isabel moved that the minutes be approved after a slight change of wording was made in subparagraph 7c: "The Board requested that Kevin get a second bid on crack sealing and repairing the dip at Cozy Point." Jerry seconded and minutes approved as corrected.
2. Water Plant Manager's Report. Kelly purchased some of Flex 10 units and has about 35% of what he needs. Jim McLaughlin is assisting in working with HD Supply on getting the right fittings and couplings. Kelly will submit the bill for the August Board meeting. Jeremy Lowell is asking for some restitution for repair of some portion of his driveway where Kelly had to do some digging. Kelly has been trying to get the 2-horsepower pump to Denver.
 - a) Diffendaffer meter pit. The bank wants to put a driveway over the meter pit because the current driveway goes over Droste's property. The Board agrees that it would put too much pressure on the meter.
3. BCMD Manager's Report – Kevin wrote up a draft of management duties and passed them out to Board Members. Isabel asked about answering BCMD phones. The Board requested that Kevin keep a conversation log to email to Board Members. The phone message has yet to be changed Kevin will work on correcting the message. As part of the Manager's Report, Kevin also addressed items below in "Other Business". Added to his "To Do" list are taking care of the repair of the dip at Cozy Point, as well as striping and a repair at the Medicine Bow bus stop.
 - a) Budget – regular review. \$65,000 in Road Maintenance; \$4000 of which has been spent. The Board agreed that the money should be spent on the above-mentioned road resurfacing. Water Maintenance will go over budget.
 - b) Any hard items for water system maintenance should come out of the Water Capital Fund, according to Jerry. This will change the Water Maintenance amount. Glenda will pull those items out and come up with a new total.
 - c) Approve bills. The July 2011 bills were approved as presented.
 - d) A/R – Kevin called Jean Paul Jallifier; Martha Taylor Cesery; Joan Klar regarding getting current on their bills.
4. Other Business

- a) Steve Conner – Revised Rules & Regs. Steve was present to pass out the the revised rules and regulations to Board Members and then departed.
- b) Crack sealing on upper Medicine Bow. Kevin got two bids; one considerably less from Elam, which can be done in late summer. (Sagebrush; Turtle Cove; Upper Medicine Bow) The Board members discussed chip seal as compared to other surfacing. Kevin will firm up the price and get an official bid.
- c) Repair Guard Railing. Kevin will contact the County to find out whose responsibility it is. Kevin also spoke to G.R. Fielding (Pitkin County Road Department) about fixing the stop sign and was told it would be about two weeks.
- d) Source Gas. Jerry spoke with them regarding the feasibility of running natural gas in the Brush Creek subdivision.
- e) Water Emergency Plan; Isabel asked Kevin to work on the water emergency plan and will email him what we have so far and getting information on website
- f) Dumpster repairs; re-staining doors on Medicine Bow. The Medicine Bow doors are sticking and Kevin will look at them.
- g) Entrance Signage. The Board agreed that this is an item that needs to be addressed and completed.

5. Next Meeting will be Tuesday, August 16, 2011

6. Adjournment. Jerry made the motion to adjourn; Isabel seconded the motion and the meeting adjourned at 7:18 pm

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: August 23, 2011
Time: 5:30 p.m.
Location: Snowmass Chapel Library
5307 Owl Creek Road
Snowmass Village, CO 81615
Present: Jerry Scheinbaum, President, Joyce Hardy, Lawson Wills,
Kevin McClure, Manager, Glenda Knight, Bookkeeper, Marti Barbour,
Recorder of Minutes
Absent: Brad Manosevitz; Isabel Day; Kelly Gessele

1. **Call to Order.** The meeting was called to order at 5: 40 p.m.
2. **Approval of minutes.** Jerry made the motion to approve the July 2011 minutes; Joyce seconded the motion and they were approved as read.
3. **Water Plant Manager's Report.** Report from Kevin on behalf of Kelly: The flex couplings are available; they are approved and being quoted by the supplier in Denver. We will see if they can order without a check in order to get the work done as quickly as possible. The goal is to get installation started by the end of September. Lawson asked that we get drawings and a parts list from the engineer before the work is started. Kevin will pursue that. Jerry said that fixing the water pipes should take priority over the other pending work to be done. Kevin will push to get the pricing and get the flex pipe ordered. Lawson asked about getting some of the big rocks from Starwood for the Bialek retaining walls. Glenda said that we should check with Kelly on whether that was going to be needed or not.
4. **BCMD Manager Report.** Kevin McClure reported on Items a, c, d, f and g in Other Business, below. Lowell's driveway was damaged from where Kelly had to dig to find a leak. Mr. Lowell repaved the driveway so it is hard to determine where exactly it was. Jerry asked Kevin to get Riley to show him where the digging was done. BCMD thinks it equals about 10% of the total driveway.
5. **Budget** – regular review
6. **Bills/Finance**
 - a) **Approve bills.** Motion to approve bills for July 2011 as presented, 2nd, Motion passed.
 - b) **Glenda's report.** Stan Bialek and Dave Elston want to attend September's Board meeting to bring up suggestions for dumpster enclosures. There are some items that have been taken out of Repair and Maintenance that can be taken out of

Capital instead. The Board authorized \$3,414.30 to be moved from Water Capital Fund to the Water Operating Fund. Diffendaffer will be closing on September 2, 2011. There will be one bill and reconnect fees totaling approximately \$400 to be collected at closing.

c) **A/R.** The Board reviewed and discussed the Aged Accounts Receivable List. Sheehan's water bill is a concern as his house is currently empty and may continue to be. Kevin will follow up. Kevin is contacting owners who are late on payments.

7. **Other Business.**

a) **The Raines property** on Upper Ranch Road has a scrub oak near the street that is coming up through the asphalt and causing damage.

b) **Review Revised Rules & Regulations.** This item postponed for review at September 2011 Board Meeting.

c) **Crack sealing on Upper Medicine Bow** and other resurfacing Kevin has bids for \$8800 from Kaufman for crack sealing; also a bid for \$2500 from Elam Construction. Kevin is seeing some discrepancies in what he was originally told and the final bid which is 20% higher. This is for the complete job with the 3" overlay. Kevin offered to get another bid from Lyons. Lawson recommended that District money be focused on Sage Brush Road and Turtle Cove.

d) **Repair Guard Railing.** No change...Kevin is waiting to hear back on that.

e) **Remove Rosa as signer at Community Bank.** The Board agreed to submit a letter to the bank to remove Rosa's name. Jerry Scheinbaum; Isabel Day; Joyce Hardy and Lawson Wills are listed as signers.

f) **Water Emergency Plan** – getting information on website. Kevin made the suggestion that we look into getting a reverse 911 service for a water emergency. He will call Pitkin County to inquire as to what they have set up for reverse 911.

g) **Dumpster repair and upgrading progress.** Kevin has a bid for \$14,720 from Snowturtle Construction for the Juniper Hill side dumpster enclosure. Jerry recommended that they put heavy tin in the back instead of decorative rock. After Board member discussion, it was decided to hold off on this project and allocate the money for next year.

h) **Entrance Signs.** The Board agreed that this is a project that should be put into the budget for next year.

i) **Next Meeting** will be on Thursday, September 22, 2011.

8. **Adjournment.** Lawson made the motion to adjourn. Jerry seconded the motion and the meeting adjourned at 7:30 p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: September 22, 2011

Time: 5:30 p.m.

Location: Snowmass Chapel
5307 Owl Creek Road
Snowmass Village, CO 81615

Present: Jerry Scheinbaum, President; Joyce Hardy; Lawson Wills; Isabel Day; Brad Manosevitz, Kevin McClure, Manager; Kelly Gessele, Water Plant Manager; Glenda Knight, Bookkeeper; Stan Bialek, Homeowner and Marti Barbour, Recorder of Minutes

1. The meeting was called to order at 5:37 p.m.
2. Approval of minutes. A motion was made to approve the minutes of August, 2011. The motion was seconded, passed, and the August 2011 minutes were approved as read.
3. Public Comment. Stan Bialek was in attendance to discuss the ongoing problem of the dumpsters, i.e., the bear problem and public abuse of the dumpsters. Stan acknowledged that it is difficult to determine who is a resident and who isn't. The big problem is on the Medicine Bow side. As there are no signs on the Medicine Bow side, it can't deter honest people from illegal dumping. The recycling area is overloaded. David Elston's idea: When we do catch an illegal dumper, we get their license plate number and report it, in order to get some publicity and perhaps scare some people out of it. Stan would like the Board to reconsider getting keys for dumpster entry and re-key once a year. Another idea of David's is to install a fake camera. Board members said that Mike had tried that in the past and the camera was bashed within two weeks. Board members shared with Stan the various discussions and investigations that have taken place on this subject. The Board's concern was that the costs of implementation would be more than the cost of extra trash pick ups. The current pick up schedule is six days per week; everyday but Thursday. Stan was invited to stay for the Water Plant Manager's Report.
4. Water Plant Manager's Report on the pipe project progress. Everything is working well. There are two different types of pipe available. Dean Derosior decided that the Griffin pipe would be ok. Kelly showed a detailed drawing of how the pipe would be put together and installed. There is more time, supplies

and labor involved than originally expected. It is up to \$100,000 from \$70,000. The six super joints already purchased are \$13,000. They are locked in place on the pallets at Kelly's Basalt facility. It was to be about \$30,000 in material costs plus possibly another \$2,000; most likely up to \$40,000 because of the additional footage. Discussion followed about building a brick wall and doing planting. It is steep and consists of shale rock. Isabel asked if we have the \$100,000 to go with this project that was originally budgeted for \$75,000. A motion was made, seconded, and approved to order the pipe tomorrow, September 23, 2011. In two weeks, Kevin will contact and discuss with Kelly the actual starting date, conditions permitting. If the weather poses a problem, Kelly agreed to securely store the materials at his Basalt facility.

5. BCMD Manager Report. Kevin McClure. Turtle Cove has road damage due to truck traffic. Kevin recommended approval of the \$2,500 for crack sealing. To do the project in two phases, it is estimated that it would be \$2-3,000 extra. Lawson made a motion to give Kevin authorization to negotiate not to exceed \$45,000 for the three projects. Glenda calculated that there is \$52,600 available for roads. Jerry seconded the motion and it was approved with one abstention from Brad Manosevitz because his property is directly involved. Glenda is training Kevin on the Neptune system for meter reading. Stop signs, yield signs, "no unleashed dogs" and dumpster signs are needed; Kevin will look into getting them and email the templates to Board Members for approval of wording.
6. Budget – regular review – 2012 Budget. Isabel asked if we can reduce our bond rate. Kevin will research that possibility. Discussion of the 2012 preliminary budget will be on the agenda for October 11, 2011.
7. Bills/Finance
 - a) Approve bills. A motion was made and seconded to approve the bills for August, 2011. The motion passed and the August 2011 bills were approved as presented.
 - b) Glenda's report. Transfer of funds \$121,000 from 2010 from Operating into Capital Fund. Glenda will be prepared for the October 11 meeting with figures for transfer. Glenda was able to save money by bundling internet service with her phone bill and the Board unanimously agreed to reimburse her quarterly.
8. Other Business
 - a) Review Revised Rules & Regulations. To be added to next agenda.
 - b) Data unit installed in Starwood. Glenda spoke to Mark, who did not know about it. The unit is valued at \$7,935; Glenda will send them a bill.
 - c) Repair Guard railing. Jerry recommended that Kevin inspect each one for stability.
 - d) Water Emergency Plan – getting information on website. To be added to next agenda.

- e) Entrance Signs. To be added to next agenda.
 - f) Tree on upper Ranch Road has broken through the road.
 - g) Next Meetings, October 11, 2011 and November 8, 2011.
9. Adjournment. Jerry made the motion to adjourn; the motion was seconded, passed and adjourned at 8:01 p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: October 11, 2011

Time: 5:30 p.m.

Location: Snowmass Chapel Community Room
5307 Owl Creek Road
Snowmass Village, CO 81615

Present: Joyce Hardy; Lawson Wills; Isabel Day; Kevin McClure, Manager; Brad Manosevitz, Glenda Knight, Bookkeeper; Marti Barbour, Recorder of Minutes

Absent: Jerry Scheinbaum, Kelly Gessele

1. The meeting was called to order at 5:39 p.m.
2. Approval of minutes. A motion was made to approve the minutes for September 2011. The motion was seconded, passed and the September, 2011 minutes were approved as read.
3. Public Comment. None present.
4. President's Comment. Jerry was absent.
5. Water Plant Manager's Report. Pipe Project Progress. In Kelly's absence, Kevin reported that not everything was here yet. Based on that, the Board decided to wait until that point; check the weather forecast and go from there.
6. BCMD Manager Report. Kevin McClure addressed items below as part of his report.
 - a. He was not able to contact Jallifier. Tenant Patrick Sullivan contacted Glenda to inquire about the amount due for the period Oct. 1, 2010 thru Oct 31, 2011 which is about \$1300.00.
 - b. Kevin is going to do the paperwork necessary to get the balance due from Klar added to her property taxes.
7. Budget – 2012 Budget Review.
 - a. Bills/Finance.
 - b. Approve bills. A motion was made and seconded to approve the bills for September 2011. The motion passed and the September 2011 bills were approved as presented.
8. Glenda's report. Transfer money to Capital Funds? There is \$121,000 available in the General Fund for transfer. As of now, we have \$270,000 in the General Operating Fund. Lawson made the motion to move \$121K from General Fund into the Capital Fund. At this time there isn't enough cash in the Water Operating fund to transfer the amount of excess (\$106,000) according to the 2010 audit, to the Water Capital Fund. Lawson asked Glenda to look things over to determine where the money has been spent since the end of 2010. Glenda went over the

preliminary 2012 budget with Board Members and answered questions on expenditures. The assessed property values went down in 2010 so the Mill Levy will go up for 2011. Mr. Herman of Brush Creek Road used 200,000 gals of water the last quarter. They got a bill for \$3,815. When the Herman's got the bill, they contacted Glenda and said that they found a leak in Sept. due to gravel in the back flow preventer. They had a leak in August also. Glenda calculated the time frames and usage during the leaks and proposed that we credit them \$1,550.00. Brad made the motion to approve Glenda's proposal; Joyce seconded it and the motion was unanimously approved.

9. Other Business

- a. Data Collection unit installed in Starwood. Lawson asked Kevin to negotiate a reduction in the \$2,500 in the annual fee paid to Starwood per the IGA until it is paid for. Starwood paid \$3,000 to get it installed but don't want to purchase it from us.
- b. Review Revised Rules & Regs. Comments from Board Members, Brad: Page 5 line 150 Application for Permit; can we put the forms online? Page 6, Line 198 *Who is the inspector?* Needs clarification in the definition as far as who is the inspector. Page 6, Line 201 Private Water Service Line Maintenance... "Maintenance" repeated and not necessary. Page 9, Line 285, need clarification of the sentences. Page 11, Line 364 "The District will hold both the occupant and the customer jointly and severally liable for all charged appurtenant to water service." *Clarification needed.* Page 12, Line 398 "Notice of Board Meeting....posted; *are we doing it? YES we are.* Page 12, Line 408 Election of officers...*do we do it?* Other Board members pledged to review and make comments on the Rules & Regulations.
- c. Status of crack sealing. Elam has not completed the crack sealing.
- d. Repair Guard Railing. One part has broken away from the support by Fox Lane. Kevin will find the area of concern and take care of it.
- e. Water emergency plan – getting information on the website. Brad asked about the status of completion. A few pages are blank and Kevin was elected to be the one to keep the website up to date. It would take one hour of training to do so.
- f. Dumpster repair and upgrading progress. Kevin presented a surface mount system for locking the dumpsters by using a code. The cost is about \$100 each. Brad asked how much was spent on removing excess trash in pickups and dump fees. Lawson made a motion to decide not to do anything about this problem right now. Isabel seconded the motion and it was unanimously approved. Isabel suggested that the issue to be addressed again at the April meeting.
- g. Tree growing through pavement on Upper Ranch Road. That has not been taken care of.

10. Next Meeting: November 8 is a Budget Hearing Meeting.

11. Adjournment. Lawson made the motion to adjourn; the motion was seconded, passed and adjourned at 7:10p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: November 8, 2011
Time: 5:30 p.m.
Location: Snowmass Chapel, Snowmass Village, CO 81615
Present: Joyce Hardy; Lawson Wills; Isabel Day; Kevin McClure, Manager; Brad Manosevitz; Glenda Knight, Bookkeeper; Marti Barbour, Recorder of Minutes
Absent: Jerry Scheinbaum; Kelly Gessele

1. The meeting was called to order at 5:37 p.m.
2. Approval of minutes. Brad made a motion to approve the minutes for October, 2011. Comment: Number 6 needs clarification. Subparagraphs a & b. The motion was seconded, passed and the October, 2011 minutes were approved as read.
3. Public Comment. None.
4. President's Comment. Absent.
5. Water Plant Manager's Report. Kelly was absent.
6. BCMD Manager Report. Kevin McClure. The weather got too cold to start the digging for the Flex pipe project. The materials are all at Kelly's water plant in Basalt. Concrete vaults are scheduled for delivery tomorrow; Kevin will make the call to cancel delivery.
Lawson asked Kevin why we have a 53% loss. There is a leak in the main line. Kelly is working to locate it. Kevin explained that a valve wasn't opening so the tank wasn't filling. The problem is in the middle pump house, an electrician is being called. Kevin will provide email status updates to the Board.
7. Budget – 2012 Budget Review. Joyce made the motion to approve the Budget for 2012; Lawson seconded it and the motion was unanimously approved.
 - a) Bills/Finance Approve bills. There are two outstanding A/R's. Klar and Cesery's accounts are in arrears. Glenda created invoices with the balance due and interest charges. Kevin will give them the invoices and explain that they are being submitted to the County to be added to their property taxes in order to provide them the opportunity to pay first. Kathy Gibson's account is in arrears and is on the shut-off list. Kevin will contact her son (Jerrod Gibson) in Telluride to see if he can provide some help in bringing the account up to date. A motion was made and seconded to approve the bills for October, 2011. The motion passed and the October 2011 bills were approved as presented.
8. Glenda's report. Noxon's house closed today. The bond payment is due on

Thursday and Glenda needs a Board Member to accompany her to the bank. Isabel and Joyce are available. A motion was made to ask Roger Maggard to prepare a letter reconciling cash flow against the balance sheet and verify the \$106,000 net income from 2010. The motion was seconded and unanimously passed. \$50,000 of \$69,000 that was billed for 3rd quarter has been collected for the water fund to date. Community Bank is changing hands. The Board has substantial money invested with the Bank. The amounts are below FDIC limits and the Board feels that the money is secure. Glenda will go into the bank and get a new signature card in order to create an action and claim the money with the new entity.

9. Other Business

- a. Isabel noticed that there was a lot of gravel scattered over Juniper Road.
- b. On Upper Medicine Bow, about where the road ends by the cabins, the water is still flowing across the road at an angle. Kevin will check it out.
- c. The cracks have not been sealed. Crack sealing on the main roads will be postponed until Spring.
- d. Turtle Cove will be done next Spring.
- e. Signs. Waste Management trucks were seen using Upper Ranch Road. Discussion began on comparing curbside pickup versus the dumpster area. When the contract is up (about one year), it can be revisited. Kevin is getting new signs made up and will look at the Snowmass dumpster signs as an example and show the Board for approval first. A Yield Sign at Juniper Hill needs to be redone. Some more stop signs need to be ordered (or found).
- f. Kevin will pour poison on the tree growing through the asphalt at Upper Ranch Road.
- g. Repair guard railing. No action to date. Kevin will take care of getting it repaired, either by himself or Alex, or a contractor.
- h. Review revised Rules & Regulations. Tabled until December meeting.
- i. Kevin received an email from Peter Droste regarding a proposal for long-term free water from the District in exchange for water rights that he owns. Lawson said that Steve Conner should take a look at the proposal and figures.

10. Next Meeting: December 13, 2011.

11. Adjournment. Brad made the motion to adjourn; the motion was seconded, passed and adjourned at 7:06 p.m.

Brush Creek Metropolitan District

Monthly Board Meeting Minutes

Date: December 13, 2011

Time: 5:30 p.m.

Location: Aspen Mtn. Gondola Bldg. – Conference Room
601 E. Dean Street
Aspen, CO 81611

Present: Jerry Scheinbaum, President; Joyce Hardy; Lawson Wills; Isabel Day; Kevin McClure, Manager; Kelly Gessele, Water Plant Manager; Brad Manosevitz; Glenda Knight, Bookkeeper; Marti Barbour, Recorder of Minutes

1. The meeting was called to order at 5:35 p.m.
2. Approval of minutes. A motion was made to approve the minutes for November 2011. The motion was seconded, passed and the November 2011 minutes were approved as read. If there is a change or correction in the minutes, the change/correction will be noted word for word in the current minutes.
3. President's Comment. Jerry had spoken with Isabel regarding the on-going dumpster discussion. They brought up to the Board the suggestion that bids be obtained once the contract is up. Kevin read the sign copy for Board review and will go over the wording with the County Sheriff.
4. Water Plant Manager's Report by Kelly Gessele. New equipment to monitor tank levels: Kelly had lots of challenges last month keeping water in the tanks. He worked with Western Colorado Electric to come up with a solution of incorporating another Red Lion LED in the middle pump house to watch the elevation remotely and therefore provide 24/7 monitoring. The system cost \$3,000 and was completed today. The Board decided that this should not come out of the Capital Fund but that all future on site repairs be brought before the Board for approval first. Kelly and Kevin went around on Sunday to check for leaks. They isolated the main line at Droste; Brush Creek and Pioneer Springs. What they determined was that the Pioneer Springs meter is mis-reading. Droste is on his own line and his water usage does not come through the Brush Creek Main meter or the Pioneer Springs Main meter. This would throw off the numbers because it is showing as being part of Pioneer Springs usage. This will be fixed and then the numbers will be looked at again.
5. BCMD Manager Report. Kevin McClure. Signs are coming in; some have been installed. Kevin has been to the Treasurer to discuss how to collect past due amounts. Glenda was in touch with Steve Conner regarding the legal aspect of

collecting outstanding bills by adding the amounts to the Property Taxes. Cesery and Klar were given notices. Resolution #6 Series of 2011 stating the intent of Brush Creek Metro District to certify to the County Treasurer the delinquencies of \$1,498.85 for Cesery and \$2,453.78 for Klar for the purpose of adding these amounts to the BCMD portion of their Pitkin County Property Taxes was signed by Board President Jerry Scheinbaum. Kevin spoke with Jallifier; his renters left and he doesn't have the \$2,200 right now to pay his balance. He is trying to get in some more renters but cannot if his water is turned off. Kevin proposed the situation for Board review. The Board agreed to give him a little leeway and then cut off the water on January 4, 2012 if payment has not been received. Velvet LLC purchased 1969 Juniper Hill Drive. There is a past due water bill on that property; a notice has been posted on the door and a certified letter will be sent to the new property owners.

6. Budget – Certify Mill Levies, Sign Resolutions. Jerry signed the resolutions to Appropriate Sums of Money, to Adopt Budget and to Set Mill Levies.
 - a. Bills/Finance Approve bills. A motion was made and seconded to approve the bills for November, 2011. The motion passed and the November 2011 bills were approved as presented.
 - b. Kevin received a proposal from Don Diones to restructure some bonds for a potential savings of \$46,000. Kevin will invite Don to present his proposal at next month's Board Meeting.
7. Other Business
 - a. Review Revised Rules and Regs. To be moved to another meeting for discussion.
 - b. Repair Guard Railing. Kevin completed the repair by tightening it.
 - c. Tree growing through pavement on Upper Ranch Rd – has been addressed.
 - d. The website is up and running but needs consistent maintenance. Marti will work with ZG Tech to get some tutorial and then maintain the website with notices; minutes, etc. at the hourly rate currently being charged.
8. Next Meeting: January 17, 2012 in the same location.
9. Adjournment. Jerry made the motion to adjourn; the motion was seconded, passed and adjourned at 7:40 pm.