

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CONSOLIDATED BMR METROPOLITAN DISTRICT HELD JULY 5, 2011

A regular meeting of the Board of Directors of the Consolidated BMR Metropolitan District was held on Tuesday, July 5, 2011 at 6:51 p.m. at Lowell Ranch located at 2330 South I-25, Castle Rock, Colorado 80104. The meeting was open to the public.

### Attendance

In attendance were Directors:

Jeanne Dassel  
Alan Cobb  
Bob Brabec  
Russell Grant  
Kirk Fischer

Residents and others in attendance:

Bob Zimmerman; 1240 Glade Gulch  
Lynne Norwood; 3590 Winterhawk Circle

Also in attendance:

Tim Flynn, Esq.; Collins Cockrel and Cole  
Matt Urkoski; Clifton Gunderson, LLP

### Call to Order

Director Dassel called the meeting to order at 6:51 p.m. and verified a quorum.

### Conflicts of Interest

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.

All Disclosures 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

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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.

### Approval of Agenda

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

### Manager's Report

#### A. Review and Consider Approval of Minutes for June 7, 2011 Regular Meeting

After review, the resident name of Mr. Bulmer in attendance is to be revised to the correct spelling of his name.

Following discussion, and upon a motion duly made by Director Brabec, seconded by Director Cobb and upon a vote, unanimously carried, the Board approved the June 7, 2011 Regular Meeting Minutes as amended.

#### B. Review and Consider Approval of Claims for May 2011 Totaling \$24,883.44 and Direct Pays to IREA Totaling \$82.02 for a Grand Total of \$24,965.46

Following review and discussion, and upon a motion duly made by Director Cobb, seconded by Director Grant and upon a vote, unanimously carried, the Board approved the May 2011 claims totaling \$24,883.44 with the addition of an IREA Direct Pay in the amount of \$82.02, represented by check numbers 2376 through 2382 for total claims in the amount of \$24,965.46.

#### C. Review and Consider Approval of Cash Position Report as of June 30, 2011

Mr. Urkoski distributed copies of the June 30, 2011 Cash Position Report prepared by Mr. Simmons. Clarification regarding date on financials will be followed up by Mr. Urkoski.

After discussion, and upon a motion duly made by Director Brabec, seconded by Director Cobb, and upon a vote, unanimously carried, the Board accepted the Cash Position Report as of June 30, 2011.

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- D. Consider Approval of 2011-12 Service Agreement with Waste Management

It was noted that this is a matter for the BMR Metropolitan District Board. Director Brabec will explore the feasibility of entering into contractual arrangements with other providers. Mr. Flynn will review the proposed contract from Waste Management in greater detail and the Board will consider this matter further at BMR's August Meeting.

### Director Action Discussion Items

- A. Consider Approval of Award of Chip and Seal Contract to the Low Responsive Bidder – A-1 ChipSeal -\$97,053

Director Grant noted that the Low Responsive Bidder to the Chip and Seal Contract is A-1 ChipSeal. Several options were discussed. The Basic proposal plus Alternates 1, 2 & 3 were recommended. Total cost of recommendation is \$97,053. A separate authorization for striping costs was also recommended in the approximate amount of \$8,500.

Upon a motion duly made by Director Brabec, seconded by Director Cobb, and upon a vote, unanimously carried, the Board approved the Chip and Seal Contract with A-1 ChipSeal and also approved costs for restriping, for a total amount of \$105,553.

### Attorney Items

- A. Status of Recording of Improvement Plat Survey

Mr. Flynn reported this is still waiting for final approval by Douglas County.

- B. Consider Ratification of License Agreement for Driveway Improvements at 4162 Serenade Road, Mike Kennedy and Suzanne Hamilton

Mr. Flynn distributed the License Agreement for Driveway Improvements at 4162 Serenade Road for review.

After discussion, and upon a motion duly made by Director Brabec, seconded by Director Cobb, and upon a vote, unanimously carried, the Board ratified the License Agreement for Driveway Improvements at 4162 Serenade Road previously signed by Directors Dassel and Brabec.

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Community  
Comments

Mr. Zimmerman stated he has concerns with the park irrigation.

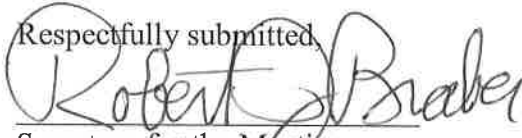
Ms. Norwood asked about action on a second exit from the Ranch. Director Dassel stated no additional action has been taken at this point.

Adjournment

Upon a motion duly made by Director Brabec, seconded by Director Fischer and upon a vote, unanimously carried, the Board adjourned the meeting at 7:15 p.m.

The foregoing minutes were approved by the Board of Directors on the 2 day of Aug, 2011.

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

Respectfully submitted,  
  
Secretary for the Meeting