

Will-O-Wisp Metropolitan District

956 Wisp Creek Drive

Bailey, Colorado 80421

Meeting of the Board of Directors

June 10, 2010

Rick Angelica called the meeting to order at 6:30p.m. Members also present at roll call were Marty Prater and Lynn Louvar. John Howell joined the meeting at 7:45.

Attending Guests:

Deb Russo (Accountant), Richard Toussaint (Attorney), Bill Schwartz (Operator), Brian Zick (Engineer) and Judy Kirby (Administrator).

Guests

None

Approval of the Minutes

Rick makes a motion to approve the minutes of the regular meeting on May 13, 2010; Marty seconded, and passed 3-0.

Pine Ridge Development

Update

Richard has talked with Dave C; they have not met with Ryland as of today. Bob Brisnehan is no longer in the loop. There is a new president of Ryland Homes.

Dave C does not feel urgency since they have the 401 done. When they meet with the new president they will discuss the easement to the water tower. Richard would like this done by winter, 2010.

Brian Zick (The Engineering Company)

Brian gave the BOD the WOW raw water cost estimates.

Richard noticed that the pricing for the road is not included, Brian will add that in.

Brian pointed out that WOW could not be in the stream after September 30th (brown trout).

Richard said that the 404 lets WOW in the wetlands, not the creek.

Brian brought up the stipulation that WOW would need to pay the county \$50,000 before development. Richard feels that “development” means the pump station. Rick feels that “development” means when the stream is disturbed and the money is for the fish.

Richard cannot recommend the BOD go ahead with the \$70,000 to TEC and the \$50,000 to Park County. He would like to get a letter from the Park County Commissioners stating that no money needs to be paid until water starts. Rick will talk with Lee Phillips (county attorney), about deferring the payment for now.

Rick makes a motion that if the county defers payment, Rick and Bill can approve the bid package to be sent out, seconded by Lynn and passes 3-0.

Rick makes a motion to spend \$5,500 to TEC for getting the bidding documents together, Lynn seconds, and passes 3-0.

Rick would like Deb to set up a new account in her Treasurer's Report for this project called the "Diversion Project".

Plant / System

DMR sampling for May were good and the monthly bacteriological samples were acceptable. The Consumer Confidence Report (CCR) was sent in and is hanging in three places throughout the District.

Well #7: The Water Resources of CDPHE letter is being sent out on how to run the testing needed and the dates that the testing needs to be done.

Finance

Deb went over the Treasurers Report. **Rick made a motion to accept the Treas Report, seconded by Marty, passed 3-0.**

Rick made a motion to approve the bills to be paid, seconded by Lynn, passed 3-0.

The Delinquent Accounts were gone over.

Architectural Control Committee

None

Miscellaneous District Items

Recreational Committee – None

Public Comments

None

Legal Matters

Due Diligence – pushing forward.

Sub District – none.

Road Issue – There was a complaint about the county cleaning/sweeping Wisp Creek Drive sent in to the Air Quality Control Division of the state, about the dust it generated. Richard has called and they say they have no paperwork on this matter, so TNC will pursue. Richard let the BOD know that they can investigate this matter because WOW is trying to maintain their roads for sludge hauling, cleaning culverts and drainage of water throughout WOW.

Park County had received a cease and desist order from the state. The state does not have any documents, so the county may come back in and continue.

John H let the BOD know that Kintz, working in the county, said some driveways have culverts and some do not. John said the county had told him last year that if a homeowner had purchased a culvert from the county that the county would install the culvert for them (the culverts run about \$300.00). John H will call the county and let the BOD know information at the July meeting.

Proposition 101 & Amendments 60 &61 – Richard let the BOD know that these amendments need to be defeated. He would like everyone to read over these and send him any thoughts in the next couple of weeks.

Policy Manual – TNC sent back to Lynn to look over, she will give comments and bring to the July meeting.

New Business

Lynn has seen a speeding motorcycle throughout the neighborhood lately. John H told her to call the sheriffs office when she sees this.

Old Business

Tract 5 –

Commencement of an Executive Session

RA-I move the District adjourn into executive session to discuss: strategy and instructions for negotiations, and positions on matters which might be the subject of negotiations under Colorado Revised Statute 24-6-402(4)(e);

And the following additional details are provided for identification purposes: Tract 5.

Is there a second? John H seconds.

All those in favor for convening in an executive session, RA, MP, JH, LL, all in favor.

The District will adjourn into executive session as provided in the motion and take an electronic recording of the session to satisfy the Open Meeting Law.

On this date, June 10, 2010, at this time 8:05pm, the District has voted to convene in an executive session. For the record, I am Richard Angelica, the presiding officer. Also present at this executive session are the following persons: John Howell, Marty Prater, Lynn Louvar, Richard Toussaint and Judy Kirby.

To satisfy the Open Meetings Law, this executive session is being electronically recorded.

The executive session is held for the following reason: discussion of Tract 5.

I caution each participant to confine all discussions to the state purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

I hereby attest that the electronic recording reflects the actual contents of the discussion at the executive session and has been made in lieu of writing minutes to satisfy the recording requirements of the Open Meetings Law. I will retain the tape in my possession for a 90-day period. The time is now 8:21pm, and we now conclude the executive session and return to the open meeting.

The executive session has been concluded. The participants in the executive session were: Richard Angelica, John Howell, Marty Prater, Lynn Louvar, Richard Toussaint, and Judy Kirby.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is...

Adjournment

Rick made a motion to adjourn the meeting at 8:23pm, seconded by Lynn, passed 5-0.

Rick Angelica, President

Lynn Louvar, Director

John Howell, Secretary

John Arnouts, Director

Marty Prater, Treasurer