
RECORD OF PROCEEDINGS

**Minutes of the Special Meeting
Of the Board of Directors
Catamount Metropolitan District
October 12, 2009**

A Special Meeting of the Board of Directors of the Catamount Metropolitan District, Routt County, Colorado, was held October 12, 2009 at 3:00 p.m., at the Catamount Ranch Golf Clubhouse, 33400 Catamount Drive, Steamboat Springs, Routt County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance

The following Directors were present and acting:

- John Holloway
- Eric Wilson (via phone)
- Darlinda Baldinger
- Gary Ertl

Also in attendance were:

- Staff Personnel:
 - Eric Weaver, Robertson & Marchetti, P.C.
 - Joel Anderson, District Manager
 - Kevin Collier, District Staff
- Property Owners:
 - Mike Burks, Property Owner
 - John Smith, Property Owner
 - Jim McRoberts, Property Owner and CROA President

Call to Order

The Special Meeting of the Board of Directors of Catamount Metropolitan District was called to order by Chairman Holloway on October 12, 2009 at 3:00 p.m. noting a quorum was present.

Agenda Changes

The Board reviewed the agenda and made no changes.

Minutes

The Board reviewed the Regular Meeting minutes of August 10, 2009 and upon motion duly made and seconded it was unanimously

RESOLVED to approve the Regular Meeting minutes of August 10, 2009 with minor revisions.

2009 Calendar

The Board reviewed the 2009 regular meeting schedule and made no changes. The next and final meeting of the year is scheduled for November 9, 2009. Director Baldinger may be unable to attend.

**District
Offices/Shop**

Director Holloway stated that he represents Mr. Behan, an adjacent property owner that has previously contested the District constructing the

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shop and asked the Board if he should step down from discussions regarding the issue. The Board responded that they feel that Behan is not an issue anymore and asked that Director Holloway not step down on the issue as they feel he is not conflicted.

The building plans as presented have been approved by the County for a conditional use permit which restricts the use of the facility to use by the District or another public entity. This clause precludes the District from leasing space to the Club as originally anticipated. CROA has been contacted to see if they are interested in partnering on the project, but they have declined. The Board discussed the possibility of downsizing the building as the additional space is not currently needed. The major issue with this is the additional cost of changing the building design and the need to resubmit plans to the County for approval. Director Holloway recommended going back to the architects and the County to get an estimate of the cost to redo the plans to be able to compare those costs to the savings expected if the building were to be downsized. The target for construction will be the spring of 2010.

Hunting Activities

An incident occurred a couple of weeks earlier in which an elk was shot on Metro Parcel #6. The hunting party was made up Tim Mueller, who is an owner and/or member of the Club and several of his friends and/or family. The incident has raised concerns in the community, and the District's attorney was asked to look into the private property rights of homeowners and their guests to hunt on their Catamount property and on the Metro District property.

Findings from the research show that hunting is addressed in three separate documents; the Wildlife Agreement, the Declaration of Covenants, Restrictions, and Easements, and the Conservation Easements.

The *Wildlife Agreement* states that at the lake only members, owners, and their guests are allowed to hunt or fish on Catamount property and that such activities are regulated by the Club's rules specifying areas to be hunted, weapons allowed, and species allowed to be hunted. Other public access is prohibited.

The *Declaration of Covenants Restrictions and Easements* state that the killing of wildlife within the property, except in the threat of imminent danger, is prohibited.

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The *Conservation Easements* consist of four separate but similar easements. These limited use easements state that no industrial or commercial uses are allowed except for the purpose of agriculture, hunting or fishing within applicable laws.

The Board concluded that based on the above information, especially since the District now owns the parcels (which were owned by the developers at the time the agreements were entered into) that it is not clear whether Mr. Mueller was legally authorized to hunt on the parcel.

The advice received from Mr. Dalton, the District's attorney, is that a concerted effort of all entities is needed to address hunting within the entire community. Mr. McRoberts did not have any indication of where CROA stands on the issue. Director Holloway recommended forming a committee made up of Club, Metro and CROA members to draft a document to address the hunting concerns. Director Ertl volunteered to represent the District. Mr. Smith recommended that homeowners be able to vote before the end of 2009 on any restrictions being placed on their properties. Most of the Board members and constituents in attendance generally agreed that hunting should not be allowed within Catamount.

Mr. Smith asked that the Board take action against Mr. Mueller because he may not have been given permission to hunt on the property. The Board responded that since the documents are not clear as to whether or not it is allowed, it is likely not worth pursuing. The Department of Wildlife has been made aware of the situation and is not currently taking any action. The Board expressed different opinions on how to proceed, and as a middle-of-the-road approach, Director Holloway recommended that an explanation letter be obtained from Mr. Mueller explaining the situation, and Director Baldinger suggested requesting a donation to the golf scholarship fund be made by Mr. Mueller. Director Holloway and Mr. Anderson will contact Mr. Mueller and ask that he take steps to appease the situation.

Access to Yurt Trail and USFS Land

Everyone wants to be able to go to and from the yurt without danger of being shot or running into hunters. It appears that the Club wants to keep this as a way to access USFS lands.

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Gambro Lot Logging

Mr. Anderson has been in contact with the logging contractor and they have informed him that they intend to complete the logging this year. There is approximately four to five days of work.

Land Trust

The Yampa Valley Land Trust has spoken with their attorney and feel that they do not have to enter into an agreement with the District to pay for access to their property. They also stated that they do not have the funding available to do so anyway. Mr. Anderson informed the Land Trust that an agreement needs to be entered into regardless of whether compensation is included. The Board expressed concern that the property was previously used as a residence and already a large event was held at the property that resulted in many cars being parked along and using the District's roads. On motion duly made and seconded it was unanimously

RESOLVED to prepare a draft agreement, at the cost of the District, to address access by the Land Trust to their property.

Water Treatment Plant

Mr. Anderson reported to the Board that the superintendent of the project passed away last weekend as the result of an accident that occurred while on the job at Ski Town Square. On motion duly made and seconded it was unanimously

RESOLVED to make a donation to the memorial fund in an amount not to exceed \$500.

Other

Mr. Anderson stated that the water meter vault at Gary Ertl's newly constructed house does not meet the specifications of the Rules and Regulations of the District. However, this is a new state-of-the-art system, and after researching the system and finding positive feedback, feels that if installed correctly it will work in the cold climate of Catamount. Since the pit is located on private property, any issues that arise are the responsibility of the owner. The system is safer for District staff because they do not have to climb down into a manhole. On motion duly made and seconded it was unanimously

RESOLVED to allow an exception for use of the water meter vault at Gary Ertl's house, as a test case, and to add the use of this meter vault type to the revised Rules and Regulations draft that

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will be reviewed at the November meeting. Director Ertl abstained from the vote.

Mr. Burks brought up fencing from Highway 131 along County Road 18. The south side of RCR 18 is owned by the District. The District's plan is to slowly take the fence down in sections and ultimately remove it entirely because major repairs would be needed to keep it in place.

Mr. Burks commented on efforts to limit public access at the Lake. His recommendations included the use of signage with more explicit reference to cycling, hunting, camping, etc. Director Ertl offered information on a system that would take photos of anything crossing an infrared beam. The cost is \$6,000 per camera and he recommended placement of one at the intersection at the Yampa River bridge and Harrison Trail and another at the entrance to the Ranch. The Board felt that identifying cyclists from photos would be difficult and would also require enforcement. On motion duly made and seconded it was unanimously

RESOLVED to put more aggressive signage in place, to add "No Solicitation" signs on residential roads and by the cabins and cottages, and pursue placing notices in the local newspapers and on the CROA website to inform the public.

2010 Budget

Mr. Weaver reviewed the preliminary budget with the Board. Major items include the assessed valuation of the District increasing roughly 20%, which with the mill levy increasing another 5 mills, the annual fee per property will decrease from \$3,000 in 2009 to \$1,000 in 2010 under the current budget. The budget also calls for a 5% increase in water rates. The majority of the operating costs of the District are expected to remain consistent with 2009 with the exception of \$135,000 being budgeted for road overlays and patching in critical areas. As for capital projects, construction of the maintenance facility is currently estimated at \$550,000 and \$330,000 is estimated for repairs to the dam. Both of these projects would be financed using funds from the 2008 bonds. In addition, replacement of the backhoe is planned for 2010. The public hearing for the 2010 budget will be held at the November 9 meeting, after which the budget is anticipated to be adopted by the Board.

Foreclosure Updates

Ranch Lot 13 and Ranch Lot 6 are in foreclosure. Lot 13 is rescheduled for November 6 foreclosure sale and Ranch 6 is scheduled for December

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or January. The Board directed Eric Weaver to file updated lien amounts as of the date of the scheduled sales.

Adjournment

With business concluded, and on motion duly made and seconded it was unanimously

RESOLVED to adjourn the Special Meeting of Catamount Metropolitan District Board of Directors this 12th day of October, 2009.

Respectfully submitted,



Eric Weaver
Secretary for the meeting