

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BACA GRANDE WATER AND SANITATION DISTRICT
HELD
FEBRUARY 19, 2010

A regular meeting of the Board of Directors of the Baca Grande Water and Sanitation District (referred to hereafter as "Board") was held on Friday, the 19th day of February, 2010, at 9:00 a.m. at the offices of the District, BGWS&D Shop, 57 Baca Grant Way South, Crestone, Colorado. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Christine Canaly, President
Philip Madonna, Vice President
Vicki Matthews, Secretary/Treasurer
Lisa Cyriacks, Assistant Secretary
Parvin J. Johnson, Sr., Assistant Secretary (via speakerphone)

Also In Attendance Were:

AJ Beckman; Special District Management Services, Inc.

Jennifer Gruber Tanaka, Esq.; White, Bear and Ankele Professional Corporation

Marcus Lock, Esq.; Bratton Hill Wilderson & Lock, LLC
- via speakerphone

Steven Harrell; District General Manager

Steve Rogers; Brown and Caldwell

Michael Skully; Casita Park Action Committee

Martin Macaulay; Board Candidate

August Vanderbeek, Mark Wienpahl and Tom Zoellner;
Members of the general public

Dennis Marshall; No Old Age & Death, Inc.

RECORD OF PROCEEDINGS

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Attorney Tanaka noted that conflicts were filed for applicable Directors at least 72 hours prior to the meeting. President Canaly noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No further conflicts were disclosed.

ADMINISTRATIVE MATTERS

Agenda: Mr. Beckman reviewed the proposed agenda for the District's Special Board meeting.

Following discussion, upon motion duly made by Director Madonna, seconded by Director Matthews and, upon vote, unanimously carried, the Agenda was approved, as amended.

Minutes: The Board reviewed the minutes of the January 22, 2009 special meeting.

Following discussion, upon motion duly made by Director Matthews, seconded by Director Madonna and, upon vote, unanimously carried, the minutes from the January 22, 2009 special meeting were approved.

PUBLIC COMMENT

Public Comment: Martin Macaulay introduced himself to the Board and announced his intention to run for a seat on the Board at the May 4, 2010 election. Michael Skully also addressed the Board announcing his interest in pursuing a Board seat in the upcoming election.

Tom Zoellner addressed the Board regarding his request to the Board as set forth in a letter regarding water pressure at 4304C Ridge Crest Overlook (attached hereto and incorporated herein by this reference). Mr. Zoellner explained that he is the General Contractor for the Property Owner and is seeking the issuance of a certificate of occupancy. He requested that the District take actions necessary to increase the water pressure adequately to facilitate the issuance by the County of the Certificate of Occupancy. Mr. Beckman advised Mr. Zoellner that the Board would consider this

RECORD OF PROCEEDINGS

matter and that he would be contacted following the meeting with the Board's decision.

Dennis Marshall addressed the Board requesting a waiver of tap fees on Chalet II, lot 3641 for No Old Age and Death Inc., as set forth in a letter to the Board of Directors (attached hereto and incorporated herein by this reference). Mr. Beckman advised Mr. Marshall that the Board would consider this matter and he would be contacted following the meeting with the Board's decision.

Mark Weinpahl addressed the Board regarding impacts to the lot owned by Ms. Vanderbeek as set forth in an email communication to Mr. Harrell dated February 1, 2010 (attached hereto and incorporated herein by this reference). Mr. Weinpahl requested that the Board consider constructing a berm along side the service road to mitigate traffic impacts. Mr. Harrell estimated the cost of the berm at approximately \$6,000. Mr. Beckman inquired as to the lot owner's willingness to share in the cost and noted that the realignment area is entirely within an adjacent and separately owned lot where the District is working with the property owner for an easement. Director Cyriacks noted that the District is a fiduciary of public funds and is not at liberty to make expenditures of such funds for improvements to private property. Members of the Board encouraged Mr. Weinpahl and Ms. Vanderbeek to also discuss this matter directly with the neighboring property owner. Director Canaly expressed her appreciation of for the well thought out comments and request by Mr. Weinpahl. Mr. Beckman advised Mr. Weinpahl and Ms. Vanderbeek that the Board would consider this matter and they would be contacted following the meeting with the Board's decision.

FINANCIAL MATTERS

Claims: The Board considered the approval of the payment of claims through the period ending January 15, 2010, totaling \$173,206.85.

Following review and discussion, upon motion duly made by Director Matthews, seconded by Director Cyriacks and, upon vote, unanimously carried, the Board approved the payment of the claims for the period

RECORD OF PROCEEDINGS

ending January 15, 2010.

Financial Statements: Mr. Beckman reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending January 31, 2010. Director Cyriacks inquired as to the status of receipt of Availability of Service and System Improvement Fees. The nature and use of the revenue was discussed. Mr. Beckman will discuss this matter with the District's Accountant and report back to the Board.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Madonna and, upon vote, unanimously carried, the Board accepted the financial statements for the period ending January 31, 2010.

Cash Flow Analysis: Mr. Beckman reviewed the current cash flow analysis with the Board noting that an anticipated early repayment of the recently purchased service truck was included in the analysis.

EQR Research: Mr. Beckman reported that there are no new developments.

Repayment Loan for Service Truck: Mr. Beckman reviewed with the Board the recent analysis by the District's Accountant. It was noted that the interest rate on the loan is 7.25%, which matures in May 2014, and that the current balance is approximately \$21,924. Early repayment will save approximately \$3,600 in interest costs over remaining life of the loan.

Following discussion, upon motion duly made by Director Matthews, seconded by Director Cyriacks and, upon vote, unanimously carried, the Board approved early repayment of the loan for the service truck.

LEGAL MATTERS

Communication with Manitou Foundation: Cottonwood Plant waterline and road access easement and vacation. Attorney Tanaka reported that the new easement agreement is drafted. Southern Colorado Surveyors is reviewing the existing easements to help determine which easements need to be vacated. The agreement is

RECORD OF PROCEEDINGS

expected to be ready for approval at the next meeting.

Decommissioning of the discharge pond on the Manitou property. The Board discussed the decommissioning of the discharge pond and it was noted that the District may want to keep the portion of the pond on the District's property available for future hydroelectric projects. The Board directed the District's staff to complete the decommissioning of the discharge pond on the Manitou property in the next few months and leave the District's portion as is for the time being.

Easement and Lease Agreement with FairPoint Communications ("the Agreement") and Related Easements: Attorney Tanaka reported that the Agreement has been finalized. Fairpoint Communications is willing to provide internet service at no charge for two locations plus a credit of \$150 per month toward the phone bill.

Following discussion, upon motion duly made by Director Matthews, seconded by Directed Madonna and, upon vote, unanimously carried, the Board approved the Agreement, subject to the previously negotiated terms of the agreement plus an additional credit of \$150 per month for phone service over the past year totaling \$1,800.

Easement from the Baca Grande Property Owner's Association ("POA") for the Cottonwood Plant and Road Access Easement and water line: Attorney Tanaka reported that the POA has agreed to provide the easement. Attorney Tanaka reported that Southern Colorado Survey is finalizing the legal descriptions for the easement and confirming which easements need to be vacated.

Following discussion, upon motion duly made by Director Madonna, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the easement from the POA for the Cottonwood Plan and Road Access Easement and water line.

Easement from the Baca Grande Property Owner's Association ("POA") for the Mobile Home Estates Forced Main Line Extension (Tract I SE): Attorney Tanaka reported that the POA has agreed to provide the easement and that the Manager for the POA is currently

RECORD OF PROCEEDINGS

pursuing a corrective deed on a small parcel that will be necessary to secure the interests of all affected parties. It is anticipated that this will be complete in the next few days.

Following discussion, upon motion duly made by Director Madonna, seconded by Director Matthews and, upon vote unanimously carried, the Board approved the easement from the POA for the Mobile Home Estates Forced Main Line Extension (Tract I SE), subject to receipt and confirmation of the corrective deed by the POA.

Greenway Easement, Relocation of Road and Request for Traffic Impact Mitigation Measures by Neighboring Lot Owner: Attorney Tanaka reported that Mr. Greenway executed Baca Grande Property Owners' Association documents for approval of the proposed road alignment. Southern Colorado Surveying Service is in the process of preparing a legal description for the easement area. Neighboring lot owners addressed the Board regarding this matter in the public comment section above.

In response to the concerns set forth by Mr. Weinpahl and Ms. Vanderbeek, the Board members determined to individually visit the proposed road alignment to assess the impact and render a decision regarding impact mitigation at the next Board Meeting.

Employee Handbook Revisions by Ireland, Stapleton, Pryor & Pascoe, P.C.: The Board discussed the Employee Handbook revisions by Ireland, Stapleton, Pryor & Pascoe, P.C.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Madonna and, upon vote, unanimously carried, the Board approved the Employee Handbook revisions by Ireland, Stapleton, Pryor & Pascoe, P.C. and directed Attorney Tanaka to get a obtain a proposal for employee training.

GIS Mapping Services : The Board reviewed the proposals received from various GIS companies for mapping the District's easements.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon vote,

RECORD OF PROCEEDINGS

unanimously carried, the Board approved the proposal from North Line GIS, LLC for GIS Mapping Services in an amount not to exceed \$10,000. It was noted that Attorney Tanaka will prepare a service agreement.

Safety Manual: The Board reviewed and discussed the Safety Manual.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the Safety Manual.

Ballot Content for the May 4, 2010 Election:

Ballot Questions Related to Refunding and Debt Authorization. Attorney Tanaka discussed amendments 60, 61 to the Colorado Constitution and Proposition 101 currently being considered by the Colorado Legislature and the potential need to include questions to the May 4, 2010 ballot to address limitations arising therefrom.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved ballot questions recommended by Bond Counsel and General Counsel subject to final approval by Directors Canaly and Cyriacks.

Ballot Question Regarding Term Limits. The Board discussed the ballot questions regarding term limits.

Following discussion upon motion duly made by Director Matthews, seconded by Director Cyriacks and, upon vote unanimously carried, the Board determined to approve ballot language regarding the removal of term limits.

Brown and Caldwell Water and Wastewater Improvements Bidding Phase Services Proposal: The Board considered ratifying approval of the Brown and Caldwell Water and Wastewater Improvements Bidding Phase Services Proposal for an amount not to exceed \$19,974.

Following discussion, upon motion duly made by Director Matthews, seconded by Director Cyriacks and, upon vote, unanimously carried, the Board ratified the Brown and

RECORD OF PROCEEDINGS

Caldwell Water and Wastewater Improvements Bidding Phase Services Proposal for an amount not to exceed \$19,974.

Rules and Regulations: Attorney Tanaka reported that the Rules and Regulations are in process.

Outstanding Water Matters with Water Counsel: Attorney Lock addressed the Board and discussed various matters as follows:

Status of work by HRS Consulting, the District's Water Engineer. Attorney Lock reported that certain data that would be helpful to the Water Rights Engineer appears to be non-existent; however, the Water Rights Engineer will be able to provide a report within the next two to three months.

Water Rights. Attorney Lock reported that the majority of senior surface water rights are owned by the US Fish and Wildlife Service. The current lease does not guarantee the ability to actually deliver the quantity of water specified by the agreement. Additional work to analyze subordinate water rights specified in the lease may be necessary.

Potential Changes to Groundwater Rules. Attorney Burgemeister has been attending meetings regarding changes to the State's groundwater rules. Attorney Burgemeister will circulate a memorandum regarding the proposed changes. New changes may require replacements to groundwater depletions on a one to one basis; however, some latitude may be given to water providers within or contracted with districts or sub-districts which would allow a two to one replacement ratio. Attorney Lock recommended that Attorney Burgemeister not attend additional meetings for the time being and that his time would be better spent working on other water matters.

Status of Analysis of Water Rights. Attorney Locke reported that following the completion of the report by the District's Water Engineer he will prepare a summary of proposed action to secure the District's water rights.

RECORD OF PROCEEDINGS

OPERATIONS

Mobile Home Estates Wastewater Treatment Facility: Mr. Harrell reported that due to a sampling error, the facility was not in compliance for February.

Aspen Wastewater Treatment Facility: Mr. Harrell reported that due to a sampling error, the facility was not in compliance for February.

Status of Staffing: Mr. Harrell reported that the current staff is working well and there are currently no issues.

Corrosion Control Study and Compliance Requirements: Mr. Harrell reported that the study is progressing on schedule and test samples were in compliance for February.

Development of District Policy and Waivers regarding Ownership, Location and Maintenance of Residential Water Meters: Attorney Tanaka reported that letters to homeowners with meters within the home will go out in the next week.

Water Meter MXU Installation Plan: Mr. Harrell reported that in accordance with the replacement plan he is pursuing the purchase of new MXUs. However, such units will require the purchase of a new hand-held meter reading device.

Following discussion, upon motion duly made by Director Matthews, seconded by Director Madonna and, upon vote, unanimously carried, the Board authorized the purchase of new handheld meter reading device compatible with the upgraded MXUs for an amount not to exceed \$7,000.

Digitalization of Water Rights Documents: Mr. Harrell reported that hardware research is ongoing.

Customer Billing Service and Online Payment: Mr. Harrell reported that the District is using the mailing service. Mr. Beckman reported that the on line payment process is not yet finalized but is expected to be in service by the next meeting.

Water Meter Installation: Mr. Harrell discussed the status of the installation of water meters for

RECORD OF PROCEEDINGS

properties which did not have water meters installed. The project is ongoing.

Lab Training with Salida Water and Sanitation District: Mr. Harrell reported that the Staff has received outstanding training from Mr. Sack. He anticipates that the District will be able perform its own sampling by the end of the year.

Following discussion, upon motion duly made by Director Matthews, seconded by Director Cyriacks and, upon vote, unanimously carried, the Board authorized monthly training with Mr. Sack for an amount not to exceed \$400 per month through 2010. Attorney Tanaka will prepare a service contract to engage Mr. Sack.

Brookview Reservoir: Mr. Harrell presented a proposal by Alcon Construction in the amount of \$1,700 for repairs to the fence at Brookview Reservoir and maintenance of the garage doors.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the proposal from Alcon Construction in an amount not to exceed \$1,700 for repairs to the fence at Brookview Reservoir and maintenance of the garage doors.

Heavy Equipment Purchase: Mr. Harrell distributed and discussed information related to the purchase of a backhoe. The Board reviewed the information and determined to revisit the matter once additional information is known.

CAPITAL IMPROVEMENTS

Drinking Water Projects: Mr. Beckman and Mr. Rogers discussed the proposed changes to the East Dream Way water line. Mr. Beckman reported that publication of notice to interested bidders will happen early next week. The projects are scheduled to be awarded on April 2.

Wastewater Projects: Mr. Beckman and Mr. Rogers discussed the proposed changes to the East Dream Way wastewater line. Mr. Beckman reported that publication of notice to interested bidders will happen early next

RECORD OF PROCEEDINGS

week. The projects are scheduled to be awarded on April 2nd.

Project Status Summary: Mr. Beckman distributed and reviewed the Project Status Summary with the Board. He noted that project costs can be more accurately estimated once the projects have been bid.

Project Timeline: Attorney Tanaka distributed and discussed the project timeline. Following review and discussion, the Board determined to hold a special meeting on April 2nd to approve construction and project management contracts.

Request for Proposal for Project Management Services and Engagement of Project Manager: The Board discussed the request for proposal for Project Management Services and engagement of a Project Manager.

Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon vote, unanimously carried, the Board approved the request for proposal for Project Management Services and engagement of a Project Manager.

EXECUTIVE SESSION

Personnel Matters and Negotiations with Third Parties:
EXECUTIVE SESSION: Pursuant to Sections 24-6-402(4)(b), (e) and (f) of the Colorado Revised Statutes, upon motion duly made by Director Cyriacks, seconded by Director Matthews and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 1:15 p.m. for the purposes of discussing personnel matters as authorized by Section 24-6-402(4)(f) C.R.S., discussing legal matters as authorized by Section 24-6-402(4)(b) C.R.S. and discussing matters subject to negotiation pursuant to Section 24-6-402(4)(e), C.R.S.

Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the District's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

RECORD OF PROCEEDINGS

The Board reconvened in regular session at 1:50 p.m.

Request for Waiver of Fees from Bart Stevens: A letter from Mr. Stevens dated February 9, 2010 is attached hereto and incorporated herein by this reference. Following discussion, upon motion duly made by Director Matthews, seconded by Director Madonna and, upon vote unanimously carried, the Board determined not to waive fees or charges by property owner.

Request for Exclusion by Shumei Institute: Following discussion, upon motion duly made by Director Matthews seconded by Director Cyriacks and, upon vote, unanimously carried, the Board Directed Attorney Tanaka to contact the property owner of the Shumei Institute and request a retainer in the amount of \$1,000 with requirements to fund as necessary in order to draft documents to proceed with actions necessary to pursue an exclusion.

Tom Zoellner: Following discussion, upon motion duly made by Director Matthews, seconded by Director Madonna and, upon vote unanimously carried, the Board directed staff to obtain a letter from the State Plumbing Board confirming pressure requirements for issuance of Certificate of Occupancy and authorized payment of equipment costs to correct pressure deficiency for an amount not to exceed \$1,000 upon verification of pressure requirements by staff and execution of agreement prepared by Counsel.

Dennis Marshall: Following discussion, upon motion duly made by Director Cyriacks, seconded by Director Madonna and, upon vote, unanimously carried, the Board directed Attorney Tanaka to draft an agreement which would require that the property owner enter into an agreement to allow for payment of fees in lieu of taxes and payment of the water tap over a five year period with interest on outstanding principal amounts in the amount of 5% per year.

RECORD OF PROCEEDINGS

ADJOURNMENT

Upon motion duly made, seconded and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL
FEBRUARY 19, 2010 MINUTES OF THE BACA GRANDE WATER AND
SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING
BELOW:

Christine Canaly

Philip Madonna

Vicki Matthews

Lisa Cyriacks

Parvin J. Johnson, Sr.

To, Steve Harrell
Board of directors Baca Grande S& S

From: Tom Zoellner
John and Carol Solvay

I am writing to you regarding the water pressure at 4340C Ridge Crest Overlook.

Through working with your department as well as our plumber we have determined that the water pressure provided by your district is insufficient to operate the water systems of the house. We have investigated all of our options mechanically as well as with your process to increase the pressure. It has been determined that we need to install an in-line pressure demand pump to bring the house up to a functional level of pressure.

Our question to you is 1 Have you experienced this situation in the past and 2 would you be willing to facilitate installation of the necessary pressure pump?

We have had an excellent diagnostic experience with you all over this issue. I would appreciate one more consideration to solve our problem.

Thank you,

Tom Zoellner
Carol and John Solvay

NO OLD AGE & DEATH,* Inc.

A BUDDHIST NON-PROFIT ORGANIZATION

AIDING THE ELDERLY

P.O. BOX 142, CRESTONE CO 81131

DENMARS2@YAHOO.COM

BOARD MEMBERS

DAVID CHADWICK

ANNE ROSS

RUSSELL SMITH

STEVE WINN

EXEC. DIRECTOR

DENNIS MARSHALL

To Board Members, Baca Water & Sanitation District

NOA&D (No Old Age & Death, Inc.), a new non-profit corporation based in the Baca with the mission of aiding the elderly, would greatly appreciate it if the Water&San board could waive the tap fee for water service to Chalet II lot 3641.

We are negotiating to buy the lot and erect our first house on the site. Our aim is to help elderly practitioners from retreat centers and monasteries to have an affordable place to live in their old age. The Baca is known as a major center for monasteries and similar retreat venues, and there is a growing awareness that people who have spent much of their productive life as volunteers, working and practicing at practice centers, often have scant provision for their retirement. At some point it becomes no longer appropriate or possible for them to continue living in a monastic institution, and NOA&D plans to erect houses and offer them at low, flexible rents to such people, of any and all faiths.

We are a new organization, certified by the State of Colorado as a charitable corporation in good standing. We are seeking grants and will be doing wide fund-raising--we are applying to the IRS for 501(c) (3) tax-free-donation status--but in this initial phase have few funds. It would help us greatly if Water&San could waive this tap fee.

As new owner of the lot we would be ~~a~~ good, responsible water users. We believe NOA&D will be an asset to the Crestone/Baca community. Our mission includes forming relationships with local retreat centers and local care providers (medical; hospice; emergency services, and so forth). It is also part of our mission to include a youth element in our activities, which we anticipate will develop into a mentoring relationship between local young people and the mature, experienced people we will be housing.

Thank you for your attention.

Dennis Marshall, NOA&D Executive Director

* A LINE FROM THE HEART SUTRA . . . FOLLOWED BY "AND ALSO NO EXTINCTION OF IT"

-----Original Message-----

From: rainbowsden@frontier.net [mailto:rainbowsden@frontier.net]

Sent: Tuesday, February 02, 2010 12:32 AM

To: SteveH

Subject: August Vanderbeek BGWS

Date: 2/1/10

To: Baca Grande Water and Sanitation District
Steve Harrell, manager

From: August Vanderbeek, owner of lots 4321 and 4320; and Mark Wienpahl, August's Husband

Re: Proposed realignment of Wand S access easement road at northeast end Tranquil Ct.

Dear Steve,

We most appreciate receiving your fax today regarding the proposed change in the motor vehicle access roadway to the storage tank from Tranquil Court.

We have spent enough time on our undeveloped property to fully appreciate the issue and the fact that improvement is needed. Of course, as we have understood the plat copies we have always had, we could tell this was not apparently a platted road, and wondered if at some point, perhaps after some improvement to the access road above us, this "short cut" would be abandoned.

If this roadway is slated for continued use, it must be improved. (We understand our contiguous neighbor, Mr Greenway, may have indeed stimulated the current planning.) We are sensitive to the need of W and S to get from Tranquil to the tank, and appreciative of the economy of time and the protection of resources and environment gained by not driving some long distance around. We are supportive of the unique, diverse spiritual community of the Crestone area and the neighboring stupa.

All in all, therefore, we are accepting of the continuance of this as a roadway. And due to the elevation gain involved with this road cut, a switchback in the roadway makes all sense.

Unfortunately, this proposed switchback will have potentially severe impact on our property in several ways. Visual privacy will be significantly reduced for us as descending vehicles look directly on us. Noise and headlight pollution will be substantial. We fear the value of our property will be markedly reduced for us and in resale.

After an initial review of the matter, and prior to walking the property with you, as you have encouraged, our current sense of it, as I expressed to you, is that mitigation of the negatives for us could perhaps be realized in the form of a berm along the outer edge of the road. We estimate such berm would need to be five feet high and run pretty much the length of the lower half of the switchback. Steve, your assessment of considerable expense for such a berm is likely accurate, we fear, but we don't immediately think of other options. We should say, however, that if this is really to be a public road, then shouldn't other agencies be able to share the expense?

On the other hand, perhaps a better alternative is to keep this access as merely for BGWSD use, that is, limit vehicular access to

BGWSO. In that case, we probably don't need the aforementioned berm, as us would be expected to be low. (Obviously, over time, a public road will likely realize ever increasing use.)

We have several more questions, including:

1. What exactly precipitated the proposed changes? (I believe you have tried to articulate this to us, but we are still not clear.)
2. Is there any issue with this access currently being a ?public access? due to duration of use to date?
3. If this were limited to BGWSO, and maybe foot traffic, would Greenway be accepting of it remaining where it is (the least expensive alternative)?
4. Is this short roadway from Tranquil Ct to the road above proposed as a permanent public roadway?
5. May we have Mr Greenway's tel # or email so as to communicate with him?

We would like to walk it with you as soon as we can get over there, and perhaps attend the next BGWSO board meeting on the 19th. We appreciate all your work on this as it is not a small matter for us. We hope this doesn't throw a wrench in the gears of simple everyday progress!

Sincerely,

August Vanderbeek

Mark Wienpahl

11709 Ridge Road
Golden, CO 80403

Baca Grande Water and Sanitation District
P.O. Box 520
Crestone, CO 81131

February 9, 2010

Dear Baca Grande Water and Sanitation District Board of Directors:

I am the owner of a vacant lot in the Baca, chalet lot number 2820C, which has water and sewer service. I would like to ask that the water and sewer be disconnected, and for the property to be returned to a non-service status. I understand that I am asking for an exception to the district's policy.

The property in question was purchased by my wife, Ann L. Hense Stevens, in 2004. Her intention was to build on the property. She made some improvements to the property, which included turning on water and sewer service. However, before she could begin building, Ann became terminally ill with cancer, and passed away in 2008.

There are no structures on the property. There is a very rudimentary road, and water, sewer, and electric lines run, to an area leveled for a garage. I had not really been involved in Ann's project, I have no interest in developing the property myself, and do not use the water and sewer. I would sell the property, but our children have indicated an emotional attachment to the property. I intend to hold onto the property until they are old enough to decide what to do with it. They are currently 14 and 19 years old, so I expect the time frame to be on the order of 10 years.

The cost of water and sewer service, currently \$504 per year, would amount to a significant fraction of the value of the property over 10 years, and is a burden to my interest to keep the property for our children. I ask that an exception be made and the property returned to a non-service status. I would be happy to pay for any costs involved in making this change of status. Thank you for considering my request.

Sincerely,

Bart Stevens