

RECORD OF PROCEEDINGS  
FIVETREES METROPOLITAN DISTRICT

**Held** 5:00 p.m. on Thursday, September 8, 2011, at the offices of Beach Resource Management, 0197 Prospector Rd, Suite 2105, Aspen, Colorado.

**Call to Order** The meeting of the Board of Directors of the FiveTrees Metropolitan District, in the County of Pitkin, State of Colorado, was called to order by President Conarroe at 5:04 pm with the following persons present:

Dave Conarroe, President  
Jason Gregg, Treasurer  
Steven Buettow, Director

David Parker, was absent but excused  
Jim Aresty, was absent but excused

Also present:  
Gary Beach, District Manager  
Roy Saba, Assistant Manager  
Elizabeth Parker, Representing the Aspen School District BOE  
Charla Belinski, Representing the Aspen School District BOE  
John Maloy, Aspen School District Superintendent

**Approval of Agenda** President Conarroe declared a quorum was present. Dir. Gregg moved, and Dir. Buettow seconded, to approve the agenda as presented. The motion was approved unanimously by voice vote.

**Approval of 6-1-2011 Minutes** A motion was made by Dir. Gregg and seconded by Dir. Buettow to approve the June 1, 2011, meeting minutes as presented. The motion was approved unanimously by voice vote.

**Discuss Nordic Council Request to Plant Wind Break On Moore Open Space Lot 2** Mr. Beach and Mr. Saba introduced the issue and request by Nordic Council to plant serviceberry shrubs and Gambel oak along a portion of the Nordic trail to form a windbreak for Nordic competitions. Questions were raised by the Board regarding location of the Nordic easement(s), liability, insurance, and type, amount and location of the plantings.

After thorough discussion of these issues, Dir. Gregg made a motion and Dir. Conarro seconded the motion to approve the planting of serviceberry and Gambel oak on FiveTrees Lot 2 open space with a confirmation by District management that the area to be planted is within the area of the Nordic easement, and that the Nordic Council provide a performance/completion bond for the work to be completed.

**Discussion of Proposed  
License and or Land Swap  
With Aspen School  
District**

Mr. Beach updated the Board on discussion held between the two districts regarding the School's trespass on FiveTrees open space parcels 2, 3, and 10. Elizabeth Parker responded with the School District's position on the matter and agreed on behalf of the Board of Education (BOE) that it was time for the matter to be resolved. The BOE asked for clarification on why the District wished to use a license rather than an easement to allow the encroachments and Mr. Beach replied that the plat permits licensing of the property but does not appear to allow further easements to be granted.

A discussion on termination of the license ensued and the District Board stated it has no interest in terminating the license once it is executed but needs the ability to do so if the BOE does not properly care for the licensed areas. A lengthy discussion was also held on the potential for entering into a land swap and the District Board acknowledged that would be their preferred solution. A trade of parcels including the District's OS 2 and 10 could be made for lands the BOE owns immediately adjacent to the District's OS3.

A map showing the lands that could be swapped was studied by both parties and the BOE had concerns about swapping the entire portion of land described and shown on the map immediately adjacent to the Sievers Circle residences. Dir. Conarro suggested a smaller portion of that land may be acceptable if it were large enough to accommodate screening between the homes and the High School property.

BOE members Parker and Belinski agreed to confer with the other BOE members and return to the District with a land swap offer, and failing that with comments on the license. It was generally agreed by both Boards that this matter should be resolved as soon as practical.

**Manager's Report** Mr. Beach updated the Board on damage created by recent rain storms and the work undertaken by the District to restore damaged areas. He also reported on the Grey Talon home that was painted orange and explained the options for repainting it a more neutral color.

A discussion was held on weed control and the thistle found in the wooded areas along Moore Drive and adjacent to the ski lift.

Mr. Beach took the Board through the financial statements and the Board agreed that District was in sound financial condition. The only area in which concern was expressed was snow removal and Mr. Beach pointed out that the District continued to plow snow into May of this year, adding nearly a month to the normal snow removal season.

**Capital Projects.** A discussion was held regarding numerous proposed capital projects for 2012. These included road sealing, asphalt improvements, drainage improvements, sidewalk and trail extensions (which the Board decided not to pursue for next year), optimization of pump station controls, irrigation system improvements, entrance monuments (which the Board asked be eliminated from additional consideration), open space seeding and irrigation, and an updating of the District's rules and regulations to adhere to changes in District laws. The Board agreed to consider all the above capital improvements during the budget hearing process for 2012.

**New Business** The Board briefly discussed the condition of several lots in the District, most notably the condition of the upper portion of Lot 6 where the initial development landscaping was insufficient or has failed. The Board directed management to look into what can be done to make improvements to the landscaping in several areas of the District and management agreed to do so and report back to the Board at the next meeting.

**Set Future Meeting** An email will be sent to the Board of Directors to set a future meeting.

**Motion to Adjourn** Given that there was no further business to discuss, Dir. Buettow moved to adjourn the meeting at 6:55 pm. The motion was seconded by Dir. Gregg and was approved unanimously by voice vote.

The foregoing minutes constitute a true and correct copy of the minutes of the above-referenced meeting, and are approved by the Board of Directors of the FiveTrees Metropolitan District.

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Gary L. Beach, Manager  
FiveTrees Metropolitan District

Seal:

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Date of Approval