

Hamilton Creek Metropolitan District

December 2006

www.hamiltoncreek.org

LEGAL UPDATE

The Colorado Court of Appeals ruled in favor of Hamilton Creek by an opinion released November 24, 2006. Specifically the ruling upheld the decision of the Trial Court that Hamilton Creek acted properly in using operating funds to correct the fluoride problem in the water supply. In a process that began in 1996, the Metro District has been involved in a dispute with one bondholder that has resulted in several trials, a hearing in front of the 10th Circuit Court of Appeals and two hearings in front of the Colorado Court of Appeals.

While the Appellant Court ruling is great news for Hamilton Creek, it is too soon to assume the long court journey is complete. It is possible it could be appealed to the Colorado Supreme Court or the one bondholder may instigate some other action. Also, the current ruling does not change the bankruptcy plan or the existing mill levy. As current issues facing the District including forest maintenance and construction of a permanent water facility would utilize the monies available for many years the current intent is to pursue resolution of the bankruptcy and mill levy issues sometime in future years.

Pine Beetle The fall survey of the District counted nearly 1,300 trees infected with the pine beetle. Like other areas of the County, Hamilton Creek is reflecting the trend of infected trees increased by three times or more each year. Pine trees are only reported as infected if they have been "hit" on all sides. Partially infected trees are not marked. In the past additional trees have been identified when the removal process starts.

A Cut Above Forestry reports that spraying appears to have been effective in most areas except for above Lake View Circle. Owners who have in the past requested spraying of trees on their property will automatically be included in the 2007 spraying unless you contact the District to be removed from the list.

The District is currently considering various options for forest work in 2007. Efforts will be concentrated on areas that will be helped by removal.

Snow Removal

Snow removal in Hamilton Creek for the 2006 / 2007 winter season will be provided by Dave Collard Excavating. An access clearing of the driveway is provided. The access plow allows a vehicle to enter the driveway, but does not clear all of the snow or snow near garage doors. Plowing of the driveway can be dependent on the amount of snow storage available and the accessibility to the large equipment used.

For the last two years the Metro District has provided an option of complete driveway snow removal with the cost shared equally with the owner. Less than ten owners utilized this service. The provider of the service for the last two years, Mario Zieba of Colorado Property Maintenance was unable to commit to the time necessary to continue this option this year. Bids were solicited for both the roadway and driveway removal. Only one other bid was received and it was for more than double the total amount historically spent by the District. No entity provided a bid for the complete driveway snow removal.

The primary focus of the Metro District is to find contractors with sufficient equipment to maintain the roads. There are few companies within the County capable of road maintenance. There is a substantial difference in the equipment optimal for road snow removal and for driveway snow removal.

Mario Zieba remains available to provide complete home monitoring including snow removal for absentee owners or owners out of town for an extended period. He is unable to remove the snow the day of a storm. Depending on his schedule the snow removal would be several days following the storm, but removed prior to any stay by part-time owners. Additionally, there are several snow plowers who have worked in the past or present for owners in the Hamilton Creek. The contact information below is provided for owners interested to arrange driveway services with a plower individually.

Mario Zieba 970) 389-2685
Colorado Property Maintenance mariozieba@comcast.net

Neils Lunceford Property Maintenance (970) 468-0340

Dan Stanescu (970) 262-7558
Sinrom Inc

Erik Iverson (970) 389-8747
Hey!.Plow Guy!! Inc.

Please contact the District should you have any contacts with a snow plower interested in driveway snow removal in Hamilton Creek.

Hamilton Creek Metro District Bob Polich, Administrator
PO Box 627 (970) 668-5500 Ext 12
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