

WJ Metro District
Board of Directors Meeting
October 27, 2020
Via ZOOM
6:00 p.m.

MINUTES

1. **Call to order.** The meeting is called to order at 6:05 p.m. by Wayne Ethridge, President
Directors Present: Wayne Ethridge, President, Paul Jones and Bob Vhrin. Absent: Shelly Marolt and Steve Marolt. Other District Members Present: David Deep, Parker Lathrop. Others: Debbie Braucht (Marchetti and Weaver), Ben Elmore (Zancanella & Associates), Mike Kramer (Bendon Adams), and Tobias Sanchez (Eigelberger Architecture).

2. **Review and acceptance of minutes from two previous meetings (Regular meeting on July 27, 2020 and special meeting on August 5, 2020).** Bob has one minor correction for the July minutes regarding the thickness of the insulation on his home. With this one change Bob moves to accept both sets of minutes. Wayne seconds. Unanimously approved by the three members present.

3. **Review of September 30, 2020 Financial Statements.** Treasurer Bob Vhrin reports that the District is about \$64K under budget. Repair of the water tank repair (\$50K) was budgeted but not done; Consulting, Accounting and Administration is overbudget (about \$3K); Water System and Repairs is underbudget (about \$13K). Ben Elmore notes that the District will have to spend a lot of the \$13K for immediate repair on two booster pumps, a check valve, the wells. Debbie notes that there is also an unpaid bill for about \$1K for the water system, which will also decrease the surplus.

Future big expenditures are discussed. \$35K budgeted in 2021 for replacement of the PLCs (or computer controllers) for the wells and booster station. Debbie got a quote for doing a complete milling and 2-inch over lay of the W/J roads in 2027 (\$700K).

4. **Public hearing for consideration and adoption of the 2021 budget, setting the mill levy and appropriating funds.** Debbie Braucht begins by noting that today (October 27th) has been published as the public hearing for the 2021 budget and opens the Public Hearing for comment. David Deep says that he would be willing to pay more than the \$100 plus in quarterly utility fees. Wayne thanks David, noting that most of the revenue for the District comes from the mill-levy tax and not the utility fees. Debbie notes that Marchetti and Weaver recommends keeping the tax rate at 48.5 mils and the usual 2% increase in utility fees. In 2018, the members of the District voted to de-Gallagherize, granting the Board the authority to adjust the mill-levy if abatements or decreased residential assessed values cause the District a loss of income. No adjustment shall be necessary for the 2021 budget. Wayne closes the Public Hearing.

Bob Vhrin moves to approve the resolution to adopt a budget for the W/J Metropolitan District for the calendar year beginning the first day of January 2021 and ending on the last day of December 2021. Paul Jones seconds. Unanimously approved.

Wayne suggests that we send a separate letter to thank the District's members for their support in passing de-Gallagherization and highlighting that we are adhering to the terms of the de-Gallagherization bargain we made with our constituents. Debbie and Paul will draft and send a letter to the District members. Debbie notes that de-Gallagherization is on the state ballot in November. If the measure passes, we shall have to wait for future court decisions to find out whether District or State de-Gallagherization shall have seniority. Paul asks whether the W/J de-Gallagherization measure allowed a nominal annual increase for inflation. Debbie determines that it does not. Paul expresses his concern that this could be a problem in the future.

Paul moves to approve the resolution of the W/J Metropolitan District to set mill levies for the 2021 budget year. Bob seconds. Unanimously approved.

Bob moves to adopt the resolution to appropriate sums of money to the various funds and spending agencies in the amount and for the purposes set forth below for the W/J Metropolitan District, Pitkin County, Colorado for the 2021 budget year. Paul seconds. Unanimously approved.

Paul moves to approve a resolution concerning a 2% increase in utility fees. Bob seconds. Unanimously approved. [Debbie leaves the meeting.]

5. **Review, approve and ratify accounts payable list.** Wayne, Bob, and Paul have reviewed the accounts payable list. Wayne moves to approve and ratify. Paul seconds. Unanimously approved.
6. **Engineer's report.** Ben has provided contracts from Zancanella and Associates for water and sewer services and also a fee schedule for additional engineering work performed as needed. Paul moves to approve the contracts and fee schedule. Bob seconds. Zancanella and Associates took over the operation of the water system in August after the former water service provider, EPC, was fired for negligence. Until now, the District has not had formal written contracts for water, sewer, and engineering services. Zancanella's water service fee is a little higher than EPC's, but the Board accepts it. There is further discussion of the repairs and upgrades to the water system discussed earlier during the budget, including the ongoing failure of the booster pump to come on at very low temperatures. Ben is meeting with the manufacturer within the week to solve the issue. There is an outstanding bill from EPC for about \$2K, payment for which the District had been withholding until it could be determine whether EPC had charged the District for services not rendered. Wayne reports that EPC simply did not do work required but does not appear to have charged for services not performed. Wayne urges withholding the final payment until Ben has certified that he has any and all information he needs from EPC. The motion to approve the water and sewer service contracts and the engineering fee schedule passes unanimously.

Ben reports that A&L Construction cannot build the loafing shed for snow-removal equipment for less than the original \$35K bid. Further efforts to get this done will have to be postponed until the spring of 2021.

Ben reports that the District was required to have the tank inspected in 2020. EPC was responsible for scheduling and failed to do so. Ben has got the District on the schedule for 2021, noting that we have to wait until “the divers” are in our area. The District shall be in violation until the inspection occurs. Ben does not know what the penalty for this shall be. Once the inspection is completed, we will decide whether to take immediate action to reseal the deteriorating bentonite between the sections of the tank wall with hydraulic cement. It will not be able to make the repair in 2021 so the estimated \$50K will be in the 2022 budget.

Ben asks for approval to move immediately to replace the computers and radios in the water system, which is in the just-approved budget for 2021. The Board gives Ben the go ahead.

Ben reports that there have been no new septic issues since the last meeting. [Ben leaves the meeting.]

7. **New Business.** Wayne has two bills from the District’s attorney, Paul Taddune. The first for \$90 in connection with the Vhrin/Deep easement [See next item]. The second for \$420 for writing a letter to terminate the District’s relationship with EPC as water system operator. Paul and Bob accept the bills.
8. **Access easement on Vhrin, Deep, Friedman, Finger properties.** There is a large easement from Stevens Street to the edge of the three houses owned by (1) Bob and Gette Vhrin, (2) David Deep and Jacqui Friedman, and (3) Paul Finger, respectively, to allow vehicle access to and from each property. The Vhrins claim their access is being encroached because David and Jacqui park in the easement making it difficult for the Vhrins to get in and out. Wayne notes this makes it a safety issue and a concern for the WJMD. There are building envelopes going out from each house within the larger easement. The Vhrins want David and Jacqui to park within their building envelope, which Bob says is what the County deemed acceptable. Wayne notes that if David and Jacqui agree to this solution, the issue shall be resolved for now. In order to get their vehicles into their building envelope, David and Jacqui will have to move a row of planters closer to their house. David doesn’t want to do this and says the Vhrins have enough room to get in and out as is. David is directed to meet with Bob to resolve the issue. Wayne asks Bob to let the Board know the outcome of the meeting. [Mike Kramer and Tobias Sanchez join the meeting.]
9. **Presentation of proposal for free-market Lot#3 on Byers Court for Mark and Janna Romert.** Land use planner Mike Kramer (Brendon Adams) and architect Tobias Sanchez (Eigelberger Architecture) present plans for new construction on Lot#3. Neither the WJMD nor the WJ HOA has any jurisdiction over any construction in the White Star HOA, to which Lot #3 belongs. Mike and Tobias have asked to make the presentation in hopes of identifying any issues that individual neighbors from Upper Bullwinkle might

have in order to resolve them proactively. As three of the other four free-market homes have done, they are asking the County for a TDR which would allow them to increase the size of the structure from 5000 sf to 7500 sf. The plans for the single-family home with attached garage are shown in great detail. Wayne notes that he has not yet decided whether to challenge to TDR, but his main concern is nighttime light-pollution from the large amount of glass in the design, which could potentially affect him. He wants the south- and west-facing berm to be built up to better mitigate any such effect. The presenters will meet with Wayne to address his concern. [Mike Kramer and Tobias Sanchez leave the meeting.]

- 10. Update on the solar farm.** Wayne believes RES, the developer, has secured funding for the project and selected a construction company. Wayne says when he was contacted by a representative from the construction company, he asked the representative if he knew there was an access issue through Stevens Street. The representative said he did not, and Wayne says he has not heard from the representative again. Wayne says he will forward to the gentleman the email chain he has had with Richard Ely, county attorney, regarding the issue. The issue is that in modifying the plat when the entrance to Stevens Street was realigned, Lowe vacated an existing easement and created a new one without the consent of the WJ HOA. He will also have Ben Elmore print plat maps showing the original easement and have Paul Taddune re-examine the issue now that there is an actual contract. Wayne will also reach out to the Woody Creek Caucus to see if they are interested in supporting the District's position. Wayne notes that the project has been delayed until the spring, giving us a little extra time.
- 11. Update on airport.** Wayne reports that the Vision Committee has recommended that the airport project proceed without further delay including an expansion of the runway. Wayne notes that SOS (Save Our Skies) has managed to convince four members of the Vision Committee to reverse their position since the Committee made its recommendation. However, Wayne says this reversal appears to have had no effect on the three members of the BOCC who will likely soon vote to approve the Vision Committee's original recommendation. One of those commissioners is George Newman, whose term is about to expire. He likely will be replaced by Francie Jacober, who has strong concerns about the project. Wayne says that while it is likely that the BOCC will vote on the recommendation of the Vision Committee before George Newman leaves office—and SOS is waiting for a BOCC vote to provide a target for raising the alarm to the community--the new BOCC might choose to reverse an earlier decision. Wayne notes that others have become involved in the fight to resist the move towards expansion, including ABC developer John McBride and Rocky Mountain Institute's Amory Lovins.
- 12. Rocks and trailer in WJ road hammerhead.** Wayne notes that rocks and a trailer have appeared in the hammerhead between Lot #5 and the Jaffe property, which must be kept open for fire access. Paul will contact Wax to see if he knows anything about the items.
- 13. Meeting dates for 2021.** The board tentatively selects Mondays February 22nd, June 7th, August 30th, and October 25th for the 2021 meeting dates. [These are subsequently changed to Mondays February 8th, June 7th, August 23rd, and October 25th.]

14. **Adjournment.** The meeting is adjourned at 9:05 p.m.