

WJ Metro District
Board of Directors Meeting

June 7, 2021

Via ZOOM

6:00 p.m.

MINUTES

1. **Call to order.** The meeting is called to order at approximately 6:20 p.m. by Wayne Ethridge, President Directors Present: Wayne Ethridge, President, Paul Jones, Shelly Marolt, Bob Vhrin. Absent: Steve Marolt. Other District Members Present: Becky Gilbert, Andrew Helsley, Binnie Holloway, Claire McDougall. Others: Ben Elmore, Tom Zancanella and Ben Elmore, District Engineers (Zancanella & Associates); Paul Taddune, WJMD Attorney. Paul Jones, Secretary, has written these minutes. A full transcript of the meeting is available upon request.
2. **Review and acceptance of minutes from the previous meeting (February 8, 2021).** Bob moves to accept the minutes. Shelly seconds. Unanimously approved.
3. **New Business.** Bob recognizes and thanks member Lorenzo Semple for taking the initiative to cut vegetation and sweep the entrance to Stevens Street.

Claire McDougall reports that a neighbor recently warned her and Paul, and at least one other neighbor, that a pest control company would be putting out poison against voles. The reason for the warning was that the poison could be potentially dangerous to dogs. While she very much appreciated the warning, this action concerns Claire for many reasons: how does one know where the poison is in order to avoid it?; Claire's research indicates that voles do not die immediately, but may continue to move about in a weakened condition, so whether alive or dead, the poison might be passed on to predators and scavengers, such as birds, including eagles, ospreys and owls, and domestic dogs and cats; as many people walk their dogs around the block, surely everyone should be warned of such a potential danger; a very young child lives nearby, and might handle a weakened or dead vole; and finally, while certainly not blaming vole poison for the death of their dog at exactly the same time last year, Claire and Paul's dog Suki developed a sudden internal bleeding (the cause of which was never determined) and had to be put down. Becky Gilbert is appalled and says that the use of such poisons should not be allowed at all. Bob Vhrin notes that voles can also be trapped. Wayne suggests that for a start he and Paul send out a letter discouraging members of the District from using animal poisons and requesting that, for the safety of all, they alert the entire community should they opt to do so.

4. **Financial report. Review and Approve 12/31/20 Financials.** Bob reports that we have \$1.022M in the bank and are currently \$35K under budget for the first quarter, but with several bills, particularly from Zancanella, still out. We were \$6K over-budget on the

water system after some repairs and upgrades following Zancanella and Associates. Bob notes that Debbie has provided a preliminary 2022 budget and asks Ben whether he thinks we will have to do the \$50K budgeted water tank repair in 2022. Ben does not expect so, given that there was no change between the last two inspections. Given the increase in construction costs, Wayne wonders if the \$50K will have to be increased. Wayne further avers that increased costs will certainly preclude building a storage facility for the snow removal equipment this year.

5. **Threat of losing additional water rights for pump #6.** Tom Zancanella reports that an additional 1.5cfs of water rights shared between White Star Ranches (1.3cfs) and he WJMD (.02cfs) is on the abandonment list. The water rights are designated as a supplemental water supply for filling the White Star ponds when Salvation Ditch water runs out. In order to avoid losing the water rights a protest must be filed by July 31, 2021. WJMD water attorney Paul Noto told Tom that White Star water attorney Sarah Dunn was supposed to file the protest, but Tom asks the Board permission to monitor the situation; should White Star fail to file, Tom asks the Board authority for WJMD to file the protest instead. Tom recommends that any costs be split by the two entities, prorated by the water rights of each. Wayne moves to authorize Tom. Paul seconds. The motion passes unanimously.
6. **Adoption of the Governance Policies of the Colorado Common Interest Ownership Act (CCIOA) on behalf of the WJ HOA and setting fine structure. WJ HOA.** Paul Taddune has provided the Board with an adaptation of the CCIOA Governance Policies he developed earlier for The Starwood Metro District and HOA, an entity similar to WJ in having a combined metro district and HOA. Paul explains that the adoption of the CCIOA governance policies is generally deemed as a prerequisite for all HOAs in Colorado for enforcement of covenant violations. Specifically, the governance policies require an orderly procedure for notifying a homeowner of a perceived violation, providing the homeowner an opportunity through a show-cause hearing to defend themselves before the HOA board, and the authority of the HOA to impose fines, by establishing a fine structure, or other means of enforcement. Wayne moves to adopt the governance policy draft, deleting, at least for now, the section on traffic policy. Paul seconds. The motion passes unanimously. Becky Gilbert asks that the governance policy be made available for all to view.
7. **Access easement on Vhrin, Deep, Friedman, Finger properties. WJ HOA.** Bob and Gette Vhrin are asking the Board of the WJMD and HOA to enforce keeping clear the easement shared by them, David Deep and Jacqueline Friedman, and Paul Finger for access in and out of their property. David and Jacqui have set up planters at the edge of their building envelope, thus parking their vehicles in the shared easement. Bob states that he and Gette had agreed to compromise in which their neighbors would move their planters 11.5 feet closer to their home. However, the Vhrins are now demanding that their vehicles be parked completely within their building envelope, requiring that the planters to be moved in approximately 18 feet or the length of their vehicles.

After testifying, Bob Vhrin recuses himself from Board action on the complaint. Shelly moves to direct Paul Taddune to send a formal letter to David Lenyo, attorney for David and Jacqui, of the perceived violation, offering a date of July 12, 2021, for a show-cause hearing of their defense. Paul seconds. Wayne, Paul and Shelly approve the motion.

8. **Homeowner's Assoc of the W/J Ranch Conveyance of 3 Common Area Lots to the WJMD.** Wayne explains that there are three odd parcels of land owned by the HOA that were supposed to be conveyed to the WJMD when it was established. This conveyance was not completed at the time and Wayne wants Paul Taddune's advice on how to convey the parcels from the HOA to the WJMD now. Paul Taddune suggests doing a land-lease, noting that the interests of the HOA and WJMD might not always be the same. Wayne is concerned that the WJMD \$250K filtration building resides on one of the parcels. Paul Taddune says he will have to look at the HOA covenants to see whether a vote of the entire HOA membership might be required for such a conveyance.
9. **Water, Septic and Engineering Report.** Using the water report graph, Ben Elmore identifies the increased water usage in January when the water line burst on Lower Bullwinkle, and its return to normal levels in February, March and April. Ben notes that the levels still do not account for the leak we cannot find downhill from the water filtration facility. Ben notes that Shaun will revegetate Lady Fuller's yard within the month.

Ben reports that all septic systems have been checked and those needing pumping on Lower and Upper Bullwinkles have been done. Stevens Street will be done soon.

Ben will contact Carter, contractor for Holy Cross, and/or the County to demand dust control. Becky Gilbert expresses concern about fire danger at the solar site and asks about mitigation plan. Ben will ask County about that, too.

Ben says the PLC for the water system will be replaced in the next month. It will take a couple of days, but it should have no impact on usage.

10. **Approve and Ratify Accounts Payable.** Bob confirms that the charge of \$1109.92 to Basalt Quick Lube questioned at the last meeting was for tires for the snowplow truck. The board unanimously approves and ratifies the accounts payable list.
11. **Weed Control.** Paul reports that Jason Evitt of Go-Fro Weed Control will be engaged again this year as he has for the past few. Paul says Jason has proposed going out twice, this year, once early and once late, hopefully requiring less chemical and getting more weeds. Paul says it may cost a little more this year, but probably reduce cost in future years. Bob moves to authorize the change. Shelly seconds. Unanimously approved.
12. **Snowplowing.** The unexpected loss of the snowplow truck this year due to a transmission failure has inspired Binnie Holloway to propose that the District purchase a Jeep with a plow as both a backup tool for clearing the roads and as a better tool for plowing the many tight driveways. Paul moves to purchase the Jeep and plow attachment. Shelly seconds. Wayne feels that because we have not yet solved the storage

issue for the vehicles we already have, he does not want to get another at this time. He hopes that the transmission problem was an anomaly. He also notes that the roads can be cleared with the skid steer, understanding that it will take a lot longer. Paul and Shelly vote in favor of the motion. Wayne and Bob vote against it. The motion does not pass. Shelly suggests purchasing a plow attachment for the skid steer as a backup. The Board directs Binnie to look into the cost and availability for purchasing the plow blade. (With his usual good humor, Binnie notes that twelve hours in the Ram or a Jeep is a lot more comfortable than twelve hours in the skid steer.)

13. **Update on the Solar Farm.** As discussed in #9 above, Ben will pressure for dust control and find out about a fire plan.
14. **Update on the Airport.** Wayne asks the Board to authorize him to write a letter asking the Pitkin County BOCC where it stands with regard to the recommendation by the Vison Committee. Paul moves to authorize Wayne to write such a letter. Bob seconds. Unanimously approved.
15. **Landscape modification review of 112 Byers Court.** Wayne reports that this is not as big an issue as he thought at first. It involves moving a few trees, and he doesn't have to look at his neighbors and they don't have to look at him, so all appears to be well.
16. **Adjournment.** Wayne adjourns the meeting at approximately 7:47 p.m.