

WJ Metro District
Board of Directors Meeting
August 23, 2021
Via ZOOM
6:00 p.m.

MINUTES

Call to order. The meeting is called to order at 6:00 p.m. by Wayne Ethridge, President. Directors Present: Wayne Ethridge, President, Paul Jones, Shelly Marolt (joins the meeting in progress), and Bob Vhrin. Absent: Steve Marolt. Other District Members Present: Cat Fitzgerald (joins the meeting in progress), Becky Gilbert, Jeff and Susan Reese. Others Present: Ben Elmore (joins the meeting in progress) and Tom Zancanella, District Engineers (Zancanella & Associates). Paul Jones, Secretary, has written these minutes. A full transcript of the meeting is available upon request.

1. **Review and acceptance of minutes from the previous meeting (June 7, 2021).** Bob moves to accept the minutes. Wayne seconds. Unanimously approved. [Ben and Shelly join the meeting.]

2. **Leasing Ruedi water to White Star.** As an agent for both the White Star HOA and the WJMD, Tom Zancanella sees an opportunity for the WJMD to lease 4 acre-feet of water per year from its irrigation river pipeline water rights to White Star homeowners. The WJMD has 100 acre-feet and currently uses about 30 acre-feet. He asks the WJMD Board for approval of the concept, conditioned on acceptance of a contract to be drawn up and agreed to by the lawyers each party. Paul Noto represents the WJMD, Susan Dunn represents the White Star HOA, and Michael Sawyer represents the three homeowners seeking to purchase the 4 acre-feet. Paul Noto's time on the matter is to be paid for by White Star. Tom has recommended that the water be leased for \$200 per acre-foot per year by White Star from the WJMD. Paul moves to approve the conditional proposal. Shelly seconds. The motion passes unanimously.

3. **New Business.** Jeff and Susan Reese ask for clarification of the noise ordinance for the WJ HOA. The Board does not have the CCRs immediately available but provide the relevant section to Jeff and Susan the following day. Susan asks that the information be included in the minutes. (*Section 3.4 of the CCRs for WJ HOA: Noxious or Offensive Activity. No noxious or offensive activity or sound shall be carried on upon any portion of the Property at any time nor shall anything be done or permitted which may become a nuisance to, or unreasonably disturbed [sic], the Owners of the Lots, or be injurious to the reputation of the Property.*) Paul notes that residents at W/J depend on the Sheriff's office to enforce the Pitkin County ordinance against noise, which allows for higher decibels of noise between 7 a.m. and 7 p.m. than during the other twelve hours of the day. Anyone disturbed by excessive noise should call the sheriff's department, who will send out a deputy with a noise meter. [Tom Zancanella leaves the meeting.]

- 4. Financial Report.** Bob reports that we have \$1.069M in the bank and are currently \$32K under budget after the second quarter. We are currently \$7K over budget on water repairs, but without other major expenditures Bob expects this overage to diminish by the end of the year. Snowplowing is also over budget but again Bob expects this to decrease by the end of the year. Bob expects trash to be \$1800 over budget by the end of the year and weed control by about \$600. We are currently under budget in several other areas.

Paul will get an exact price from Binnie for the purchase of a snow blade for the skid steer; the Board expects to purchase the blade before winter.

- 5. Preliminary Budget.** Debbie has provided a preliminary budget for 2022. Bob asks if 3% increase in expected costs is enough. Wayne suggests 5% and Paul 10%. Bob will ask Debbie to see how the budget would look with each.

- 6. Approve and Ratify Accounts Payable.** Shelly moves to approve and ratify the accounts payable list. Wayne seconds. The motion passes unanimously. During this item several topics come up. Ben will look into the need and cost of cutting and infra-red repaving of damaged areas and large cracks in the roadways. There have been no recent complaints about trash overflow on Lower Bullwinkle and Cat Fitzgerald, the only homeowner from Lower Bullwinkle present during the discussion, confirms that the service seems to be adequate at present.

- 7. Water, Septic and Engineering Report.** Ben notes that water usage during the month of July has been consistent within 2% for the last five years.

He says we are currently operating with five of six wells, Well#3's pump currently down. Not a crisis. Samuelson is short-staffed but will get to it before winter.

The new PLCs are in, but he is waiting for a supplementary component.. Ben expects the new PLCs to be up and running next month.

Ben notes that this week water started flowing into the basement of the wellhouse, something that happened the same week last year. He has not been able to figure out the cause of the unusual event, but a new sump pump is keeping the water level low. He hopes it is not a precursor to a bigger problem and will continue to monitor the situation closely.

All septic tank pumping has been done. No major issues. A few lids need to be replaced.

Ben reports that there was/is no fire mitigation plan for the solar farm project. Bill Ball was sprayed with mag-chloride early on, which Bob reports solved the dust issue.

As discussed in #5 above, Ben will look into the need and cost of cutting and infra-red repaving damaged areas and large cracks in the roadways in addition to the usual annual crack-sealing. Assuming a reasonable cost, Paul moves to authorize Ben to move forward with the infra-red repair. Shelly seconds. The motion passes unanimously. [Ben leaves the meeting.]

8. **Update on controversy over access easement on Vhrin, Deep, Friedman, Finger properties.** Paul reviews the sequence of events to date. The Vhrins filed a complaint with the HOA that David Deep and Jacqui Friedman's parking in a shared easement interfered with the Vhrins' ability to safely access their property. In an informal meeting David Deep agreed to a compromise, but David and Jacqui subsequently hired lawyer David Lenyo to fight for what they consider their right to park in the easement. Confronted with attorney Lenyo, the Board sought direction from its attorney, Paul Taddune. With Paul Taddune's guidance, the Board adopted the CIOA rules and regulations at the June meeting, which provide for an orderly procedure for addressing HOA violations. next, the Board formally advised David and Jacqui through the two attorneys that they were in violation. The CIOA process then provides an opportunity through a show cause hearing for David and Jacqui to explain why they believe they are not in violation. The show cause hearing began on July 12th in Paul Taddune's office at 323 West Main Street, Suite 301, Aspen CO 81611 and has been continued to Thursday, August 26th at 6:00 in the same location.
9. **Update on Homeowner's Association of the W/J Ranch Conveyance of 3 Common Area Lots to the WJMD.** Wayne is concerned that the WJMD filtration facility sits on property owned by the WJ HOA, a separate legal entity. Wayne proposes that the Board sign a quick claim deed to transfer that parcel and two other minor ones from the WJ HOA to the WJMD. Paul would like Paul Taddune to determine with certainty that the Board has the authority to do so without approval from the WJ HOA homeowners. Wayne will confer with Paul Taddune and the Board will reconsider action at the October meeting.
10. **Weed Control.** Paul reports that Jason Evitt of Go-Fro Weed Control sprayed once for noxious weeds on Upper and Lower Bullwinkles and at the entrance to Stevens Street earlier than usual and will go through a second time in two weeks. Paul reports that Jason contacted Pitkin County to control its noxious weeds in the large area between the W/J property on Lower Bullwinkle and the racetrack and that Pitkin County came out and did a thorough job the next day. Paul notes that he has taken it upon himself, with some help from his wife and another neighbor to hand cut and remove noxious weeds on the rest of the Stevens Street area in order to avoid the use of chemical herbicide. Paul has never charged for his own time, or that of his assistants, but ran out of time this year and hired three men from Aspen Lawn to do much of the work. Paul paid for the work himself but will ask the Board for reimbursement.

11. **Letter to the District members regarding the use of rodent pesticide.** Following Claire McDougall's testimony at the June meeting, Wayne and Paul committed to sending out a letter to all district members regarding the use of rodent pesticide and the inherent potential dangers. The letter has not yet been sent, but Wayne and Paul will do so.
12. **Update on the Solar Farm.** The facility is under construction and expected to be completed and functional by October.
13. **Update on the Airport.** Wayne reports that Pitkin County Commissioner Greg Poschman stated at a recent Woody Creek Caucus meeting that there was currently no communication between Pitkin County and either the FAA or the airlines. Wayne and the rest of SOS (Save Our Skies) stand ready to push back against any developments towards expansion. Given the increased airport traffic this summer, Wayne believes that Poschman understands the concern over expansion, but still fears that the Commissioners will bend to pressure from pro-expansionists.
14. **Adjournment.** Wayne adjourns the meeting at approximately 7:30 p.m.