

WJ Metro District  
**Board of Directors Meeting**  
February 28, 2022  
Via ZOOM  
6:00 p.m.

MINUTES

1. **Call to order.** The meeting is called to order at 6:09 p.m. by Paul Jones. Directors present: Paul Jones, Shelly Marolt, Steve Marolt (joins the meeting in progress) and Bob Vhrin. Absent: Wayne Ethridge, President. Other District Members present: Dave Stephen. Others present: Tony Zancanella, District Engineer (Zancanella & Associates). 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 (October 25, 2021).** Bob moves to accept the minutes as drafted. Shelly seconds. Unanimously accepted by the three members present.
3. **New Business.** None.
4. **Adopt the regular quarterly meeting schedule for 2022.** No changes have been made to the tentative schedule proposed at the last, October 25<sup>th</sup> meeting: Mondays, February 28<sup>th</sup>, May 23<sup>rd</sup>, August 22<sup>nd</sup> and October 24<sup>th</sup>, which have been posted on all trash enclosures at W/J. All meetings will begin at 6 p.m. and will be conducted via Zoom. Bob moves to adopt the regular quarterly meeting schedule for 2022. Shelly seconds. Unanimously approved by the three members present.
5. **24-Hour Posting Resolution.** Each year the Board must formally adopt this resolution, which requires that notice of any special meeting by the Board be publicly posted at least 24 hours prior. Bob moves to adopt the resolution. Shelly seconds. Unanimously approved by the three members present.
6. **December 31, 2021, Financial Statements and Review and Approve 2021 Application for Exemption from Audit.** Bob Vhrin, Treasurer, reports that the District ended with a cash balance on the 31<sup>st</sup> of \$1.109M and total assets of \$3.990M. Expenditures were mostly in line with budget, except Water System Repairs and Maintenance, which was \$9K over budget due to some of the wells going down. Overall, the District was \$43,391 under budget, and most of the capital expenditures have been deferred to 2022. [Steve Marolt joins the meeting at 6:15 p.m.] Each year the Board must apply for exemption from audit. Thus far, the District has never elected to have an external audit. The Board feels that with so many independent eyes overseeing the District's finances—Fred Soyka of Aspen Bookkeeping doing the accounting; Bob Vhrin, Treasurer, signing all checks, the entire Board approving the accounts payable list at each meeting, and Debbie Braucht

and Ken Marchetti (Marchetti and Weaver) putting together and monitoring the budget each year—an outside audit for such a small district is unnecessary. Steve moves to approve the 2021 application for exemption from audit. Shelly seconds. Unanimously approved by the four members present.

7. **May Election of Directors.** The seats held by Bob Vhrin and Shelly Marolt are up for re-election in May 2022. Self-nominations for these seats were due to Debbie Braucht, election official, by close of business day on Friday, February 25<sup>th</sup>. As Debbie had received only one self-nomination form, from Shelly Marolt, by the deadline, the election shall be cancelled. Bob explains that he chose not to self-nominate as he does not feel comfortable running for the position while he and his wife Gette, are in the middle of a dispute with their neighbors David Deep and Jaqueline Friedman over the use of a shared easement. While Bob has hitherto carefully and diligently recused himself from all Board actions regarding the dispute, he is nevertheless concerned about even the appearance of a conflict of interest. Bob further reminds the Board that he did not want to run four years ago but consented under pressure from fellow Board members, Wayne Ethridge and Paul Jones. Debbie has advised the Board that it can, at its sole discretion, appoint someone, and it could be Bob Vhrin, to occupy the vacant seat until the next election in May 2023. Three other seats, those currently occupied by Wayne Ethridge, Paul Jones and Steve Marolt are also up for re-election in May 2023. The current board, including Bob Vhrin, shall remain active until the next regular quarterly meeting on May 23, 2022.
8. **Approve and Ratify Accounts Payable.** Steve moves to approve and ratify the accounts payable list. Shelly seconds. Unanimously approved and ratified by all four members present.
9. **Water, Septic and Engineering Report (Zancanella and Associates).**
  - A. Tony says that he is overseeing W/J since Ben Elmore's departure and that Matt Franklin is the primary field operator assigned to W/J.
  - B. Regarding 76 Byers Court, the last property on Byers Court to be developed. Tony reports that he and Debbie Braucht have completed a tap-fee application. The builders had saw cut through the asphalt on the road, without a permit, to bring internet service to the property. Fortunately, they were stopped before any asphalt had been removed and they resealed the saw cuts. Tony showed them as-builts with spare conduits already in place. The builders rerouted the internet service through a spare conduit. Tony will inspect the reseal again in the spring. The 4" water-service line provided by the District to the property is adequately 7.5' deep under the road. However, the water line installed by the builders from the edge of the property to the house is too close to the surface and the Aspen Fire District is asking them to rebury the line to an adequate depth.
  - C. Regarding 51 White Star, the large property most recently built by Richard Wax, Tony says the new owners want to do some regrading. Tony says he was concerned that the surface area of the pond not be substantially altered. Tony has inspected the plans shown to him by Dustin Cheney of Avalanche Excavation and is satisfied they do not.

- D. Regarding the duplex of 41 and 61 Lower Bullwinkle, the owners suspected inadequate pressure being delivered from the main water line. Tony has inspected the line and reports that the pressure coming from the curb stop is adequate. Tony says their low water pressure is the result of plumbing issues within the properties and is up to the homeowner(s) to resolve between themselves.
- E. On December 25<sup>th</sup>, Zancanella and Associates received a warning that the water tank level was dropping. Matt Franklin came out and discovered that a “sample tap” had blown apart in the pumphouse. The tap was repaired, and service was not interrupted.
- F. Two Clay Valve parts, a controller and a check valve, need to be replaced in the pumphouse. Tony is getting quotes to replace them.
- G. All the filters in the filtration building were changed on December 3<sup>rd</sup>. The CDPHE requires annual replacement of all filters.
- H. Samuelson finally came to repair the well pumps that were down. They replaced a starter in one, and said Well #2 was working as well, but Matt Franklin has noted that the starter on Well #2 is humming. Tony will get Samuelson to come back.
- I. Tony says that while Ben was still here, we got two bids to replace the controller for the upper bench booster pumps: one from Browns Hill and one from EFI. Tony says we are going with Browns Hill but want to know if any arrangement had been made for scheduling the changeover. Paul and Bob believe we had not got that far in the process. The replacement had been delayed because one controller had not come in. Browns Hill had provided an alternative to the controller, but in the meantime, the original controller arrived. The entire replacement panel has been built up and bench tested and is ready for installation. Browns Hill wants an internet line into the booster station for future remote monitoring and Tony will get Comcast to do so. Tony says that if everything goes well, it should take about four hours to remove the old control panel and install the new one. However, he would like to allow for at least eight hours. Browns Hill told Tony that they wanted three days in case of a major issue. Bob is concerned about fire protection. Tony says three days would be unacceptable and when he meets with Browns Hill this Friday, March 4<sup>th</sup>, he will discuss putting in a temporary control panel to keep service continuous, for both homes and fire protection, for the duration of the changeover. Finally, Tony notes that Cummins has done a semi-annual service on the booster pump, and the system is firing properly.

10. **Snowplowing, including the issue of cars illegally parked on streets and shoulders.** [Tony Zancanella leaves the meeting.] Paul reports that there have been issues with cars left parked on District roads and shoulders when Binnie is trying to plow. The Board instructed Binnie last year to issue tickets as necessary. This year Binnie issued two tickets. Soon after issuing one on Lower Bullwinkle, Binnie found a stick jammed into the side-view mirror of the District’s plow truck, presumably a reaction to a ticket. Following this event, Binnie told Paul that while he believes the owner of the ticketed car might well not have been a homeowner or guest, but someone parking on District property in order to walk along the Rio Grande Trail, Binnie didn’t know if he was up to issuing any further tickets. Whoever the

perpetrator, Paul tells the Board that he understands Binnie's distaste for potentially issuing tickets to his neighbors but asks how we should keep the roads and shoulders clear for snow removal. Steve Marolt notes that there is a rule that you can't park your car on the roads or on District property and that if anyone breaks the rules they should be ticketed and fined, booted or towed. Dave Stephen says he has come to the meeting is to push back against what he sees as overly aggressive measures against cars parked on the roads. Dave says that such parking is not a big deal and asks why Binnie can't just plow around the cars and why we can't all just get along. Steve states that he has no problem not getting along with neighbors who refuse to respect the parking rules and suggests that Dave step up and serve on the Board.

11. **Update on controversy over access easement on Vhrin, Deep, Friedman, Finger properties WJ HOA.** The minutes from the previous meeting reported that "the WJMD, as agent for the WJHOA, has informed property owners David Deep and Jacqui Friedman that if they obstruct the easement shared with their two adjacent neighbors, by parking in the easement, they will be fined per day, per vehicle". David and Jacqui have thus far not violated the WJHOA restriction, but they have filed a lawsuit against the Vhrins. No one else is named in the lawsuit. Subsequently, the Vhrins have filed a motion to have the case dismissed. Deep/Friedman have made two alternative offers to the Vhrins: the first is that the Vhrins would vacate the easement and move their parking to their back yard. Deep/Friedman would give them \$3000 to help pay for it and Deep/Friedman would be able to park within the current easement; the second is that Deep/Friedman simply be allowed to park in the easement as they had been doing. Neither of these offers is unacceptable to the Vhrins, who have made a counteroffer in which Deep/Friedman park their vehicles eleven and a half feet closer to their house. Bob reports that the Vhrins have not received a response to their counteroffer. Meanwhile, both parties await a response from the judge.
12. **Update on the Airport.** No update on the airport.
13. **Adjournment.** Paul adjourns the meeting at 7:06 p.m.