

WOODY CREEK METROPOLITAN DISTRICT

MEETING OF THE BOARD OF DIRECTORS

AUGUST 7, 2017

RECORD OF PROCEEDINGS

A regularly scheduled meeting of the Board of Directors of the Woody Creek Metropolitan District, Pitkin County, Colorado was held on Monday August 7, 2017 beginning at 6:00PM at the Woody Creek Laundromat, Woody Creek Subdivision Common Tract #3, SW of the WC3, Woody Creek Colorado.

The meeting notice and agenda were published at least 72 hours in advance at three (3) designated locations within the District boundaries, published in the Aspen Times Weekly and posted in the Pitkin County Clerk and Recorder's Office.

Members of the Board of Directors in attendance included the following individuals:

Margaret T. O'Brien (appointed by Directors to fill a vacancy during meeting)

Guy Fulfer

Donny McAllister

Colleen Brown

John Edwards

Also in attendance were the following individuals:

Gus Filliss

Andrew McGregor, District Administrator

Mary Ann Thompson

Tex Weaver

**1.) Call to Order/Roll Call**

Four (4) members of the Board were in attendance constituting a quorum of Board Members. As such, the meeting was entitled to proceed.

**2.) Consideration of the Agenda**

Due to the resignation of the President, Audrey Krill, since the May Board meeting, Guy was the senior Board member and agreed to preside over the meeting. Guy commented

on the length and breadth of the agenda and quickly went through the agenda item by item.

### **3.) Public Comment**

Peg O'Brien asked Andrew to prepare administrative resolutions for the November meeting. She also asked Andrew to check with Pitkin County on the process for filing delinquent payment information.

Mary Ann Thompson asked the Board members if they would respond to her written comments from the last meeting? She also mentioned green algae in one resident's water supply.

### **4.) Consideration of Adoption of Minutes from May 1, 2017 Meeting**

*Guy moved to approve the minutes with the addition of Mary Ann Thompson as a party in attendance. Colleen seconded the motion and they were approved unanimously.*

### **5.) Acceptance of resignation from Audrey Krill**

Guy referenced an e-mail that he received from Audrey tendering her resignation. Donnie commented that it is unfortunate that more residents don't get involved. Guy encouraged the newest residents to get involved. *Guy moved to accept Audrey's resignation. Donnie seconded the motion and it carried unanimously.*

### **6.) Elect new president to replace Audrey Krill/Appointment of new Director to Replace Audrey (Combined with Item #7)**

*Guy nominates Peg O'Brien to fill the vacant position left by Audrey's resignation filling a term until May 2018 and further nominated her to be Board President. Donnie seconded the motion and it was approved unanimously.*

### **7.) Swearing In. Oath of Office for New Members**

Guy Fulfer, the President pro-tem, administered the Oath of Office to the new Board Members, Margaret T. O'Brien and John Edwards (appointed at the May BOD meeting).

### **8.) Treasurer's Report**

Guy provided a summary of the monthly financial report. He noted that they are likely over budget on administration items due to legal, bookkeeping costs and administrator costs that have exceeded the budget estimate. Guy suggested that the 2018 budget should break out bookkeeping, legal and professional services line items. Guy also suggested that landscaping and maintenance as well as snow removal and trash removal should be separate line items. It was briefly discussed if trash removal should be put out for proposals to a variety of firms?

Guy asked for volunteers for a working Budget Committee. Gus, Guy and John all volunteered.

Donnie noted that after many years of non-payment, Lanny Curtis, was still occupying the District's storage building. It was discussed and was Board consensus to seek legal counsel to determine the proper legal path for formally evicting Lanny Curtis. Gus accepted the task of contacting the attorney for this. Following necessary legal process Donny was asked to lock the doors.

The Board also discussed formalizing a parking plan. Donnie provided a copy of a *proposal* that he had previously prepared. Guy suggested this be compared to the current covenants describing parking space rental (page 12 of 27 WCHOA covenants on APCA website article V section 8) then return with recommendations (for amendments if necessary) to the board at next meeting. Donny agreed to do this, Mary Ann volunteered to help in this administrative task. The board clarified that volunteering to assist in this gives no authority or enforcement power to the individual.

### **9.) Administrator's Report**

Andrew McGregor provided the Board with several updates.

- a. Andrew noted that there is a path to waiving the requirement for maintaining workers comp insurance. However, he discouraged the Board from following that path. No action was required by the Board.
- b. Andrew provided the Board a calendar of possible meeting dates for the upcoming 2018 year. These dates mimic the current pattern of the first Monday of the month on a quarterly basis starting in February. The Board concurred and these dates will be incorporated into the administrative resolution.
- c. Andrew updated the Board on the status of the Audit Exemption waiver, noting that it was still in review by DOLA. The Board should anticipate the cost of an audit in their 2018 budget.
- d. Andrew requested the Board's permission to purchase an external hard drive. Peg moved, and John seconded, to authorize the expenditure of up to \$120.00 for Andrew and Guy to acquire hard drive backups for District document storage.

### **10.) Membership in Colorado Special District Association of Colorado**

Guy mentioned that the dues have been paid for the current year's membership.

### **11.) Infrastructure Report**

- a. Peg noted that the water quality report is in, posted and all in compliance with CDPHE requirements. In response to Mary Ann's earlier comment, she double checked the report and there are no findings of green algae.
- b. Peg asked Gus about the completion/correction for the phone and cable project. Gus explained that the project had stalled in the short term. There are some known costs from previous estimates from CenturyLink and Comcast of approximately \$35,000 and site preparation and excavation costs of \$15 to \$20,000. Gus further explained some of the project challenges. He recommended

to the Board that the project should stay under \$55,000. Peg asked if we can authorize one Board member to approve the final expenditure, not to exceed \$55,000. Peg asked if anyone would like to make a motion to spend up to \$20,000 on this project, absent the cost to the phone and cable providers. Gus added the provision that he work with the BOD representative Donnie and the Administrator. Peg moved to advance the phone and cable repair work, by allowing Daly Capitol Builders to conduct the excavation and site work, not to exceed \$20,000, subject to Board of Directors/staff approval. Guy seconded the motion and the motion was approved unanimously with Donnie abstaining.

- c. Donnie hasn't had an opportunity to discuss the meter installation issue with the Fire Department. Peg mentioned that the 2009 easement agreement between the District and the Fire Department doesn't expressly provide for a fee waiver. She requested that the attorney review the document for clarification. Donnie volunteered to contact FD to request access for metering FD, PO and hydrant, and that he would reach out to Parker Lathrop at the Aspen Fire Protection District.

## **12.) Old Business**

Peg said thanks to Donnie for all his years of service in maintain the facilities within the park.

At this time, the Board took a five (5) minute recess.

Donnie distributed a letter of proposal for future services doing property management and maintenance for the park. Peg identified the position of the Board, the inherent conflict of interest of a Board member being under contract to the District. Donnie subsequently tendered his resignation from the Metro District Board of Directors.

At the direction of the Board, Andrew will put together a draft scope of work for property management and maintenance.

## **13.) New Business**

Peg noted that the Board needed to get the combination to lock for the laundry building. Colleen noted that she was interested in whether any Board members had any opinion about the impacts of summer activity in and around the Tavern and the neighborhood.

## **14.) Announcements**

- a. Peg noted that the Manaus Foundation may have funds to distribute toward capital improvements for park improvements and beautification. If anyone has any interest, they should contact Melisa Sweet. A few neighbors are interested in throwing a neighborhood party. No action by the Board of Directors is required, all are in favor and support of a party.

- b. Woody Creek Flu Shot Clinic will be held November 8<sup>th</sup> thanks to the support of the Thrift Shop of Aspen and Pitkin Co. Community Health. Location and times TBD.
- c. Information and links regarding the Homestead exemption for property taxes is now available on the Metro District's website.

**15.) Adjournment**

Peg moved to adjourn, Guy seconded and the meeting was adjourned.

Approved by WCMD Board of Directors at their meeting on November 6, 2017.

Prepared by Andrew McGregor, Administrator