

**RECORD OF PROCEEDINGS**

**ASPEN VILLAGE METROPOLITAN DISTRICT**

June 20, 2011

A special meeting of the Board of Directors of the Aspen Village Metropolitan District, in the County of Pitkin, State of Colorado, was held on Monday, June 20, 2011, at 6:30 p.m. at 31 Aspen Village Road, Aspen, Colorado with the following in attendance:

Donnie Lee, President  
Richard Jackson, Vice President  
Michael Haman, Secretary  
David Ritter, Director  
Brent Ford, Director

Members  
Of the public

Kim Vieira  
Chris Hoofnagle  
Ellen Anderson \  
Bill Crelli  
Connie Garofalo  
Geuseppe Garofalo  
Matte Garofalo  
Jim HERNs  
Pete Dempsey  
Eva Dempsey  
Roger Baillargeion

Michael Kiernan, District Manager  
Doug White, District Property Manager

Call to Order: Dir. Lee called the meeting to order at 6:35 pm and a quorum of Directors was declared.

Approval of Agenda Dir. Jackson moved to approve the agenda as presented. The motion was seconded by Dir. Ritter and passed by unanimous voice vote.

Approval of Meeting Minutes Dir. Jackson moved to approve the May 25th, 2011 meeting minutes as presented. Dir. Ritter seconded the motion and the minutes were approved unanimously by voice vote.

## Public Comment

Ellen Anderson stated that she was frustrated and disappointed that the current meeting minutes had not been posted on the website as promised. Ellen asked that Management be directed to post the meeting minutes in a timelier manner. Dir. Lee concurred with Ellen's assessment and was equally disappointed that the meeting minutes had not been posted and would direct management to proceed with alacrity and diligence.

Mike Flynn addressed the Board asking for some information regarding the fence construction adjacent to the Aspen Village Road. Dir Jackson responded that the survey was correct and the alignment of the fence was legitimate, he also stated that the Wheeler's were not required to provide any access for the residents to their property. Richard said there had been several complaints filed with the County regarding the fence but the County determined that the fence was legal. Mr. Flynn asked how the fence would affect snow removal. Richard said that snow removal would definitely become problematic but the village staff would have to work around the difficulties. Flynn asked if ATV's were allowed on the property. Richard said he didn't know but would investigate the issue. Flynn said he was concerned about the wildlife. Dir Ritter said the Conservation Easement would detail what was allowed or not allowed regarding development and vehicle use. A discussion ensued.

Ellen Anderson reiterated that once again the residents had not been informed about the fence and that management had fallen short on communicating vital information.

Geuseppe Garofalo addressed the Board regarding the recent sewage backups that had affected his home. Geuseppe presented the Board with a list of expenses that he had incurred do to the 2 sewage backups that filled his basement. Mr.Garofalo said that the ten thousand (\$10,000) that the District insurance had paid was substantially insufficient to cover the damages that had occurred. Geuseppe said he understood that the District was covered by Governmental Immunity but he appealed to the Board and the District to help him cover his damages. He said that it would take money and time to go to Court and prove the District was negligent. He appealed to the Board to do something to ameliorate the situation. The Board told Geuseppe that they were very sympathetic to his situation.

An unidentified resident thanked management for the e-mail notification of the Board meeting but said that the current format being used to present the agenda was not compatible with her computer. Mr. Kiernan said he would send all attached information in PDF form.

## Pitkin County Landfill Update

Donnie Lee addressed the landfill water proposal issue stating that Beach Resource Management was in the process of completing the due diligence work requested by village at the last meeting. Dir. Lee said he was collaborating on a letter of information to residents with Mr. Kiernan and the Board. After Donnie receives input from the Board he will then collaborate with Ellen Anderson and Chris Hoffnagel to get all the facts. When the letter is complete it will be distributed to all the residents informing them of what the County's proposal is, what has happened up to date, what the pros and cons of selling water to the County might entail. Once the due diligence is complete and the letter has been distributed Donnie would like to set up 2 meeting dates to provide the residents with a comprehensive look at the County's proposal and solicit feedback from the residents and continue the process from the meetings.

Dir Jackson said he had been informed that the County was considering creating a subdivision at the landfill site and asked Chris Hoofnagel if there was any truth to this unsubstantiated rumor. Chris responded that he had no knowledge of such a plan – it certainly wasn't part of the approved master plan or any future plan that he was aware of.

Ellen Anderson stated that once the landfill obtained water no one could be sure of all the unintended consequences that could be forthcoming.

Ellen reiterated her concerns about being involved with the County and their penchant for violating or not living up to agreements. Donnie Lee responded to Ellen saying that he agreed that it was impossible to foresee the future but that was precisely the reason that it was important to be a part of the negotiations so that the village could negotiate what was and wasn't developed. Donnie went on to say that if the County obtained their water from another source the Village would have little input on future development. Ellen asked what entity was paying for the due diligence being done by Beach Resource. Donnie said that the due diligence that had been done and was still in the process were housekeeping issues that were being paid for by the District. Chris Hoofnagel stated that when and if an agreement was reached for the County to purchase water from the District all due diligence costs would be reimbursed. Ellen stated that she had received costs of what the Village charged for the Quick Mart, Runaway Shovel, and the Roaring River Homes and she felt that considering the value of water that the costs should be raised. The Board agreed.

## Approval of 2010 Review

### Motion

Mike Haman made a motion to approve the 2010 Review. Richard seconded the motion and it passed by unanimous voice vote.

Old Business

Healthy Rivers & Streams

Kiernan said they had been in touch with Lisa McDonald the secretary for the County attorney, who recommends to the HR&S Board what projects are added to their agenda for consideration of grant money. Kiernan stated that he was collaborating with a Beach colleague to create a proposal to acquire grant funds from the Board that would help build a wastewater treatment plant. Kiernan said that their Board considered requests in the 4<sup>th</sup> quarter

Shop Repair

There was no new information on the shop repair.

Back flow Valves

Kiernan stated that he had distributed notices regarding the importance of installing backflow valves to prevent the District sewage from backing up into residents homes. Jim Hern said that while backflow valves would prevent individual issues the entire system was desperately in need of repair. Jim said that the sewer lines needed to be replaced. Jim said that much of the pipe was old transite pipe that was deteriorating and he wanted to know what steps were being taken to improve the system. Donnie Lee responded that the lines were in the process of being jetted and then videoed to determine where the system was weak. He went on to state that he agreed with Jim that the system needed to be replaced but that the costs to dig up the roads and replace the pipe were prohibitively expensive at this point in time. Donnie said that the District was researching grant monies but with the current recession there was little grant money available. Donnie went on to explain that the District needed its own money to match funds to be eligible for grant money.

A resident of village asked about the status of the District water pump. Kiernan stated that the new pump was on order but Kelly Geselle, water systems operator, had been able to repair the old pump and that it would be up and running tomorrow. Kiernan said that if the old pump sustained reliability the new pump would be used as a backup in case of emergency. Ellen Anderson asked if the other water users on the Aspen Village system had been asked to conserve water. Kiernan replied that he had been remiss in requesting the extraterritorial users to conserve water but that he would do so in the future

Road Sealing

Kiernan stated that at the April, 26 Board meeting his presentation of the road sealing costs was meant to be a proactive approach. Because seal coating was not budgeted for 2011 Kiernan said the only reason to seal coat would be if the District was substantially under budget.

DRAFT MINUTES – NOT YET APPROVED

New Business           Dir Jackson said that he recently become president of the AVHOA and at a recent meeting there had been a request by some of the Village resident’s children to use the open space baseball field as a practice facility for Little League games. Richard said that the kids and their parents would do all the necessary maintenance; they also had their own insurance. Dir Haman said that as long as the Aspen Village Metro District was named as an additional insured he would have no problem with the kids using the facility.

Motion                   Dir Jackson made a motion that the children be granted use of the field as long as proof of insurance was provided and that the privilege was revocable. Dir Ritter seconded the motion and it passed by unanimous voice vote.

Financial Statement   Kiernan asked if there were any questions regarding the current financial statements. Kiernan explained that the District was on or under budget in almost all line items except for solid waste disposal and pool maintenance. Kiernan explained that the District was over budget in solid waste because they had purchased 30 new trash cans that were not budgeted for and the District was over on pool maintenance because the tiles around the pool had to be replaced.

Executive Session      Dir Haman made a motion to go into executive session at 8:05. Dir Lee seconded the motion and it passed by unanimous voice vote. Dir Haman made a motion to terminate the executive session at 8:30 Dir Ford seconded the motion and the executive session was terminated by unanimous voice vote

Next Meeting           The next meeting was scheduled for August 16, 2011

Motion  
Adjournment

There being no further business to discuss, the meeting was adjourned at 8:30 p.m. by a motion made by Dir. Lee and seconded by Dir.Jackson. The motion passed unanimously by voice vote.

The foregoing minutes constitute a true and correct copy of the minutes of the above-referred meeting and were approved by the Board of Directors of the Aspen Village Metropolitan District.

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Michael Kiernan, District Manager  
Aspen Village Metropolitan District

Seal: