

RECORD OF PROCEEDINGS

ASPEN VILLAGE METROPOLITAN DISTRICT

April 26, 2011

A regular meeting of the Board of Directors of the Aspen Village Metropolitan District, in the County of Pitkin, State of Colorado, was held on Tuesday, April 26, 2011, at 6:30 pm. 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
Roger Baillargeon
Judy Hill Lovins
Bill Crelli
Pat Milligan
Mari Lee
Lou Cunningham
Jim Sovich
Noelle Tripp
Ellen Anderson
Joanne Johnson
Steve Wright
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. Ford and passed by unanimous voice vote.

**Approval of
Meeting Minutes** Dir. Jackson moved to approve the February 15, 2011 meeting minutes as presented. Dir. Ford seconded the motion and the minutes were approved unanimously by voice vote.

Public Comment

Dir. Lee opened the floor to public comment and discussion. Ellen Anderson opened the public comment suggesting that there be a better line of communication open to the residents regarding meetings and the agenda concerning those meetings. Lou Cunningham reiterated Ellen's concerns regarding Metro Board communication. Bill Crelli was concerned that selling water to the Pitkin County Land Fill would facilitate moving the Woody Creek batch plant to the land fill and create an unwanted impact to Aspen Village. Dir Lee addressed the residents stating that the Land Fill proposal was in the nascent stage of development and the Board had made no decisions whatsoever regarding the sale of water.

Judy Hill Lovins made a presentation to the Board & the residents regarding a recent grant that had been awarded to the CORE program allowing for energy audits to increase the energy efficiencies of individual homes. Judy said for \$50 an energy expert would come into your home and do a report on how to make your residences more energy efficient.

Pitkin County Land Fill Proposal

Ellen Anderson opened the discussion with a brief history of the metamorphosis of Aspen Village. Ellen related the process she and other residents went through with the owner of the property and Pitkin County to purchase and create a free market subdivision. Initially the County supported the creation of a free market subdivision but in the final days before completion of the process the County made approval of the subdivision, contingent on the subdivision being classified as employee housing and therefore deed restricted; so what was meant to be a free market subdivision became a deed restricted property subject to County regulations. Ellen went on to describe numerous situations where the County made promises that were to be beneficial to Aspen Village, such as road improvements to the highway, pedestrian friendly sidewalks, sound mitigation from noise pollution, none of which ever came to fruition. Ellen's point being that the residents and the District Board should think long and hard before entering into any agreement with the County, particularly an agreement regarding the District's water, because water is power and water is an incredibly valuable commodity that should not be negotiated for without appropriate due diligence and the understanding of the long term ramifications for village residents.

Dir. Lee thanked Ellen for her input but reiterated that the Board and the County had just begun negotiations and that nothing had been decided. A resident asked if it was within the Board's power to negotiate a contract with the County without a vote from the residents. Dir Lee responded that it was within the Board's power to negotiate a contract without a vote.

Chris Hooffnagel, manager of the Pitkin County Landfill, gave a brief presentation of the planned expansion of the land fill and their water needs. He explained that during the past 2 years there had been numerous meetings with the Planning and Zoning Commission and the County Commissioners

for approval of the planned expansion. Chris explained that a water feasibility study had been conducted to determine the best possible solution to providing the landfill with a reliable source of potable water. After receiving the feasibility study it was apparent that the most reliable source for water was Aspen Village. Chris approached the AVMD Board in May of 2010 to determine if the Village was interested in selling water to the landfill. At that time the Board said they were willing to listen to proposals but nothing was decided. The County identified three different alignments for piping the water from the Village to the landfill. Chris explained the proposed water system would provide for water suppression, dust control, composting operations, and domestic use. During the summer months the landfill would need up to twenty thousand gallons a month

A discussion ensued. Many residents were concerned that any expansion at the landfill would have an adverse impact on the village. There were questions regarding the Village's water rights and water capacity. There were questions on how and where the pipe would be installed. There were questions about what demands the residents could make on the County in return for selling them water.

The Board agreed to direct Chris to proceed with a feasibility study pertaining to water usage and the alignment of the pipe to deliver water to the landfill.

District Report

On-site Manager's Update

Doug White said he had an unreliable contact list. Mr. Kiernan, from Beach Resource Management, said he would distribute a contact information sheet to better enable Mr. White to communicate with the residents. Doug said that there was still some confusion about the trash pick up. Kiernan said he would confirm that the pick up is Friday. Doug said he will be doing the deep cleaning of the pool himself this year with the intent of saving the District money. Dir. Ritter said there were issues with the bear proof trash containers

Motion

Mike Haman made a motion to purchase twenty new bear proof cans and that management send out an e-mail to the residents that if their containers need repairing they contact Doug White. Donnie Lee seconded the motion. A discussion ensued. The motion passed by unanimous voice vote

Old Business

1. Kiernan presented the Board with a proposal containing 2 options in size (35x40 & 35x26) for replacing the existing shop. To replace the shop with 1400 sq ft metal building \$60,000. A discussion ensued. The board directed Kiernan to work with Mike Haman to obtain additional bids and options on alternate construction possibilities.

2. **Fitness Center Estimates** – Kiernan presented the board with an \$8,000 estimate for remodeling the Community Center to accommodate a fitness center. A discussion ensued. Mike Haman & Lou Cunningham from the

AVHOA committed to pay for the Community Center remodel
3. **Open Space Path Estimate**- Kiernan presented the Board with a proposal from Groundskeepers for resurfacing the open space path for \$940.

The board approved

4. **Rewording of Parking Rule 6.1** During the winter season vehicles parked in the common residential parking areas must be removed within 48 hours of each snow storm to allow for snow removal”

Motion

Mike Haman moved to amend parking rule 6.1. Donnie Lee seconded the motion and it passed unanimously.

5. **Water Tap Fee Roaring River Homes.** Kiernan said that Mike Elbert the representative for Kinder had been invoiced for the tap fee

6. **Preliminary Engineering Report** -the Board approved the submission to the State of the Preliminary Engineering Report.

7. **Healthy Rivers & Streams.** Dir Haman reminded Mr. Kiernan that he needed to contact the Healthy Rivers & Streams Board in the hopes that they would be willing to fund some part of the sewage waste water issue Kiernan said he would contact the HR&S board.

New Business

Back Flow Valves Kiernan said that recently District sewage had backed up into unit 11A. Kiernan said that the unit did not have a back flow valve or a sewage rider on their insurance policy. Kiernan also explained to his knowledge they had not had their system inspected before hooking up to the District system. The Board directed Kiernan to inform all Village units with basements to be aware of the problem. To insure that there were no future problems Kiernan had directed Kelly Geselle, operator of the District system, to jet out the problematic lines and video if necessary.

Road Sealing Kiernan presented the Board with a crack & road sealing estimate. A discussion ensued. The Board requested that Kiernan obtain two more bids for the seal coating to be presented at the next meeting.

Pitkin County Landfill Water Proposal The Board directed Kiernan to obtain permission from Chris Hoffnagel to retain Gary Beach to do research and a feasibility study regarding the District's water rights, water capacity, impact on the system, and expected fees from the County to purchase the water.

Financial Statement Kiernan asked if there were any questions regarding the financial statements. There were no questions

Next Meeting The next meeting was to be determine

Motion

Adjournment

There being no further business to discuss, the meeting was adjourned at 8:30 pm. 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.

May 25 2011

Date of Approval

Michael Kiernan

Michael Kiernan, District Manager
Aspen Village Metropolitan District

Seal:

AVMD/BOD/minutes/Meeting Minutes 4/26/11.doc