

**WOODY CREEK METROPOLITAN DISTRICT**  
**MEETING MINUTES**  
**QUARTERLY BOARD OF DIRECTORS MEETING**  
**AUGUST 6, 2018**  
**6:30 PM Woody Creek Laundromat**

The Board of Directors of the Woody Creek Metropolitan District conducted a regularly scheduled quarterly meeting. The following meeting minutes reflect the primary discussion points and any formal actions taken by the Board of Directors.

The meeting notice and agenda were posted at least 72 hours in advance at three (3) designated locations within the District boundaries, on the website and published in the Aspen Times Weekly.

Members of the Board of Directors in attendance included Peg O'Brien (President), Guy Fulfer (Treasurer) and Nikki Allen, thereby constituting a quorum. Others in attendance included Andrew McGregor, Buddy Ortega, Sarah Evans, Mary Ann Thompson, Donnie McAllister, John Edwards, and Gus Fillis.

**Item 1. Roll Call**

Chairperson O'Brien called the meeting to order and noted that three members of the Board were in attendance, noted that there was a quorum and therefore the meeting was entitled to proceed.

**Item 2. Consideration of the Agenda.**

No changes were made to the agenda.

**Item 3. Public Comment**

No members of the public addressed the Board of Directors.

**Item 4. Consideration of May 7, 2018 meeting minutes.**

On a motion by Guy, seconded by Nikki, the minutes were approved unanimously.

**Item 5. Consideration of adjustment of utility fees.**

This item was postponed until later in the agenda.

**Item 6. President's Report.**

Peg clarified the utility service situation of the Fire Department and the Post Office. In meeting with the Fire Chief Rick Ballentine, the Board representative became aware of a prior agreement between the Metro District and the Fire District, waiving utility fees in

exchange for the granting of an easement to the Metro District. The Fire District has an existing well so the only WCMD water that is used is for potable use. The Post Office uses WCMD water and has agreed to pay the requested utility fees. ***Peg moved, “to cancel the utility fee with the Fire District.” Guy seconded and the motion carried unanimously.***

**Item 7. Board action to cancel billing for FD...**

No further action was required as previous agreement had been reached with the Fire District.

**Item 12. Discussion and Possible Action regarding Modifications of Utility Fees to Compensate for Gallagher Impacts.**

The President presented a report noting that the BOD had studied accounting of in-district and extra-territorial customers, and income generation through tax and utility billing, the effects of Gallagher and APCHA on the tax revenue stream. Also considered was the advice of County staff to adjust extra-territorial utility fees to bring them closer to the Metro tax rate and also considered that the Tavern condo property consists of three units. The Board has closely studied the District’s accounting in terms of income, income restrictions and income potential. The impacts of Gallagher on the residential assessed value and APCHA deed-restricted actual valuations are a serious limitation to annual tax income. The combined effect of these two factors has caused the Metro to unexpectedly hit the ceiling of Mill Levy Collection (72 Mills) while still hitting short (\$85,203 in tax years 2017 and 2018) of the \$88,000 goal of tax collection. Options for raising revenue to meet Metro-planned budget to allow it to cover costs and make target allocations into capital replacement reserve include: another election for an increased property tax, monetary assistance from the County to make up for the \$2,797 shortfall, and/or relief from property value deed-restrictions set by APCHA. Peg and Gus met with Jon Peacock County Manager regarding funding the shortfall - The County recommended that the District adjust extra-territorial customer’s utility fees; The Fire Department and Post Office fees have already been analyzed and addressed. The Tavern condo is now under review.

It is noted that the Tavern Condo property is now three separate commercial units, and it is appropriate to charge the tavern condo as 3 units X the minimum of 2%/unit. This would fee of 3 x 2% is approximately half (52%) of what the property would pay in taxes if they were annexed into the District boundaries.

Guy moved to assess the three units at the Tavern Condo separately, and charge 2% for each of the three units. The motion died for lack of a second. After additional discussion, ***Peg made a motion to direct the bookkeeper to bill consistent with existing policy to charge 2% per unit for each of the three separate units of the Tavern Condo Property. Guy seconded this motion and it carried unanimously.***

**Item 8. Appointment of new Board Member and Administration of Oath of Office.**

After a brief review of qualifications, **a motion was made by Guy, seconded by Nikki, to appoint Sarah Melissa Evans as the newest Board member. The motion carried unanimously.** The President administered the Oath of Office accordingly.

#### **Item 9. Treasurer's report.**

Guy Fulfer gave the attendees an update on finances. Accounts receivable are largely up to date. Monies have been transferred to capital reserves.

The President asked for the formation of a finance committee to draft the 2019 proposed budget. Appointment to that committee was accepted by Gus as Chair, and Guy and Sarah Evans. Kristin the bookkeeper would also be brought on this committee, as would the accountant if needed.

The President brought up the October task of sending out a utility fee notice inform customers of their account status. The board noted that it is an effective and courteous way to notify people. Gus reminded the Board of Directors that sending annual statement to District residents is a requirement, this October annual statement of amount due was previously directed to occur annual, by formal approved motion of the board.

The Board discussed the importance of maintaining an up to date **contact list** of residents. It was the Board's consensus to ask **Krystin Oda**, the District's bookkeeper, to take on this task. In the event of the necessity of an **e-mail blast** as directed by the Board President or Administrator, it was the consensus of the Board that it would be worth paying **Krystin** to do. Guy said he would contact her about this task, and Peg would provide the current xcel list.

#### **Item 10. Administrator's report.**

Andrew McGregor explained the changes in his contract, namely changing from an individual to an LLC. The Board unanimously consented to the change and the President signed the revised contract.

#### **Item 11. Infrastructure Report**

Gus Fillis provided the infrastructure report for the Board of Directors. He noted that the irrigation system has been turned off for now due to the lack of available water in the Roaring Fork River. He acknowledged that it is important to utilize the water right and will discuss options with Bill Blakeslee, the water commissioner. Gus informed the Board that Fred Scully submitted to him a request in writing for consideration of a repair of about a half dozen sprinkler heads in the common area, which, after receiving a consensus nod from the board, Gus will see to.

#### **Item 14. Garden Committee Report**

The Garden Committee members were not in attendance. If additional parties are interested in gardening, they are encouraged to contact Whit and Leah.

#### **Item 15. Recycle Report**

Nikki gave the Board of Directors an update on the status of the recycling program. She noted that the dumpsters are full. She sought and received input that a different style of dumpster lid that can be more easily is called for. Nikki agreed, and said she will follow up on that with the vendor.

Nikki also suggested looking into a composting program, as compost represents a significant percentage of household trash. The Board directed her to pursue researching the topic.

#### **Item 16. Playground Report**

Brad Mathews was not in attendance.

#### **Item 13. Discussion and possible Action Regarding Unauthorized interference/tampering of Infrastructure.**

The Board discussed concerns of past and escalating incidents of unauthorized tampering on community-owned property and systems, including irrigation, increasing costs to the community and putting some hired workers at risk. The Board discussed ways to prevent/discourage this behavior. A suggestion was made that it might benefit the District to report to the Sheriff's Department all observed trespassing/mischief in attempt to shift the culture away from rogue impersonation of authority and interference, to one of participation with the board and organization overseeing, aware, and responsible for the common-owned property. No formal action was taken by the Board.

#### **Item 17. New Business**

Peg gave an update about conversations with CORE about utilizing solar electric for Metro District owned facilities. She will continue that dialogue to flush out opportunities.

Guy submitted his letter of resignation from the Board of Directors due to personal and professional obligations. Guy offered to work on a parking, storage and open space plan, in accord with the covenants. Donnie McAllister and Buddy Ortega volunteered to work with Guy. **Peg moved, seconded by Nikki, to appoint Guy as chairman, with Buddy and Donnie to assist, on Long Term Parking and Storage Committee. The motion carried unanimously.** They were authorized to explore all available options including a fee schedule to enforce existing covenants on parking and storage. They will bring a report to the Board of Directors in November.

The Board expressed interest in gathering information about water metering, Nikki volunteered to pursue researching the topic including gathering information on grant funding/partnerships and installation. Nikki noted that she has some current commitments but could pursue this topic in the fall. Andrew will provide some research and contact information to Nikki.

#### **Item 18. Announcements**

There were no announcements.

**Item 19. Agenda Items for November**

There were no agenda items for November.

**Item 20. Adjourn**

The meeting was adjourned.

- Not adopted. To be presented to the Board of Directors for adoption at their 11/5/18 meeting.