

Aspen Trails Metropolitan District
Regular Board of Directors Meeting
Wednesday, April 13, 2005, 6:30 pm,
Advanced Automotive, 463 Turner Dr., Suite 103
Durango, Colorado

Meeting called to order at: 6:25 pm

Determination of Quorum (Board Members present)

Present

Leslie Lauth
Judy Bolton
Bob Foisel
Brian Vlass

Absent

PJ O'Connell

Approval of the Agenda

A motion was made to accept the agenda with the following change:

No. 2 Action item changed to read, "Adopt a policy for responding to anonymous communications."

Motioned by: Bob Foisel

Seconded by: Judy Bolton

Passed by: 4:0

Order of Business:

Reports

Operation/Maintenance

Vlass reported that grading and ditch pulling should begin in a week or two. Some areas are still too wet. Bolton reported that a total of \$20,863.99 was spent on snow removal. Vlass reported that we paid Aspen Trails Construction approximately \$4,413 per mile for snowplowing without grit costs and approximately \$4,816 per mile with grits. In comparison, Los Ranchitos paid Aspen Trails Construction approximately \$4,569 per mile without grits for snow removal for the same time period. Bolton argued that a good portion of the big snowstorms were not plowed by Aspen Trails Construction and it was, in fact, the Bolton's who snowplowed one-third of the district roads during this time. Bolton believes that if Aspen Trails Construction had plowed the entire district during this time the total cost billed would have been \$30,000.

Financial

Report of budget/actual expenditures

Bolton reviewed the following reports she prepared with the board:

1. General Fund and Consolidated Profit and Loss- January 1 through April 11, 2005
2. Transaction List by Vendor-2005
3. Balance Sheet – April 9, 2005
4. Check Detail – 2005
5. Transaction List by Vendor for 2004
6. Deposit Detail – January 1 through April 8, 2005
7. 2005 Budget Proposed Revision

Update on accounting and audit

Bolton provided the board with an updated Fact Sheet. Bolton reported the auditor cost \$3,500. Currently, we have \$4,371 that we can spend. Bolton suggested that we increase the general fund reserve. Bolton also gave accounts of the numerous letters and calls of protests for the additional emergency assessment that she had been fielding. Foisel mentioned that he was not aware of this and would she please forward future letters and/or emails to all of the board members. Bolton said many are phone calls. The board received copies of an email from Carolyn Wise and Maxine Goff to Bolton and a letter from Bolton to Maxine Goff. Bolton asked Lauth to phone Eddie and Susan Baxter (Parcel No. 559330102032) regarding “Notice of Intent to File Lien Statement” sent March 6, 2005. Lauth said she would.

Discussion Items:

1. *Auditor comments:* Bolton reported that she spent several hours last week with the auditor. Our bylaws need to be amended because they state that each year an audit is required. The auditor recommended an approval sheet for accounts payable with two board members signatures approving invoices. He also suggested adopting cash payment procedures and recommended reports that the treasurer should provide to the board. Expenditures, allocations and budget items should be specifically stated in the minutes.

Bolton discussed GASB 34 (Governmental Accounting Standards Board Statement No. 34). GASB 34 is a new requirement for annual financial reports of state and local governments. Bolton explained that the board needs to decide how to monitor the roads by either the “modified approach” or the “depreciation approach”. In order to finish the audit, the auditor must know which approach we have chosen. Discussion. The board chose to review the articles and information provided by Bolton and put “GASB 34 method” an action item for the June meeting.

2. *Overview of 2005 roadwork and set date for work session and*
3. *Formation of an Advisory Committee:* Foisel suggested that these two discussion items should be one in the same. Board agreed. Foisel proposed that if an Advisory Board was involved in long-term and short-term road

improvements that the board would not be accused of being biased. Perhaps this process would allow constituents to ask what the procedures are and how to petition that certain roads become priority. The Advisory Committee would be instrumental in this process with the board. Discussion. Lauth suggested a scenario in which an owner wished a certain length of road be improved and was willing to pay for the improvements; Lauth asked who would perform the improvements, the district or the owners? The board agreed that the District would provide those services and the owner may pay the district if they choose to have the road improved now instead of later. The board agreed that considering the number of new owners within the last year this issue will probably come up. Foisel informed the board that the chairperson had the authority to appoint an Advisory Committee and that the board did not need to make this an action item. The chairperson will put up a notice at the mailboxes that states we are seeking volunteers for an Advisory Committee to advise the board on long and short term improvements to the roads.

4. *Review of draft guidelines:* Lauth explained that the guidelines were an on-going discussion item and that we were fine-tuning them in order to make them an action item. Discussion. Bolton suggested we add “Lobo Drive – emergency use only” to the guidelines. A discussion ensued regarding the gate on Lobo Drive; Vlass told the board that Dave Krupa will be putting the gate in after May 1st. The gate was purchased and is at AgriTek. Bolton expressed concerns that a chain was not secure enough. Discussion. The board discussed guidelines referring to maximum GVW (gross vehicle weight) and GVL (gross vehicle length) and “no tractor trailers”. Bolton suggested a seasonal sign noting that possible damage to the road was greater in the spring/fall mud season than the summer months. Discussion on when and how you would make that determination and who would regulate. Discussion on insurance coverage for damage to the road due to traffic of this nature. Foisel agreed to call Marsh and discuss this and report back to the board. Discussion on a sign stating “No Outlet”. Discussion on whether or not there is public access through the district to the National Forest. Lauth will submit guidelines to the board as an action item at the next regular meeting.
5. *Procedures for electronic communication:* Lauth explained that recently we had experienced problems with email communication. Some emails sent were not received by some board members and in some instances by any board members. The board agreed that in the case of a board member needing confirmation on an issue, that non-response was not an affirmative. Discussion. Lauth explained to the board that we were not able to use “read receipts” because Foisel and O’Connell used CompuServe and Bolton, Vlass, and Lauth used Outlook. “Read receipts” are a function of Outlook. Discussion continued on procedurally how to verify that information was actually received by individual members. Bylaws should be reviewed and this issue will be revisited.

6. *Providing a meeting area through Parks and Recreation:* Lauth explained that O'Connell had requested a discussion on providing a bench or equivalent as a meeting area for residents. Discussion. The board agreed that at this time we were not prepared to offer any tangible ideas on the suggestion and will revisit. No funding or property owned by ATMD to consider the project.
7. *Impact Fees:* Foisel presented the information he had gathered on impact fees. Discussion. He also provided the board with copies of Colorado Statute 29-20-104-5 regarding Impact Fees. Foisel's recommendation is to adopt an impact fee structure that includes actual cost of culverts or road and culvert, with an administration fee, and a fee for the lost revenue for an improved lot for the time to have taxes reflect the improvement. The board agreed that Foisel should solicit Bud Smith, ATMD's attorney, to draw up the impact fee resolution.
8. *Board members paid for meetings:* Lauth explained that this was an ongoing discussion item and that in order to attract new board members that we should consider allowing members to be paid for each meeting attended. Discussion. Bolton verified that money was budgeted for this. It was agreed that an action item stating that each board member would be paid \$25 per meeting attended would be an action item at the next regular meeting.
9. *Manager/Director position:* Lauth explained that she had added this discussion item so that the board would consider adding a position in the 2006 budget to hire a director/manager of the district to lighten the work load for the board members. Discussion. Lauth told the board that she would pursue, at the least, looking for a bookkeeper for the district and will report back to the board.
10. *Non-bonded work on the road:* Lauth expressed concerns about liability to ATMD regarding owners working on the road without consent or contract with the board. Discussion. Board agreed this is an insurance question and should be directed to Marsh. Foisel offered to check with Marsh.

Action Items

1. Approval of minutes for February 9, 2004 meeting

A motion was made to approve the minutes with the following change:

-Discussion Items, d., change "snow lakes" to "snow walls".

Motioned by: Judy Bolton

Seconded by: Bob Foisel

Passed by: 4:0

2. Adopt a policy for responding to anonymous communications.

Discussion.

A motion was made that ATMD policy will be to answer only identified communications. Anonymous communications will not be answered except to send them the policy statement.

Motioned by: Brian Vlass

Seconded by: Bob Foisel

Passed by: 3:1 (Foisel-yes; Lauth-yes; Vlass-yes; Bolton-no)

Bolton stated for the record that she disagrees with this policy and believes that some people do not wish to identify themselves due to fear of repercussion and we should honor that wish and give them the same respect and time.

3. Re-appropriation of funds

A motion was made to accept Resolution 2005-3 for supplemental budget and appropriation.

Motioned by: Judy Bolton

Seconded by: Brian Vlass

Passed by: 4:0

New Business

1. Bolton suggested that a draft of the minutes be provided to the board in a more timely fashion.
2. Bolton informed Lauth that the October 6th, 2004 minutes were dated incorrectly.
3. Bolton presented a letter dated April 10, 2005, addressed to the board, regarding a potential conflict of interest between her and the board due to her husband's newly formed business, Alpine Roadworks, LLC. The company plans to bid on district roadwork and Bolton will disqualify herself from voting on issues that involve this company. Bolton also provided the board with a flier/advertisement of service from Alpine Roadworks, LLC.

Meeting was adjourned at 8:55 pm

Minutes respectfully submitted by Leslie Lauth.



Robert Foisel, Secretary

6-9-2005

Date