

# San Juan River Village Metropolitan District Regular Monthly Meeting Minutes

August 17, 2017

The meeting was called to order at 6:34 pm by Carrie Wienckowski, President. The directors present were Bill Wittwer, Steve Wilkins and Louise Sumner Woods. Property owners, Bonnie Weathers, Travis & Carol Fleming, Dick & Cathy Hamilton, Dennis Schlichter and Jason Judd were present. Cynthia Purcell, District Manager, took minutes.

Carrie invited Travis Fleming to read a statement he prepared regarding his request for the Harman Ave. cul-de-sac. Cynthia then read a statement given to her by Steve & Janet Hanks with their request. (See attached statements) Jason Judd was also given the opportunity to speak about his request. Steve moved to enter Executive Session for the purpose of receiving advice from legal counsel on specific legal questions related to the undeveloped Harman Ave. cul-de-sac, as authorized by §24-6-402(4)(b), C.R.S. Louise seconded and the motion carried. (See attached *Attorney Statement Regarding Privileged Attorney Client Communication and Executive Session*)

Upon returning from Executive Session, Steve addressed the audience regarding the board's position on the undeveloped Harman Ave. cul-de-sac. Whatever option is chosen – building out the cul-de-sac to County specifications or vacating the road, the timeframe required for each is significant. If the cul-de-sac were to be built, the cost would be borne by all property owners within the District. The District does not have the funds to construct a road. This would mandate a bond paid through property taxes or a special assessment. If constructed, the road would first need to be engineered. Then, the engineered plans would be put out to bid. The other option, vacating the right-of-way, would also require a County process that could take 6 months or more to accomplish (the least time of the two options). The process, construction and maintenance costs are all issues that need to be addressed. The board appointed Cynthia and Steve to meet with each property owner surrounding the platted cul-de-sac to discuss options for resolution. These ideas will be brought back to the board for discussion on moving forward.

Bill moved to approve the minutes for July 13, 2017. Louise seconded and the motion carried.

## **Water Department Report:**

The customer water usage report was reviewed for July – 769,000. There were several property owners with high usage due to outside irrigation.

The board discussed reevaluating the rate structure. The last evaluation took place in 2010. Carrie volunteered to do some research on this.

Steve and Bill met with Steve Lemons to discuss the possibility of trading the utility easement that runs between his two properties for another easement to the east to loop the water line from Harman Ave. to Swiss Village Drive. Mr. Lemons is planning to construct a home on this area, and therefore was not amenable to the easement.

## **Sewer Department Report:**

Quality Pipe will be rehabilitating 4 manholes on Monday.

## **Road Department Report:**

Andy replaced two culverts, as budgeted for this year. Dennis Schlichter asked that the lower culvert on Steep St. be looked at – there is a pile of debris that is washing down the ditch. Tim will be asked to investigate.

Carrie brought in a speed bump sample to show the board. A few questions arose as to whether the reflectors in the bumps are replaceable/under warranty and if there is another speed bump rated for 5 mph. Cynthia will check on the quote to make sure it reflects 20 speed bumps and what the cost would be for 5 mph ones.

**Parks & Recreation Department Report:**

Cynthia reported on obtaining grass carp to help alleviate the algae problem on Aspen Pond. It would require 2-4 fish for the size of the pond. The fish come from Arkansas or Florida and we would need to piggy-back an order with PLPOA in May (if they are ordering next year). Colorado Parks & Wildlife would require a screen to be installed and a stocking permit to be obtained as well. The carp would also need to be sterile.

**Administrative Report:**

The District is in compliance.

Twenty-Four delinquencies totaling \$9,778.91 were noted.

The board discussed extending employment for Keith Archuleta beyond the budgeted summer. Steve moved to employ Keith Archuleta through Thanksgiving, using funds from the general fund – contract labor and grounds maintenance & mowing. Louise seconded and the motion carried.

**Treasurer's Report:**

Cynthia reported on the P&L's, Balance Sheet, General Fund, Sewer Fund, and Water Fund for June, 2017. Steve moved to accept the financials. Bill seconded and the motion carried.

There were no bills presented for payment.

**Old Business:**

Cynthia reported that there has been no news regarding the vacation of Hidden Island Place.

**New Business:**

Bill reported that there have been no new well permit applications.

**Other Business:**

Steve reported on the POA meeting. There were four projects reviewed by the Architectural Committee. The board is considering hiring a business manager to help with the paperwork aspect of enforcing ordinances in a timely manner.

There being no other business, Bill moved to adjourn the meeting at 9:35pm. Louise seconded and the motion carried.

Respectfully submitted,

Cynthia Purcell  
District Manager

## HARMAN AVE EXTENSION

(Information Prepared and Delivered to Board Meeting on 08/17/2017)

Thank you for allowing me to talk about this matter. I am 1 of 3 property owners affected by the extension of Harman Ave and appreciated Dan McCollom attending on my behalf & briefing me about last month's meeting regarding the road extension. I presume all Board members are familiar with the existing terrain and condition of the land in this area. ~~and therefore may I ask for a confirmation of such by a show of hands.~~ *1/24*

Carol and I started coming to this area in the mid 1990s. We looked for property in the mountains to buy with a great view and preferably adjacent to U.S. Forrest. Thanks to John Franks, a good friend and his knowledge of the area, we were able to buy lot 42 in 1996 that he recommended. When we got in position to build in 1998, we took advantage of the level building site closes to the road property set back line as John recommended because "Jackson Mountain tends to move". I was under the impression not to worry about the location of Harman Ave as the Metro District would never make any correction change. We have also purchased lot 41 and combined it with 42 into one lot in 2011

I contacted La Plata Electric recently to find out information on the electric pole 24632. This pole along with electric meters, telephone box and a water meter are all now physically located in the wrong area with respect to the original right of way as platted and in addition to 2 large pine trees in the footprint of the platted roadway. All the La Plata representative could tell me about the pole history, was that the platted records was signed and dated 1970 and the pole was probably put in soon there after with the physical terrain being a factor as to actual location – almost 50 years ago and now we know why - the road and building expense!

The extension of Harman Ave was not necessary until recently when the new property buyer of lot 39 & 40 combined wanted to build and needed access down to his location. It appears from last month's discussion there were 2 possible options: to build a public road extension and cul-de-sac or to build a private road (driveway).

After considering the best option for everyone and including all the expense involved, we recommend having the public road extension constructed, managed and maintained as originally platted by the San Juan River Village Metro District and the Property Owners Association. **We do however ask for consideration be given to the starting point of the road extension as stated below:**

### ROAD EXTENSION

Extend existing Harman Avenue to the crest of the street just beyond the intersection of Harman and Larkspur. Then angle Harman Ave left (down hill) to coincide with the original plat pins for the cul-de-sac circle.

This road adjustment will not require movement of utilities and should be less costly for the Metro District to provide service for the single resident than moving the entire road to the original right of way as platted.

*Iran Flannery, Jr.*

August 15, 2017

To: Cynthia Purcell

From: Steve and Janet Hanks

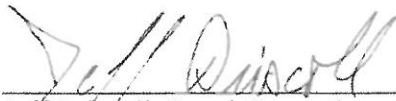
Re: Harman Ave Extension

We are concerned about the possible extension of Harman Avenue. We have owned Lot 30X since 2001. We have seen the extensive water flow through that area coming off Jackson Mountain and the failed water ponds that are formed with each year snow melt and rains. The failed effort on the part of the previous owner of Lot 40X to mitigate the water flow has left a mess and potential dangerous situation. We recommend having any potential road extension constructed, managed and maintained as originally platted by the Metro District. We have not seen the most recent surveyed pins so cannot comment on location however, we will be on site in September and could comment more next month.

ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY CLIENT COMMUNICATION  
AND  
EXECUTIVE SESSION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing San Juan River Village Metropolitan District ("the District"), I attended the executive session meeting that the District convened on August 17, 2017 at approximately 6:30 p.m. for the sole purpose of discussing matters related to legal advice involving construction of or vacating the Harman Avenue cul-de-sac for access to 994 Harman Avenue. It is my opinion that all of the executive session discussion was directly and solely related to said matter and constituted privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Dated August 17, 2017

  
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Jeff Driscoll, Legal Counsel  
San Juan River Village Metropolitan District