

Durango Hills Road District Number One Advisory Committee
Meeting Minutes
April 28, 2016

Formal notice was provided to La Plata County (<infodesk@co.laplata.co.us>), and subsequently publically posted at the county administration building and in three locations within the road improvement district, regarding a meeting of the Durango Hills Road Improvement District Number One Advisory Committee. The meeting was announced by La Plata County to be conducted on April 28, 2016, and start at 6 PM. The meeting was to be conducted at the La Plata County Administrative Building at 1011 East 2nd Avenue, Durango, CO 81301 in the Training Room.

Said meeting was conducted as announced.

Date: April 28, 2016

Start Time: Meeting called to order by Advisory Board Chairman, Bob Pfeiffer at 6:01 PM.

End time: Meeting adjourned at 8:22 PM.

Committee Attendees:

7 of 7 sitting committee members present.

- Russell Kimble
- Dan Olson
- Mark Pearson
- Bob Pfeiffer
- Jim Rockelmann
- Alan Shupe
- Richard Woodbury

County Attendees:

- Joe Kirby, County Manager
- Joanne Spina, Assistant County Manager
- Sheryl Rogers, County Attorney
- Jim Davis, Director of Public Works
- Janalee Hogan, Contracting Agent

Members of the Public (who signed the sign-in sheet):

- Dan Featherandgill
- Michelle Featherandgill
- Brendan Ryan
- Rodney Davis
- Robert Koenig
- Stela Koenig
- Mike Beagles
- Jack Lambert

- Suzanne Bolton
- Stan Craft
- Mike Freitas
- Carol Freitas
- Harris Abernathy
- Wendy Bitner
- Rob Bitner

Meeting Discussion and Directives:

County Staff Presentation

- Joe Kirby introduced county staff and stated they were present to provide updates as to rules and responsibilities that pertain to the Advisory Committee.
- Joanne Spina, Assistant County Manager, spoke to help jumpstart the education of new board members who had not yet taken the county's formal board training.
 - She shared contact information for all Advisory Committee members.
 - She clarified that DHRID is a public improvement district and that the Board of County Commissioners is the Board of the road improvement district. The Advisory Committee is an advisory body to the Board of County Commissioners.
 - She Clarified that many or most county committees elect membership annually, but that it is up to the committee to decide the term of positions.
 - Joanne reviewed the language from the county code that pertains to the Advisory Committee.
 - Joanne stated that staff would “clean up” the code to reflect that public notice is posted at the County Administrative Building, not the County Courthouse.
 - Joanne shared and reviewed the Position Description with all Advisory Committee members and asked that the three Committee members who had not yet signed the document sign it now. All did.
 - Joanne shared the County Code of Ethics Handbook that applies to all Advisory Committee members.
- Sheryl Rogers, the County Attorney, provided an overview of legal issues that could potentially affect the district.
 - Sheryl reviewed Open Meetings Act requirements.
 - Any gathering of 3 or more committee members is considered a formal meeting and must be announced to the public. All such meetings must be posted at the County Administrative Building and within three locations in the district boundaries at least three days prior to the meeting. Notice must include not just date, time and location, but also the key items anticipated for decision making or discussion.
 - Sheryl clarified that the physical notices within the district must include the agenda items on it. A link to a website where the agenda exists is not sufficient.

- Sheryl flagged that email discussions with three or more members, or “serial” discussions between single members, would also be considered public meetings and would therefore be prohibited.
 - There is an exception to public posting for emergency actions, but it is extremely rare. To avoid invoking an emergency meeting, in the case of an emergency the county commissioners or the county administrator and public works director can make a decision within their capacity to authorize work without advisory committee members meeting.
 - Sheryl clarified that discussions that fall into needing public notice are discussions that would involve taking steps towards a formal decision.
- Sheryl discussed Open Records rules, stating that any writing made and maintained by Committee Members are part of the public record and should someone submit a request to see documents or correspondences Committee members would be required to provide those. The one exception might be writings between committee members and the attorney’s office.
- Joanne Spina asked that the committee share key documents, such as meeting minutes, with the county (to Joanne Spina directly) so that they can be archived.
- Janalee Hogan, the County Contracting Agent, explained and reviewed each line item of the 2016 approved budget.
- Jim Rockelman asked Jim Davis how much more money would be needed to improve the roads. Jim clarified that the first need in answering that question would be defining the expected level of service by district residents.
- Dan Olson suggested that the board should ask residents what level of service they expect, evaluate options and costs for meeting those expectations, and ask residents if they would be willing to pay more for any improved service expectations.
- A member of the public asked if cell tower users or grazers have been asked to pay. Cell tower users have been asked, but they are not obligated to pay. No one else is asked to pay because the roads are public.
- Mark Pearson asked if advisory committee members were liable if we did volunteer work on the roads. Sheryl Rogers clarified that Committee Members have governmental immunity unless gross negligence is demonstrated. This immunity does not extend to other district residents.
- Janalee walked the advisory committee through the winter and summer maintenance contracts.
- Janalee clarified that the Advisory Committee would need to review our contractor expectations in 2016 so that the county can start soliciting bids for 2017 and on.
- A member of the public asked if it would be possible to have interim maintenance between spring and fall maintenance.
- Joanne Spina suggested it would be a good practice to have a section for public comment when the Advisory Committee is discussing road maintenance priorities.

Approval of Previous Meeting Minutes

- Richard Woodbury moved to approve the previous meeting’s minutes without modification. Motion seconded by Jim Rockelman. No discussion. All present voted

“aye”. The motion passed.

Vote on holding elections for officers, if passes, vote to nominate and elect Chairman and Vice Chairman

- Alan Shupe suggested that the group vote for the Vice Chair position, but not the Chair position at this time.
- Russell Kimble made a motion to vote for the Chair, Vice Chair and Secretary position at this evening’s meeting. Seconded by Dan Olson. No discussion. 4 board members voted “aye”: Dan Olson, Richard Woodbury, Russell Kimble, and Mark Pearson. 2 board members voted “nay”: Jim Rockelman and Alan Shupe. The motion passed.
- Some discussion followed the decision as to when in the meeting the vote should happen. All agreed to wait until the end of the meeting.
- Russell Kimble made a motion that the term duration of positions voted on tonight be for the duration of 2016 and that, moving forward, terms last for one full calendar year. Seconded by Alan Shupe. All committee members voted “aye”. Motion passed.
- A member of the public said that he was told he was ineligible for committee membership because he worked for the county. Sheryl Rogers said she would look into the matter further.

Discuss Damaged Culvert

- There was significant discussion about possible remedies for the damaged culvert. Key questions included: what is the contractor’s liability; can the culvert be downsized to 12 inches; how much road base would be reasonable to cover the fixed culvert.
- A decision was made to wait for the county attorney office’s read and interpretation of Waldo’s liability and then revisit our options as part of the summer maintenance planning session.

Discuss Spring/Summer Maintenance.

- Richard Woodbury suggested that the committee appoint 2 members to drive the neighborhood with Waldo to identify problem areas and maintenance needs, at which point a new public meeting would be called to discuss Waldo’s recommendations and finalize a plan for summer maintenance.
- Dan Olson suggested that we also start a process to address both longer-term planning as well as a system for prioritizing routine maintenance efforts.
- Jim Davis said that the county has both an operations/maintenance plan and a capital plan.
- Dan Olson made a motion that the Chair and Vice-Chair accompany Waldo on a tour of the neighborhood to identify summer maintenance needs and present their recommendations back to the committee at a public meeting for discussion and finalization. Jim Rockelman seconded. All present voted “aye.” The motion passed.
- Dan Olson made a motion that Dan Olson and Russell Kimble advance the creation of a maintenance and operations guide and approach to developing a capital

improvement plan. Seconded by Richard Woodbury. All present voted “aye.” The motion passed.

Mailing to the district about dhrd.silvermesa.net

- Richard Woodbury made a motion that he be authorized to spend up to \$100 to create a mailer to send to district members to let them know what our intent is and how to access the website. Jim Rockelman seconded. All present voted “aye.” The motion passed.

Election of officer positions

- Russell Kimble made a motion to nominate Richard Woodbury for Chair. Seconded by Dan Olson. All present voted “aye.” The motion passed.
- Russell Kimble made a motion to nominate Mark Pearson for Vice-Chair. Seconded by Richard Woodbury. Discussion: Richard argued that Mark’s experience as the head of the Clearview HOA and experience working with Waldo, as well as his experiencing living on a road that sees little DHRID maintenance, makes him a good candidate. All present voted “aye.” The motion passed.
- Dan Olson was reaffirmed by all members as the Secretary.

Move to Adjourn

- The meeting was adjourned at 8:22pm.

Minutes compiled by Dan Olson on April 30, 2016, using the meeting audio recording to supplement notes taken the night of the meeting.