



April 2014

Special points of interest:

- Water Depot
- Election Info
- Park

Check website for updates



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Thanks to our Current Board Directors Glenn Robinson , Dickie Warring, Kelly Evans, Pam Wallis, Al Gardner. Also to Past BD Doug Roberts Pat Ulrich & Holly Fulbright

Some photos courtesy of Pagosa Daily Post & thanks to all our contributors.

Aspen Springs Metro District Board Updates

BUTTERCUP WATER DEPOT

Yes, the residents of Aspen Springs now have their own working water fill station! After over a decade of geologists, engineering, state and local requirements, permits, contractors, headaches and excitement, The Buttercup Water Depot is finally up and working and serving our local community. January 22, 2014 was our Grand Opening Ribbon Cutting to advertise to all that the water station is now open to the public. The majority of the residents of Aspen Springs haul their water and with the hazards of heading down the highway during the winter months, our new water station really is a privilege to have!

For those of you who don't know, this water well has been in the plans for years. A geologist was

hired years ago to determine the best location for the best water (quantity and quality). The well was drilled and completed in early 2009. It was drilled and cased to a depth of 720 feet and water is artesian (meaning no pump is needed to extract the water to the surface). The water is good and sulfur free, however we're still being monitored by the State on levels of chlorine which may seem a little high, but that will dwindle off as they let us through time. The last couple years have consisted of installation of all of the top equipment, including tank, pressure pump, electrical, coin machines, and a building to protect all of the equip-

ment. The coin machine takes quarters, as well as small bills and you can expect to get a little over 40 gallons for each quarter. This project has proven to be quite an expenditure, however over time the funds collected will go to reimbursing those funds. The main purpose of this well was not to make a profit, but to provide a local source of water for our community. To date we have had income of \$4406 for almost 700,000 gallons pumped.

The water fill station is located on the second block from Hwy 160 of Buttercup Drive in unit two. Access is good and there are no hills to battle if you're approaching from the highway.



Election 2014

The Metro District was created as a special district with the District Plan to include, road maintenance, water, and parks & recreation. The Board is made up of 5 directors, each holding a responsibility for the five positions; chair, treasurer, secretary, budget officer and public works. Per statute and the by-laws the Directors shall be electors of the District, terms are determined by relevant statutory provisions with elections held in even numbered years and conducted in the manner prescribed in the Colorado Revised Statutes CRS. Articles 1-13. Title 1 and Part 8, Article 1 Title 32. This year an election will be held by Mail-in Ballot, May 6, 2014. All 5 seats are up for election. Information on the candidates is included in this newsletter. Ballots will be mailed out before April 18th.

Buttercup Water Depot Open to the Public Jan, 22,2014



Volleyball, Horseshoes, Anyone?



Ute Park Picnic Gazebo is available for use by the public. The Volleyball net will be up April 15th and the horse pits are **ready to go. Let's get a team or a league going, and compete at the county fair.** Please help keep our Park clean.

2 year term Candidates

This year there are 5 ASMD Board seats up for election, 2 of the seats are for 2 year terms. Six (6) candidates have thrown their hats in to the ring to be elected. This is your community and these people represent what you want in our neighborhoods. Each candidate has supplied their own bio for this newsletter please contact them and know who you are voting for; their decisions effect our roads, water and parks.

Contact Candidates & Mail In Your Ballot

Stephen Keno

Hi, my name is Steve Keno, most of you know or have heard about me. I am running for a position on the Aspen Springs Metro Board. I know more than anyone that we need a change here in our community. I have been a sheep rancher here for over 20 years and an avid believer in the country way of life, and I would be a voice for all the ranchers/farmers who want and need the agricultural freedom to make a living and feed their families.. Simply listening to the people of the community and representing them is my goal. We need a board of the people, by the people and I would make sure your voice is heard. Thank You.....Steve



Douglas W Roberts



My name is Douglas (Doug) Roberts, Major, Field Artillery, USAR (Ret), and I live in Unit 6. I want to keep Aspen Springs a diverse community, like it presently is. I would make the **District's** board 100% transparent. I **don't** believe the board, if the District is working properly, has any secrets requiring an "executive session". What belongs to the District, should be freely used by the **District's** landowners, to include grazing on the open sections of the "greenbelt". The board should never get in the middle of landowner quarrels.

Kelly Evans

My name is Kelly Evans. I have lived in Archuleta County for 28 years and Aspen Springs for 14. I have been active with Aspen Springs for ten+ years as either a volunteer or board member. As both Treasurer and Budget Officer I have instituted better financial reporting. I started our website and have been its sole designer and manager even during periods when I was not a Board member. We all live in Aspen Springs because we value a rural lifestyle. I will continue to work to see that we all have the right to quiet enjoyment of **our homes and property**. If you have questions please don't hesitate to contact me at pagoaevans@gmail.com



Disc Golf Anyone?

Top 8 Duties of a Board Member

1. Know the Documents and Law
2. Attend Board Meetings
3. Participate and share experience
4. Make decisions in best interest of the district and citizens
5. Confidentiality
6. Follow Rules of Procedure
7. Statutory Report Filing
8. **Manage don't Micromanage.**



Broken Off

2 year term Candidates

Janet C Jones

Hi my name is Janet Jones AKA JJ. I have lived in Aspen Springs for 20 years, and I love our community. My goal for running for a position on the ASMD board is to keep our community the same. We have a wonderful place out here and our freedom is important to me. Aspen Springs is a perfect place to raise our families right along with the wild-life and the wonder of nature. LETS WORK TOGETHER TO KEEP IT THIS WAY
Thank You.....JJ



ASMD Road Equipment in Action

Sharon P Parker



Hello, my name is Sharon Parker I work at Let's Store It in Aspen Springs and live in unit 1. I am running because I want Aspen Springs to stay a natural agricultural community, free to live a simple country life without covens or HOA's to prevent us from raising our own food or living off grid. We the residents of Aspen Springs have a chance make our community an even better place to raise our children, and to teach them how to take care of themselves and this beautiful land. I would like the **chance to be the voice of the people.** Thank You...Sharon

Two Seats on the board are for 2 year terms. Six candidates are running for these 2 seats.

Todd D Shelton

I, Todd Shelton has been a resident of Pagosa since 1983, calling Aspen Springs home for the past four years. My experience, knowledge, and universal skills afford me a balanced perspective indicative to the needs of the entire community. Past and current vocations include: real estate, residential, commercial, and full site development; construction; heavy equipment operation; fine wood working; farming; and animal husbandry. Having extended years of working with people and government agencies, I have a diverse spectrum of knowledge and experience to help the Aspen Springs Metropolitan District excel in the future by getting back to its foundation—a Metro District focusing its energy and resources on road development and maintenance. Thank you for your consideration. If you have questions you may email me at tshelton2832@gmail.com.



**Mail-in
Ballots
Due
May 6**



Living In Aspen Springs

Living in Aspen Springs has all sorts of advantages. For all of you hikers and horseback riders, we have direct access to our public forests which are home to hundreds of trails overlooking the most majestic mountain range in Colorado. This is one of the main reasons many of us moved to this area; to enjoy our surroundings in it's natural and tranquil state.

Along with this privilege, comes responsibility. To everyone out there enjoying our forests and trails, please pick up after yourselves by hauling out any trash you arrived with. In addition, a note to the motorists: please remember that not all horses are calm around vehicles (off road vehicles included) and extreme caution and respect is appreciated when approaching these wonderful creatures. Keeping our neighborhood safe and clean is our priority.

The ASMD plans to send regular newsletters, the expense of printing and postage is restrictive. If you wish to receive newsletters via email, please provide your email to: Newsletter@aspenspringsmetro.org with subject please_email or if you wish to be removed from our mailing list please let us know.

Year End Treasurer's Report for 2013

While 2013 saw an expensive project in the Buttercup Water Depot we are still in a very sound financial position. Our cash reserves are healthy and the Water Depot is well on its way to being self supporting. The District's major road equipment is in good repair with the newest grader to be paid off in 2015. At this time we do not expect any major expenses in the immediate future.

Income for 2013 was over budget by about \$50,000. Property tax revenues were right on target and Highway Users Trust Fund revenue was much greater than anticipated. Unfortunately, HUTF will be much reduced in 2014 due to a collection fee that Archuleta County will be charging.

Expenses were as anticipated with the exception of Professional & Legal fees. We saw unexpected engineering & consulting fees during the construction and permitting of the Water Depot as well as legal fees incurred. These were offset by a donation from the Aspen Springs Pride homeowners group of almost \$17,000.

Kelly Evans, Treasurer

ASPEN SPRINGS METROPOLITAN DISTRICT PO BOX 488 Pagosa Springs, CO 81147									
	2012 General Fund Budget		Amended		2013	2013	2013	2014	
	2011 Actual	2012 Approved	2012 Estimated	2012 Actual					Approved
Beginning Balance	\$ 331,408	\$ 320,258	\$ 276,150	\$ 320,258	\$ 299,042	\$ 382,278	\$ -	\$ 250,024	
Revenues									
Property Tax	\$ 253,665	\$ 181,067	\$ 181,067	\$ 183,201	\$ 180,638	\$ 180,638	\$ -	\$ 182,470	
HUTF	\$ 159,191	\$ 138,000	\$ 135,000	\$ 161,572	\$ 138,000	\$ 131,177	\$ -	\$ 125,000	
Water Fill Income	\$ -	\$ 12,000	\$ -	\$ -	\$ 12,000	\$ 4,000	\$ -	\$ 24,000	
Misc	\$ 18,252	\$ 6,650	\$ 6,650	\$ 21,389	\$ 6,650	\$ 29,045	\$ -	\$ 20,000	
Interest Income	\$ 1,552	\$ 1,000	\$ 1,000	\$ 2,954	\$ 1,000	\$ 1,442	\$ -	\$ 1,000	
Grants	\$ 15,000	\$ 4,000	\$ 22,000	\$ 4,000	\$ 30,000	\$ 30,000	\$ -	\$ -	
Sale of Assets			\$ 42,500	\$ 42,500		\$ -			
From/To Reserves					\$ 90,000	\$ -	\$ -	\$ -	
TOTAL REVENUES	\$ 447,660	\$ 342,717	\$ 388,217	\$ 415,616	\$ 458,288	\$ 376,302	\$ -	\$ 352,470	
Expenditures									
Administrative	\$ 39,342	\$ 37,146	\$ 37,896	\$ 35,757	\$ 38,025	\$ 45,865	\$ -	\$ 38,748	
Public Works	\$ 329,797	\$ 291,013	\$ 277,263	\$ 266,895	\$ 281,669	\$ 281,025	\$ -	\$ 261,250	
Capital Outlay	\$ 51,004	\$ 19,000	\$ 10,500	\$ 10,088	\$ 141,000	\$ 142,000	\$ -	\$ 12,400	
Debt Service	\$ 39,466	\$ 39,666	\$ 39,666	\$ 39,666	\$ 39,666	\$ 39,666	\$ -	\$ 39,666	
TOTAL EXPENDITURES	\$ 459,609	\$ 386,825	\$ 365,325	\$ 352,406	\$ 500,360	\$ 508,556	\$ -	\$ 352,064	
Excess Revenues +/- EXP	\$ (11,949)	\$ (44,108)	\$ 22,892	\$ 63,210	\$ (42,072)	\$ (132,254)	\$ -	\$ 406	
Fund Balance Dec 31	\$ 319,459	\$ 276,150	\$ 299,042	\$ 382,278	\$ 256,970	\$ 250,024	\$ -	\$ 250,430	

I, Dick Warring, certify that the above is a true and accurate copy of the Adopted 2014 Budget passed by motion on 11-12-2013.

For more information visit WWW.ASPENSPRINGSMETRO.ORG

District's Legal Proceedings Regarding Grazing Rights

Responding to a growing dispute, in 2013 the District Board asked the Archuleta County District Court to clarify how Colorado's fencing and "open range" laws apply to the District-owned Greenbelt in Unit Five. Mr. Steve Keno had been grazing his flock of sheep on the Greenbelt and believed he was authorized to do so by state law because the area was not fenced. The District believed that it had the right to regulate uses of its property even without a fence; it passed resolutions in 2005 and 2011 prohibiting grazing on the Greenbelt without written permission, which Mr. Keno did not have. In December, the court issued a final order. Reviewing state statutes and court cases, Judge Lyman determined the District had the right to prohibit grazing on its own property, even without a fence.

The court order deals specifically with the Greenbelt, but says that grazing wherever the owner has clearly prohibited it is trespassing, fence or no. The Colorado Supreme Court said, in 1940 in *Bolten v. Gates*, "it is . . . well settled that the absence of a lawful fence does not justify a willful trespass," meaning a person cannot purposely put his animals where the owner has forbidden them and still be protected by the fence law.

While waiting for a decision on the grazing question, a court order prohibited grazing on the Greenbelt. This "preliminary injunction" came out in April 2013 and lasted until the case was decided. Mr. Keno's rights were protected by a \$1,000 bond posted by the District; if Mr. Keno later won on the grazing

issue, he could have claimed the bond as payment for losing the right to graze. In June and again in October, the court ruled Mr. Keno was violating the preliminary injunction by continuing to graze his sheep on the Greenbelt and ordered penalties against him. In December, along with the final decision about grazing, the court made the injunction against Mr. Keno's grazing activities permanent and returned the District's bond.

Mr. Keno has appealed the court's rulings; a decision is expected by the end of the year. The court documents in this case can be viewed by arrangement with the District. Email request to info@aspenspringsmetro.org
Submitted by Kate Burke Attorney for the District

See You at the Park

The park was built in 2011 after many meetings of the A.S.M.D. Board and residents. It was constructed with a \$30,000.00 grant from the County with matching services and land by the Metro District, in conjunction with an Aspen Springs Property Owners grant. One of the residents of the district designed the Gazebo for free. The park currently includes a sand Volleyball Court, horseshoe pits and gazebo with picnic tables. It is located in the Greenbelt area of Unit 5 on Ute Drive. In 2013 a grant of \$4000.00 dollars from the county was secured by the Board for a 9- hole Frisbee Golf course and was added at no cost to the ASMD. Volleyballs and horseshoes can be checked out at the Metro Building. Please call the office well in advance as the crew is usually out working on the roads or bring your own equipment. See you at the Park!



This year there are 5 ASMD Board seats up for election, 3 of the seats are for 4 year terms. Nine (9) candidates have thrown their hats in to the ring to be elected. This is your community and these people represent what you want in our neighborhoods. Each candidate has supplied their own bio for this newsletter please contact them and know who you are voting for; their decisions effect our roads, water and parks.

Sara Ellsworth Anderson

I am an Aspen Springs resident and Pagosa Springs area business owner. I want to represent the face of reason and accountability. **I've lived in Pagosa for 10+ years** and have often been told that Aspen Springs is home to renegades, the unruly, and the extremists - none of which were delivered in a positive manner. **When we first moved here I would've whole heartedly agreed, but I've noticed a healthy change and want to keep that positive healthy change going.** Live your lives as free spirits, but do so by holding yourselves accountable by respecting your neighbors, protecting our resources and living in harmony with our surroundings. **I don't want to see our community become a gestapo style HOA** been there done that but having an elected body of well-informed leaders available to provide resources and boundaries for a common good is a start to a positive community lifestyle. Thank You - Have a Great Day. Sara Anderson 970-946-7598 Homespun Comforts



Loretta L Thomas



I worked for 12 years as a LPN (Licensed Practical Nurse) and 14 years as an assistant manager for Wal-Mart. I have lots of experience dealing with the public and listening to the concerns of the public. I also have accounting knowledge from college. I did a lot of looking and researching before buying my place here. As a home owner in Aspen Springs, I want to keep the area zoned Agricultural so that we can do what we want on our land, such as having livestock, chickens, sheep, or just dogs without worrying about upsetting our neighbors. That also means no HOA fees or drilling for oil in our back yards. We should also be able to put buildings up when we want and the way we want. As a board director I will listen to and help to keep Aspen Springs the way the home owner want it. Loretta L Thomas, 15 Robin Dr. gaiasecrets2009@yahoo.com

Dickie D Warring

I have lived in Aspen Springs the last 16 years .In 2010 I was asked to run for the Board and have been the Budget Director/Vice chair for the last 4 years. I have been self employed for over thirty years. In the last four years the Metro has built bus kiosk for the children, the new park, and the opening of the water station. The current Board applied and received over \$64,000.00 of grant money to help build these projects. The two reasons I am running for a second term is my belief in **Community Service and I don't want to see the reversal of the court winnings on trespassing on the Metro's and residents land, which is one reason** so many of the candidates are running. Please research the candidates and feel free to contact me on my positions dwarring@frontier.net . Thanks for the opportunity to serve you.



Zhena



Greetings, You, our land, clean air, animals, gardens, quiet, freedom and keeping our power in our own hands matter to me. As a sixteen year home owner, I've appreciated the beauty of our land, creativity and resourcefulness of our people. Now I offer you skills which honor differences in order to reach wise decisions which benefit us and generations to come. The County and I cleaned up over 1000 illegally dumped tires here in Aspen Springs, thanks to a State grant. As we clean-up, recycle and share our knowledge and skills, we can clean up junk, recycle and be creative caretakers. If you are interested in Health, Wealth and Wellbeing, please allow me to work and represent your voice. Respectfully, Zhena

Ute Park Disc
Golf Course

Three Seats on
the board are for
4 year terms.
Nine candidates
are running for
these 3 seats.

Good Food Good
Friends Good Times

4 year term Candidates

Mail-in Ballots Due May 6

Top 8 Duties of a Board Member

1. Know the Documents and Law
2. Attend Board Meetings
3. Participate and share experience
4. Make decisions in best interest of the district and citizens
5. Confidentiality
6. Follow Rules of Procedure
7. Statutory Report Filing
8. **Manage don't Micromanage.**



Bus stop Kiosk and
Bulletin Boards

JoAnn M Mihotz



Hi my name is Joann Mihotz I live in Aspen Springs unit 4. I am running for a position on the Metro Board, so We The People of Aspen Springs can retain our way of Country Living. I want to have my home, my gardens, and my pets as well as peace of mind. A Park for my granddaughter to have swings, slides and bathrooms. We as a community can vote on what is ours and prosper from our community not anyone else. Come out and vote and get control of OUR community!

Pam Wallis

I am running for a position on the ASMD board. I have regularly attended the monthly meetings for the past several years and have happily seen an increase in attendance and interest by the community. I would like to see more individuals getting involved as we are all neighbors and only wish for our community and friendships to thrive.

I have owned and operated my own businesses (locally and in California) for many years/decades. I have lived in Aspen Springs permanently for fourteen years, and part time many years prior. I am familiar with book-keeping/accounting, general contracting laws and overall standard business procedures. I believe I could be an asset to this board by providing my knowledge and interest to help keep our community safe, enjoyable, and keep the freedom and beauty we have currently. Email me with any questions you might have BPDwallis@aol.com



Patrick J Burschinger

970-731-2536

pjbursc@live.com

Elizabeth Mieritz



I am Elizabeth Mieritz, my family and I live in Aspen 5. I have been **involved the last year as a member of the Policy Council for my son's preschool** and that obligation was the 2nd Tuesday of every month and has now ended. As part of this community I have an interest in how it develops. The start of my small bovine herd arrives mid-April and we **will have chickens and be growing my family's vegetables.** I love our little piece of heaven here. It is quiet and private while at the same time I know most of my neighbors on site. I moved to Pagosa Springs **after living my life in the big world, I have my Master's Degree in Business Administration** and like many of you have multiple revenue streams to stay afloat her in Pagosa. I look forward to serving my community as an elected board member.

Wendell "Al" Gardner

My name is AL Gardner. I grew up in Las Cruces New Mexico where I graduated from NMSU. I have live here in Pagosa since 1989. I have been living in Aspen Springs since 2004, and at my present home since 2006. I worked framing houses until I started my own contractor business until March of 2000, when I started working for Terry Smith at Circle T Ace in the lumber department. I have been the store manager **at Terry's Ace since 2007. I am a level headed person that will listen to both sides of the story.** I hope you will consider me for the Aspen Springs Metro board. Thank you. wagard49@yahoo.com



Aspen Springs
Metro District

216 Metro Dr
PO Box 488
Pagosa Springs, CO
81147

Phone: 970-731-5656

Web Page : www.aspenspringsmetro.org

E-mail: info@aspenspringsmetro.org

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Have you checked out our website?

Aspenspringsmetro.org is a great way to keep up with what's happening. The website provides general information on the District as well as area history and wildland fire mitigation tips. The site also has copies of budgets, monthly financial reports and meeting minutes.

ELECTION INFORMATION www.Aspenspringsmetro.org

Contact information for the Designated Election Official (DEO) responsible for all aspects of the Special District election:

- Glenn Robinson, PO Box 2155, Pagosa Springs CO 81147 970-731-1718 email: noocyt77@yahoo.com

Date of the Election: **May 6, 2014 ("Election")** Type of Election: Regular special district election

Citation of the statute authorizing election: Title 32, Article 1, C.R.S.; Title 1, Article 13.5, C.R.S.; [and Article X, Section 20 of the Colorado Constitution] ("**Election Laws**"). **The political subdivision will conduct the Election according to all relevant provisions of the statutes authorizing the Election.**

Eligible electors and timing for mailing ballots:

- There are approximately 700 eligible electors.
- No later than 40 days prior to the Election (March 27, 2014), the DEO shall request a list of the registered electors residing within the District from the County Clerk for each county in which the District is located. The DEO shall also request a list of the owners of all taxable real and personal property with the District from the County Assessor for each county in which the District is located. Such initial lists shall be received no later than 30 days prior to the Election (April 4, 2014), and the supplemental lists received no later than 20 days prior to the Election (April 16, 2014). Sections 1-13.5-203(1), 1-13.5-204(1) and (2), and 1-13.5-1105(2)(a) and (b), C.R.S.
- Overseas Active Duty. Letter from Archuleta Clerk (none to mail)
- Between 22 and 15 days before the Election (April 14, 2014 to April 21, 2014), the DEO or election judges will mail ballots to each active eligible elector of the District. Section 1-13.5-1105(4)(a), C.R.S.
- **BALLOTS MUST BE RECEIVED BY 7:00 P.M. ELECTION DAY** in order for your ballot to be counted. **Ballots received after 7:00 pm. on Election Day will not be counted.**

Total number of drop-off/walk-in locations:

- **Ballots can be mailed to the District's DEO at PO BOX 2155, Pagosa Springs, CO 81147-2155.**
- There will be one (1) place of deposit, which will be with the DEO contact 970-731-1718. For security reasons, there will be no unmonitored freestanding drop-off locations.
- Contact Glenn Robinson (970-731-1718) to obtain new or replacement ballots and to drop off voted ballots, this location will be open from 8:00a.m. to 4:00p.m., Monday through Friday, beginning at least 22 days prior to the Election (April 14, 2014), and on the day of the Election (May 6, 2014) at the Metro Building at 216 Metro Drive from 7:00 a.m. to 7:00 p.m. Section 1-13.5-1105(4)(d), C.R.S