
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District January 18, 2024

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on January 18, 2024, at 12:00 p.m. in person at the Edwards Field House at 450 Miller Ranch Road, Edwards, CO and via an online Zoom meeting in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Joanna Kerwin (Zoom)
- Todd Williams
- Mike Trueblood
- Tracy Erickson

The following Director was absent and excused:

- Kris Miller

Also in attendance were:

- Ken Marchetti - Marchetti & Weaver, LLC
- Magdalena Gembal - Recording Secretary for the meeting
- Deron Dirksen – SGM (Zoom)
- Kevin Murphy - West End (Zoom)
- Richard Davis – Eagle County
- Chris Dudar – Edwards Station
- James Fitz – Fitz Landscaping
- Mick Woodworth – Resident
- Nina Timm – Berry Creek Metro District (Zoom)
- Laura Bohannon – Eagle Conservation District (Zoom)
- Deb Forsline – The Reserve
- Kara Heide – Resident

Call To Order

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Kerwin on January 18, 2024, at 12:02 p.m. noting a quorum was present.

Changes to the Agenda

Mrs. Gembal announced that Jessica Foulis from Eagle Valley Land Trust has canceled and rescheduled her presentation for the upcoming month. Director Trueblood requested the inclusion of an agenda item for the short-term rental taxation bill. Director Kerwin proposed moving the agenda item "Board Discussion

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Regarding Pros and Cons of Incorporation of Edwards" to the next meeting when Director Miller is available.

Public Input None.

Ratification of Hillcrest Roundabout Construction

Proposals Mr. Davies presented the proposals received for the Hillcrest roundabout project which were circulated to the Board when received last month. These proposals include Gould Construction's construction bid of \$4,383,539.85 and SGM's bid of \$204,844.00 for engineering inspections. Mr. Davis cautioned that the proposed bid could increase due to unforeseen construction costs such as the replacement of the gate relocation with Eagle River Water and Sanitation District. Additionally, he reminded the Board that the expenses would be shared equally between Edwards Metro District and Eagle County, with each contributing 50% and EMD share will be approximately \$2,523,611.12. The construction contract is under review at the Eagle County attorney's office, and the SGM contract is in line to be signed.

During the discussion with the Board, topics included additional and unexpected costs, contingency, the possibility of a breakdown of costs once construction starts, and the timeline of the project starting April 1st and completed by late summer and early fall. By motion made by Director Williams, and seconded by Director Erickson, it was unanimously

RESOLVED to approve the Hillcrest Roundabout Construction proposals of \$5,047,222.24 sharing the cost with Eagle County 50/50 and creating a 10% owner's contingency for the project in accordance with Mr. Davies presentation.

Edwards Village Boulevard Sidewalk

Project Mr. Dirksen reported that Eagle County comments have been addressed, but the right-of-way (ROW) construction permit won't be released until the contractor is on board. The survey and engineering for additional school safety improvements are completed. Following the ERWSD meeting on January 9th, it was noted that two fire hydrants need minimal relocation. Future plans include finalizing materials for the landscape strip in the school and completing the bid package. The budget for SGM's engineering services project remains on track. The project is on schedule to be put out to bid in February with bids due in March in anticipation that the contract will be approved at the March Board meeting.

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Public comment from Mick Woodworth pertains SGM to notifying the fire marshal about the relocation of fire hydrants.

West End Mr. Murphy expressed disappointment with the Planning Commission Hearing outcome from the previous night. County staff informed them on the morning of the hearing about a setback issue with an amendment to the final plat of a neighboring property, leading to the hearing on the project being tabled for February 7th or possibly February 21st, depending on the setback resolution. Despite this delay, they proceeded with public comments, staff discussions, and project reports. Public concerns mainly focused on traffic density, which Mr. Murphy presented in the traffic report to the Board. Finally, Mr. Murphy expressed gratitude for the Board's support during the hearing.

Miller Ranch Pedestrian Lighting Project

Director Trueblood remarked that, according to the report presented by Todd Goulding, the project is progressing as expected, and it appears that no further guidance is required.

Proposal for Roundabout Median Design

Chris Dudar of Edwards Station, along with James Fitz, owner of Fitz Landscaping, presented a proposal to alter one of the existing roundabout medians at Miller Ranch Road. Seeking approval from the Board, Mr. Dudar aims to convert one median into a drought-tolerant design with low-flow irrigation. Fitz Landscaping, responsible for previous roundabout work, would undertake the project, ensuring design continuity. This change aligns with Edwards Station's sustainability commitment, demonstrated by their conversion of a significant area to drought-tolerant materials last fall. The conversion would be scheduled for Summer 2024, anticipated to save 80% of water use and reduce annual water expenses. Importantly, there is no cost to the Edwards Metropolitan District (EMD), as Edwards Station would cover the installation costs.

Discussion with the Board centered on the timeline, the choice of plants or landscaping, and the decision between mechanical removal or herbicide application. By motion made by Director Williams, and seconded by Director Erickson, it was unanimously

RESOLVED to allow Edwards Station to convert the median landscape into a xeriscape.

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Eagle County Conservation District Funding Request

Laura Bohannon presented a request for a one-time funding contribution of \$5,000 to support a part-time internship student from Colorado Mountain College and a full-time District Conservation Technician. The requested funds will assist in hiring an Education and Outreach Intern and a District Conservation Technician to conduct various events and consultations within Edwards Metro District boundaries, promoting natural resource management and conservation strategies. Their current programs include initiatives such as turf replacement rebates, noxious weed eradication cost shares, and soil health improvement for agricultural producers.

The Board inquired about the timeline for hiring the District Conservation Technician and the communication outreach efforts with Edwards' constituents.

This request will be considered in executive session.

Water Authority Update

Director Kerwin remarked on the introduction of the base fee for irrigation-only accounts, which became effective with the January 2024 billing cycle, catching many irrigation-only accounts by surprise. Director Trueblood indicated that additional details regarding Bolts Lake will be forthcoming.

During public input, Mick Woodworth inquired about the status of the Edwards Riverpark project. Director Kerwin responded, stating that the project has a looming deadline the next day to secure \$1.5 million. If the funds are not secured by January 19th, the project may fall out of compliance with its PUD. Director Trueblood added that the project's request for a letter of credit was denied, so the developer will be required to pay in cash. Lastly, Director Kerwin noted the presence of a tax lien on the property.

RTA Update

Director Kerwin reported her attendance at both the monthly meeting and the work session the previous week. During the work session, the focus of the RTA Board was on determining priorities. She also shared news of Larry Tennenholz extending his contract with Eco Transit until April, expressing hope for a smooth transition. Mr. Tennenholz highlighted significant achievements, including achieving full staffing by converting part-time to full-time positions and ensuring all buses are operational. Director Kerwin noted that RTA now has two full-time employees, with another one in line for the HR position. Additionally, she discussed Dave Eickholt's, Beaver

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Creek Metropolitan District representative, suggestion to include Edwards Metropolitan District (EMD) in RTA but faced opposition from the Minturn representative. The discussion centered around EMD's status as a metro district rather than a town. The work session also touched on Gypsum but refocused on ballot initiatives and the goal of establishing a free bus route from Edwards to Vail by next fall/winter's season.

Director Williams brought up the maintenance contract with an external contractor, expressing optimism about the significant assistance it would provide. Additionally, they discussed the December ridership numbers, noting an increase compared to November, attributing it to implementation of the fair free route between Vail and Beaver Creek.

E-bike Shift Program 2023 Review

Director Kerwin shared the rider numbers for the last seasons on all four locations within Edwards Metro District, with the one in Riverwalk being the most used with over 800 rides, followed by the mobile home park, Edwards field house and Brett Ranch.

The Board deliberated on the optimal location for the fifth station. Options considered included placing the station in Miller Ranch or the Preserve near the railroads, establishing a second location in Riverwalk, or opting for Homestead or the southwest corner of the soccer fields brought up by resident Deb Forsline. Ultimately, the unanimous decision was to try to place it at the southwest corner of the soccer fields. Director Williams will be following up with Eagle County.

Eagle County Open Space Virtual Meeting Report

Director Kerwin participated in a virtual meeting with Eagle County Open Space, which is in the initial stages of engaging with the community for feedback on present and future initiatives. The entity aims to understand community priorities, determine how its funds should be utilized, identify crucial lands for acquisition, and assess competition for converting land into affordable housing. This comprehensive process is expected to span 11 months.

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Resolution Designating

Location to

Post Notices/

24-hour Notice

As a statutory requirement, during the first Board meeting of the year a notice specifying the location of meetings must be approved. This notice serves to inform the public of the online posting location plus the physical posting location in case the online notice is unavailable due to technical issues. By motion made by Director Erickson, and seconded by Director Trueblood, it was unanimously

RESOLVED to approve the resolution designating location to post the meeting notices / 24-hour notices.

Draft Letter to

Eagle County

Regarding Referral

Process

The Board examined the draft letter presented, and Director Trueblood proposed edits to enhance its objectivity. The Board directed that the letter be sent to Eagle County regarding the referral process with the suggested edits.

Director

Updates

Director Williams is leading efforts to organize a recycling event, primarily for hard-to-recycle items like electronics, with the event tentatively scheduled for May. He sought input from the Board on whether the District should fully sponsor the event or collaborate with neighboring districts. The estimated cost from Blue Star is around \$6,500. Director Williams also raised the possibility of opening the event to all EMD's property owners, commercial and residential. Directors Trueblood and Erickson expressed support for sponsoring the event exclusively for EMD property owners but were open to collaboration. Director Kerwin endorsed involving Arrowhead, Cordillera, and Berry Creek metro districts, emphasizing caution against challenges seen in a previous event in the Town of Avon. Berry Creek Metro District's manager, Nina Timm, indicated a significant likelihood of interest in participating.

Director Trueblood focused on the proposed short term tax bill, SB24-033, that would require residences that are rented on a short-term basis for at least 90 days a year to be assessed at the commercial rather than the residential assessment rate. He expressed his opposition, urging fellow Board members to support a letter conveying this opposition due to the potential negative impact on resort town economics. All other present Directors felt they lacked sufficient information to make an informed

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decision and proposed tabling the topic for the next meeting. Director Trueblood cautioned about time constraints, noting an upcoming meeting by the Senate Finance Committee hearing on February 13th.

Director Erickson had no further comments.

Director Kerwin informed that the Real Estate Commission has updated its forms to make it mandatory for contracts for property sales within a metropolitan district will notify buyers that they are acquiring a property within a metropolitan district. The objective of this update is to help homeowners understand the implications of their decision to buy into such a district.

Minutes The Board reviewed the December 14, 2023, Regular Meeting minutes and made some suggested edits. By motion made by Director Williams and seconded by Director Erickson it was unanimously

RESOLVED to approve the December 14, 2023, Regular Meeting minutes with the suggested edits.

**Accounts
Payable
List**

The Board reviewed the accounts payable list and by motion made by Director Williams and seconded by Director Erickson it was unanimously

RESOLVED to approve the January accounts payable list as submitted.

**Preliminary
Financial
Statements**

Director Trueblood discussed the preliminary financials for December noting that December is the District's fiscal year-end, highlighting positive variances in the General Fund's revenue side, attributed to favorable interest income and reduced operating expenses resulting from the absence of an election. Regarding the sales tax fund, he noted a positive surplus of revenues over expenditures variance, despite increased operating expenditures related to holiday lighting. Capital expenditures were favorable due to the postponement of the Hillcrest roundabout construction to 2024, although there was an increase for Miller Ranch pedestrian lighting due to the completion of phases 2 and 3. Additionally, he mentioned that sales tax reports for 2023 surpassed those of 2022, with December figures still pending. By motion made by Director Erickson and seconded by Director Williams it was unanimously

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RESOLVED to accept the December 31, 2023 financial statements as presented.

**Property Taxes
by Major Taxing
Entities in
Eagle County**

Mr. Marchetti provided the Board with a list of assessed values and mill levy rates in Eagle County for informational purposes.

**Executive
Session**

It was announced the need for an executive session for the purpose of considering contribution requests during the meeting. Director Trueblood moved and Director Erickson seconded

RESOLVED to enter into executive session pursuant to 24-6-402(4)(e), C.R.S. for the purpose of determining positions relative to matters that maybe subject to negotiation, developing strategy for negotiations and instructing negotiators.

Following conclusion of the Executive Session, the Board returned to public session.

**Eagle County
Conservation District
Funding Request**

By motion made by Director Williams, seconded by Director Trueblood, it was unanimously

RESOLVED to approve a contribution to the Eagle County Conservation District of \$5,000.

Adjournment

There being no further business to come before the Board at this time, by motion duly made by Director Williams and seconded by Director Trueblood it was unanimously

RESOLVED to adjourn the meeting of the Edwards Metropolitan District Board of Directors this 18th day of January 2024.

Respectfully submitted,

Magdalena Gembal
Recording Secretary for the Meeting