
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District January 19, 2023

A Regular (Zoom) Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on January 19, 2023 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 at in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Kara Heide
- Joanna Kerwin
- Todd Williams
- Mike Trueblood
- Tracy Erickson

Also in attendance were:

- Ken Marchetti, Marchetti & Weaver, LLC
- Kendra Nicholson, Recording Secretary for the meeting
- Jim Collins, District Legal Counsel
- Kevin Murphy, East West Partners
- George Gregory, UERWA Board Member

Call To Order

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Heide on January 19, 2023 at 12:00 p.m. noting a quorum was present.

Conflicts of Interest

Changes to the Agenda

24-Hour Notice Resolution addition.

Public Input

Mountain Rec Janet Bartnik – Ms. Bartnik reviewed the Mountain Rec survey aimed at better understanding the recreational amenities the Edwards community would like. Mr. Bartnik encouraged as many Edwards residents as possible to complete the survey.

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Alex Iacovetto with the Eagle County Sheriff's Department reported representatives from the Sheriff's department attend public meetings periodically to interact with the community and be aware of what's going on in the community.

Legal Will be taken up on an item-by-item basis as items arise on the agenda.

Director Update

Director Trueblood: Will review the proposals received for the Miller Ranch lighting project later in the meeting.

Director Williams: The replacement ribbons for the Highway 6 roundabout are at the welders. They plan to install them in the spring. Director Williams is doing research on the solar option for the flashing pedestrian beacons for the roundabouts adjacent to I-70. Sergeant Iacovetto stated that he's happy to hear the District is planning to put in the pedestrian beacons. Director Kerwin asked if any pedestrian beacons are planned at the crosswalk between Edwards Corner and the Edwards Pharmacy. Director Williams stated there isn't a plan to put one in that location at this time. There was a board discussion about possibly putting one in at that crosswalk.

Director Kerwin: She attended a Mountain Rec community input meeting and the primary public input is that more pickleball courts are needed. She stated that it is important to have the public fill out the Mountain Rec survey. The Eagle pool has to be replaced, Mtn Rec is looking into numbers right now. There was a discussion about the Edwards ice rink as well, they're trying to get an issue resolved with the leveling of the surface the ice rink is being installed on.

UERWA Unification

Discussion Mr. George Gregory led a discussion about unification of Eagle River Water and Sanitation District (ERWSD) and Upper Eagle Regional Water Authority (UERWA). Mr. Gregory has served on the UERWA board as Berry Creek Metropolitan District's appointed representative and is currently serving as an elected representative on the ERWD Board. He is in support of unification. UERWA is practically out of water for new development and needed a way to accommodate new development within the Authority boundaries. The solution the Authority came up with was to combine ERWSD and UERWA into one entity because ERWSD has water that would be available in UERWA's service area if the entities are combined. Beaver Creek has expressed concern that they will lose their vote if the entities are combined. He said ERWSD is made up of seven "director districts or wards" one of which includes Beaver Creek and director positions will continue to be voted on by the constituents of UERWA, so in his view there still is voting power to be had. Director Kerwin asked how much water has been slated for projects that have not been built? He and the Board went through the list of projects

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currently planned. He said there may be about 12-18 Acre feet by the time the current projects are built, which means in his view UERWA is essentially out of water for future development. Director Kerwin asked about getting a deposit from developers if water is committed to future development. Mr. Gregory stated that there will be a 25% deposit required for a will-serve letter on any future developments.

UERWA Representative

Mr. Woodworth stated that the last UERWA board meeting was his last meeting as the EMD representative. There was a motion to appoint Director Trueblood as the EMD UERWA representative.

By motion made by Director Williams and seconded by Director Kerwin it was unanimously

RESOLVED to appoint Director Trueblood as the EMD UERWA representative.

The board moved to appoint Director Kerwin as the alternate EMD UERWA representative.

By motion made by Director Trueblood and seconded by Director Erickson, it was unanimously

RESOLVED to appoint Director Kerwin as the alternate EMD UERWA representative

Shift Bike Program

Director Heide said EMD's share of the shift bike program will be under \$20,000.

West End Update

Mr. Murphy stated that they submitted the sufficiency application to the County and are now waiting to hear back. He then asked the Board members if they have any questions. Director Williams asked if the traffic impact study will be part of the online posting on the application. Mr. Murphy said it will be included and has been sent to the EMD Board members in the past. The Board had a discussion about the traffic concerns and the added traffic that will come from this development. Mr. Murphy stated that Ben Gerdes at Eagle County Engineering is who has been most involved in the traffic planning process for the West End. The Board asked what would trigger the addition of another lane on the West side of the main Edwards roundabout at Hwy 6. Director Williams said he would reach out for an answer. Director Erickson said there are already concerns about the traffic flow at the roundabout now and they need to be addressed before more developments go in and the traffic increases. Director Heide again expressed concern about residents of the

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West End being able to access the Preserve directly from the West End housing. Mr. Murphy stated that there is a plan to construct a fence to keep residents from accessing the Preserve directly from the property.

Election Resolution

A resolution calling the May 2023 directors election was submitted with the Board packets. The Resolution is set up for the District to hold a polling place election but could be set up for a mail ballot election if desired.

The Board reviewed the 2023 Election Resolution and by motion made by Director Heide and seconded by Director Trueblood, it was unanimously

RESOLVED to approve the 2023 Election Resolution as submitted.

Audit Engagement Letter

The Board reviewed the Audit Engagement letter for audit of the District's 2022 financial statements. By motion made by Director Erickson and seconded by Director Williams, it was unanimously

RESOLVED to approve the Audit Engagement letter.

Update to MultiBank Securities Signature Card

Mr. Marchetti reviewed the process for updating the signature cards for the MultiBank Securities account. The Board decided to see who the board members will be following the May election.

Hillcrest Roundabout Maintenance IGA

Jim Collins, legal counsel, reported he has review the agreement and that he recommends approval. Rickie Davies from Eagle County stated it is the same agreement template that has been used in the past between Eagle County and EMD for other roundabouts.

By motion made by Director Williams and seconded by Director Heide, it was unanimously

RESOLVED to approve the Hillcrest Roundabout IGA as presented

Miller Ranch Road

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Pedestrian Lighting Project

Phase 1 of the Miller Ranch Road Pedestrian lighting project originally went from the roundabout at Battle Mountain High School. Construction of the new housing at CMC will increase pedestrian traffic between CMC and the bus stop adjacent to Battle Mountain High School and the Mountain Recreation Field House. And since there are already some lights in the Miller Ranch housing area already the need for additional lighting there is not as urgent. After discussion the Board agreed to shift the first phase of the lighting so it starts at CMC and ends just to the west of the Miller Ranch housing development and directed Mr. Davies to proceed with adjustment of the plans.

Director Trueblood stated that the next step is for the Board to approve an owners rep for the project. The District received 3 proposals from possible reps. Director Trueblood met with and reviewed the plans with each of the reps, and they then all sent over proposals. Director Trueblood stated that they are all good options. He has also received 2 construction proposals with some preliminary numbers. The owners rep once chosen will put the project out to bid and then manage the project. Director Trueblood reviewed the timing and proposed cost of the project in each proposal. Director Trueblood said that Goulding Development Advisors is his suggestion to the Board.

The Board reviewed the Miller Ranch Lighting project owners rep proposals. By motion made by Director Williams and seconded by Director Heide, it was approved by four Board members voting aye and with Director Erickson abstaining:

RESOLVED to approve the Goulding Development Advisors owners rep proposal

Mr. Collins suggested the possible use of an Integrated Project Delivery process as permitted by Colorado statutes. By motion made by Director Williams and seconded by Director Kerwin, it was

RESOLVED to authorize use of the Integrated Project Delivery process for this project.

Roundabout Tree Damage Proposal

An aspen tree in the median adjacent to the Shell station has been damaged by an automobile and needs to be replaced. A proposal to replace the tree was received from Fitz Landscaping in the amount of \$1,048. The Board reviewed the tree

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replacement proposal and by motion made by Director Erickson and seconded by Director Williams, it was unanimously

RESOLVED to approve the tree replacement proposal as presented.

Mr. Nicholson will follow up with the Sheriff's office to see if they have contact and insurance information for the driver of the vehicle that damaged the tree.

Fitz Landscaping 2023 Contracts

The Board reviewed the proposals for landscape maintenance submitted with the Board packets. Director Williams asked if the new plantings in the proposal are for perennial or annual plants. Ms. Nicholson will contact Mr. Fitz for clarification and will resubmit the contracts for approval at the next meeting.

24-Hour Posting Resolution

Pursuant to Section 24-6-402, C.R.S., as of August 2, 2019, the District is authorized to post full and timely notice of its meetings on the public website of the District no less than twenty-four hours prior to holding the meeting. Every year the Board must designate the posting location for the regular and 24-Hour meeting notices. By motion made by Director Heide and seconded by Director Williams, it was unanimously

RESOLVED to adopt a resolution pursuant to Subsection 24-6-402(2)(c), C.R.S. designating www.edwards-colorado.com as the posting location for the 24-Hour Notice. A copy of the resolution is incorporated herein by this reference.

Sidewalk Discussion

Director Heide stated she will approach the County to see if they will be willing to contribute to the costs of the sidewalk maintenance within Homestead.

Attendance at RTA Board Meetings

Mr. Marchetti reported that Amy Phillips, Mayor of Town of Avon and Chair of the Board of the RTA contacted him to acknowledge receipt of EMD's request for a seat on the RTA Board. Ms. Phillips indicated that the RTA board has a very full agenda

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during this start-up phase so they intend to focus on their start-up matters initially and take EMD's request up after they have made more progress in getting up and running. However, Ms. Phillips recommended that an EMD representative begin attending the RTA Board meetings as a guest. The meetings are held on the second Wednesday of each month at Avon council chambers.

Mr. Marchetti also reported that the RTA has requested proposals for accounting services and Marchetti & Weaver, LLC is considering submitting a proposal. Mr. Marchetti does not see that as a conflict with the services they provide to EMD but wants the EMD board to be aware and he requested that the Board let him know if they have any concerns with M&W submitting a proposal.

Appointed Todd with Joanna as an alternate

CMC Letter of Support

Colorado Mountain College requested a letter of support from EMD for a waiver of the Transformational Affordable Housing Grant Program requirement that units paid for from grant funds must be made available to the general public. Following discussion, the Board members indicated they need more information before approving a letter of support.

Minutes

The Board reviewed the December 8, 2022 Regular Meeting minutes. The Board requested that all motions indicate who made the motion and who seconded the motion in addition to reporting how each board member voted on each motion. That information was added to the December 8 minutes during the meeting.

By motion made by Director Erickson and seconded by Director Williams, it was unanimously

RESOLVED to approve the December 8, 2022 Regular Meeting minutes with the suggested edits.

Accounts Payable

The accounts payable list includes a transfer of \$1,250,000 to MultiBank Securities. Director Trueblood asked about the terms on the CD's proposed to be acquired. Mr. Marchetti stated that they generally do five year CD ladders with a CD maturing after one, two, three, four and five years. Director Trueblood said he recommends Board approval.

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The Board reviewed the January 2023 accounts payable list and by motion made by Director Heide and seconded by Director Erickson it was approved with four Board members voting aye and Director Williams abstaining

RESOLVED to approve the January 2023 accounts payable list as presented

Financial Statements

Director Trueblood reviewed the financial statements and 2023 budget numbers. He also reviewed in the Sales Tax numbers for 2022. Director Heide asked how Edwards area businesses did in December. Director Williams stated that they don't have formal reports from December yet but he's heard that this year is positive but more like a normal tax year.

By motion duly made by Director Erickson and seconded by Director Williams it was unanimously

RESOLVED to accept the District's December 2022 preliminary financial statements.

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 Erickson it was unanimously

RESOLVED to adjourn the Regular Meeting of the Edwards Metropolitan District Board of Directors this 19th day of January, 2023

Respectfully submitted,



Kendra Nicholson
Recording Secretary for the Meeting