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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District February 20, 2020**

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on February 20, 2020 at 12:00 p.m. at the Community Room of the Mountain Recreation District Field House, 450 Miller Ranch Road, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Kara Heide
- Mick Woodworth
- Bill Simmons
- Beth Reilly
- Todd Williams

Also in attendance were:

- Steve Nusbaum, Resident
- Joanna Kerwin, Resident
- Stacy Sadler, Resident
- Amy Vogt, ERWSD
- Neil Almy, Resident
- Penny LoFaro, Resident
- Ruth Demuth, Resident
- Lori and Kirk Aker, Residents
- James Wilkins, ERWSD
- Allison Kent, Mauriello Planning Group
- Linn Brooks, ERWSD
- Makenzie Mueller, Remonov
- Jens Werner, Remonov
- Chris Neuswanger, Singletree Resident
- Tracy Erikson, Homestead
- Ellen Eaton Smith, Resident
- Dave Perron, Resident
- Alyson Vongan, Resident
- Sam Thurston, Resident
- Terence Thurston, Resident
- Merrill Mann, Resident
- Sharon Stenson, Resident
- Stacy Tubedeou, Resident
- Nate Hall, Resident
- Jeff Cohen, Resident

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- Jim Collins, Collins, Cockrel & Cole
- Ken Marchetti, Marchetti & Weaver, LLC
- Meghan Hayes, Recording Secretary for the meeting

#### **Call To Order**

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Reilly on February 20, 2020 at 12:06 p.m. noting a quorum was present.

#### **Changes to the Agenda**

There were no changes to the Agenda.

#### **Public Input** Several community members presented their concerns on the Mtn Hive proposed development:

##### Lori and Kirk Aker

- Height of building 75ft. interferes with views
- Too many variances requested
- Traffic/Density/Parking concerns

##### Joanna Kerwin, Resident

- Re-zoning request - open space designation on plat
- PUD is not aligned with Edwards Master Plan
- Requested Edwards Metro Board submit referral letter

##### Neil Almy, Resident

- Supports the development
- Addresses housing shortage
- Positive impact on mental health with community living

##### Penny LoFaro

- Land was intended for nonstructural recreation
- Height of building 75ft. interferes with views
- Insufficient parking /Traffic concerns

##### Chris Neuswanger

- Participated on Citizen's Advisory Committee in 2016 for update of the Edwards Community (Subarea Master) plan and the future land use map (FLUM) shows

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this parcel for recreation or infrastructure so he believes the FLUM would need to be amended prior to considering construction on this parcel.

- Plat notes state this parcel was for open space
- Wishes developer would honor the original deal that was made in 2016

#### Terrance Thurston

- Parking concerns
- Density concerns- too large
- Concerned with the type of living and the effects on its residents

#### Merrill Mann

- Increased density concerns
- Concerned not enough workforce housing
- Younger population demographic- concerns with drinking and partying
- Height of building 75ft. interferes with views

**Legal**                    There was no legal input at this time.

#### **UERWA/ ERWSD Update**

Linn Brooks, Eagle River Water & Sanitation District General Manager, presented an overview of the upcoming capital projects and associated increases in water and wastewater rates. The Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority increased monthly rates for water and sewer service in 2020. Monthly service rates pay for the operating costs of providing water and sewer services on an annual basis.

Sewer service rates have increased 7.4%, resulting in an increase of \$2.58 per month, per single family equivalent (SFE), for an average customer. Water service rates have increased 8.8%, resulting in an increase of \$4.31 per month, per SFE, for an average customer. These increases are due to a variety of factors:

- Regulations – the water and sanitation industry is highly regulated. As stewards of our natural environment, the District and Authority proactively address regulations that will affect operations.
- Infrastructure Replacement – investment in upgrades and replacement for aging infrastructure is implemented according to system condition assessments and master plans.
- Operating Costs – on average, water and sewer operational costs have increased 5.8%.

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#### Old Edwards

#### Estates

#### Tree

#### Proposals

The Board reviewed 3 proposals from landscaping companies for the installation of trees along County Road in Old Edwards Estates. Director Simmons abstained from the discussion and vote. After discussion and by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Vail Valley Tree proposal of \$6,400 subject to verification that a one-year guarantee is provided.

#### Mtn Hive

#### Co-Living

#### Development

Makenzie Mueller, Remonov, presented the proposed plans for a development on Tract T located just behind Edwards Corner. Mtn Hive is a co-living concept that will provide 263 units of varying sizes (180-300 sq. ft.) with emphasis on communal living. Director Williams inquired regarding the open space designation of this tract of land. Ms. Mueller stated that there is no recorded plat that designates this as open space and it is zoned for commercial general. There was discussion of the significant waivers and variances the developer is requesting as well as the traffic study that was finalized prior to the new roundabout at Highway 6 was constructed. The Board decided to go into executive session later in the meeting to discuss the referral letter with Legal Counsel.

#### Minutes

The Board reviewed the January 16, 2020 Regular Meeting minutes. Director Williams pointed out a spelling mistake. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the January 16, 2020 Regular Meeting minutes with the spelling mistake fixed.

#### Accounts

#### Payable

The Board reviewed the February accounts payable list and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the February 2020 accounts payable list as presented.

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#### **Funding Request Policy**

Per direction from the Board at the January meeting, Ken Marchetti updated the Funding Policy. The Board requested that the policy also include a request that financial statements from an organization be submitted in order for the board to assess the financial sustainability of an organization before approving a funding request. The Board also requested to remove the wording regarding individual neighborhoods from the priority consideration section and add economic development projects as a priority consideration. After discussion and by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Funding Policy with the inclusion of the two changes mentioned above.

#### **West Edwards Highway 6 Improvements**

##### **Update**

Director Williams reported that the project team is currently working on design alternatives for the various intersections along the West Highway 6 corridor, with Hillcrest Dr. being the only intersection being designed 100%. He noted that many of these designs have large impacts to the Eagle River Village Mobile Home Park and urged Board members to reach out to the contacts there to encourage more engagement from that community.

#### **Financial Statements**

By motion duly made and seconded it was unanimously

**RESOLVED** to accept the District's January 2020 financial statements as presented.

#### **Executive Session**

By motion duly made and seconded, it was unanimously

**RESOLVED** to enter into executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice on specific legal questions related to the Mtn Hive proposed development.

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**Adjournment**

Upon conclusion of the executive session, there being no further business to come before the Board at this time, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Edwards Metropolitan District Board of Directors this 20<sup>th</sup> day of February, 2020.

Respectfully submitted,

*Meghan Hayes*  
Meghan Hayes  
Recording Secretary for the Meeting

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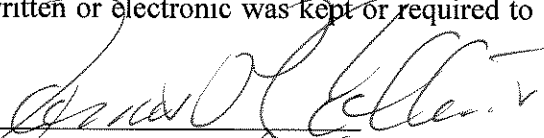
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**Attorney Statement**

**REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as special counsel to Edwards Metropolitan District, I attended the executive session meeting convened on February 20, 2020, held pursuant to §24-6-402(4)(b) C.R.S., conference with an attorney for the purpose of receiving legal advice related to specific legal questions regarding the referral letter being submitted by the Board to Eagle County in reference to the Mtn. Hive development. I further attest it is my opinion that all of the executive session discussion constituted a 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, and 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.

Signature



Name and Title

JAMES P. COLLINS, General Counsel

Date

8-24-2020