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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District March 21, 2024

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on March 21, 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
- Todd Williams
- Tracy Erickson
- Kris Miller (Zoom)

The following Director was absent and excused:

- Mike Trueblood

Also in attendance were:

- Ken Marchetti – Marchetti & Weaver, LLC
- Magdalena Gembal – Recording Secretary for the meeting
- Deron Dirksen – SGM
- Hugh Fairfield-Smith - Eagle River Fire Protection District
- Richard Davies – Eagle County (Zoom)
- Nina Timm – Berry Creek Metro District (Zoom)
- Kevin Murphy – West End (Zoom)
- Nikki Maline – Walking Mountains (Zoom)
- Greg Schroeder– McDowell Engineer (Zoom)
- Kari Schroeder – McDowell Engineer (Zoom)
- Edgar Palacios - McDowell Engineer (Zoom)
- Sarah Smith-Hymes – Eagle County Commissioner Candidate

**Call To  
Order**

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Kerwin on March 21, 2024, at 12:00 p.m. noting a quorum was present.

**Changes to the  
Agenda**

Director Kerwin indicated her intention to include the Mayor's & Managers meeting scheduled for March 29th on the agenda.

**Public Input**

Sarah Smith-Hymes attended to report her candidacy for Eagle County Commissioner, District 2. Ms. Smith-Hymes detailed her experience in community

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affairs, housing initiatives, and transportation issues. She also emphasized the important dates for the Democratic primary and general election voting to the audience.

#### **Traffic Study Update**

Mr. Greg and Ms. Kari Schroeder, accompanied by Mr. Edgar Palacios, with McDowell Engineering presented an update on the transportation master plan for the Edwards area. They reported that the leadership committee met on February 27<sup>th</sup> with good attendance. Regarding the Highway 6 and Edwards Village Blvd. project, crash data has been collected by CDOT, and trends have been identified for consideration for future capital improvement projects. They then discussed traffic modeling scenarios, including Scenario A, which analyzed the current network and intersections to determine delays based on the 2025 level of service, and Scenario C, which involved an improved network designed to distribute traffic more effectively and improve long-term operations. The presentation also covered Transportation Analysis Zones (TAZs) to forecast travel demand, with 32 zones identified using existing and future land uses, and highlighted ongoing considerations such as land developments, pedestrian/transit safety and electrification/charging stations. The presentation concluded with the next steps: finalizing the land use forecast and traffic scenarios, determining if additional network improvements are required, and developing a capital improvements project list with conceptual costing of select projects.

Discussion with the Board included inquiries about the project timeline, with McDowell Engineering responding that a preliminary draft should be available in May and the Alpine report (for conceptual plans and cost estimates) will be added in June. Questions were raised about whether this plan would be used by other entities when making decisions on developments. Additionally, there was discussion with Mr. Davies regarding the roundabout at Highway 6 and Edwards Village Boulevard/Edwards Access Road and the possibility of expanding it to two lanes across the entire structure, prompting a request for clarification on its status and required repairs with Ben Gerdes. Other topics included acceptable delay times and the cost-effectiveness of future proposed improvements.

#### **Wildfire Mitigation**

**Partnership** Mr. Fairfield-Smith returned to present the Inter-Governmental Agreement (IGA) for a Firewise project for Edwards for the Board's consideration. The agreement's aim is to mitigate fire risks and try to maintain affordable insurance rates. He highlighted initial estimates, indicating a rough cost of \$47,000 to become a Firewise community, equivalent to \$32 per home, subject to change pending a risk assessment. He emphasized that the initial \$50,000 listed in the IGA would fund the grant for free curbside chipping services for District constituents, with the remainder

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leveraged for other grants available. All work would be conducted by the Eagle River Fire Protection District, with updates provided to the Board as required. He noted that once the minimum required expenditure is met, the District will become eligible to apply for Firewise designation.

Mr. Marchetti conveyed Director Trueblood Board's inquiries regarding defining objective criteria for Firewise certification and anticipated costs beyond 2025 once designation has been achieved. Mr. Fairfield-Smith suggested budgeting around \$40,000 annually, emphasizing the project's long-term sustainability and its impact on insurance rates. Director Williams proposed rephrasing the fourth paragraph to seek annual approval during the November budget meeting for the District's contribution. By motion made by Director Miller and seconded by Director Williams, it was unanimously

**RESOLVED** to approve the IGA with Eagle River Fire Protection District subject to the inclusion of language pertaining to criteria to be achieved in order to attain a Firewise Community designation.

The 2024 payment pursuant to the agreement will be incorporated into the 2024 budget amendment.

### **Hillcrest Roundabout**

#### **Project Update**

Mr. Rickie Davies provided an update on the project, stating that construction is set to commence on April 1st. He mentioned the stakeholder distribution list, prompting Mr. Marchetti to inquire about the inclusion of Lake Creek Village Apartments and Brett Ranch HOA on the list. Mr. Davies confirmed that these entities have been added and that weekly updates to the list would be maintained. The press release is scheduled for March 27th.

Regarding construction details, Mr. Davies reiterated that with construction comes delays and challenges. Hillcrest Drive will be reduced to one lane during construction hours, and Hwy 6 may experience similar restrictions. Closures will not occur, and lanes may be closed as necessary per CDOT.

Finally, Mr. Davies provided an update on the West Lake Creek bridge, noting that the design phase is currently in progress. The purchase of the bridge has been successfully completed and funded by the Eagle County Road and Bridge Department. Construction is scheduled to commence in late summer or early fall.

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#### Edwards Village Boulevard Sidewalk

**Project** Mr. Deron Dircksen provided an update on the sidewalk bid schedule, noting that the non-mandatory meeting occurred last Monday, with questions due yesterday. The notice of award is anticipated for next Tuesday, although a delay has occurred due to publication glitches. Mr. Marchetti added that some contractors missed the mandatory pre-bid meeting, necessitating an extension of the bidding period by one week. Furthermore, Mr. Marchetti elaborated that once the bids are received, they will be tabulated with the expectation of circulating them to the Board shortly after for approval, without waiting for the April meeting. By motion made by Director Erickson, seconded by Director Williams, it was unanimously

**RESOLVED** to authorize Director Kerwin to sign the notice of award of contract after bids have been received and reviewed by the Board if the bids are within the project budget.

#### Energy Efficiency Funds Proposal

Ms. Maline from Walking Mountains presented information indicating that Energy Smart Colorado rebate applications for 2023 projects have been received over the past months, as residents have a 90-day window to apply. However, there aren't sufficient funds remaining from the 2023 budget to cover these applications. Additionally, using 2024 funds would accelerate depletion of the available budget for the year, with no possibility of additional funding. Given that the Edwards Metropolitan District did not fully utilize its budgeted funds in 2023 for energy rebates, Ms. Maline proposed allocating \$17,529 from the District to cover these applications.

After discussion with the Board, the Board determined that this contribution should be added to the \$40,000 already budgeted for 2024, and it will be incorporated into the budget amendment. By motion made by director Williams, seconded by Director Miller, it was unanimously,

**RESOLVED** to add \$17,529 to the \$40,000 budgeted for energy rebates to cover 2023 rebates.

#### Miller Ranch Pedestrian Lighting Project

Director Williams raised a query regarding the replacement of the faulty light sensors, which was communicated last month. Mrs. Gembal stated that she would confirm the status of this matter with Mr. Goulding.

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#### **Water Authority**

**Update** Director Kerwin distributed her report on the Water Authority prior to the meeting, and there were no further comments or questions from the Board.

#### **RTA**

**Update** Director Kerwin distributed her report prior to the meeting, sparking a discussion among the Board regarding the implementation of a new free fare route from Eagle to Vail this summer. Concerns were raised about parking issues, particularly for those utilizing the bus in Edwards and potentially parking in private or commercial lots in Edwards. Director Miller emphasized the importance of addressing this matter proactively. She suggested that the District take the lead in notifying parking concerns by writing a letter to the main parties or entities that might be affected by the parking situation.

#### **Shift Bike**

##### **2024 Contract**

Director Kerwin provided an update to the Board regarding the discussion with Colorado Mountain College at the Edwards campus about the proposal for the fifth station for the Shift bike program. Director Williams informed the Board that the previously proposed location for the fifth station in the Miller Ranch community had been denied by the Miller Ranch HOA. The HOA expressed concerns that the area might encounter issues similar to those experienced with scooters in cities, despite the proposed location belonging to the County.

#### **2024 Landscape**

##### **Transformation**

##### **Program**

Director Kerwin presented the Eagle River Water and Sanitation District's recommendations for distributing funds allocated for the landscape transformation program, where EMD has assigned \$25,000 for 2024. Under this proposal, individual property owners would be reimbursed up to \$2,000 (\$1/square foot) for turf replacement or transformation, while HOAs would receive reimbursement for up to \$5,000 (\$1/square foot) for the transformation of landscape in common areas.

Director Williams raised a question about why there needs to be a limit or stipulations if the primary goal is to reduce water usage. In response, Director Miller expressed concern about the possibility of the entire budget being allocated to one particular individual or entity, leaving others unable to benefit. Director Erickson suggested that if agreement cannot be reached on the proposed allocation, he proposed exploring alternative projects that could better serve the District's needs. Additionally, he asked for consulting with ERWSD regarding the elimination of chemicals in the landscape transformation program. The Board asked to invite

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Allison Ebbets from ERWSD to attend next month's meeting for further discussion on the topic.

#### **Recycling Event**

Director Williams provided an update on securing the date for the recycling event scheduled for Friday, June 14th, 2024 with Blue Star Recyclers. He reported that Berry Creek Metro District has agreed to participate and share the cost, while confirmation from Cordillera is still pending. The estimated cost for EMD will be approximately \$6,500.

Director Williams proposed a 4-hour window for the event and asked the Board to determine the ideal timing. After discussion, it was agreed that the event should run from 3 to 7pm to accommodate various schedules. Director Williams will confirm this timing with Blue Star. The planned location is at the edge of the Mountain Rec Fieldhouse, pending re-confirmation of approval with Mountain Recreation and the County.

Director Miller inquired about promoting the event, suggesting the addition of a food truck and sending out an email to stakeholders who would be interested in attending.

#### **Other**

Director Williams informed that the flashing beacons company will be arriving this week to address the issues with signal transmission.

Director Kerwin mentioned the forthcoming Mayors and Managers meeting scheduled for March 29th. She noted receiving an email inquiring about any agenda items for the community improvements. She suggested addressing pedestrian safety concerns along Highway 6, specifically the absence of sidewalks and crosswalks near bus stops. After some discussion with the Board, it was decided to submit this topic to the next meeting highlighting the efforts done by EMD and other entities on flashing beacons.

Director Miller raised the topic of promoting the use of flashing beacons and requested information on their proper utilization. Additionally, she sought clarification from Mr. Marchetti on the necessary steps for implementing regulations within EMD concerning the use of engine mufflers on I-70, to which Mr. Marchetti will follow up.

#### **Fitz Landscaping 2024 Contract**

Director Erickson observed that the contract mentioned weed spraying and inquired if hand-picking weeds could be considered instead. Director Williams questioned the inclusion of the NorthStar section, suggesting that it should be the responsibility of

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Vail Health for this zone. By motion made by Director Erickson, seconded by Director Miller, it was unanimously

**RESOLVED** to approve the 2024 Fitz Landscaping contract subject to potentially changing weed spraying to hand-picking and excluding the NorthStar section.

#### **Blue Star Recyclers Service**

**Agreement** After the Board's review and motion made by Director Williams, and seconded By Director Erickson, it was unanimously

**RESOLVED** to ratify the Blue Star Recyclers Service Agreement as presented.

#### **Proposed Communication**

**Process** It was suggested to establish a formal communication process for sending letters or correspondence on behalf of the District. The consensus was that no letters should be sent without prior discussion in the Board meeting, with the exception of PUDs due to their time sensitive deadlines. It was discussed and agreed that all letters should be circulated to all Board members simultaneously. By motion made by Erickson, and seconded by Director Williams, it was unanimously

**RESOLVED** to approve the proposed communication process as presented with the exception of PUDs and a provision that all letters to be sent to the Board simultaneously.

#### **Post Referral Application For 33601 Hwy 6, EVLT PUD Amendment**

After reviewing the referral application, the Board requested that a letter be drafted to reiterate their concern that no parking should be permitted within the State highway right-of-way.

#### **Director Updates**

Director Williams had no further comments.

Director Erickson had no further comments.

Director Miller had no further comment.

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Director Kerwin had no further comment.

### **ADA Website**

**Compliance** Mr. Marchetti briefed the Board on the new regulation regarding ADA website compliance for governmental entities, emphasizing the importance of aligning with the transparency principle to improve website accessibility for individuals with disabilities. He highlighted the urgency of finding solutions to meet these requirements before the July 1st deadline to avoid penalties and potential litigation. Additionally, he mentioned that further communication on this matter will be provided as more information becomes available. Director Miller suggested that to the extent the website is not ready by July 1st, the non-compliant sections should be made unavailable until they become compliant.

### **Resolution in Support of Bolts**

**Ditch Act** Director Kerwin noted that the Water Authority requested its members to distribute the resolution to gain additional support. By motion made by Director Erickson and seconded by Director Williams, and Director Miller abstaining, it was

**RESOLVED** to approve the resolution in support of Bolts Ditch Act.

**Other Legal** Mr. Marchetti reported that Allison Ulmer, who is assuming Jim Collins' responsibilities for legal matters, will be attending next month's meeting for an introduction and to present the updated CORA (Colorado Open Records Act) policy.

**Minutes** The Board was presented with an edited version by Director Trueblood, following which the rest of the Board requested that future minutes be submitted to Director Trueblood for review prior to the meeting. The Board then reviewed the minutes of the February 15, 2024, Regular Meeting and made suggested edits. By motion made by Director Erickson and seconded by Director Williams, and Director Kerwin abstaining, it was

**RESOLVED** to approve the February 15, 2024, Regular Meeting minutes with suggested edits.

### **Accounts Payable List**

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

**RESOLVED** to approve the March accounts payable list as submitted via email with the new addition.

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**2024 Amended  
Budget Resolution**

**Draft** It was acknowledged that the public notice has been published regarding the budget amendment. However, as a few items still need updating before the budget can be amended, the draft presented to the Board was tabled and the public hearing for the budget amendment was continued until the next meeting.

**Preliminary  
Financial**

**Statements** The Board reviewed the preliminary financial statements for February 2024, and there were no comments or questions.

**CD Interest  
Rates**

Mr. Marchetti presented the Board with CD rates from one week before the meeting to provide an overview of the current interest rate environment. Following discussion, the Board decided to table this until the Edwards Village Boulevard sidewalk project bids have been received.

**Sales tax**

Mr. Marchetti reported that he has observed a decrease in sales tax revenue across several metropolitan districts, including EMD, with a notable decline in short-term rental sales tax.

**Adjournment**

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

**RESOLVED** to adjourn the meeting of the Edwards Metropolitan District Board of Directors this 21<sup>st</sup> day of March 2024.

Respectfully submitted,

Magdalena Gembal  
Recording Secretary for the Meeting