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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District May 16, 2019**

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on May 16, 2019 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

The following Director was absent and excused:

- John McCaulley

Also in attendance were:

- Nina Timm, Berry Creek Metro District
- Joanna Kerwin, Resident
- Teri Lester, Resident
- Tracy Kinsella, Garfield & Hecht
- Sara McNeill, McNeill Property Management
- Barbie Bright, Resident
- Gary Calhoun, Resident
- Don MacKenzie, Edwards RiverPark
- Matt Szmyd, Resident
- Debbie Marquez, Resident
- Ken Marchetti, Marchetti & Weaver, LLC
- James Collins, Esq., Collins Cockrel & Cole
- 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 May 16, 2019 at 12:05 p.m. noting a quorum was present.

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

Director Reilly requested to add, under Board Member Discussion, potential updates to the District's Service Plan. Executive Session was moved to the end of the meeting.

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**Public Input** Several community members presented their concerns on the Edward RiverPark development:

Tracy Kinsella, Legal Counsel South Fork Meadows

- Proposed density of Development is too large for the site
- Traffic studies being conducted by Developer are not complete but with the projected density anticipated adverse traffic impacts are also expected
- Adverse impacts to wildlife and Eagle River

Gary Calhoun, Edwards Resident

- Proposed Roundabout at Lake Creek Road will be encroaching on other properties
- Density with 4 story buildings

Barbie Bright, Edwards Resident

- Traffic Impacts
- Impacts to Wildlife
- No need for another hotel within Edwards as the Inn at Riverwalk already has issues staying full
- Density of Development is too large for the proposed site

Joanna Kerwin, Edwards Resident

- Mill Levy
- No dog parks are presented in the plan
- No plan for Wildlife preservation/mitigation
- Prices of residential units is too high
- Public Access to the Eagle River
- Traffic Impact

Sara McNeill, McNeill Property Management

- Urged the board to not consent to Overlapping Metro District

Teri Lester, Edwards Resident

- Safety Issues with Highway 6 crossing, Access to Preserve from other areas
- Proposed an Underpass
- Traffic Impact
- Impacts to Wildlife
- Concern about sidewalks in the proposed plan

Matt Szmyd (sp?), Edwards Resident

- Keeping Edwards Bike and Pedestrian Friendly
- Under/Over pass for easier Highway 6 crossing (suggest similar to Country Club of the Rockies golf cart crossing underpass)

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#### Don Mackenzie, Upstream Developers (Edwards RiverPark)

- Thanked the Board for their Letter from Jim Collins
- Entire Service Plan is a public document and available for review
- Average prices are high but that is because it is being pushed up by several very expensive improvements like the on-site underground parking and roundabout at Lake Creek Road

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

#### **Highway 6**

##### **Bull Run**

##### **Crosswalk**

Rickie Davies was not in attendance therefore Ken Marchetti updated the Board on the Bull Run Crosswalk project. Eagle County's Engineer estimate for the cost of installing a mid-block crossing on Highway 6 between the Riverwalk and the Thrifty Store will be approximately \$60,000. The plan is to use Kraemer as they are already in Edwards working on the Spur Road project. The Board agreed to partner with Eagle County once there is a more definite cost amount and plan in place. The Board requested that Mr. Davies attend the next meeting to provide more details on the project.

#### **Eaton Ranch**

##### **Log Cabin**

Meghan Hayes, Marchetti & Weaver, presented a request from the Eagle Valley Land Trust to hold their staff meeting on July 12<sup>th</sup> at the Eaton Ranch Log Cabin, in the event the weather does not allow for an outside meeting on the Preserve. The Board discussed what constitutes an "Event" which is prohibited per the Conservation Easement and determined this is an acceptable use of the cabin under those rules. The Board by motion duly made and seconded, it was unanimously

**RESOLVED** to approve Eagle Valley Land Trust's request to use the log cabin on July 12<sup>th</sup>.

Prior to any programming to occur in the Log Cabin, it will need an initial "spring cleaning." Ms. Hayes presented a cleaning estimate for the 1<sup>st</sup> floor of the cabin from A&L Property Solutions of \$375. After discussion, the Board by motion duly made and seconded, unanimously

**RESOLVED** to approve the A&L Property Solutions cleaning estimate of \$375 for 1<sup>st</sup> floor cleaning. The Board directed Ms. Hayes to obtain an estimate for cleaning the 2<sup>nd</sup> floor.

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#### **West End Subdistrict Update**

Matt Larsen will be presenting the Board a written update for every meeting unless there is a significant update or the Board requests his presence. Per the written update, he notified the Board that they are still working on potential access points with a significant amount of time and energy towards the access point that would require participation from Edwards Plaza. They are working with the Edwards Plaza owners and reworking the drawings based on their feedback.

The original PUD has expired but there is a formal process required by the County to extinguish the PUD prior to a new PUD application can be submitted. Mr. Larsen expects to commence this formal process within the next 30-60 days.

**Kudel PUD** The County notified the District of the Kudel PUD application submitted in March 2019. The site, located on Highway 6 just west of the Miller Ranch Road Blue Light Bridge, is currently zoned Residential Suburban Low Density (RSL) and Resource (R) and is developed with 2 dwelling units. The applicant is proposing a PUD to allow 4 single-family residences. The development site is made up of three parcels, of which only two are included within the Edwards Metro District boundaries. The third parcel will need to be included into the District in order for development to proceed. Mr. Collins notified the Board that a petition for inclusion has been sent to the owner of the property. A public hearing for the inclusion will be scheduled for the District's next meeting.

#### **Resolution of Support- Nicotine & Tobacco Legislation**

The State of Colorado recently enacted legislation through House Bill 19-1033 which authorizes a county to enact a nicotine and tobacco resolution or ordinance that is more stringent than statewide regulations. Eagle County is considering putting a ballot question on the November 5<sup>th</sup> 2019 Ballot to request authorization to impose a tax on all nicotine and tobacco products. County staff is also submitting a resolution to the County Commissioners to request licensing requirements and increase the sale age and price of nicotine products including vaping/e-cigarettes. The Board reviewed the draft Resolution of Support. Director Simmons asked to change the verbiage to state that the Board would like to determine if this in the best interest of the community. By motion duly made and seconded, it was unanimously

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**RESOLVED** to submit a Resolution of Support of the Nicotine/Tobacco Legislation to Eagle County upon making the changes brought by Director Simmons.

**Minutes** The Board reviewed the April 18, 2019 Regular Meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the April 18, 2019 Regular Meeting minutes as presented.

**Accounts Payable** The Board reviewed the May 2019 accounts payable lists and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 2019 accounts payable list as presented.

**Financial Statements** By motion duly made and seconded it was unanimously

**RESOLVED** to accept the District's April 2019 financial statements as presented.

#### 2018 Preliminary

**Audit Draft** The Board reviewed the 2018 Preliminary audit draft and after discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2018 preliminary Audit Report.

#### Potential Service Plan Update

Director Reilly notified the Board she is interested in updating the District's Service plan prior to her term being up in 2022. The Service Plan was submitted in 1984, since then the District has evolved in many areas and has instituted a Sales Tax for road/trail improvements. Mr. Collins suggested the Board could consider either a formal amendment to the Service Plan (a lengthy, time consuming and expensive process) or adopting a "working document," perhaps an "operating plan," that clarifies the District's current status and intended operations. Mr. Collins and Mr. Marchetti will create a

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proposed plan of action that will be presented at an upcoming meeting. The Board will continue the discussion once this has been submitted.

#### **Mayors & Managers Update**

Director Heide reported on the Mayors & Managers meeting which included a summary of the recent Colorado legislation on health care, minimum wage bill and sales tax bill, a federal update from Senator Bennet's office on the ski area fee retention bill and Representative Neguse's office on the CORE Act and that the County is considering possible ballot questions for this fall on the tobacco/nicotine bill and a potential de-Gallagherization bill.

#### **Adjournment**

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 16<sup>th</sup> day of May 2019.

Respectfully submitted,

*Meghan Hayes*

Meghan Hayes  
Recording Secretary for the Meeting