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## RECORD OF PROCEEDINGS

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### Minutes of the Special (Zoom) Meeting Of the Board of Directors Edwards Metropolitan District June 18, 2020

A Special (Zoom) Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on June 18, 2020 at 12:00 p.m. via an online Zoom meeting, in accordance with the applicable statutes of the State of Colorado.

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

- Kara Heide
- Mick Woodworth
- Mike Trueblood
- Beth Reilly
- Todd Williams

Also in attendance were:

- Joanna Kerwin, Resident
- Kevin Sharkey, ECO Trails
- Dominic Mauriello, Edwards River Park
- Michael Cacioppo, Business Briefs
- Matt Larson, West End Subdistrict
- Rickie Davies, Eagle County Engineering
- Debbie Marquez, Resident
- Jim Collins, Collins, Cockrel & Cole
- Ken Marchetti, Marchetti & Weaver, LLC
- Meghan Hayes, Recording Secretary for the meeting

#### **Call To Order**

The Special (Zoom) Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Reilly on June 18, 2020 at 12:02 p.m. noting a quorum was present.

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

The West End Subdistrict update was moved from Updates and Reports to the Business section of the agenda and Director Reilly asked to have a Board Member discussion item added regarding stimulating the economy.

**Public Input** Ken Marchetti gave an update on the new procedures for public input that now allows for short public input after each agenda item on which action is to be taken. There was no public input at this time.

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

**ECO Trails  
Miller Ranch  
Tree Removal**

**Project**        Kevin Sharkey, ECO Trails, was hoping to have a more formal funding request amount by this meeting but is still working towards finalizing the project. He did note that he believes the total cost of the asphalt portion of this project will be somewhere around \$25,000. He notified the Board that the Miller Ranch HOA is still deciding whether or not they want the cottonwood trees removed.

**Eagle River  
Mobile Home  
Park  
Bus Stop  
Medians**

Rickie Davies, Eagle County Engineering, presented the plans for potential medians to be constructed on Highway 6 in front of the Eagle River Mobile Home Park. Eagle County, the School District, Colorado State Patrol, and CDOT are looking into the possibility of utilizing the medians to allow school buses to pull off of Highway 6 to load and unload students without actuating their stop signs. This would include any issues or requirements (length, width, and height of the physical barrier between the bus lane and the thru lane) from these agencies. Currently, Eagle County is proposing the installation of 5-foot medians to separate the bus lane and the thru traffic lane. Per CO Statute, the school bus stop signs need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary. Mr. Davies reported that this is the goal of the project and he is in the process of identifying the appropriate local traffic regulatory organization to make this designation. Mr. Davies was invited to the July meeting to report on any updates to this project.

**Draft Landscaping  
Cost Sharing  
Agreement**

Edwards Metro District has been working with Medsker Partnership (Conoco Station) and Remonov & Company on a cost sharing agreement for the landscaping maintenance and water on the southwest corner of Highway 6 and Edwards Village Boulevard. The parcel of land is split between properties owned by each party with Edwards being responsible for the CDOT Right of Way portion. Rick Mueller, Remonov, has some concerns on some of the terms of the agreement and will be working with his legal counsel and Medsker Properties to update the agreement so that all parties are satisfied

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with the terms. Mr. Marchetti reported that Mr. Mueller and Medsker Partnership are still working out the details of the agreement and that Mr. Mueller feels that C-DOT should have a greater responsibility in sharing the costs of the new vault and meter. Mr. Marchetti will continue to monitor the progress of this agreement and report back to the Board any updates or resolutions.

#### **Old Edwards Estates Tree Installation Change Order**

Ms. Hayes reported to the Board that several homeowners along Wellington Road have expressed concerns with the placement of the trees to be installed. Ms. Hayes worked with those homeowners and Vail Valley Tree Service to come up with a plan that satisfied all parties, but it required adding additional trees as well as a new irrigation plan. The new total cost of the project will be \$12,800, an increase of \$3,900. After discussion and by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the change order to the Old Edwards Estates Tree Installation agreement.

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

Matt Larson presented the Board with an update on the West End project. He reported that the traffic study was completed and the proposed “Loop Road” is feasible and will operate at acceptable levels of service throughout the study period of 2040. This option does require Edwards Plaza to consent to a land exchange so Mr. Larson is engaging with the owners again to resume negotiations. As requested, he will continue to provide updates every month.

#### **Minutes**

The Board reviewed the May 21, 2020 Special Meeting minutes. Director Trueblood requested that the Director listing be updated to remove Mr. Simmons and include himself as well as change the date in the header to reflect the May meeting as it still referenced the April meeting. By motion duly made and seconded, it was unanimously,

**RESOLVED** to approve the May 21, 2020 Special Meeting minutes with the inclusion of the above updates provided by Director Trueblood.

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### Accounts

#### Payable

The Board reviewed the June accounts payable list. There was discussion as to why the Eagle River Water and Sanitation water usage exceeded tier 1 usage for the I-70 Interchange Roundabouts. The Board directed Ms. Hayes to research the reason and report back to the Board. With no other discussion and by motion duly made and seconded it was unanimously

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

### Draft Overlapping

#### District Considerations

At the May meeting, Jim Collins suggested that instead of a policy that the Board consider using a less formal document such as items to be considered for overlapping and subdistrict requests. This way the Board is able to communicate with future developers the areas that are of concern to the District but recognizing that each project is unique and without limiting projects to a rigid policy. Mr. Collins presented his draft list of considerations to the Board. There were suggestions made by the Board to make clarifications to the disclosure and authorized debt sections and add an overview statement that shows the Boards intent of this document. Both Mr. Larson and Mr. Mauriello asked the Board to have this document remain flexible with respect to mill levies as each development is different and requires different levels of mill levies. Mr. Collins will present an updated draft at the July meeting.

### Miller Ranch

#### Rd & Hwy 6

#### Traffic Study

Director Reilly wanted to gauge the Boards interest in conducting a traffic study at the Miller Ranch Road and Highway 6 intersection to determine levels of service and whether improvements are needed. She noted that there is already a problem with traffic backing up at the light during school hours and now that June Creek elementary will becoming an early childhood center it could potentially cause a large increase in the number of cars therefore making that intersection and even greater traffic problem. The Board agreed that there are enough arguments to move forward with looking into a traffic study for that intersection. The Board directed Ms. Hayes to do further research and work with Eagle County and potentially Arrowhead about looking into traffic solutions for that section of Highway 6.

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#### **Economic Stimulation**

Director Reilly suggested that the Board schedule a Work Session to discuss not only ways for the District to help stimulate the economy but to also be proactive about future projects the District can spearhead. Director Williams suggested that the District look into the Board of Tourism's matching fund programs as well. The Board directed Ms. Hayes to schedule a work session for the end of July.

#### **Financial Statements**

Mr. Marchetti presented the May 31, 2020 financial statements. Director Trueblood inquired as to if the District had a list of specific items included in the capital projects budget. Mr. Marchetti noted that there was not a predefined schedule, money was budgeted for potential future projects. Director Trueblood also inquired about the money budgeted for the Old Edwards Estates Pond. Director Heide noted that the budget was based on a contractor's verbal estimate to dredge the pond. Director Heide will be following up with the contractor to get a written proposal. After no further discussion and by motion duly made and seconded it was unanimously

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

#### **Sales Tax Update**

Mr. Marchetti reported that April Sales Tax came in much more favorable than previously anticipated. He noted that about 19% of the sales tax collected in April was related to March sales as the State allowed businesses to defer their sales tax payments out a month. With this favorable report, Mr. Marchetti adjusted the forecast up to \$968,000, hoping to come in about 85% of our original budget.

#### **2019 Audit Report**

The Board reviewed the 2019 Final Audit Report and after discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2019 Final Audit Report subject to Director Trueblood meeting with the Auditor to review the report.

#### **Executive Session Discussion**

Michael Cacioppo, Business Briefs, suggested that the initial discussion of all agenda items occur in open session and then if there is a need for executive session it can be done

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following the open meeting discussion. The Board agreed and added the following discussions regarding Mtn Hive, Funding Requests and Edwards Riverpark.

**Mtn Hive** There was no update for the Board. Any information related to this development can be found on Eagle County's website.

**Funding Requests** The Board discussed the Bus Stop Median project and how budgeted funds for unidentified projects could be used for this project and that the School District should be contacted as well to help fund this project.

**Edwards River Park** Jim Collins reported to the Board the proposed mill levies included in the Edwards River Park Service Plan. Each District is proposed to have 55 mills related to debt and 15 mills related to operations. He also reported there is authorization for them to charge a sales tax in the future. The Board did note its concerns with the high mill levies but did not have any other comments at this time.

Joanna Kerwin, Resident, wanted it to be noted that she spoke with Eagle County Planning Department and that while the Planning Department is recommending approval of the project, it was "with conditions" – 25 conditions in fact. Of the 25 conditions, 3 or 4 are significant and are expected to requires material changes to their PUD. Ms. Kerwin had some audio issues so the Board asked her to please email them the exact conditions she was referring to.

**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 Edwards River Park proposed development.

The Board came out of Executive Session at 2:52 p.m.

**Updating Bank Signature**

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**Cards** Ms. Hayes requested to add Directors Williams and Trueblood to the Alpine Bank and ColoTrust signature cards. After discussion and by motion duly made, it was unanimously

**RESOLVED** to add Director Williams and Director Trueblood to all bank signature cards.

**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 Special (Zoom) Meeting of the Edwards Metropolitan District Board of Directors this 21st day of May, 2020.

Respectfully submitted,

*Meghan Hayes*

Meghan Hayes

Recording Secretary for the Meeting

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**Attorney Statement**

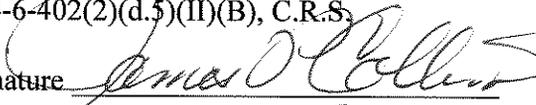
**REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

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 June 18, 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 Edwards River Park 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

Date

  
JAMES P. COLLINS, Gen Counsel  
8-24-2020