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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District October 20, 2022**

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on October 20, 2022 at 12:00 p.m. in person 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:

- Mike Trueblood
- Joanna Kerwin (via Zoom)
- Tracy Erickson
- Kara Heide

**Absent**

**and Excused** The following Directors were absent and excused:

- Todd Williams

Also in attendance were:

- Kris Miller, Edwards Resident
- Kevin Murphy, West End
- Ken Marchetti, Marchetti & Weaver, LLC
- Kendra Nicholson, Recording Secretary for the meeting
- Mick Woodworth, UERWA Representative
- Janet Bartnik, Mountain Rec District
- Lizzy Owens, Mountain Rec District
- Maren Cerimele, Vail Valley Partnership
- Eric Williams, Vail Valley Partnership
- Gina McCracken, Walking Mountains (Climate Action Collaborative)
- Jeanne McQueeney, Eagle County Commissioner

**Call To  
Order**

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Heide on October 20, 2022 at 12:00 p.m. noting a quorum was present.

**Changes to the  
Agenda**

Add Mayors and Manager Meeting update by Director Heide

**Public Input**

Ms. Miller asked about the meeting minutes from September, do they need to include a motion to repair sidewalks in the District? The subject will be discussed later in the meeting.

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#### **Director Update**

Director Trueblood: He thinks it's a great thing that ECO Trials filled in the cracks on the bike path. He also likes that the sidewalk project is moving forward.

Director Erickson: Echoed the thoughts that Director Trueblood stated.

Director Kerwin: She does hope that EMD will move forward with the sidewalk repairs. The ECO trials in Homestead were not taken care of yet, she has reached out to Kevin from ECO trials to ask that it get taken care of.

Director Heide: She has gotten calls about the Avon section of sidewalks and the repairs needed. EMD reached out to Eagle County and asked for the repairs for the path in Edwards, which has been taken care of.

#### **UERWA Report**

Mr. Woodworth stated ERWSD is working on merging the State accounts for regulatory reasons and billing. They have approved water rights to expansion of the Theatre Building in Riverwalk. He stated that 78 acre feet of water has been set aside for workforce housing.

Kris Miller asked where the 78 acre feet came from for the workforce housing? The water rights came from the County and they designated them for workforce housing when they conveyed them to ERWSD. The County will define what workforce housing is eligible for the use of the water rights. Commissioner McQueeney clarified that they are currently using an "affordable housing" definition. Ms. Miller asked if the entire project will be considered affordable and Mr. Woodworth responded that the restricted water rights are intended to be used only for the portion of a project that meets the affordable housing definition. Director Kerwin said if the water authority is holding water for future developments, is there also funding being set aside for it as well? Should they be collecting deposits ahead of the development being built? Mr. Woodworth will bring the answer back to the EMD board at the next meeting in November.

#### **Funding Requests:**

**Vail Valley Partnership– Maren Cerimele & Eric Williams** – Asking for \$8,000 in support, slight increase from the \$7,500 last year. Ms. Cerimele reviewed the programs they currently have in place. They are focusing on professional development and education. 75% of the Valley workforce employers are currently members of the VVP. There was a

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discussion about the apprentice program and how it's being utilized within the valley. Mr. Williams stated that it is being used more and word is getting out. Director Trueblood asked is the support being asked for specific to a program? Mr. Williams answered support from EMD is for the general budget. Director Kerwin asked if the funding could go to specific uses or just the general fund? They stated it will be the general fund since they do have so many programs out there. Mr. Williams stated he can send over a breakdown of how the funds will be used. Ms. Miller stated that she feels that the main focus right now is to increase tourism and she believes that shouldn't be the main focus, the community development should be the greater focus. Mr. Williams stated he would be happy to meet with her one-on-one to review the programs.

**Mountain Rec District Ice Rink – Lizzy Owens & Janet Bartnik** - The ice rink came about in 2020 when there was more demand for outdoor activities during the COVID shutdowns. EMD contributed \$5,000 in the 2020-2021 season. It has been successful since its inception. They are now looking for a one-time contribution of \$25,000 to expand the rink and make it larger based on the demand. The expansion will require payment of a tap fee to UERWA/ERWSD and construction of a new larger water line. Director Heide asked if the ERWSD fees could be reduced, but the fee is as low as they could get it. Total project cost is \$150,000 – \$160,000. Director Heide asked for a breakdown of the budget for the rink expansion. Director Trueblood asked if they considered user fees for the rink? Janet Bartnik responded that user fees are a challenge because if you charge fees then staffing is required to collect fees which negates the fees collected. Also, most of the users are children and they would like to encourage usage rather than create obstacles to usage. They would have to fence it off as well. Director Trueblood asked where the remainder of the funding will come from. Lizzy Owens responded that Mountain Rec will be paying the bulk of the funding for the project and that they don't have other major donors for the project yet. Director Erickson asked if there is an opportunity for signage to be put up for EMD at the rink, and Lizzy stated that there is an opportunity for signage and also social media posts as well.

**Climate Action Collaborative – Gina McCracken** – Requesting \$5,000 for the 2023 calendar year. The Collaborative is in the process of facilitating adding electric vehicle charging stations, building code changes, solar campaign for single-family and multifamily homes, water conservation programs, and many other programs. Director Trueblood asked about the 2021 IECC (International Energy Conservation Code)

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initiative and if that will initiate bans on natural gas usage. Ms. Owens responded that EV charging is supported by IECC but there are no requirements for any jurisdictions to put them in or to not use gas. Director Kerwin: What are the building code changes and where do the municipalities stand? Ms. McCrackin stated that they would like building codes to require buildings to be both EV ready and PV ready (Solar). They are trying to achieve uniform building codes valley-wide.

#### **Public Input**

Commissioner McQueeney – is running for re-election and is visiting the local boards to get the awareness out there for the election and the fact that she's running. She expressed that she does like working with the EMD board and expressed regret for the RTA issues with the formation committee exclusion of EMD. She also mentioned she would like to thank the Board for the continued work on the Miller Ranch Lighting project. Director Heide stated that the objective of EMD is always to do what is in the best interest of the Edwards community. Director Heide also stated that the Board focuses on safety issues within the community and are currently working toward making positive safety changes. Director Erickson stated the same, and that most of the EMD service plan does focus on safety issues. He stated he'd like to be more proactive about safety issues and not wait until there's an incident to make changes. Commissioner McQueeney stated that they need to work on communication with the EMD board, she realized some of the decisions made about the playground equipment at Freedom Park had not been passed on to the EMD Board. Director Heide agreed they do need better communication between Eagle County and EMD. Ms. Miller stated she would like to see the County Commissioners attend more of the EMD Board meetings. She believes that would help with communication between the entities.

#### **West End Update:**

Kevin Murphy – West End submittal has been sent to the Eagle County Planning Department and they are waiting for a completeness review. He presented the current renditions of the project. Director Erickson asked if there's going to be parking on the top deck? Mr. Murphy stated there will be parking in car ports on the top and solar panels as well. Director Erickson asked if the renderings could include the parking and solar panels. Director Kerwin stated that the article in the Daily made it seem like the project is full steam ahead and the application had not yet been submitted to the County. She also said she's struggling with the appearance of the project based on the renderings. Mr. Murphy asked for more specific comments on the renderings. She said it looks like a hospital

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or prison. The height is also an issue as well. Mr. Murphy stated that they are trying to keep the height the same as other buildings in the area, i.e. Riverwalk. Director Trueblood asked where the land use application is on the County website. Mr. Murphy stated that the County doesn't have it up yet, he was expecting it to be up by now. Director Heide asked about any upgrades that will be done on the Edwards roundabout. Mr. Murphy said he can share the traffic study again and that it has been determined that the current roundabout will be sufficient. Director Heide asked again about an impermeable wall on the Eagle River Preserve side of the building, she'd like to reiterate her request it being done. Mr. Murphy stated he will pass on the request. Ms. Miller said she doesn't like the look of the project as it has been presented and would like to see it fit into the mountain aesthetic more than the industrial look being presented. Director Trueblood generally supports the project since there is a lack of housing in the area, but acknowledges there have been strong reactions to the renderings, proposed look.

#### **ECO Path Repairs:**

EMD does have a budget line item for ECO Path repairs and maintenance which could be used to help cover the cost of the repairs if requested by ECO Trails.

#### **FAMLI**

Mr. Marchetti reviewed the main points of the new Colorado Family and Medical Leave Insurance program with the Board but emphasized that since it is a new requirement the regulations are just being written at this time. He suggested a motion to opt out of the program. By motion duly made and seconded, it was unanimously

**RESOLVED** to opt out of the FAMLI program.

#### **Rutsu Add on:**

Ms. Nicholson presented the Rutsu proposal to add additional areas for weed mitigation. The Board requested more information which Ms. Nicholson will bring to the next meeting.

#### **Premier Landscapes Snow Removal Contract:**

Premier Landscapes snow removal contract was presented to the Board. By motion duly made and seconded, it was unanimously

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**RESOLVED** to approve the Premier Landscapes snow removal contract as presented

**Xeriscapes**

The EMD Board requested that Ms. Nicholson invite a representative of ERWSD to present more information on the turf replacement grant program.

**District Sidewalks**

The Board discussed their desire to make sidewalk repairs a priority and that this would emphasize the Board's commitment to safety in Edwards. Director Erickson offered to coordinate with Rickie Davies from Eagle County about the project and finalizing the maps. The Board also decided to prioritize a list of areas in the greatest need of repair. The Board would also like to add a budget line item to the 2023 budget for sidewalk and path repairs. By motion duly made and seconded, it was unanimously

**RESOLVED** to make it a priority to get the sidewalk repairs project implemented in 2023 and to budget \$250,000 in 2023 to get the project started.

**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)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

Following the executive session by motion duly made and seconded, it was unanimously

**RESOLVED** to budget \$8,000 for the Vail Valley Partnership in 2023 for use in the general fund with as much support to the educational programs as possible.

**FURTHER RESOLVED** to budget \$5,000 in the 2023 budget for the Climate Action Collaborative.

Director Heide requested that a request be made to the CAC for Edwards to become a member of the CAC board.

**FURTHER REVOLVED** to pledge \$20,000 to Mountain Rec for the tap fee on the ice rink expansion and \$5,000 for annual support

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of the ice rink for a total amount of \$25,000, with 4 Board members approving and Director Erickson abstaining

Director Heide requested a breakdown of the construction budget for the ice rink expansion and to be part of all press opportunities, including the ribbon cutting.

#### **Minutes**

The Board reviewed the September 15, 2022 Regular Meeting minutes and the September 1<sup>st</sup> Special Meeting minutes. Director Heide requested that the Community Fund name be verified and that the request for an impermeable wall on the Eagle River Preserve side of the development. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the September 15<sup>th</sup>, 2022 Regular Meeting minutes with the corrections stated above and the September 1<sup>st</sup>, 2022 Special Meeting Minutes as presented.

#### **2023 Election Analysis:**

Mr. Marchetti has completed the analysis of mail ballot compared to polling place elections and included a summary of the analysis in the packet. The analysis show that mail ballot elections are more costly than polling place elections but that they also improve voter turnout. One of the anecdotal concerns they have heard from voters is that if there isn't good information on the candidates running it is difficult for voters to find information and therefore to know who they would like to vote for. The Board requested that at a minimum for future elections additional information be made available on the candidates on the website and potentially with a candidates forum or meet and greet. Further consideration to mail ballot versus polling place will be given when the election resolution is presented.

#### **Financial Statements**

Director Trueblood reviewed the September 2022 financial report for the Board.

By motion duly made and seconded it was unanimously

**RESOLVED** to accept the District's September 2022 financial report as presented.

#### **2023 Budget**

The meeting was published as the public hearing for the 2023 budget. The public hearing for the 2023 budget was opened. There being no further public at this time, the public hearing was continued to the November Board

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meeting. The Board tabled further consideration of the 2023 budget to the November meeting.

**Accounts  
Payable**

The Board reviewed the September 2022 accounts payable list and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the September 2022 accounts payable list as presented.

**Sales Tax  
Report**

Director Trueblood reviewed the sales tax report with the Board noting that sales tax collections continue to exceed budget each month.

**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 20<sup>th</sup> day of October, 2022

Respectfully submitted,



Kendra Nicholson  
Recording Secretary for the Meeting