
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District December 8, 2022

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on December 8, 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
- Todd Williams

Also in attendance were:

- Kris Miller, Edwards Resident
- Ken Marchetti, Marchetti & Weaver, LLC
- Kendra Nicholson, Recording Secretary for the meeting
- Mick Woodworth, UERWA Representative
- Kevin Hillgren, Beaver Creek MD Board Member
- Kevin Murphy, East West Partners
- Jim Collins, District Legal Counsel, by Zoom

Call To Order

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Heide on December 8, 2022 at 12:02 p.m. noting a quorum was present.

Conflicts of Interest

Mr. Marchetti discussed putting in place a Declarations of Potential Conflict of Interest statement for Director's Erickson and Kerwin because of their involvement with the Homestead HOA. It was also mentioned that there should maybe be one for Director Williams for the Riverwalk HOA as well. Director Kerwin asked about doing one for her association, but since there aren't transactions between the sub associations and EMD it isn't necessary.

Changes to the Agenda

Director Trueblood asked that Kevin Hillgren be moved up on the agenda. The Board agreed to have him present after public input.

Public Input

Kris Miller – Request EMD Board write a letter asking Jeff Schroll and Rickie Davies to attend all EMD board meetings and one County

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Commissioner to also attend once a quarter. She would like to request a formal Board ask of this.

Water Unification Argument Against

Kevin Hillgren, a Board member from Beaver Creek Metropolitan District and Beaver Creek's representative on the Upper Eagle Regional Water Authority (UERWA) Board distributed a resolution adopted by Beaver Creek Metro District and spoke about the proposed unification of UERWA into Eagle River Water and Sanitation District (ERWSD). This change, if implemented, would mean the member entities of UERWA would no longer appoint a representative to the UERWA Board. The board members of ERWSD are elected based on seven wards or director districts so this change could impact the voting representation for areas like Beaver Creek. Mr. Hillgren believes special interest groups could gain seats on the ERWSD board and get more control. He believes there needs to be a long-term plan when it comes to water to protect it. He said he doesn't see any past examples where giving up voting rights was a good thing in the long run. In the case of a water shortfall, unification could be a good thing, but Mr. Hillgren also pointed out that it's ultimately up to the owner of water rights what they are willing to share.

Director Trueblood asked about Vail and stated that UERWA has a current allocation of water that could run out at some point. UERWA would then have to go to Vail and ask for water if that happens. He has heard that this problem would be solved by unification. Mr. Hillgren stated that Vail may or may not agree to share their water rights and it will be their decision when the issue arises. Director Trueblood stated that until Bolts Lake is completed the fear is there could be a shortage of water rights and Vail could refuse to share theirs.

UERWA has ramped up their efforts to address the issue of water conservation. Mr. Woodworth reported that 66% of the water rights would be in areas currently served by UERWA if unification occurs. The Board discussed water conservation and what that should look like. They also discussed that water should not be used to control future developments. Director Erickson asked the Board members what needs to happen for the Board to have more say over future developments, because he feels EMD has not had a voice so far. The Board members all agree they need more information about unification before making any decisions. Mr. Hillgren provided his contact information so Board members can reach out with any questions.

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Kris Miller asked if residents get to vote on unification, Mr. Woodworth said that voters would need to approve unification. Ms. Miller asked if Bolts Lake is for sure happening. Mr. Woodworth stated it is a given that it will happen at some point. It has passed the EPA waiting period and on to the soil samples at this point, so the process is moving forward, so it should be a go.

Mr. Woodworth reported that most of the discussion at last month's UERWA meeting revolved around the 2023 budget. He also reported that he is stepping down as EMD's representative on the UERWA board and January will be his last month so EMD will need to appoint a new representative/alternate in January.

Director Update

Director Trueblood: Reported it was nice to see the bike path plowed today, hopefully they stay on top of that going forward. Solicited feedback on the West End projects and continues to hear the same issues, traffic and aesthetics.

Director Williams: Replacement Ribbons for the roundabouts are at the welders now, should be installed in the next month. Regarding rapid flashing beacons (safety lights) for pedestrian crossings that don't currently have any lights, there are 20 additional signals needed in total. Solar powered signals are available so electricity won't need to be installed. Current cost for the twenty signals is approximately \$80,000 for materials, not including installation. Mr. Woodworth suggested asking Vail Health for funding and Director Williams said all the surrounding businesses would also need to be approached. Director Williams will get an installation estimate next. Director Trueblood asked about budgeting for the project and Mr. Marchetti stated that there should be room in the contingency and can be adjusted if needed in 2023.

Directors Erickson: Sidewalks, would like to hear what was discussed in the meeting held recently with Rickie Davies.

Director Kerwin: Birds of Prey had many local volunteers and quite a few also from out of state and was a success. Had a great meeting with Jeff Shroll last month and discussed the relationship between EMD and the County. She summarized her meeting and mentioned several projects the County did not communicate with or include EMD in. She also is disappointed to see that weeds are still an issue on the NE quadrant of the Edwards I-70 interchange. The Board clarified that the North East

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quadrant of that interchange is Berry Creek Metro District's responsibility rather than EMD's.

Director Heide: Mentioned the ice rink ribbon cutting and the resulting media coverage.

**Funding and
Support
Requests:**

None

**West End
Update**

Kevin Murphy – Brought in materials samples for review by Board members. He also mentioned the resolution for dissolution of the West End subdistrict which Mr. Collins will address. Mr. Murphy showed the newest renderings of the project to the Board. Changes made include more glass and better borders on the windows. They have changed the materials quite a bit and added a split rail fence between the property and the Preserve. Director Heide asked again for a non-permeable fence to protect the Preserve area and Mr. Murphy stated they can incorporate wire into the split rail fence so dogs can't go through the fence. They also met with the open space department to make sure their concerns are addressed. Parking and traffic issues came up. Mr. Murphy mentioned they are considering a Shift Bike station on the site. He will also circulate the traffic study to the Board. There was a discussion about the use of local property management and the application process for the deed restricted units and the requirements of being local workforce. Director Heide mentioned the need for true ADA access including bathrooms and showers in all or at least most of the units and would like to see that be part of the construction.

**Dissolution
Of West End
Subdistrict**

Jim Collins – The West End developer/owner will be renting the units out rather than selling them so they don't need the subdistrict and have requested that it be dissolved. Mr. Collins recommends dissolution. By motion duly made by Director Trueblood and seconded by Director Williams it was unanimously

RESOLVED to adopt the West End Subdistrict Dissolution Resolution as presented.

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Miller Ranch Road Pedestrian Lighting Project

Mr. Collins suggested engaging an owners rep to put the Miller Ranch Road Pedestrian Lighting project out to bid and oversee the project. After discussion and by motion duly made by Director Kerwin and seconded by Director Erickson, it was unanimously

RESOLVED for Directors Trueblood and Williams to obtain proposals from owners representatives for the Miller Ranch Road Pedestrian Lighting Project for presentation at next month's board meeting.

Hillcrest Drive Maintenance IGA

Director Heide asked if Mr. Collins has any questions or concerns about the IGA for the Hillcrest Roundabout and Scope of Work presented by Eagle County. Mr. Collins responded that this IGA is the same as the IGA for the other roundabouts and has been well done by Eagle County Attorney's office in his opinion.

District Sidewalks

Mr. Williams reviewed what was discussed in the recent sidewalk meeting. The group is trying to figure out how to structure the agreements going forward and is in the process of deciding who is responsible for what area. Director Erickson stated that he had a discussion with Mr. Davies from the County about reviewing the current agreements in place with the other Associations. Miller Ranch is the area they are trying to figure out to see how it's currently set up. Public vs. private sidewalks is the first issue to define. Director Erickson believes if sidewalks are in the public right of way EMD should assume responsibilities for maintenance.

Request for Seat On RTA

Director Williams talked to Chris Romer recently and he would support EMD having a seat on the RTA Board. The Board agreed that an official request should be submitted to the RTA formation committee. Mr. Marchetti will get a letter drafted to submit.

Shift Bike Program

Director Heide met with other entities about EMD joining the Shift Bike program with Vail, Avon and EagleVail. Avon is adding 3 more stations as well and has increased their budget for the program. They suggested \$20,000 which would get 4 – 5 stations in Edwards including 20 bikes. Possible locations would be Mountain Rec, West End, Riverwalk, West

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Edwards and Miller Ranch. Specific locations can be determined as the program is implemented. She will forward the agreement when she receives it from the County.

Financial Statements

Director Trueblood reviewed the November financial report for the Board. By motion duly made and seconded it was unanimously

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

Minutes

The minutes were clarified:

- to specify that Director Heide was authorized to speak to the County about matching the County's contribution to the Shift Bike program with a \$25,000 cap
- that Director Trueblood would coordinate having other representatives from UERWA attend upcoming EMD meetings to present pro and con positions about unification
- other minor typographical corrections.

By motion duly made by Director Williams and seconded by Director Trueblood, it was unanimously

RESOLVED to approve the November 10, 2022 Regular Meeting minutes with suggested edits.

2023 Budget Items

Director Trueblood asked the Board to designate \$25,000 of the \$50,000 in other capital projects in the 2023 budget for matching the ERWSD turf replacement program. By motion duly made by Director Williams and seconded by Director Kerwin, it was

RESOLVED to designate \$25,000 in the 2023 Other Capital Projects budget for the turf replacement program.

Mr. Marchetti stated he would like to move some of the funds in the ColoTrust account to higher yield CDs to lock in a better interest rate. The Board agreed.

Accounts Payable

The Board reviewed the adjusted December 2022 accounts payable list discussed and by motion duly made by Director Heide and seconded by Director Williams it was unanimously

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RESOLVED to approve the adjusted December 2022 accounts payable list as presented.

**Sales Tax
Report**

Director Trueblood stated that he had reviewed the sales tax report and it looked good.

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 8th day of December, 2022

Respectfully submitted,



Kendra Nicholson
Recording Secretary for the Meeting