

---

## RECORD OF PROCEEDINGS

---

### Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District December 19, 2013

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on December 19, 2013 at 12:00 p.m. at the Community Room of the Western Eagle County Metropolitan Recreation District, 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:

- Todd Williams
- Becky Bultemeier
- Tracy Erickson
- Bill Simmons

The following Director was absent and excused:

- Terry Benedickt

Also in attendance were:

- Siri Roman, Eagle River Water & Sanitation District Wastewater Division Manager
- Diane Johnson, Eagle River Water & Sanitation District Communications Manager
- Holly Loff, Eagle River Watershed Council Executive Director
- Ellie Caryl, ECO Trails Program Manager
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cissy Olson, 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 Williams on December 19, 2013, at 12:04 p.m. noting a quorum was present.

#### **Conflicts of Interest**

It was noted that a Disclosure of Potential Conflict of Interest Statement had been executed by Tracy Erickson, and filed with the Board and Colorado Secretary of State at least seventy-two hours prior to the meeting in accordance with statute, indicating that he is General Manager of the Homestead Homeowners Association, which is the homeowners association for a community within the District's boundaries. After Director Erickson had summarily stated for the record the fact and nature of his private interests and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned their attention to

---

---

## RECORD OF PROCEEDINGS

---

---

### Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

---

the agenda items. Director Erickson's Disclosure of Potential Conflict of Interest Statement was incorporated into the record of the meeting.

At 12:15 p.m. Ms. Loff joined the meeting.

#### **Eagle River Water & Sanitation District Waste Water Master Plan**

Ms. Roman gave a brief overview of the Eagle River Water & Sanitation District's (ERW&DS) wastewater system that includes most of the east side of Eagle County. New regulations require a 60% reduction in nitrogen and 50-80% reduction in phosphorus in wastewater treatment plant effluent, which will improve stream health and benefit the downstream drinking water facilities.

ERW&SD is planning for the implementation of the new regulations and has developed an alternative to its existing system which includes upgrading the Edwards wastewater treatment facility to consolidate treatment of solids. By doing this they will be able to lower costs, install state-of-the-art odor control systems, provide more space at the Avon facility for future capacity and treatment, and reduce travel costs since the Edwards facility is closer to the BioSolids facility located in Wolcott.

In order to cover the cost of implementing the new plan a \$28 million bond was issued in December 2012 to cover the plan through 2015. The monthly debt service rate associated with this bond will be about \$6.00 per single family equivalent (SFE) beginning in January 2015.

The next phase will cost about \$23 million and will be effective in 2017. A May 2014 ballot question will be presented to all wastewater treatment customers that will ask approval to authorize a mill levy and issue debt. ERW&SD has studied how to fund the project and has determined that increasing property taxes is less costly for the majority of District customers versus increasing monthly rates.

At 12:45 p.m. Ms. Caryl joined the meeting and at 12:55 Ms. Roman left the meeting.

#### **Resolution for Colorado Water Plan**

The Colorado Water Conservation Board (CWCB) has been drafting the Colorado Water Plan as stipulated by executive order from Governor Hickenlooper. The Plan will address the gap in water supply and water demand because Colorado's population is expected to double by 2050. The final document is to be completed by December 2015.

---

## RECORD OF PROCEEDINGS

---

---

### Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

The Northwest Colorado Council of Governments Water Quality/Quantity Committee (QQ) collaborated with the Colorado Basin Roundtable to draft the West Slope Principles for the Colorado Water Plan that are intended to clearly state western slope interests and concerns regarding water supply development that should be included in the Colorado Water Plan. Similarly the ERW&SD and Upper Eagle Regional Water Authority (UERWA) drafted the Eagle River Basin Principles for the Colorado Water Plan. These principals are in addition to the West Slope Principles and address protecting specific agreements important to the protection of the Eagle River.

Ms. Johnson reported that ERW&SD and Upper Eagle Regional Water Authority (UERWA) approved these principals and other towns, and local governments have already approved the Resolution Endorsing the West Slope Principles and Adopting the Eagle River Basin Principles for the Colorado Water Plan. Ms. Johnson asked the District to also vote in favor.

The Board asked several questions. After further discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the Resolution Endorsing the West Slope Principles and Adopting the Eagle River Basin Principles for the Colorado Water Plan

**Minutes** The Board reviewed the October 17, 2013 Regular Meeting minutes. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the October 17, 2013 Regular Meeting minutes as presented.

**Accounts Payable** The Board reviewed the November accounts payable list and by motion duly made and seconded it was unanimously

**RESOLVED** to ratify the November accounts payable list as presented.

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

**RESOLVED** to approve the December accounts payable list as presented.

---

## RECORD OF PROCEEDINGS

---

---

Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

### 2013 Audit Requirements

The District could consider filing an application for exemption from audit with the State for 2013, since the District's annual revenues and expenditures are less than \$500,000. The Board discussed filing an exemption and noted that the prior audits have not resulted in any "reportable audit conditions" and so by motion duly made and seconded it was unanimously

**RESOLVED** to approve a resolution to file an application for exemption from an audit with the State for 2013 rather than having an audit performed.

### 2014 Election

**Resolution** The board seats for Directors Benedickt, Williams, and Bultemeier are available for election on May 6, 2014. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the resolution calling for an election, appointing a designated election official and providing for the cancellation of the election if there are not more candidates than board seats available. A copy of the formal election resolution is incorporated herein by this reference.

### 24 Hour Posting Notice & Meeting

**Schedule** The Board discussed the 2014 posting location for the notice which is required to be posted 24 hours prior to each meeting (the "24 Hour Notice") and agreed to continue using the Edwards Village Market as the posting location for such 24 Hour Notice. The Board reviewed the proposed schedule for the 2014 regular meetings noting that meetings are scheduled for the third Thursday of each month. After discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the Resolution Regarding Posting Notices for Meetings establishing Village Market in Riverwalk at Edwards as the posting location for the 24 Hour Notice. A copy of the resolution is incorporated herein by this reference.

**FURTHER RESOLVED** to establish 12:00 noon on the third Thursday of each month as the meeting date for regular meetings of the District Board of Directors.

### Eagle River Restoration

**2013 Update** The Eagle River Watershed Council (ERWC) has been in the process of restoring the Eagle River in the Edwards area. Ms. Loff gave a brief presentation of the

---

## RECORD OF PROCEEDINGS

---

---

### Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

Eagle River restoration in the Edwards area and pointed out the improvements that have been completed so far.

Ms. Loff reviewed the ERWC 2013 project expenses and noted that the District had earmarked \$15,000 in the 2013 budget for Eagle River restoration improvements which was never officially requested. Ms. Loff outlined the Watershed's 2013 river restoration expenses and that Eagle County funded \$10,000 in 2013 towards the Edwards restoration project leaving a remainder of \$6,712 coming out of the ERWC's general budget. Ms. Loff was not aware that the District's 2013 funding was available earlier in the year so it was not included in funding the project this year. Ms. Loff revised the original request and asked if the Board would consider contributing \$6,500 in 2013 and move the remaining \$8,500 of the \$15,000 budgeted in 2013 into the previous 2014 request of \$5,000 for a total of \$13,500.

The ERWC has an opportunity to create a short film highlighting the successes of the Edwards Restoration Project because Melissa Macdonald, the previous executive director, worked with TV5 throughout the project to document the progress however nothing has been done with the footage. The Watershed Council would like to create a before and after film with a portion of the Edwards 2014 contribution if the Board is agreeable.

Ms. Loff reminded the Board that Seth Mason also requested a \$5,000 contribution towards the water monitoring program at the District's August board meeting.

The Board acknowledged Ms. Loff's 2014 contribution request and agreed to discuss it further and make a decision at the District's first meeting in 2014.

At 1:15 p.m. Ms. Loff and Ms. Johnson left the meeting.

#### **ECO Trails 2013 Reimbursement**

##### **Request**

Through an Intergovernmental Agreement in 2004 the District has been appropriating up to \$10,000 towards the cost of maintaining the Eagle Valley trail segment through Edwards. Ms. Caryl, the County trails program manager, gave a brief overview of the work completed in 2013. Typically Ms. Caryl submits a \$10,000 billing request for work performed each year, however this year the trail maintenance costs came in at \$5,647. According to Ms Caryl some charges were not incurred or captured due to short staffing this year and a gap in record keeping.

The Board discussed Ms. Caryl's 2013 trail maintenance funding request and agreed to include it in next month's accounts payable.

---

## RECORD OF PROCEEDINGS

---

---

### Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

Ms. Caryl reported she has been working with the Colorado Department of Transportation (CDOT) on the trail portion of the widening of Highway 6. Ms. Caryl announced that in some areas the trail may only be 4 feet wide or less, however American Disability Act (ADA) ramps have been added.

The decking on the Riverwalk pedestrian bridge over the Eagle River needs to be replaced. Ms. Caryl is in the process of getting cost proposals and will report back to the Board once she has more information.

The Wolcott PUD has been approved with the condition that the Developer pay \$1.1 million for extending the trail from the Eagle Springs Bridge to the Highway 131 Bridge. According to Ms Caryl there is an extra 800 ft from the end of the PUD to the bridge.

At 12:40 p.m. Director Erickson left the meeting.

#### **Homestead Sidewalk**

**Update** The Homestead sidewalk repair/replacement project is complete. Mrs. Eva Wilson, the County Engineer, reported she is required to look at the sidewalk improvement prior to issuing a reimbursement to the District however the sidewalk is buried under snow. Ms. Wilson will be contacting Director Erickson regarding the finished product.

#### **Eagle River Preserve**

##### **Log Cabin Update**

Mr. Marchetti reviewed the 2013 log cabin costs and he reviewed the 2014 budget expenses. Mr. Brock has been overseeing the completion of the 2013 list of high priority improvements that Board approved at the August meeting.

#### **Edwards Community**

##### **Authority (ECA)**

**Update** Director Williams reported there was no ECA meeting in December.

#### **Edwards Area Community Master**

**Plan Update** The County conducted a survey in the Edwards community to obtain information for drafting the Edwards Area Master Plan. Over 820 individuals responded to the survey and over 150 individuals requested to be added to the Edwards Master Planning email contact list. The large number of responses exceeded the County's expectations. The County will be reading through each written response and organizing a summary of those results.

---

## RECORD OF PROCEEDINGS

---

---

### Edwards Metropolitan District December 19, 2013 Meeting Minutes

---

The next public meeting is expected to be an open house around the end of January or early February.

#### **Heide Fence Encroachment**

Mr. Marchetti reported that Ms. Heide, who lives at 154 Old County Lane, recently erected a 6 foot tall fence that encroaches approximately 20 feet into the District's open space land. This fence is in addition to the District's split rail fence that is built in the pedestrian easement. The Alahans, who live next door to Ms. Heide, have commenced a civil action against her seeking to have the fence removed on the grounds that it violates the subdivision's protective covenants. Mr. Alahan's attorney sent a letter asking if the District is willing to join in seeking removal of all or a portion of the fence.

The Board discussed the fence encroachment and agreed that they did not want the District to join in with Mr. Alahan's civil action suit; however the Board did direct staff to send a letter to Ms. Heide stating that the fence must be removed from the District's open space property.

**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 19th day of December, 2013.

Respectfully submitted,



Secretary for the Meeting