
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District April 18, 2024

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on April 18, 2024, at 12:00 p.m. in person at the Edwards Field House at 450 Miller Ranch Road, Edwards, CO 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:

- Joanna Kerwin
- Todd Williams
- Mike Trueblood
- Tracy Erickson
- Kris Miller

Also in attendance were:

- Ken Marchetti – Marchetti & Weaver, LLC
- Magdalena Gembal – Recording Secretary for the meeting
- Allison Ulmer – Collins Cole Flynn Winn & Ulmer, PLLC
- Deron Dirksen – SGM
- Ben Gerdes – Eagle County
- Kevin Murphy – West End/ East-West Partners (Zoom)
- Jenna Weatherred – Holy Cross Energy
- Ginette Puidokas – Holy Cross Energy
- Kevin Sharkey – Eagle County ECO Trails (Zoom)
- David Norris – Eagle River Water and Sanitation District
- Allison Ebbets – Eagle River Water and Sanitation District
- Nina Timm – Berry Creek Metro District (Zoom)
- Tom Boyd – Resident

**Call To
Order**

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Kerwin on April 18, 2024, at 12:00 p.m. noting a quorum was present.

**Changes to the
Agenda**

None.

Public Input Mr. Tom Boyd, Eagle County Commissioner Candidate, attended to report his candidacy for Eagle County Commissioner District 2. He elaborated on his personal experiences in the Valley, his professional endeavors, and the various local partnerships he's engaged in.

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Allison Ulmer

Introduction Ms. Allison Ulmer, general legal counsel for Edwards Metropolitan District introduced herself to the Board.

CORA Policy

Update

Ms. Ulmer presented an updated Edwards Metro District policy for the designated official public records custodian under the CORA (Colorado Open Records Act) policy. Noting that the previous version dated back to 2014, she proposed its replacement to reflect current statutory requirements. Marchetti and Weaver, LLC, is the designated custodian to receive requests. Additionally, the revised policy now explicitly states that any public record that is stored in a digital format will be provided in a digital format.

Director Trueblood inquired about the imposed fees and whether requestors would be charged per page if digital copies were unavailable. Ms. Ulmer clarified that indeed, in the absence of digital copies, requestors would be required to pay per page. Ms. Ulmer added that the copying and related fees are set by statute. Ms. Ulmer also elaborated that individuals have the option to visit the M&W office in person to examine the documents. By motion made by Director Erickson, and seconded by Director Williams, it was unanimously

RESOLVED to approve the updated CORA policy update as presented.

Other Legal Ms. Ulmer also introduced updates to the Technology Accessibility Standards, highlighting that a bill was introduced at the end of February that extends the requirements beyond websites to encompass all information technology, including phones, emails, kiosks, and more. An additional bill has been introduced to provide a one-year extension to July 1, 2025 of immunity from liability for failure to comply with the digital accessibility standards for an agency that demonstrates good faith efforts toward compliance. She emphasized the necessity of having a designated representative and a posted statement regarding accessibility policies. Mr. Marchetti noted that he and the administration team have been considering costs and work needed to become compliant, and that the District does not need to be fully compliant at the deadline date but does need to have a documented plan in place.

Edwards Village

Boulevard Sidewalk

Project

Mr. Dirksen provided updates on the sidewalk project, highlighting that Ground Engineering conducted geotechnical investigations on site last Thursday and he is awaiting their report. He also mentioned that the Notice of Award was given to Gould Construction, Inc., and attached the Construction Management Services

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proposal. SGM's proposal amounts to \$104,500, which includes \$75,500 for construction management and \$29,000 for Ground Engineering Materials Testing during construction. This is a significant reduction from the original estimate of \$175,000, as SGM believes the project requires only half-time construction management, and there are savings due to reduced travel time associated with the adjacent Edwards roundabout project, for which SGM is also providing construction management.

Mr. Dircksen then sought guidance from the Board regarding the school's plans for landscaping, noting that the school prefers asphalt over landscaping. After discussion, it was agreed that if the school does not want the plans as prepared by SGM and approved by the Board, EMD will proceed with building the sidewalk on Eagle County's right of way leaving the existing sod and adding the fence as designed. It was noted to ensure that the fence be three feet or more away from the sidewalk in order to allow proper space for snow removal and storage. Additionally, the board directed that the funding allocated for landscaping will not be turned over to the school for their use.

Spur Rd/ Highway 6 Roundabout Updates

Mr. Ben Gerdes from Eagle County attended the meeting to address a potential misunderstanding regarding the Spur Road/Highway 6 roundabout. Director Kerwin interpreted a comment from Mr. Gerdes at the Planning Commission hearing for the West End project as suggesting that both EMD and Eagle County were collaborating on the project to expand the southbound single lane into a double lane. However, Mr. Gerdes clarified that the project is currently in the study/planning stage, with no definitive changes set. The discussion with the Board focused on what would be the necessary steps to widen the roundabout to accommodate two lanes all around and whether the cost would be justified by the reduced wait times for travelers during peak hours. Solutions and alternatives would need to be modeled to assess their feasibility in terms of volume and other technical considerations. However, the work conducted in the transportation master plan by McDowell Engineering could provide valuable insights into this matter. Enhancement of the traffic patterns in the roundabout will continue to be studied as more information becomes available.

West End Project Update

Mr. Kevin Murphy informed the Board that they have addressed the outstanding conditions with the County's planning department and are now awaiting a date to appear before the Eagle County commissioners. This presentation is anticipated to take place sometime between the end of May and the end of July.

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Holy Cross Rate Increase

Update

Ms. Jenna Weatherred and Ginnette Puidokas from Holy Cross Energy provided an update on Holy Cross' new rates. They began by discussing the progress towards achieving 100% renewable energy by 2030, noting that they are currently at 76%. Moreover, the increase in rates is attributed to rising costs associated with labor and with materials for infrastructure, driven by higher-than-normal inflation and supply chain shortages. Small residential customers will experience a flat increase of \$4 on fixed charges, while larger residential and commercial buildings will face larger increases. However, the rates for energy and its supply will remain unchanged. It was also noted that this is part of a step change towards recovering the full cost of service. During the discussion with the Board, the focus was on the Peak Time Payback program, which allows members to save more on their electric bills by reducing electricity usage during specified times of high demand.

2024 Landscape Transformation

Program

Following the March Board meeting, Ms. Allison Ebbets was invited to assist the Board in determining the allocation of funds for the landscape transformation program, which includes replacing turf with native plants. Accompanied by Mr. David Norris, both from the Eagle River Water and Sanitation District, they discussed a new program for irrigation evaluation. Under this program, residents would receive a free consultation to identify opportunities for increased efficiency in their irrigation systems, with rebates covering 25% of the costs up to \$1,500. It was mentioned that these rebates, including for turf replacement, would continue as long as State funding is available. Discussions among the Board members centered on the reasoning behind setting a limit on rebates if the objective is to reduce water usage, as well as the inclusion in the budget of the new program in the overall landscape transformation initiative. After deliberation, by motion made by Director Trueblood, and seconded by Director Williams, it was unanimously

RESOLVED to approve the landscape transformation program with the limitations for Individually Metered Residential Customers without HOA irrigation up to \$2,000 and for Multi-Family Residential Customers (including those represented by an HOA) or Irrigation-Only Accounts up to \$5,000 and with the addition of \$5,000 in the budget for the new program for irrigation evaluation.

Letter of Support For Bolts Lake

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The Board discussed the draft of the letter of support for Bolts Lake received from the Water Authority. Director Miller requested that a particular phrase be omitted from the letter, as it implied that the new water would facilitate new land uses. By motion made by Director Erickson, and seconded by Director Miller, it was unanimously

RESOLVED to approve the letter of support for Bolts Lake with the suggested edits.

Eagle Valley

Trail Update Mr. Kevin Sharkey provided an update on the fundraising progress, indicating that there is \$3 million remaining to reach the goal. He thanked EMD for the ongoing contributions. He then discussed the next section of the project to be constructed from Horn Rand to Edwards, spanning approximately 7.5 miles. However, he mentioned that the area covering the Cordillera Metro District has expressed no interest in participating in the project and has not agreed to provide access across their property as they want to protect their privacy and fishing amenities. Obtaining alternate access could result in an increase in the cost of the project of up to \$10 million. Accordingly, it was noted that the project would need up to an additional \$13 million, should the alternate access be required for completion.

Director Trueblood raised concerns about snow removal and trail maintenance during the winter season, noting that it was not adequately plowed. Mr. Sharkey explained that due to staffing issues, it was challenging to maintain proper plowing. He mentioned that for the following year, they will explore the option of contracting with outside contractors to handle this matter.

Recycling

Event Director Williams brought up the additional fee of \$350 required by the company, Blue Stars Recyclers, to extend the event hours from 3 to 7 pm, as they typically don't organize events that late. By motion made by Director Erickson, seconded by Director Miller, it was unanimously

RESOLVED to approve the extra \$350 expenditure to accommodate residents who do not get off work by 5 o'clock.

Director Williams also pointed out that Cordillera has not yet committed to becoming a partner for the event but he is still hoping they will participate.

Mayors & Managers

Meeting Director Kewin provided an update on her presentation at the last Mayors & Managers Meeting, where she and Eric Heil, the Town Manager of the Town of

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Avon, addressed pedestrian safety concerns along Highway 6. She highlighted that she presented a slideshow featuring images of areas along the section where sidewalks and crosswalks are absent, particularly around bus stops. She mentioned that Eagle County is currently working on a grant application to address these issues. Additionally, she noted that during the meeting there was discussion about local authorities advocating for legislative changes to grant them more decision-making power over such matters, rather than relying solely on CDOT.

Water Authority

Update Director Kerwin shared her report and slides from the recent Water Authority meeting with the Board. There were no questions or comments raised by the Board members.

RTA

Update Director Williams highlighted that the focus of the last meeting revolved around procedural matters. He also informed the group that the RTA plans to introduce the free ride service from Vail to Eagle and Dotsero starting on May 21st, which is planned to continue into the next winter season.

Shift Bike

Director Kerwin announced that the program will be launching one month earlier than last year, starting on May 30th. She mentioned that the documentation with Colorado Mountain College for the fifth location is still pending signature.

Other

Business Director Kerwin pointed out that the language on the flyer for the curbside chipping program does not list all residential communities within EMD. She requested Mr. Hugh Fairfield-Smith, who was not present, to modify the language to include all subdivisions within EMD's boundaries.

Director Erickson left the meeting at 2:30 p.m.

Director Miller mentioned that she had emailed Mr. Marchetti about a grant opportunity for bear-proof enhancements funded by CPW. She highlighted that the rest area, overlook, and bus stops, which lack bear-proof trash cans, would be ideal locations for such enhancements. Mr. Marchetti responded that they will research the matter further, and if necessary, they will seek the assistance of a grant writer.

Director Updates

Director Miller had no further comments.

Director Williams had no further comments.

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Director Trueblood had no further comment.

Director Kerwin had no further comment.

Minutes The Board reviewed the minutes of the March 21, 2024 Regular Meeting and April 2, 2024 Special Meeting and made suggested edits to the latter. By motion made by Director Williams and seconded by Director Kerwin, it was

RESOLVED to approve the March 21, 2024 meeting minutes with Director Trueblood abstaining; and

RESOLVED, to approve the April 2, 2024 meeting minutes with suggested edits with Director Miller abstaining.

**Accounts
Payable
List**

The Board reviewed the accounts payable list and by motion made by Director Trueblood and seconded by Director Miller, it was unanimously

RESOLVED to approve the April accounts payable list as presented.

**Preliminary
Financial
Statements**

Director Trueblood brought attention to the General Fund's property tax collections, noticing being lower than budgeted through March. Mr. Marchetti explained that changes in legislation had caused delays in both collection and disbursements. Additionally, Director Trueblood mentioned expense variances in the sales tax fund, attributing them to timing issues rather than significant discrepancies. By motion made by Director Trueblood, and seconded by Miller, it was unanimously

RESOLVED to approve the financial statements as of March 31, 2024, as presented.

Sales tax

Director Trueblood pointed out that the sales tax collections are higher than expected, and upon examining the details that this increase stems from taxes on online sales. Director Miller added that the Eagle County Commissioners have approved a measure to eliminate sales taxes on diapers and feminine products.

Adjournment

There being no further business to come before the Board at this time, by motion duly made by Director Trueblood and seconded by Director Williams, it was unanimously

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RESOLVED to adjourn the meeting of the Edwards Metropolitan District Board of Directors this 18th day of April 2024.

Respectfully submitted,

Magdalena Gembal
Recording Secretary for the Meeting