

**Brush Creek Metropolitan District:**  
**Thursday, January 17, 2019 at 5:30 p.m.**  
**Aspen Mountain Conference Room**  
Aspen Gondola Plaza  
Aspen, CO 81611

*Present:*

- Jerry Scheinbaum
- Lawson Wills
- Joyce Hardy
- Rick Stevens, Manager
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- David Pesnichak Regional Transportation Administrator, Guest
- Brian Pettit, Public Works Director Pitkin County, Guest
- Trish & Kurt Adam, Homeowners, President of Landowners Association, Guest
- Absent: Jim Laing, Riley Gessele

1. **Call to Order:** The meeting was called to order at 5:32 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from December, 2018 meeting were unanimously approved after two minor changes.
3. **Public Comment.**
  - A. **Brush Creek Intercept Lot Park & Ride Expansion:** Guests Brian Pettit and David Pesnichak attended the meeting to discuss the intercept lot park & ride expansion at the Brush Creek & Hwy 82 intersection scheduled for 2020. Brian explained that the land is owned by State of Colorado, and leased by the City for the park & ride. The original upgrades were done in cooperation with Aspen and Snowmass Village and a recent grant from the Federal Lands Access Program awarded \$4 million to spend on upgrades, which are in the beginning stages of design. David Pesnichak handed out packet describing three areas of upgrades under consideration:
    - i. **Carpool kiosk relocation:** The carpool kiosk is owned by the City of Aspen, and exists at the Pitkin County Airport at the slip lane, which creates traffic in the bus lane. By moving it to the Brush Creek Park & Ride, it offers users additional chances to add workers to a carpool or to select bus transportation. Initially it will exist on skids, but later be seated on a more permanent foundation. Currently 190-220 passes are given out per day to cars with 2 or more people, allowing them to park in the Aspen carpool dedicated spots all day at no charge.
    - ii. **Variable Message Sign:** Plans are to install a sign in the up-valley lane with traffic information to encourage people to use the park & ride, with information such as the car versus bus time to aspen, and whether Aspen parking garage is full. Lawson requested a smaller sign, with lesser impact.

- iii. **Brush Creek Intercept Lot/Park & Ride Improvements:** Additional improvements are for permanent restroom facilities with flush toilets, wastewater facilities (well and septic system), and increase the pavement for 200 more spaces (which currently exist but not striped or paved). Currently the dual left turn lanes into the lot can move 220 vehicles per hour in the current design.

*Discussion:* The Board inquired into rumors of retail sales and food trucks, which David Pesnichak assured, were not in any plans, though a security booth is a possibility. Lawson suggested security cameras, expressing fear of theft and Kurt Adam asked about transients. Jerry noted that bikers use it to park and ride bikes, and suggested extending the bike lane to there from ABC. Rick suggested enhancing and defining pedestrian walkways from the lot, and Jerry proposed that buses be in center of the lot, rather than the edge, so the distant spaces were not as undesirable. Rick suggested asking the closest neighbor about possible water sharing with their existing well.

- B. **Traffic Safety:** Lawson Wills inquired to David Pesnichak and Brian Petit about increasing the safety of the Juniper Hill Road and Hwy. 82 intersection, lamenting homeowners can't safely cross 82 at high traffic times, resulting in high speed T-bone every few years which the upcoming Cozy Point expansion is bound to worsen. Lawson communicated that the RFTA bus stop by Cozy Point is ineffective. The Board also discussed the Brush Creek Road & Medicine Bow Road intersection, with its confusing signage and stripping, which sends unwitting tourists up into the Brush Creek residential neighborhood frequently, especially at night. Turning left out of Medicine Bow onto Brush Creek Rd they reported was very difficult and dangerous, given the average of 8,000 vehicles per day, which have been as high as 12,000 vehicles during the holiday. Pitkin County has reported no scheduled upgrades in their long term plans. Petit and Pesnichak left the meeting at 6:30 p.m.
- C. **Homeowner Participation:** Trish Adam, the President of the Brush Creek Landowners Association, attended the meeting to support Jerry's suggestion that the Homeowners Association be disbanded, or combined with BCMD meetings where homeowners might have a better voice. Lawson said the Homeowners Association lacks statutory standing, and the BCMD lacks authorization to spend money, time, or power on anything outside the scope of roads and water, but together they could accomplish more and be more effective. Rick stressed he has no way to communicate to the neighborhood and has incomplete database of owners, property managers, renters and tenants, especially to communicate urgent water issues. He noted 20% of the homes are absentee owners. Trish and Joyce discussed sharing current contact information, and discussed newsletter communication.

- 4. **Water Manager's Report:** There was no water manager's report.
- 5. **President's Comments:** President Jerry Scheinbaum did not report.

6. **BCMD Manager Report:**
  - a) **Water:** Rick reported the 1989 agreement with Snowmass Water was for 85 gallons per minute at the rodeo lot, with a maximum daily delivery of 120,000 gallons per day, and a maximum per month of 2 million gallons. Rick suggested reducing those numbers by 20% when assigning homeowner allocation, and to limit homeowners' watering to 3 days per week. Rick shared a spreadsheet from Snowmass water compared to previous year which offered statistics of several leaks. Lawson noted the BCMD has exceeded the monthly limit only a few times per year, but as of yet, Snowmass Water hasn't complained. The Board discussed over-abusers of the system, which were billed for excessive usage. Lawson said losses of 20% per year has been the norm, but Rick assured losses could be minimized by reinstating regular readings of the bulk meter at the Rodeo Lot, and repairing, and in some instances, locating, individual meters.
  - b) **Landscaping:** Rick suggested trading out weekend-only labor crews with a proper management landscaping company to better maintain common areas and roadside vegetation.
  - c) **Guardrails:** Rick presented the guardrail report with the new regulation of 31" height from top of the asphalt to top of rail, and noted there are very few areas that meet that. Some guardrails can be raised on the metal I-beams, but not those on timber posts. The BCMD has 2,300 lineal feet of guardrail. Lawson asked for a bid to get all guardrails into compliance.
  - d) **Address signs:** BCMD is installing 100 uniform posts with sign numbers per County regulations.
  - e) **Snow Plowing Contract:** Holmes charges \$160/hr for one truck with a plow. Stevens said though his pricing seems high, Rick assured he has been doing a good job for 19 years, and has been responsive and communicative.
  - f) **Tom Newland contract:** Rick stressed the need for one point-guy to be on top of issues like Cozy Point, the solar array, park & ride, and the master plan. Lawson agreed Tom Newland was respectable and the right person for the job, but felt the BCMD legally needed the homeowners to direct BCMD to act, since many issues were outside the scope of roads and water. Lawson said technically, the BCMD was not even supposed to oversee trash.
7. **Finance:** Jerry signed the annual Resolution No 01, series of 2019, designating the locations of the official public notice boards within the brush creek metro district. The Board approved and paid bills presented and prepared by Joyce.
8. **Date of Next Meeting:** The date of the next meeting was set for Thursday, February 21<sup>th</sup> at 5:30 at Aspen Mtn. Gondola Bldg. Conference Room.
9. **Adjournment:** The meeting was adjourned at 7:50 p.m. by Jerry Sheinbaum

# Brush Creek Metropolitan District

## Monthly Board Meeting Minutes

Date: February 20, 2018

Time: 5:30 p.m.

Location: Aspen Mtn. Gondola Bldg. – Conference Room  
601 E. Dean Street  
Aspen, CO 81611

Present: Jerry Scheinbaum, Lawson Wills, Jim Laing, Joyce Hardy, Isabel Day, Rick Stevens, Riley Gessele, Glenda Knight, Bookkeeper and Jean Owen, Recorder of minutes.

1. **Call to Order** at 5:30 p.m.

2. **Approve minutes.** Motion to Approve January 2018 minutes was made, 2<sup>nd</sup> and approved.

3. **Public Comment:**

- City of Aspen / Cozy Point Master Plan: Ben Carlson, Molly Somes, Kevin Dunnett, Jake Moe and Austin Weiss, Pitkin County Open Space and Trails were all in attendance. Austin said they are excited about implementing the plans for Cozy Point. Patty Watson and Aspen Tree, LLC are lease-holders. The City of Aspen is anxious to facilitate the plan. Ben described some corrective measures that will start this summer:

- Redirect watershed which drains into the front of the arena
- Reconfigure the parking lot to improve safety and functionality. The plan is for 45 parking spaces. Of those 14 will allow enough room for a truck/trailer/horse hitch
- Design a new entrance to the equestrian center
- Improve pedestrian traffic flow
- Paddocks which are now there will be arranged to achieve more efficient use of the space.
- The leach field will be moved creating a better flow within the center of the property.
- Discussion and questions followed about how the City of Aspen will provide management of tenant activities and land uses. Ben said that they will oversee the activities in the same manner as other events. Anything over 50 people will require permits from Aspen City and Pitkin County. The City of Aspen is concerned and committed to maintain the ranching aesthetic of this property. Beautification plans include overseeing the removal of equipment and junk that is currently stored on public lands.

Lawson said that he wants to see the land focus on remaining a ranch, not a farm.

Jerry asked if there is a clause in the contract for restoration of the land if the leaseholder leaves? Ben said that there will be an outside agency doing annual inspections mindful in the oversight and maintenance for a healthy ranch.

- **Wild fire mitigation recommendations** – presented by Aspen Fire Protection District chief Rick Balentine and Alex Durant of the Pitkin County/GIS department.
- Alex is responsible for all county addressing. Brush Creek Village's odd/even numbering makes it difficult for the fire department and ambulances responding to 911 calls. Pitkin County is promoting a county signage numbering system. This is currently not required

by Pitkin County, but recommended. He showed the board a prototype sample. Signs would be mounted on posts, cost about \$25 and have a lifespan of 25 years.

Jerry asked if BCMD might require the homeowner's to install one on each property. Rick Ballentine said he could ask the public safety council for funding. Alex said they have a preferred vendor. The cost would be around \$3,000 for the signs plus installation. Jerry suggested that possibly the BCMD could purchase one for each property.

Rick Ballentine said Fire mitigation issues should be prioritized by BCMD, with mitigation scheduled in May or June. Rick Ballentine wanted to stress that a wildfire assessment is free by contacting the Fire Department.

Riley asked if BCMD wanted to look into installing emergency backup power source for each pumphouse in lieu of a power outage. Backup power would enable water to flow to each station and also to the top of the subdivision.

**4. President's comment: Jerry Scheinbaum**

- Jerry mentioned to the City of Aspen that BCMD has been advocating for a stop light at the Cozy Point intersection of Juniper Hill and Highway 82. There have been several accidents there recently.
- Jerry introduced the new BCMD manager, Rick Stevens.

**5. Water Plant Manager's Report: Riley Geselle**

- IES is still waiting for the non-functioning lower Juniper Hill pumphouse pump which has been sent to Denver for repair.
- IES has installed the last meter. Riley recommends we need 5 more. The Board agreed to Riley buying 5 meters.
- Riley thinks that we may need a new valve at the Pioneer Springs main meter pit. That valve, along with two other valves will need to be turned off in order to fix everything. This work will be done in spring.
- Riley will work closely with Rick Stevens to ensure that the items on the list are properly handled and work is completed.

**6. BCMD Manager – Rick Stevens**

- Fire mitigation is on the list of things coming up.
- Rick will work with Alex to ensure that the fire hydrants are dug out.
- Rick wants to take a look at the roads with Dean Gordon and do a pavement analysis.
- Lawson asked Rick to get on top of the spare parts inventory and have them stored on shelves in the pumphouses by early summer.
- Rick will be meeting with Riley to review the subdivision and the operation of the pump houses.

**7. Budget: No report**

**8. Bills/ Finance**

- a) Approve bills: Motion to approve January 2018 bills as presented was seconded and passed.
- b) Glenda's report:
- c) A/R

**9. Other Business**

- a) Adopt a minimum capitalization policy.
- b) Discussion of the Brush Creek Landowner's Association (BCLA). Jerry has suggested that there be a joint BCMD/BCLA meeting this spring. Rick Balentine suggested that we could hold it at the new Fire Station in Aspen.
- c) Next meeting is scheduled for **March 22, 2018** in Aspen at the Aspen Skiing Company administration building conference room.

**10. Adjournment** at 8:00 p.m.

# Brush Creek Metropolitan District

## Monthly Board Meeting Minutes

Date: March 22, 2018

Time: 5:30 p.m.

Location: Aspen Mtn. Gondola Bldg. – Conference Room  
601 E. Dean Street  
Aspen, CO 81611

Present: Jerry Scheinbaum, Lawson Wills, Jim Laing, Joyce Hardy, Rick Stevens, Glenda Knight; Bookkeeper and Jean Owen; Recorder of minutes.

Absent: Isabel Day, Kelly Gessele

1. **Call to Order** at 5:30 p.m.

2. **Approve minutes.** Motion to Approve February 2018 minutes was made, 2<sup>nd</sup> and approved.

3. **Public Comment:**

**Rick Balentine came to discuss Wild fire mitigation** - Mitigation would take place in June. Rick Balentine wanted to stress that Wildfire Assessment is free to homeowners by contacting the Fire Department.

Rick mentioned that they have a pilot program with Mesa State College forestry interns coming in from June 1<sup>st</sup> to end of September. Rick wanted to know if BCMD could assist in covering some of the costs for their help.

**A Motion was made by Lawson to allocate \$5,000.00 from the General Fund. The motion was seconded by Jim Laing and passed unanimously by Board.**

Rick Stevens mentioned he could do a ride along with Parker of the Fire Dept. to do an assessment of the common areas within the subdivision. Rick Stevens suggested BCMD could pay for the fire remediation of these common areas, culverts, trash areas, switchbacks, etc.

Jerry mentioned that he will invite Maureen Poschman to join us at our next meeting to see how we can join with the HOA on a fire mitigation program.

Last meeting, Riley asked whether we wanted to create an emergency power backup for the pump houses. Rick Balentine said that this might not in fact be enough to handle a wildfire or house fire. He suggested that BCMD's water system is gravity fed and Aspen Fire Department has a good water shuttle capability.

**Traffic control at Juniper Hill / Hwy 82:** Rick Stevens had a meeting with Brian Pettit and he said that the only thing that the State will do is put up signage to improve the intersection that will comply with CO State standards. Brian said that he would give Rick a plan that shows these improvements to this intersection. He's planning to wait until he gets the traffic plan from CDOT and then go to the City of Aspen (Austin Weiss) and find out what their plan is for the increased volume due to the Cozy Point plan. He will get a contact name for Woody Creek Caucus and find out who the contacts are for CDOT. Rick wants to have a

traffic engineer do a traffic study. The Board members suggested we invite Greg Poschman, Pitkin County Commissioner, to come to the next meeting to discuss our concerns about safety of this intersection.

- **Alex Durant - Addressing recommendations.** Alex Durant of the Pitkin County/GIS department has sent an addressing survey for Brush Creek. There are 18 properties which are non-compliant and will need to possibly change their addresses. They will be notified and given time to get into compliance with Pitkin County's code. Jerry suggested that BCMD put in posts and signage that complies for every property within the subdivision at the expense of BCMD.

**4. President's comment:** Jerry Scheinbaum

**5. Water Plant Manager's Report:** Kelly Geselle – no report

**6. BCMD Manager – Rick Stevens**

- Addressing: 139 total 26 have issues to correct. Alex put together a map of the report he has completed and Rick will get a copy. BCMD needs to make contact with the owners of those properties which are in non-compliance. Pitkin County will pay for and provide the signs for these properties. BCMD can determine how to go about the update of other homeowner's. The biggest issue is to notify homeowner's that the Fire Department needs to be able to find a location when a 911 emergency situation exists. Homeowner's need to understand that if they are not in compliance they are at risk of not receiving emergency services from the fire department or ambulance
- **Jerry made a Motion to Adopt a Regulation to conform to the Pitkin County addressing and signage Code per the code Pitkin County Ordinance # 007-2016. This motion was seconded by Jim Laing. Vote from the Board was unanimous.**
- Trees that have been eaten by the deer on the Medicine Bow side need replacing. Lawson asked Rick to come up with a plan.
- Jerry said that the Juniper Hill slab at the dumpsters needs to be replaced.

**7. Budget:** No report

**8. Bills/ Finance**

- a) Approve bills: Motion to approve February 2018 bills as presented was seconded and passed.
- b) Glenda's report: Jerry signed the Cancellation of Election and Declaration Deeming Candidates Elected, Board of Directors Resolutions §1-13.5,513, 1-11-103 (3), C.R.S.
- c) A/R

**9. Other Business**

- a) Adopt a minimum capitalization policy. Jim will present the wording at the next meeting.
- b) Next meeting is scheduled for **April 19, 2018** in Snowmass – Snowmass Chapel Library

**10. Adjournment** at 7:30 p.m.



**Brush Creek Metropolitan District:**  
**Thursday, May 17, 2018 at 5:30 p.m.**  
**Snowmass Chapel Meeting Room**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- President Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Isabel Day
- Rick Stevens Manager
- Riley Gessele, Water Plant Manager
- Glenda Knight, Bookkeeper
- Jean Owen, Recorder
- Rebecca Driscoll, apprentice Recorder

*Absent:* Lawson wills and Kelly Geselle were not in attendance

1. **Call to Order:** The meeting was called to order at 5:38 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Motion to approve the minutes of the prior meeting was made by Jerry Scheinbaum. All members agreed to approve.
3. **Public comment.** There was no public comment.
4. **President's Comment:** Jerry Scheinbaum
  - a. Easement Agreements. A review of the easement of the road from Highway 82 past Cozy Point Ranch to the mailboxes, which was secured in 1992 and signed by Jim Crowley, then president of BCMD. The road is maintained by BCMD. Morgan Merrill, the owner of Cozy Point at the time, paid to pave that section, and Cozy Point, now under control of the City of Aspen, will participate in maintenance expenses. The Board discussed other users of the road who might be asked to participate in maintenance costs, such as Mr. Bonderman, and other home sites not currently a part to the Metro District.
  - b. Lot for sale: The Board reviewed the status of a property home site for sale located near Dr. Mitchell driveway on Juniper Hill. Currently owned by the County, it used to be 2 lots, but was combined, and now has only one building envelope. Isabel Day added that it is for sale for \$1.6 million and has no water.-The Board discussed assessing road impact fees from the buyer. Jim Laing asked if there was a water tap available; Jerry Scheinbaum reported there are about three more available. The Board asked manager Rick Stevens to draft an agreement to be used with future construction projects to help mitigate road impact and repair.
  - c. Water Usage: The board discussed the likelihood of a drought this year and whether to expect any limitations on water usage from Snowmass Water and Sand. The Metro usage was under allowable limits, but regularly goes over the monthly allotment during the 3 months of summer.

- d. Weed Mitigation. Weed control will be discussed at the June 21<sup>st</sup> meeting, with representatives of the HOA.

5. **Water Plant Manager's Report:** Riley Gessele

- a. Riley Gessele reported they are storing 4 meters and 4 pumps in the pump house. He will install shut off keys for the main lines plus purchase another \$120 spare to be kept onsite. Extra couplings which cost \$140 for the 4" and \$173 for the 6" are not really needed to store, given they are widely available. Scheinbaum agreed that anything with rubber components would degrade after a couple of years. Rick Stevens said a spare valve key would be handy.
- b. The Board discussed possibly replacing the District IT technician Scott Wright, who has been out of town a lot and not always available if needed. Malfunctioning meters should be replaced, especially the Pioneer Springs meter. Rather than rebuild it, Rick Stevens suggested replacing it with a remote reading meter. Riley estimated the price was about \$3,000, but it would reduce meter-reading labor costs. Because the project has become more involved, Riley and Rick will work to complete a quote to replace the main reservoir fill valve.

**VOTE:** After a proper quote has been secured, the Board will be notified to approve a new meter for the Pioneer Springs, which could be installed in 30 days.

6. **BCMD Manager's Report** – Rick Stevens

- a. P&Z Meeting: A review of the P&Z meeting that went well. He said Juniper Hill had been left out of the drainage plan, so the BCMD asked Sopris Engineering to include the road. Isabel Day noted the need for a right hand turn lane onto Highway 82, because so many cars try and cross Highway 82 to McClain Flats it rush-hour traffic backs up in the morning. The 30' right of way was limiting.
- b. Juniper Hill Road entry improvements: A proper irrigation system is currently in the bid phase. Then trees or shrubs would be planted around the entrance stone.
- c. Tabula Rosa: The Board got a request from the homeowners to repave Tabula Rosa for \$16,000, but upon closer scrutiny, the road does not appear on Pitkin County's inventory and may actually be a private road. Jerry asked Rick to locate the original subdivision plat to confirm the status of those roads, with the possibility of getting reimbursed for snowplowing and letting owners know if they need to initiate their own repairs.
- d. The doors on the dumpster stations have been painted/stained.

7. **Bills/Finance** – Glenda Knight

- a. Approve Bills: A motion to approve April 2018 bills as presented was seconded and passed.
- b. Trash: trash bill went up to \$78/month with Waste Management which was 2.5% increase, but divided by the 127 lots (7 unbuilt), was very reasonable. The new cost monthly is \$2703.35. Isabel Day asked if it were possible to request a different color for recycle bins.
- c. District phone number: Question as to whether the District wanted to keep the District land-line, which is on the website and in the phone book, but is really not monitored, and only collects telemarketing calls. It costs \$500 per year. Scheinbaum agreed canceling it was prudent, since the website has all the individual contact numbers, and

- hardly anyone uses a phone book anymore. Glenda will contact Century Link to see who had the authority to cancel it.
- d. Delinquent Accounts: The Board discussed the status of homeowner Adrian Burns' accounts. Glenda reported he is behind, but is paying regularly.
  - e. Glenda reviewed that the BCMD is required to submit a budget to the state and they are funded by the mill levy which pays out of property taxes, with a built-in 5.5% per year increase. The board noted that the Romero Group has a general spreadsheet where one can enter expenses such as common area maintenance, debt service, legal fees, to determine the appropriate mill levy. The District deposits \$50,000 per year to cover future capital expenses.
8. **Other Business:**
- a. Jerry Scheinbaum asked the Directors to take their Oaths of Office for another term.
  - b. Jim Laing will present wording of minimum capitalization policy at the next meeting.
  - c. The next meeting was scheduled at June 21, 2018.
9. **Adjournment.** The meeting as adjourned at 7:15 p.m.

Respectfully Submitted,

Rebecca Driscoll, Recorder

**Brush Creek Metropolitan District:**  
**Thursday, June 21, 2018 at 5:30 p.m.**  
**Snowmass Chapel Meeting Room**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- President Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Isabel Day
- Lawson Wills
- Rick Stevens, Manager
- Riley Gessele, Water Plant Manager
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Scott Wright- IT
- Robbie Mann – Public Homeowner (left after public comment)
- Monique Spears, VP of Brush Creek Landowners Association

*Absent:* Kelly Geselle was not in attendance

1. **Call to Order:** The meeting was called to order at 5:39 p.m. by BCMD President Jerry Scheinbaum.
2. **Approve Minutes:** Minutes of prior meeting taken by outgoing recorder were incomplete, so May's minutes by new recorder, Rebecca Driscoll, will be sent out to the Board for review.
3. **Public Comment.** Homeowner Robbie Mann is hosting a cocktail party to benefit Anderson Ranch on Wednesday, July 11<sup>th</sup> from 6-8 p.m., and asked permission for a valet service to utilize road-side parking at appropriate locations on straight-aways (no blind corners). The Board directed him to connect with Manager Rick Stevens to send an email to alert neighbors, and suggested signage to alert drivers of the congested area and perhaps a heads-up on notice on the dumpster/mailboxes. Mr. Mann offered his email [Rmann412@gmail.com](mailto:Rmann412@gmail.com) for anyone with questions or concerns.
4. **President's Report** – Jerry Scheinbaum
  1. Jerry Monique Spears to speak on her views of BCMD. She is the current Vice President of the Landowners' Association, who has purchased a lot at 580 Medicine Bow and is in the process of building. She found the Landowners' Association offered little direction on how to properly proceed on her application, so she volunteered to be on the HOA Board. Jerry Scheinbaum offered some history on the LOA-and the BCMD is responsible for many of the tasks the LOA once performed Is it might be better to combine the two? However, it is a big legal process to disband the LOA within state regulations or to have them join the District. Rick said Meadowood is trying to do the same thing, and Five Trees HOA abdicated decisions to its Metro District. He recommended contacting Jim Korpela, the manager of Five

- Trees, to discuss how the merger was accomplished, and check with Steve Connor about legal issues. While the Metro district meets every 3rd Thursday every month, the Homeowners could be encouraged to attend one of those as an annual meeting to meet neighbors, express issues and concerns, and get to know the Board. Representatives of the LOA are welcome at every meeting.
2. Rick Stevens clarified the difference between a Metro District and HOA: A Metro district can adopt rules/regs with the vote of Board, while an HOA requires a majority of homeowners. Also, Metro District authority is limited to subdivision infrastructure and oversight stops at a property line.
  5. **IT Department** – Scott Wright offered a report on the status of ongoing District projects:
    - a. Following multiple delays with Comcast, the network is mostly operational. Wright said he had Comcast eliminate the construction fee, and is negotiating with them to get a circuit. Because of a new pump house at W/J, they already had a conduit, and just had to run a 100' wire.
    - b. The new bookkeeping computer is setup and operational.
    - c. Wright reported an antennae at W/J will be able to pick up a few reads, including five in Pioneer Springs and one on Juniper Hill. He offered to give a tour to Rick Stevens of the system at W/J so he would know how to reboot or troubleshoot any issues.
  6. **BCMD Manager's Report** – Rick Stevens
    - a. Water Line: The board discussed the status of some out of compliance water lines at some ¾" lines; Lawson Wills suggested balancing the inequities over time, possibly using households. Three households in Pioneer (Whipple, Rispoli and Droste) have 2" lines, 6 households have 1.5" lines (Larson, Paley, Barns, Braun, Zuker), and 4 houses have 1" lines (Gaffney, Martin, Scheuer, and 1 not yet hooked up.-BCMD water regulations require pressure relief valves. "Houses of a certain size sometimes have private holding tanks for fire mitigation," he mentioned.
    - b. Broken Meter: A broken wire at 1599 Juniper Hill caused an invalid meter read. He suspects the breakage was caused by a large landscaping project and a tree root ball. The meter stopped reading between Wednesday, May 30<sup>th</sup> and Monday, June 11<sup>th</sup>. His recommendation is to move the meter to a better location.
    - c. Landscaping: Plans for common areas were discussed. Lawson Wills expressed a desire for evergreen trees that grow fast and could obstruct the dumpster year round. President Jerry Scheinbaum expressed line-of-site concerns. Stevens reviewed Hobar's Landscaping proposal. The board agreed to maintain the natural feel of the area with xeriscaping and agreed to proceed on the installing the irrigation as soon as possible, especially in light of this year's fire concerns.
    - d. Road Maintenance: Road striping is mostly gone, faded stop signage should be replaced. Brian Pettit of Pitkin County Road & Bridge reportedly offered striping at no cost.
    - e. Platted Roads: Following up on the previous month's discussion of a homeowner request for paving of Tabula Rosa, Stevens reported the road is not on the Pitkin County List and not on the original plat, and is most probably a private road on an easement. The bid to repair and pave the road is \$16,000. Lawson does not want precedent set of using District funds to maintain private roads. If the District had been plowing it, does the District have some responsibility for it, Day questioned. The Board suggested inviting the owners of the properties served to a subsequent meeting

- to present their case, especially since owners previously requested no maintenance be done on the road. Jim Laing said the Board should look at other questionable roads, update the address map with new driveways and roads, pin down what the original intent was. Whether the District should own the road, and perhaps go to the County to include the road, and collect taxes on it.
- f. PRV Backup: Discussion of the potential failure of the pressure release valve main linkage to the Brush Creek water line that comes down the hill. He proposed spending about \$10,000 to engineer a parallel pressure reducing vault on Brush Creek Road, with three to four 3-4 isolated valves. The Capital fund for water has good funding to finance this important safety feature. The Board agreed to create an engineering plan and contract documents to replace the system.
  - g. MOTION: Lawson Wills made a Motion to authorize \$10,000 to create the engineering documents for the parallel pressure reducing vault. Isabelle Day seconded. All were in favor. Motion passed.
7. **Other Business:** .
- a. The Board discussed a homeowner's request to build a caretaker unit over an existing attached garage. The Board directed the plans be sent to Mike Otte of the Brush Creek Landowners' Association Architectural Committee, because the project doesn't require a separate tap.
  - b. Isabel Day referenced ferocious weeds needing to be tamed in common areas. Rick will contract Aspen Tree Service who has the required licensed weed control applicators.
  - c. Guardrails: Since code requires guardrails to be 24" above ground. The new asphalt overlay raised the road height. The existing guardrails are now out of compliance and need to be raised.
  - d. Jerry Scheinbaum noted there wasn't a comprehensive current operating manual on the water system and suggested one be created.
  - e. Glenda Knight reported that the Mill Levy should be paid off by Thursday, November 15<sup>th</sup>.
  - f. Water leak: A caretaker of the Braun property discovered a serious leak involving of thousands of gallons of water, which occurred sometime before the Thursday, May 17<sup>th</sup> meeting. The leak occurred on the BCMD side of the meter. The board discussed ways to bill the homeowner for the water loss. Rick Stevens said he could figure out the approximate loss by calculating past usage norms from another curb meter, though Isabel Day thought that without a direct meter reading, it would be hard to prove. Glenda Knight and Rick Stevens will research an approximate amount.
8. **Financials:** Jim Laing briefly discussed minimum capitalization, State audits & State compliance, depreciation and gap accounting principals being properly utilized by the BCMD.
9. **Adjournment.** The meeting as adjourned at 7:30 p.m.

Respectfully Submitted,

Rebecca Driscoll, Recorder

**Brush Creek Metropolitan District:**  
**Thursday, July 19, 2018 at 5:30 p.m.**  
**Snowmass Chapel Meeting Room**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- President Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Isabel Day
- Nick and Susan Fallieras
- Rick Stevens, Manager
- Sarah Challinor
- Glenda Knight, Bookkeeper
- Bronwyn Anglin, Recorder

*Absent:* Kelly Gesselle, Lawson Wills were not in attendance

1. **Call to Order:** The meeting was called to order at 5:46 p.m. by BCMD President Jerry Scheinbaum.
2. **Approve Minutes:** Minutes of May and June meetings were read by all present following edits requested at prior meeting. Jerry motioned to approve May minutes, Jim seconded, all were in favor and the motion passed. Jim Laing motioned to approve June minutes with two changes, which was seconded by Jerry. All were in favor and the motion passed.
3. **Public Comment.** Resident Sarah Challinor reported that her road, Tabula Rasa, needs grading as it is very rutted, and especially hazardous during rain. Rick agreed the road is bad condition. Jerry Scheinbaum asked if Sarah has spoken with her neighbor, Donald Stone, who had previously told the Board no improvements were necessary. Sarah said that Stone concurred with the assessment. Jerry reported the bid is \$17,000 for the upgrades of the 600 foot common section, to grade it to prep for paving. Sarah said she would prefer it the road be left unpaved for fear of future cracking, especially since future construction on the vacant lot at end of road would negatively impact any paving. Jerry was concerned that the unpaved roads tend to rapidly degrade into washboards. Jim asked if it had yet been determined to be a BCMD road or a private driveway. Jerry said that Lawson believed it to be a driveway, but Rick said he believes it is a road and will discuss this in his Manager's report. Isabel said any new access with three residences must be named whether road or not and is concerned about creating a precedent. Jerry said that something would be done for Tabula Rosa but at this point he is not sure what. Sarah wants to be involved in the discussion but clarified she is not willing to pay for anything beyond her property line. Rick will have discussion with the Board to determine what will be done.
4. **President's Report** – Jerry Scheinbaum  
Water Lines: Jerry talked to BCMD attorney Steve Connor about different sizes of water lines, noting that fire suppression systems are independent of the water lines and some

properties have 30 minutes of water captured in a personal tank. The BCMD System Agreement calls for 3/4 inch tap lines. Connor suggested if a resident has a 2 inch tap they should pay 2.5 times as much as a 3/4 inch tap. Billing discussion followed. Rick clarified how many homes would be affected by such a change in billing. Rick proposed a different rate per gallon. Jerry explained the history of the building of the water system and the impact on senior water rights. Isabel talked about the potential for lot subdivision, which might create more demand. Rick explained how meters operate, and that they have been known to run backwards. The Board felt this topic should be revisited.

5. **BCMD Manager Report – Rick Stevens**

Rick discussed the Tabula Rasa road Platte and the 5 lots that can access it, and presented the Board with the supporting documents. Jim asked if there are other roads that would be in the same position; Jerry made comparisons to similar situations on Solar Way and Turtle Cove. Rick noted that BCMD is not responsible for plowing several roads. Rick got two quotes based on doing a road base with drainage: one at \$17k and the other was \$28k. Rick and Joyce questioned the reason why one quote was so much higher, and Rick said he would investigate the disparity. Isabel asked why the County has not been taxing Tabula Rasa as a road to date. Rick suspects Pitkin County engineer turnover may explain how it was missed. If the road were not paved, Rick said one alternate to paving was to use Mag chloride to hold the road base together; noting the product when used for stabilization is less impactful to the environment than other dust suppression products. Discussion followed about compliance with County road standard. Rick mentioned concerns with plowing, addressing, credits and implications of the road being considered public. Jerry said something should be done about Tabula Rasa and inquired if a grader could improve it as a short term solution. Rick said might as well just do it all at once due to the cost of getting the grader up there. Joyce asked if asphalt can be taken from the top of Medicine Bow to Tubular Rosa but Jerry and Rick do not think that would work well. Isabel asked if the Board should decide what to do with Tabula Rasa or whether the two owners should decide. Rick said this depends on whether it is considered by the Board to be a public road. Jim feels the Board should decide as it impacts BCMD finances. Rick feels that answers will come from looking at the addressing and the posts. Isabel wants a list of which roads are considered BCMD.

Guard Rails: Isabel asked about the guard rails that were in the budget to bring to code. Rick has talked to the County who are contracting with a guard rail company. Rick asked the Board for permission to piggyback on this contract which meant a more favorable price, and Jerry agreed it was a great idea.

**Motion:** Jerry Scheinbaum motioned to authorize Rick Stevens to work with the County on guard rail issues. Jim Laing seconded. All were in favor and the motion passed.

Isabel discussed Pitkin County funding used to maintain certain roads, especially from Cozy Point to Highway 82, which could share an estimated \$4000 in costs.



Rick reported that Grayson is mostly done with his project, with some small plumbing issues left. Discussion followed about backflow. Rick says this is a matter of the District clarifying the rules. Isabel mentioned the need for inspections.

Landscaping: Rick reported that Juniper Hill irrigation installation was completed, with three spruces scheduled to be planted this month. Isabel asked if the trees should be financed from a different part of the Budget; Jerry suggested maybe from the Water budget. Jerry asked is this going to be “Starwood nice” or “Brush Creek nice” as it will ultimately influence property values and the character of the neighborhood. Rick praised landscaper Charlie Hobor and expects he will do a good job. Discussion followed. Isabel suggested the trees be delayed until the fall due to the every other day watering restrictions. Rick will ask how much water the trees will need, and ascertained they could be maintained with the current restrictions. Regarding thistles, Rick will get more information on control and spraying.

Snowmass Water and Sanitation District water restrictions were discussed and the need to get information out to Homeowners. Rick will make a sign informing residents of restrictions. Jim says there should be an explanation of where to find information. Jerry said should be on website, which Rebecca Driscoll could update.

Rick discussed addressing and the need to price posts that meet Pitkin County code. Jerry explained the need for reflective numbers. Rick reminded the Board of the need for comprehensive maps of the water system, and since the BCMD will soon be out of debt, the time may be right to obtain funds for future improvements. Rick said the District needs a 10 year plan for the needs of the water system and a 5 year asset management plan. Jerry suggested raising rates to provide an infusion of funds. Glenda noted a vote is required to do that. Isabel thought the repayment of debt means taxes will lower. Jim said a mill levy adjustment will fix any needs. Discussion followed. Isabel asked about replacement of pipes. Rick explained every time a road is maintained the water lines are checked. Rick explained how DropBox is helpful in collecting all relevant documents together. Jerry agreed the BCMD should implement a DropBox file share system.

#### **6. Bookkeeper’s Report:**

- Glenda cancelled the BCMD \$50 per month telephone line that was unmonitored and only collected sales calls. The Board had considered the line unnecessary, since emergency and contact numbers were available on the website for individual managers and Board contacts.
- Snowmass Water & Sanitation reported the BCMD used 4.3 million gallons this quarter, compared to the same quarter last year of 3.5 million, in part because of dry conditions. However, one owner was metered to have used 3700 gallons/day, and the owner emailed Glenda when he got the bill and she explained they did not believe there were any water leaks and that he should check with his irrigation contractor. He did but that did not provide an answer, so the BCMD will investigate the meter to ensure it is functioning properly.
- Owner Gerald Grayson wants a back-flow preventer valve installed at his meter at BCMD cost.

- Accounts Receivable are in progress, and most have been received.
7. **Other:** Jerry will not be here week of August 16th, though the date of the next meeting was not changed at that time. No other items were addressed.
  8. **Adjournment:** The meeting was adjourned by 7:40 p.m. by Jerry Scheinbaum.

Minutes by Bronwyn Anglin and Rebecca Driscoll

**Brush Creek Metropolitan District:**  
**Thursday, August 21, 2018 at 6 p.m.**  
**Snowmass Chapel Meeting Room**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- Lawson Wills
- Joyce Hardy
- Jim Laing
- Isabel Day
- Guests Bill Dinsworth and Wayne Ethridge
- Rick Stevens, Manager
- Scott Wright, IT
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Via Phone, Recorder
- Kelly Gessele, Water Plant Manager

*Absent:* Board President Jerry Scheinbaum was not in attendance.

1. **Call to Order:** The meeting was called to order at 6:03 p.m. by Lawson Wills.
2. **Approve Minutes:** June Minutes were not discussed.
3. **Public Comment.** Lawson Wills offered the floor to Bill Dinsworth and Wayne Ethridge, Chair of the Woody Creek Planning Commission, to discuss the Solar Farm project. Wayne reviewed a project from the applicant, the Aspen Sanitation District (as opposed to Pitkin County), which hopes to install 16,000 panels on 35 acres in a wide bench along the Woody Creek Trail in a parcel formerly used by the Sanitation District as a sludge dump. Dinsworth and Ethridge expressed they felt the visual impact would be significant for the very large project, and was worried that it would industrialize the corridor that is the entrance to Aspen. The benefits would be lower electric costs to the Aspen Sanitation District, but the facility would be built and run by an outside private firm called RES and would not be a public utility subject to oversight by elected officials. The application gets reviewed by P&Z only, not the County Commissioners, at a meeting September 4. The Board discussed general support for environmentally friendly power options, but agreed it could negatively impact homeowners, and people using the Rio Grande Trail, and was concerned that there was no public oversight. The BCMD Board members agreed to carefully review the plans and have some representation at the meeting.
4. **Water Manager's Report:** Kelly Gessele  
Kelly discussed regulation of the water system, informing the Board that the health department comes every 3 years to look over tanks, and review rules and regulation of

chlorine use. Riley toured with them on the most recent visit, and no part of the operation needed a write-up. Kelly said he routinely tests for copper and lead and copies of the tests are kept in a file, with results sent to the State. The Board wondered if those reports should be made available on the web-site. Tanks are inspected 4 times per year, and the ducts get disinfected. Kelley suggested some minor upgrades, and asked to authorize FDs for middle pump house. He discussed leak detections, and replacing fill ale meter at bottom (clarify?).

The Board discussed the current water restrictions, including creating a database to disseminate information about Snowmass Water and Sanitation. Snowmass water needed to turn off water for a short while to make some repairs and had called to be sure BCMD tanks were full enough to withstand a temporary shutdown.

Better labeling was suggested to determine which white box went to which house, since they were on the same pole. They discussed operation improvements and state of meters.

5. **BCMD Manager Report:** Rick Stevens

Rick Stevens discussed a \$8,900 proposal from an asphalt contractor to repair dips in several areas on Juniper Hill and Medicine Bow, and to create a better radius on the corner at the Juniper Hill dumpster for trash trucks.

**MOTION:** Lawson Wills motioned to approve the \$8,900 asphalt bid to proceed with road maintenance. Jim Laing seconded, and all were in favor.

Rick discussed meeting with property owner Sara Challinor regarding Tabula Rosa. He said he is 99% sure that it is a Metro District right-of-way, which the District has been plowing historically. Attorney Steven Connor had emailed Jerry Scheinbaum on the subject, but Isabel thought Steve Connor should come to the next meeting to clarify.

Stevens discussed a minor document issue with Dean Deroeser service agreement that specified an engagement agreement as how Merrick conducts business; in the even the District wishes to use him as Engineer or Record. He is currently consulted as to taps and infrastructure, and was the one who originally designed the system so makes sense to use him, Stevens said. Lawson was worried uncontrolled billing and didn't want to sign a contract that obligated any regular payments to guarantee a service contractor, noting they have operated without an engineer for 27 years. Stevens said the contract has no financial implications, that it is rules of the game only, and any PRV would be a completely separate contract. **The Board agreed to sign the contract.**

Stevens discussed cost share agreement and intersection improvements at Brush Creek intersection. He suggested spending \$4,000 on an analysis of asphalt condition and current level of deterioration. Isabel worried about spending money on assessment, as such an assessment would be included free if it bids were requested as part of the process of repaving. Rick said it was good to get a professional baseline opinion before Cozy Point begins any significant work that would hasten its degradation and thus change their portion of cost share. He suggested they split the cost on an assessment.

Stevens reported that BCMD handyman Fernando took a job with Fed-Ex, so is no longer supervising thistle control, and principal handyman Alex Angeles is in Mexico. He reported that they have been paying one unsupervised one worker with a weed-wacker for \$25/hr, lamenting it would take months to complete the 6 mile stretch, and suggested there might be a better way. The District has spent already half of the \$8,000 budget for road clean up.

6. **IT Report:** Scott Wright

Scott Wright discussed state of radio reads, and some solutions to get remote reads on radios not currently not operational, which included at least 7 houses. He said one possibility was to attach the data collector to Homeowner internet, where there would be power and internet. Another idea would be to attach to solar panels, main Pioneer meter pit owned by the District not near any structures, and then purchase internet. The Board agreed to pursue any options that would reduce the time Rick Stevens and Greta spend to get the readings in person.

Scott informed the Board he just gave a resignation letter to Starwood and that he is shutting down his business of 17 years, because he has been unable to find housing past September. His compensation in Starwood of \$6,000 was insufficient relative to the cost of living here, he said. The Board suggested he should entertain charging retainers, and raising his rates to whatever made it profitable to continue serving the upper valley.

7. **Budget:**

Glenda did not discuss anything about the Budget.

8. **Adjournment:** The meeting was adjourned at 8:22 p.m. by Lawson Wills.

**Brush Creek Metropolitan District:**  
**Thursday, September 20, 2018 at 5:30 p.m.**  
**Snowmass Chapel Library**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- Jerry Scheinbaum
- Lawson Wills
- Joyce Hardy
- Isabel Day
- Rick Stevens, Manager
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Kelly Gessele, Water Plant Manager
- Guest Eden Vardy
- Homeowner Stuart Lusk
- Homeowner Greg Poschman
- Monique and Joseph Spears, Brush Creek Landowners Board of Directors
- *Absent:* Jim Laing

1. **Call to Order:** The meeting was called to order at 5:40 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from July 19<sup>th</sup> were approved as presented by all members. Minutes from August 21<sup>st</sup> meeting were approved after two changes.
3. **Public Comment.**
  - a. **Eden Vardy, Cozy Point Farm Collaborative:** Eden Vardy presented the board with plans to expand his operation since he was awarded a 15 year lease last March, with a 5 year renewal, to operate on 14 acres. Eden introduced himself as executive director of the farm collective for the past 7 years. He reviewed current operations there, including the Earth keepers community day camp which offers an outreach program to 11 local schools in STEM and farm science. Additionally, the Collaborative is starting a tool library to lend out tractor implements to local farmers, a research station to collect and preserve 200 year old orchard stock to provide plants adept at surviving in high altitude cold climates, and an egg operation. They will soon be introducing a rolling hoop hen house system, plant 500 fruit trees, offer a diploma program in regenerative farming, construct a 4000 square foot education center, and have a small farm stand. Lawson Wills expressed concern from the Subdivision's point of view, that the scope of the project threatened the rural ranch atmosphere, and was likely to become a visitor attraction, and increase traffic but still leave BCMD to pay for the road. Jerry Scheinbaum requested the City not asphalt the parking lot area. The Board discussed the option for Cozy Point to use the historic Highway 82 entrance to reduce road impacts. Rick Stevens reminded the board that the current road share

agreement was based on value of assessed property, so the increase in traffic by the Cozy Point expanded operation would not be considered in the present method of calculation.

Eden invited everyone to tour the new project and attend the November 20 farm to table community event held at the Jerome ballroom.

- b. **Medicine Bow Road damage:** Homeowner Stuart Lusk brought up concerns with the Medicine Bow/Brush Creek intersection. He presented the board with a sample of recent asphalt breakage to demonstrate a problem with the shoulders and road base along Medicine Bow, and asked for more road base on the edge of the roads and a less steep drop-off. He and the Board also discussed better signage and striping at the Medicine Bow intersection, because tourists often accidentally mistake it for Brush Creek Road. The Board also expressed concerns with making the bus stop safer.
  - c. **Fire Prevention:** Stuart Lusk recanted the tale of the individual who hung out daily at the entrance of Medicine Bow while awaiting a ride to work who had been endangering the subdivision during the County fire ban by openly smoking. He reported dozens of cigarette butts in the dry grass, and discussed his daily attempts to get the Sheriff's department to intervene. Eventually the officer made contact with the person, who most recently was refraining from smoking at the intersection. A discussion of fire safety followed, especially that the fire marshal had admitted the subdivision would be very difficult to defend from wildfire given its dry brush/grass, and in the event of a wildfire, likely water would be shut off to residents to save it for firefighter use, thus diminishing each homeowner's capabilities to defend their own property. The Board discussed clearing brush and grass near roads to mitigate the danger. The County had in the past provided a chipper to assist in clearing brush and wood.
  - d. **Airport:** Stuart Lusk invited a discussion on the airport, specifically the flight plans. From his house, he reported witnessing many near misses since the runway realignment, and a tendency for planes to come in faster and lower. He feared pilot error could endanger the subdivision. Lawson Wills said they have unsuccessfully invited the airport manager to attend a meeting, and noted it is the FAA which dictates flight paths and runways, not the County. Plans for an airport upgrade are in the earliest states, said fellow homeowner and County Commissioner Greg Poschman, so there would be many opportunities for public comment and concerns. He said they have received a grant from the FAA for \$6 million to create a design for an upgraded airport.
4. **Water Manager's Report:** Kelly Gessele  
Kelly discussed a new compound meter at Pioneer springs which costs about \$2,500 plus install costs, which will provide high and low number readings. The current one is mechanical only and won't support remote readouts or an electrical interface. Glenda added that the meters are operating, but the collectors are not collecting all of the data, so it must be read by hand. Scott Wright, the IT technician, is currently discovering a way to use solar or boosters at that location. Rick recounted how the District lost 300,000 gallons

because of a leak undetected by the house meters, and that this master meter could help isolate leaks.

Kelly also discussed a proposal from Dean Deroeser from Merrick Engineering he hoped to accomplish before winter to add a PRV. The project would likely block Brush Creek Road and turn off water at some point.

**Action Item:** Jerry asked Rick to invite Deroeser to the next month's meeting to discuss the scope of the plan, the interruptions expected to service and traffic, the cost and the need.

Kelly discussed he will be testing copper and lead samples from 5 randomly selected households imminently, which are taken between 6-7 a.m. from a kitchen or bathroom faucet.

5. **President' Comments:** Jerry Scheinbaum invited representation from the Landowners' Association, Monique and Joseph, as well as some homeowners in hopes of opening a continuous dialogue on issues outside of the District charter, which is primarily limited to roads and water. The Board could create an alliance with the Landowners' Association on other more political issues, including the Cozy Point Highway 82 intersection, expansion of the intercept lot to possibly include a coffee shop in addition to more parking, and the solar array application before Planning & Zoning, lending weight as a quasi-governmental entity. He expressed hope that anyone complaining silently would find a forum to discuss their concerns. Homeowner and Pitkin County Commissioner Greg Poschman encouraged the Board and the Landowners' Association to weigh in all the time to be heard. The Board said it may be helpful if the Landowners' Association could direct the BCMD to write a letter on their behalf, or renew the Brush Creek Caucus, which exists, but has been dormant.

Monique expressed difficulty the Landowners' Association had had getting and keeping the homeowners engaged, as well as maintaining any regular communication. Isabel suggested sending out a letter with regular updates, since a reliable mailing list exists to send out bills, with a request for phone numbers and emails, and invitation to participate in the meetings. Social media, such as a closed Facebook Group, was also suggested to enhance communication and dissemination of information. Joyce complimented the solar application response and a comprehensive list of issues authored by Lawson Wills, and suggested it be disseminated further, possibly even in the newspaper.

**Roads:** Jerry Scheinbaum reported there are 6.3 miles of paved roads considered viable County roads for which we receive County funds, but substandard roads do not receive any funding. Lawson Wills contended Tabula Rasa was a private road belonging to homeowners, and denied the District had been plowing or maintaining it any way. Rick Stevens continued to assert it was BCMD responsibility. Jerry said he felt a responsibility to make it safe and wanted to make a motion to do some minimal work to that effect, Rick suggested a motion to authorize time and materials up to a certain amount. Isabel wanted a review of all roads by the BCMD attorney on what was the responsibility of the District.



**Action Item:** Rick will set up a meeting with BCMD attorney Steve Connor to review all agreements, covenants, service agreements pertaining to roads and present his findings at the next meeting to determine the fate of Tabula Rasa, and other roads with similar designation.

**Compliance:** The Board discussed compliance issues, specifically water line service agreements mandating ¾" lines, and some homeowners having 2" lines, which were required by County code to install fire suppressant sprinkler systems in larger homes. Connors felt that homes with larger lines could be assessed higher fees, though Lawson suggested reduction valves could fix the issue.

6. **BCMD Manager Report:** Rick Stevens briefed the Board on several items he was currently managing.
- a. **Engineering PRV,** as previously discussed by Kelly Geselle
  - b. **Roads:** Rick discussed making improvements to ditch drainage and shoulder improvement, as noted by homeowner Stuart Lusk.
  - c. **Snowplow contract.** The winter contract was being prepared with specifications as to which roads were precisely District responsibility.
  - d. **Crack sealing:** a thorough examination of all District roads didn't reveal anything significant to repair.
  - e. **Addressing:** Rick announced that the County requires code compliant signage at each address for fire and emergency services and that several addresses are not in compliance at all and will need changing. He proposed every property have a uniform address marker (about \$30) on a post (about \$40) that the District would provide and install. Because Pitkin County adopted a code with a specific way to address subdivisions, it was revealed that 13 addresses are totally incorrect, and another 13 are marginal. He will get an official certified letter from Alex Durant in Pitkin County Maps and Information informing the affected homeowners of the required change, emphasizing that it is a County requirement, not a BCMD request.
  - f. **Meters:** Rick Stevens informed the Board that certain counties in Colorado may be going to permanent water restrictions, and emphasized the importance of operational meters to determine and mitigate leaks. Lawson Wills said losses of 10%-15%, which are par for the course in the Association, amount to a pretty significant loss, and agreed, could be reduced with better monitoring.
  - g. **Guardrails:** With a service agreement between the District and Pitkin County, all Guardrails could be maintained regularly for a discounted bulk price with the rest of the County. To enter into the contract, the BCMD needs to have a full survey of length, location, height, materials, which would generate a price per square foot for the contract.

**Action Item:** The Board agreed to spend up to \$5,000 to survey the entire system of guardrails in order to include it in Pitkin County maintenance offer.

Isabel Day clarified that in her opinion the District priorities should concentrate on shoulder work, guard rails, and meter clean up.

7. **Budget:**

Glenda Knight announced she would be presenting the preliminary budget the following month.

8. **Other Business:**

- a. Solar Array Jerry Scheinbaum communicated information from a professional in solar power that the arrays are light absorbing, not light reflecting, and that many arrays are near airports with no visual impairments resulting. He recommended getting a contractor to a meeting to get all questions answered. Lawson Wills wanted to see a demo panel, but ultimately thinks the any objections to the array would be a homeowner issue, not a BCMD issue. Rick reminded the Board that leverage comes from being in a tax district. Lawson Wills agreed the rural way of life was being threatened on many fronts. The dates of the solar array hearings were announced as October 5<sup>th</sup> as the deadline for comments, with a November 6<sup>th</sup> P&Z review. The County will also weigh in on the project, said Greg Poschman.
- b. The date of the next meeting was set for October 18, 2018.

9. **Adjournment:** The meeting was adjourned at 8:30 p.m.by Jerry Scheinbaum

**Brush Creek Metropolitan District:**  
**Thursday, October 18, 2018 at 5:30 p.m.**  
**Snowmass Chapel Library**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- Jerry Scheinbaum
- Lawson Wills
- Joyce Hardy
- Isabel Day
- Jim Laing
- Rick Stevens, Manager
- Glenda Knight, Bookkeeper
- Landon Deane, sub for Rebecca Driscoll, Recorder
- Kelly Gessele, Water Plant Manager

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from Sept 20 meeting were approved with some changes (see addendum of changes that will be made). Jerry, Joyce and Lawson approved the minutes.
3. **Public Comment.** There was no public comment.
4. **Water Manager's Report:** Kelly Gessele
  - a. Kelly will pick up in Grand Junction and install a 4" meter with high/low readings for installation next week. He ran into trouble ordering Variable Frequency Drive (VFD)s, finding the single phase was more expensive than the 3-phase. Drawings for the pump house on Brush Creek Road were created, and Canyon Excavation and Aspen Digger both submitted bids. The lowest bid for the bypass was \$26,000 for everything except the pressure release valve (PRV) vault. Kelly thought they should try to complete the bypass before winter so the subdivision can have water if anything goes wrong with the valve, and schedule the PRV vault to be completed in the spring. The bid includes 65 feet pipe, 6 valves, 2 lines, labor, and traffic control. Kelly recommended Canyon Excavation, who had the lowest bid. Rick showed the drawings and bid to the board. The project is estimated to take 5 days. Rick shared an estimate from Dean the engineer of \$30,000 for the PRV bypass portion and PRV portion estimated at \$60K, and cautioned the whole project might cost as much as \$100,000K.  
**Motion:** Lawson made motion to approve \$40K from the water capital account for the bypass project with Canyon Excavation. Jerry Scheinbaum seconded. The Board approved unanimously. Lawson asked for a performance bond from Canyon Excavation.

- b. Sebastiano Cassinelli: Rick reported that the Cassinelli household at 2661 Juniper Hill was using 4K gallons a day, and it was determined he did not have a leak, rather, he was irrigating heavily. Sebastiano agreed to pay for the water.
  - c. **Bill Braun:** Glenda and Rick carefully reviewed meter readings from the Rodeo Lot, Pioneer Springs, and other homes with a previous year reading on the same meters to assess the loss of the April leak at Braun's, and determined about 200K-300K gallons were lost. Rick noted usually a resident owns their own meter, but in this case, BCMD owned the meter. Rick recommended that BCMD should own any equipment up to the curb stop, and the district should make a rule that residents should have a meter near the curb stop with a backflow prevention device. Lawson suggested that BCMD should not pursue the Braun issue further.
5. **President's Comments:**
- a. **Airport:** Jerry reviewed plans for airport expansion and noted those who live close would likely not be in favor, but the airport will likely have to expand because the new generation of larger planes will be quieter, safer and more fuel efficient. Jerry said continuing to use outdated CRJ is not efficient or logical, and the expansion would probably occur regardless of opposition, and the idea of moving air traffic to Rifle airport was not going to happen, even though some of Aspen visitors use Eagle or Rifle currently. Jim reminded the Board there are not currently enough beds in town to warranty more seats, so bigger planes would actually mean fewer planes landing at the current occupancy level.
  - b. **Solar Panels:** The meeting is November 6<sup>th</sup>, BCMD sent letter to Suzanne Wolff at the City expressing the feelings of the metro district. BCMD homeowner and Pitkin County Commissioner, Greg Poschman, assured there was a complete review of the project underway.
6. **BCMD Manager Report:** Rick Stevens briefed the Board on several items he was currently managing.
- a. **Cozy Point:** BCMD participated the hearing for Eden Vardy's proposed projects at Cozy Point, and discussed cost sharing for Juniper Hill Road, the intersection, and the nature of business. Rick thought Cozy Point may generate more traffic on the road than the homeowners, and the Board discussed light and noise issues (possible concerts). Rick asked the Board how much they wanted to be involved, and the Board agreed they should be, even though it was technically outside the scope of roads and water. Isabel expressed concerns over parking. The Board expressed support of the concept of the collective, but was concerned about the details, especially since Eden hired an attorney Chris Bendon, former chief planner for City of Aspen, and esteemed architect Rowland Braughten, so the project might be more extensive than anticipated. Lawson said Aspen is focused on tourism and that BCMD may not have much choice in the matter. Rick reminded the Board the original cost share agreement was based on light ranch use, and the new usage should change all agreements.
  - b. **Road Shoulders:** Rick marked areas on the road that needed shoulders bolstering, and can start immediately with bobcat, trucking, compacter, and labor for \$2,500 per day with authorization. They would complete Medicine Bow in one day,

Juniper Hill after that. The Board discussed cracking on the road also. Lawson agreed to a project up to \$5K.

**MOTION**: Lawson Wills made a motion to approve up to \$5,000 to address road shoulder issues.

- c. **Medicine Bow Bus Stop**: Rick expressed concerns over the bus stop at the bottom of Medicine Bow, and will discuss with RFTA to improve. Also, given Brush Creek is the busiest road in the County, Rick suggested that better signage be considered at that intersection.
  - d. **Snow Fox Lane Plowing**: The Board instructed Rick to contact Ted and Cindy Davis regarding cessation of plowing of Snow Fox Lane, which has been determined to be a driveway. Board will not back charge the resident for plowing.
  - e. **Addressing changes**: Rick produced a letter that addressed updating those addresses that don't meet county code.
  - f. **Stop Signs**: Rick said new stop signs are coming for the four-way on Juniper Hill.
  - g. **Cozy Point**: Dean will analyze the current state of pavement, but to help with budget, won't bill until next year. The information will be used to discuss Cozy Point cost share negotiations with the City.
  - h. **Stitt Property on Red Tail Lane**: Rick will compose a letter about concerns of excavation issues on a developing lot. The letter will clarify that they didn't approve of soil nails when creating a foundation, and possible need for a retaining wall to protect the road, and assurance they wouldn't encroach on a right of way.
  - i. **Snowplow Contract**: The Board discussed current contract with Holmes Excavation, the snow plow contractor. His downside is he lives in Glenwood Springs, and sometimes needs calling to tell him it is snowing in Aspen,
  - j. **Tabula Rasa**: **MOTION**: Jerry made a motion to spend \$7,900 to smooth out Tabula Rasa and add road base, and improve the drainage, but not pave it. Jim Laing seconded. All were in agreement.  
It will include 12-13 loads of road base, and will stop before Donald Stone's property, but pass Sarah Challinor.
  - k. **Construction Rules and Regulations**: Isabel was concerned that new construction might be cutting into BCMD roads, and although the County gets the plans, the BCMD is being left out of the loop, and wondered how to stay included. Rick reviewed Meadowood and Five Trees rules and regulations and suggested they adopt something similar. He also suggested a more active HOA might help communication between homeowners and the District,
  - l. **Water Usage**: Isabel wondered how to deal with people who exceed their water allotment, and that there wasn't enough incentive to conserve. She asked if costs should be higher. Rick said everywhere else has raised rates. Glenda said there is process to notify people about rate increases, and Jerry said they should send letter in the Spring about new rates and urge residents to conserve.
7. **Budget**: Glenda confirmed the raising of the Property Tax Revenue Limit by the allowed amount of 5.5% for the 2019 budget. She said that the bond will be retired in November, and there is no debt, which will make the mill levy less. Residents will see mill levy reduced from 22.95% in 2018, to 17.86% for 2019. She provided a proposed budget for 2019.

8. **Other Business:**

Board opening: Isabel announced she was closing on the sale of her house in one week, and thus could no longer serve on the Board. She said the buyer will not be living there for two years, and will have renters,

9. **Adjournment:** The meeting was adjourned at 7:45 p.m. by Jerry Scheinbaum.

Adjustments to minutes of September:

Rick Stevens clarified Cozy Point Farm Collective is *renting* farm equipment, not *lending*, and on page 4, clarified that he would attend a meeting with the attorney Conners, but was not in charge of instigating the meeting. Stevens wanted the record to reflect the plans for a 4000 sf education center, plus 4500 sf hay storage roof, noting 8500 sf constitutes a significant footprint. He highlighted the importance of the cost sharing agreement with Cozy Point, especially the section about Medicine Bow road damage. Lawson added there was talk about adding a restaurant to the property.

**Brush Creek Metropolitan District:**  
**Thursday, November 15, 2018 at 5:30 p.m.**  
**Snowmass Chapel Library**  
5303 Owl Creek Road  
Snowmass Village, CO 81615

*Present:*

- Lawson Wills
- Joyce Hardy
- Jim Laing
- Scott Wright, IT
- Rick Stevens, Manager
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Absent: Jerry Scheinbaum, Kelly Gessele  
(Isabel Day, retired Board member, has not yet been replaced)

1. **Call to Order:** The meeting was called to order at 5:40 p.m. by Lawson Wills.
2. **Approve Minutes:** Minutes from Oct 18 meeting were approved with no changes. Lawson moved, Jim seconded, Joyce agreed.
3. **Public Comment.** There was no public comment.
4. **Water Manager's Report:** There was no water manager's report.
5. **President's Comments:** There was no president's comment.
6. **BCMD Manager Report:** Rick Stevens briefed the Board on several items he was currently managing.
  - a. **Bypass Vault Completed:** The bypass was completed under budget, but not without its challenges. A couple of Pioneer Springs residences, and one on Brush Creek Road, were without water for a few hours, and a residence experienced muddy water, requiring the use of bottled water for a few days until testing indicated it was safe. A lower buried pipe took 4-5 hours to find. The project has come in at about \$30,000. A Derosier invoice is still expected. Rick noted the condition of the inside of the vault, scheduled for replacement next spring, as dire. He described drain valves that wouldn't open and an electrical panel in very poor shape.
  - b. **Leak Updates:** Rick reviewed some recent leaks The cause of the leak at 1969 Juniper Hill Drive has not been discovered-and the usage dropped on its own. Another leak on Turtle Cove was traced to a homeowner filling a dried irrigation pond with a hose. Water tested in the pond confirmed it was chlorinated and thus was treated water. That homeowner agreed to pay for the water.
  - c. **Meter Update:** Rick noted they are waiting on a new meter for Pioneer Springs, because it is difficult to access the current one. Scott Wright proposed buying 3



handheld reading units for about \$1,200, which would allow communication to laptop without getting out of a vehicle. BCMD could contract somebody to collect data on meters that **don't give reliable remote readings**. **MOTION:** Lawson Wills motioned to spend \$2,000 on 3 used handheld readers and a laptop. Jim Laing seconded. All were in favor.

- d. **Juniper Hill Road Analysis:** Rick presented a detailed memo by Dean Gordon of SGM regarding the condition of Juniper Hill Road from the Brush Creek intersection to the mailbox triangle (about ½ mile stretch. -This would be sent to Austin Weiss of the City of Aspen to work out a new cost sharing agreement when the land use agreement is resubmitted to include commercial use at Cozy Point Ranch. The Board recalled the original agreement was decades old, based on a low impact agricultural use of the property.
  - e. **Guard Rail Survey:** An engineer hired by Pitkin County will complete analysis of all the guard rails in the subdivision (including 3 completely different models of guard rails), which will be the cost basis for joining the **county-guard** rail maintenance program. The County has contracted Ideal Fencing at a competitive rate per square foot, which saves the BCMD from negotiating its own contract. The survey cost is approximately \$1,500.
  - f. **Pensco Building Envelope:** Rick reviewed some ongoing concerns about a property currently renewing an activity envelope. which may have geological hazards and challenging soil conditions. The proposed activity envelope borders both Medicine Bow and Red Tail Lane, and encroaches on BCMD right-of -way. He has composed a letter discussing these concerns and the Board has agreed to submit the letter to the County. The property is currently on the market.
7. **Budget:** The Board reviewed the proposed budget at an open public hearing to accept comments. There were no comments. The Board accepted the proposed budget and will adopt it at a later meeting, after Glenda receives the Amended Certification of Values from the County. Rick asked whether the capital fund also had a budget. The Board said not at this time, but they were considering one that would lay out long term capitalization projects.
  8. **Other Business:** No other business was presented.
  9. **Date of Next Meeting:** The date of the next meeting was set for Wednesday, December 12<sup>th</sup> at 5:30 at Aspen Mtn. Gondola Bldg. – Conference Room as Thursday had schedule conflicts.
  10. **Adjournment:** The meeting was adjourned at 6:45 p.m. by Lawson Wills

**Brush Creek Metropolitan District:**  
**Wednesday, December 12, 2018 at 5:30 p.m.**  
**Aspen Mountain Conference Room**  
Aspen Gondola Plaza  
Aspen, CO 81611

*Present:*

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Rick Stevens, Manager
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Absent: Kelly Gessele, Lawson Wills, Scott Wright, IT

1. **Call to Order:** The meeting was called to order at 5:34 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from Nov. 15 meeting were approved with no changes by Jim Laing, seconded by Jerry Scheinbaum.
3. **Public Comment.** There was no public comment.
4. **Water Manager's Report:** Kelly Gessele was not present, but Rick Stevens noted on his behalf that the electrical panel, PRV valves and piping/controls were shot and will be replaced in the spring when the PRV vault project is completed. He noted the upper ranch meter was not reading. Glenda added that the residence at 911 Medicine Bow was experiencing a mysterious reverse reading, which Rick hypothesized had something to do with the recent drainage during the repair.
5. **President's Comments:** There was no president's comment.
6. **BCMD Manager Report:** Rick Stevens briefed the Board on several items he was currently managing, including the PRV Vault, Leaks and Meters.
  - a. **Juniper Hill Road:** Rick discussed ongoing negotiations with the City on cost sharing a section of Juniper Hill Road near Cozy Point. Ben Carlson from the Parks Department is rewriting the master plan to include commercial usage from Eden Vardy's project at Cozy Point, and Rick says that is the correct time to reevaluate the sharing percentage.
  - b. **Guard Rail Survey:** BCMD spent \$2200 for a survey to determine the state of the guard rails. Jerry suggested asking the County to pitch in, because although BCMD maintains the road, the standard for safety is a County issue. Rick will have a conversation with the County to determine if some cost sharing is possible.
  - c. **Water Conservation:** The Board discussed water usage and conservation in the light of likely ongoing future restrictions. The Board discussed comparable water rates provided by Roaring Fork engineering, who works with many community water systems. They discussed worst case scenarios that if water restrictions were

severe, just charging residents for overage may not be sufficient. Currently, there is no enforcement on individual properties, so Jim Laing asked if the District can create limitations to availability. Stevens noted that in Meadowood, enforcement is through the HOA, and they have the ability to shut off water with 30 days' notice. The Board discussed creating landscaping resolutions, and severe financial penalties for overages, although Glenda says current rules are currently pretty punitive. The Board discussed preparing guidelines for landscapers and creating a water usage regulation report. Glenda clarified the current service agreement from Snowmass Water is for 2 million gallons, and there are currently 127 house taps, which equates to an allocation of about 16,000 gallons per month. Jerry suggested to Rick to review the Snowmass water agreement and have it better match the current homeowner agreement.

7. **Budget:** Glenda presented 3 resolutions to sign, including a resolution to adopt the budget, a resolution to appropriate sums of money, and a resolution to set the mill levy to 17.864. She noted the BCMD received a \$3200 interest payment for 12 months, which was added to next year's expected income.
8. **Other Business:** No other business was presented.
9. **Date of Next Meeting:** The date of the next meeting was set for Thursday, January 17<sup>th</sup> at 5:30 at Aspen Mtn. Gondola Bldg. Conference Room.
10. **Adjournment:** The meeting was adjourned at 6:35 p.m. by Gerry Scheinbaum.