

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 21th 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 Park n Ride - Improvements Outline - Updated January 2019

Carpool Kiosk Relocation

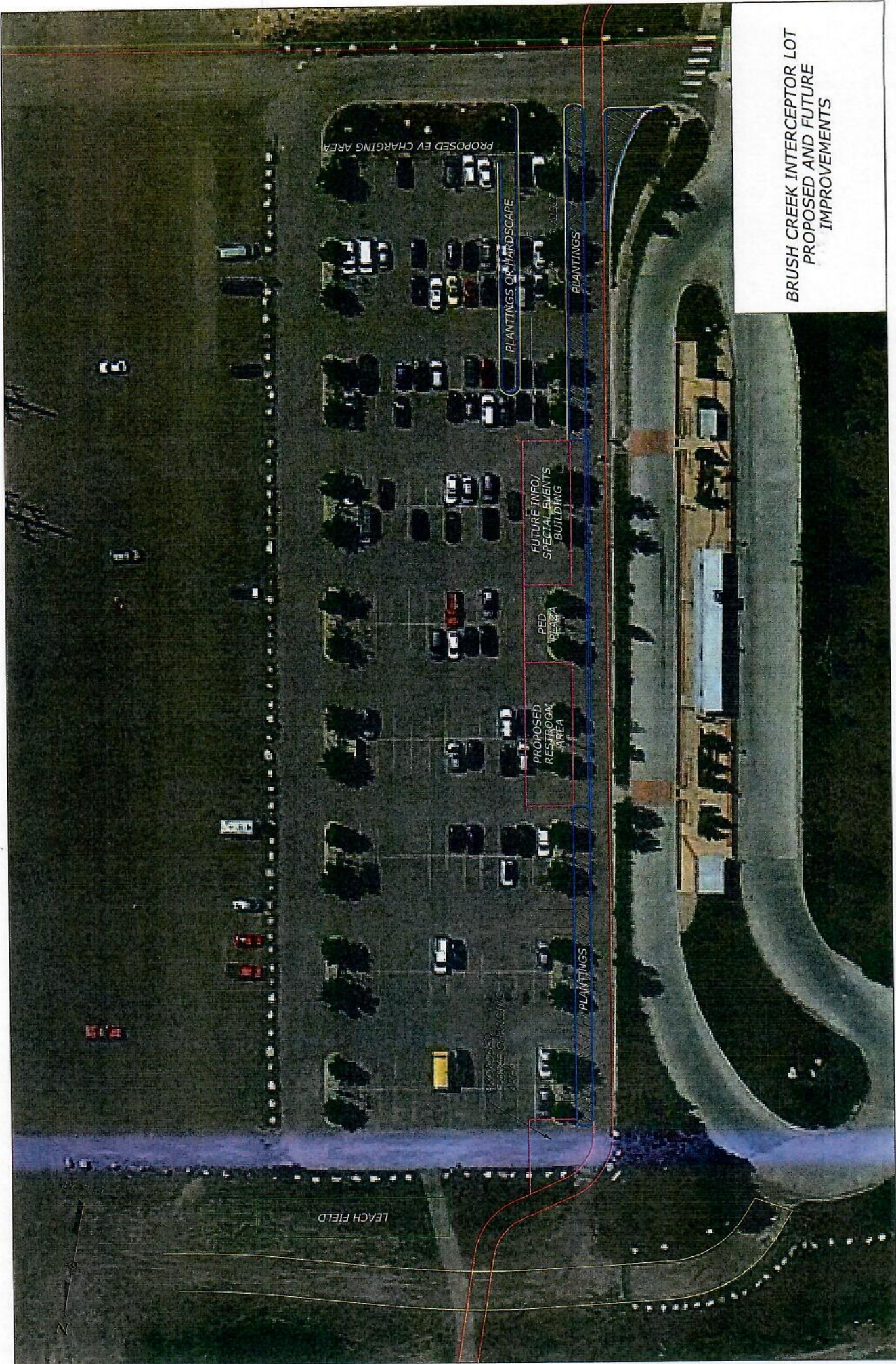
- Relocate City of Aspen Carpool Kiosk from the Aspen / Pitkin County Airport to the Brush Creek Park n Ride.
- Carpool Kiosk is anticipated to be relocated permanently to the Park n Ride, however the Kiosk would be initially placed on skids for minor modifications in the placement as planning for surrounding improvements are finalized.
- Application has been submitted by the City of Aspen to Pitkin County for review by Community Development Dept and Planning and Zoning Commission.
- Public Hearing with the Planning and Zoning Commission scheduled for February 19.
- Relocation funded by City of Aspen.

Variable Message Sign (VMS)

- Install VMS on CDOT right of way to alert drivers to information related to Brush Creek PnR such as: events impacting travel and parking in Aspen and Snowmass, parking shortages in Aspen and Snowmass, bus frequency, travel times for vehicle vs. bus, and other emergencies.
- CDOT Standard Plans allow for either cantilever or butterfly style sign. To be determined by EOTC.
- VMS funded by EOTC.

Brush Creek PnR - Federal Lands Access Program (FLAP) Grant Improvements

- County and U.S. Forest Service applied for a FLAP grant to improve the Brush Creek Park n Ride in 2017. The grant was awarded in 2018 with funding beginning in 2019.
- Project description includes:
 - Permanent restroom facilities with flush toilets
 - Water and wastewater facilities (well and septic)
 - Increase paved area for parking (pave recycled asphalt area)
 - Add security lighting
- The consultant, Jacobs, has provided initial concept plans.
- Plans are anticipated to be available for general public feedback following meetings with Brush Creek Landowners Association and Woody Creek Caucus. Public open houses will occur in next couple months following initial input.
- EOTC to review plans in March. Final plans to be approved by EOTC later in 2019.
- Construction anticipated in 2020.
- Improvements funded by ~\$1.9 million from federal FLAP grant with matching funds from EOTC.



PROPOSED EV CHARGING AREA

PLANTINGS OR HARDSCAPE

PLANTINGS

FUTURE INFO/
SPECIAL EVENTS
BUILDING

PED
PLAZA

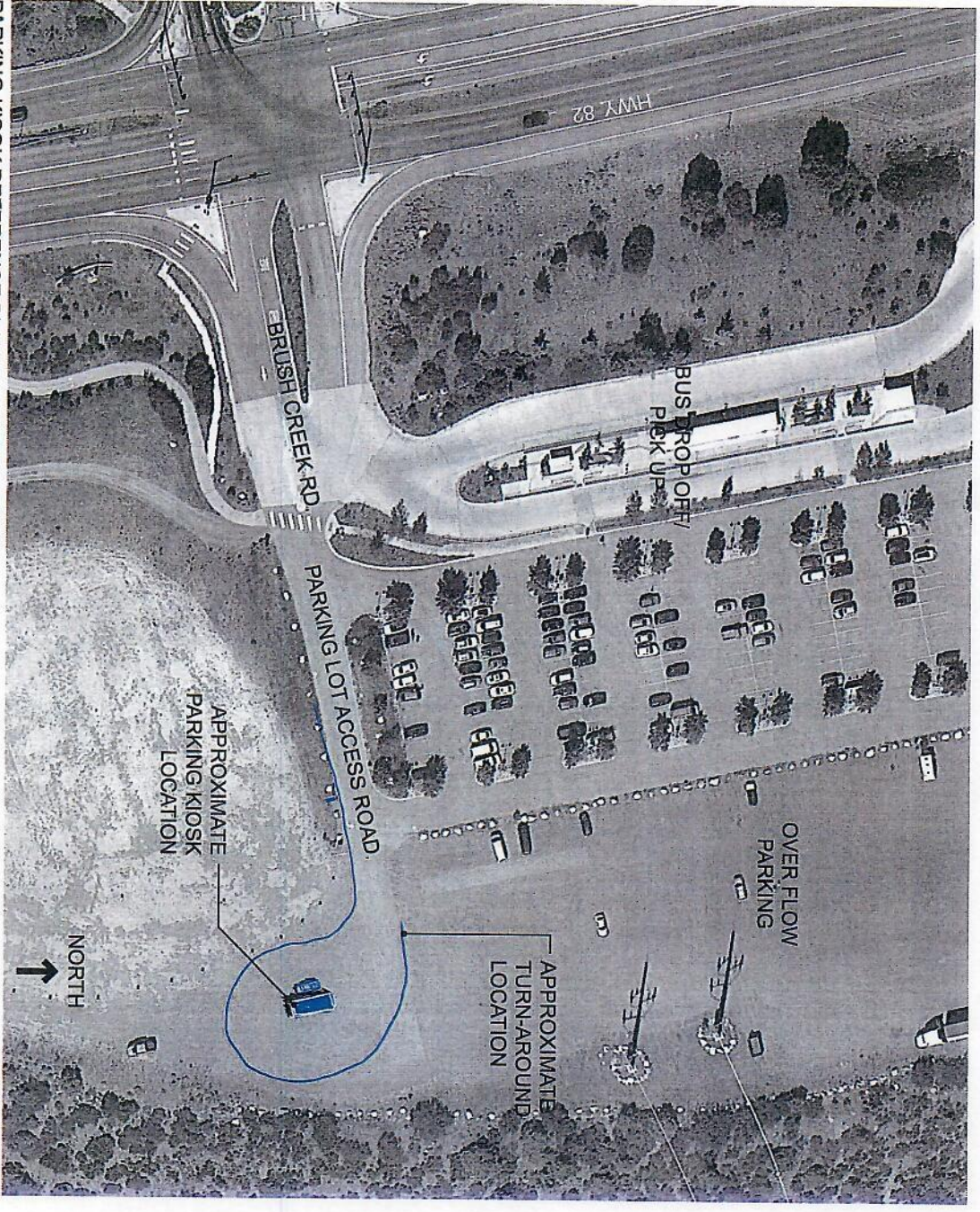
PROPOSED
RESTROOM
AREA

PLANTINGS

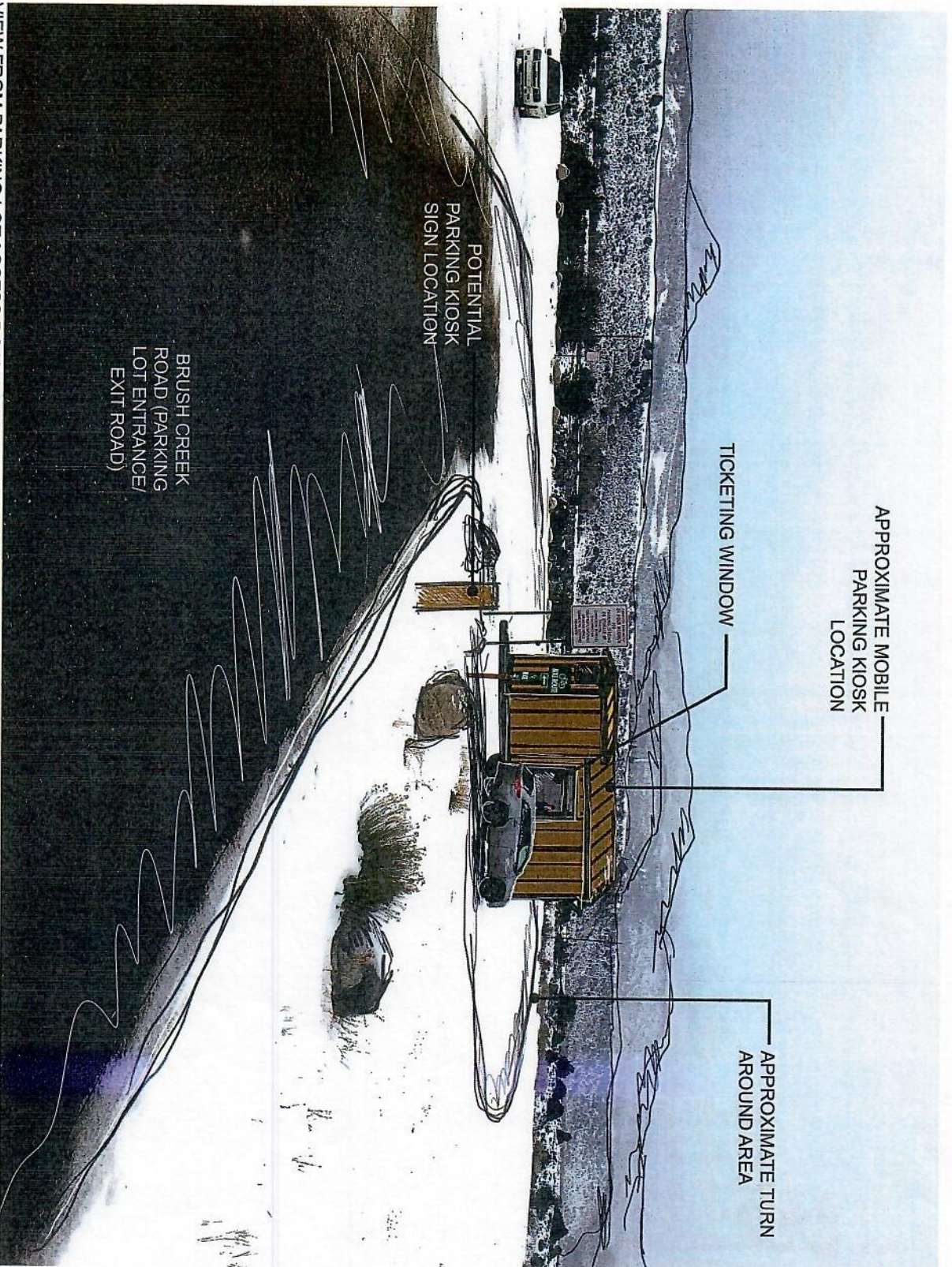
PROPOSED
EV CHARGING
AREA

LEACH FIELD

BRUSH CREEK INTERCEPTOR LOT
PROPOSED AND FUTURE
IMPROVEMENTS



PARKING KIOSK REFERENCE PLAN- NOT TO SCALE



APPROXIMATE MOBILE
PARKING KIOSK
LOCATION

TICKETING WINDOW

APPROXIMATE TURN
AROUND AREA

POTENTIAL
PARKING KIOSK
SIGN LOCATION

BRUSH CREEK
ROAD (PARKING
LOT ENTRANCE/
EXIT ROAD)

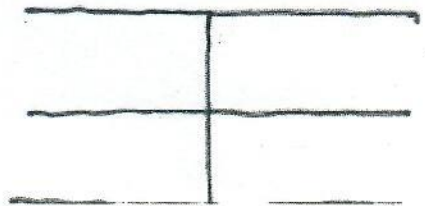
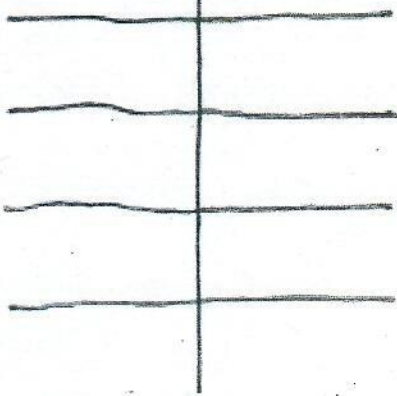
VIEW FROM PARKING LOT ACCESS ROAD LOOKING EAST- PROPOSED

BUS WAITING / STAGING

BIKE
RACK

BIKE TRAIL

INFO &
SPECIAL
EVENTS

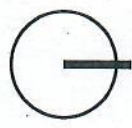


CENTER LINE

EXISTING WARMING HUT

RESTROOM

FUTURE
RESTROOM
EXPANSION



SITE PLAN
01/16/2019

N.T.S.

JACOBS

Brush Creek Metropolitan District:
Thursday, Feb 21, 2019 at 5:30 p.m.
Aspen Mountain Conference Room
Aspen Gondola Plaza, Aspen, CO 81611

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Dean Derosier, Engineer
- Rick Stevens, Manager
- Trish Adam, President of Brush Creek Landowners Association, Guest
- Riley Gessele, Water Manager
- Absent, Lawson Wills

1. **Call to Order:** The meeting was called to order at 5:32 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from January 2019 meeting were approved with a change to the *Brush Creek Park n' Ride* to include the name *Brush Creek Intercept Lot*.
3. **Engineering Report:** Dean Derosier

- a. Dean Derosier recommended Heyl, which had the lowest of three bids, to complete the PRV bypass vault. He spoke highly of Heyl, who has hired a highly respected water engineer from Gould. The Board discussed a rate increase to pay for future improvements and asked Dean and Rick Stevens for a comprehensive plan on all necessary improvements. Deroiser spoke of the need to replace the antiquated communication system, and Riley spoke of the control line to the upper tank going bad and the fault line is corroding, among other failures. Jim Laing said he would vote to proceed with any critical components immediately, and then create a schedule of future upgrades.

MOTION : Jerry motioned to proceed with a portion of the Heyl bid to complete the PRV bypass and other critical components. Jim Laing seconded, and all were in favor. MOTION PASSED.

MOTION: Jerry motioned to create a capital reserve study to be completed by Dean Derosier, Rick Stevens, and Riley Gessele, including communication, meters, and an assessment of the replacement value of infrastructure, with the intent to develop a new rate structure and possible increased tap fees that are in line with other similar water districts. Jim Laing seconded, and all were in favor. MOTION PASSED.

4. **Public Comment.**
Trish Adam, President of the BCLA asked about the website, and whether it could link to a landowner's site. Homeowner Matt Harder might be able to work on a landowner

website, and possibly be a homeowner representative on the board. Jerry will explore either an additional board seat for a Landowner representative, or appoint a Landowner representative to the BCMD Board to replace Isabel Day.

5. **Water Manager's Report:**

Riley reported that while between 2009-2016 the meters operated adequately, the meters have since not operated properly, and he proposed a "quick fix" of installing seven \$300 meters that need to be manually read (not wireless), but would be a huge improvement over reading them by crawling in a vault. As a future solution, Riley recommended a new reporting system that uses cell phone signals powered by solar and running water. The cost to operate would be a monthly subscription fee, similar to Comcast, and would be an alternate solution to the line-of-site data collectors, which are not currently adequate. An administrator could call in to get readings remotely, and a homeowner could also get access to read their own meter, if desired. He said he would procure a quote on such a system, but warned it would be about \$1000 per house. The Board discussed whether the homeowner or the BCMD should purchase, own, and warranty the meters. Jerry said he would like the District to own the meters in order to control them, but have the residents pay for them through a Residence Maintenance Fee.

MOTION: Jim Laing Motioned, with Joyce Hardy as a second, to direct Riley to spend up to \$6000 to replace a main meter (approximately \$4000) and seven house manual-read meters (approximately \$300 each).

Riley reported that the controller that stops a tank from overflowing is failing intermittently and will need to be replaced in the future, and reported on a freak accident where debris blowing in a snowstorm accidentally switched off a main power switch.

6. **President's Comments:**

- a. Jerry took issue with the plowing bill, comparing a bill where the BCMD was charged \$105/hr for loader, while Holmes charges \$160/hr for pickup with plow. He felt the hourly job rate should be renegotiated.
- b. Jerry reported that resident Roger Hollowell, who is involved in a lawsuit, is seeking records from 1984, so asked Rick Stevens to check the rates the City of Aspen charges for record retrieval to determine a reasonable hourly rate to reimburse the district the cost to exhume records, many of which are stored in a Glenwood Springs storage facility.

7. **BCMD Manager Report:**

- Cozy point agreement: As the City of Aspen is awaiting new City Manager, the master plan is on hold, which means any cost share agreement has not been discussed.
- Tom Newland: Rick reported Tom Newland is the point person on some of the larger issues the BCMD is keeping track of, including working with the neighboring Woody Creek Caucus, EOTC (Elected Officials Transportation Committee), City of Aspen Open Space & Trails, P&Z, and Cost Sharing Juniper Hill.
- Dumpster lights: Someone stole the solar lights from the dumpster. To get an electrician to install more permanent wired version on a timer is estimated at \$800 each, though the Board balked at that price. He noted also that the Medicine bow

dumpster has been victim to drive-by drops. The Board discussed installing a keypad lock or game cameras to dissuade non homeowner use.

- Other management updates:
 - Rick is looking into finding someone to read meters.
 - The bid for guardrails is still pending.
 - Rick discussed new road failures and cracks.
 - Rick is looking to contract tasks such as sweeping roads, cleaning dumpsters, weeding, etc. to a professional property management organization.
8. **Finance**: Glenda Knight reported on the increase in trash pricing due to a new policy of charging for contaminated recycling. While education, signage may alleviate some of the issues, after discussion the Board agreed it was impossible to police, and Jerry proposed a rate increase to cover contamination.
 9. **Date of Next Meeting**: The date of the next meeting was set for Thursday, March 21, 2019 at Aspen Mtn. Gondola Bldg. Conference Room.
 10. **Adjournment**: The meeting was adjourned at 7:45 by Jerry Sheinbaum.

**Brush Creek Metropolitan District:
Thursday, March 21, 2019 at 5:30 p.m.
Aspen Mountain Conference Room
Aspen Gondola Plaza
Aspen, CO 81611**

Present:

- **Jerry Scheinbaum, President**
- **Joyce Hardy**
- **Jim Laing**
- **Lawson Wills**
- **Rick Stevens, Manager**
- **Rebecca Driscoll, Recorder**
- **Glenda Knight, Bookkeeper**
- **Kelly Gessele, Water Manager**
- **Trish Adam, President BCLA**
- **Maureen Porschman, Guest**

1. **Call to Order:** The meeting was called to order at 5:34 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Jim Laing moved to approve the minutes as presented from February, 2019, Jerry seconded, and all approved.
3. **Guest Comments:**
 - a. Landowner Board Liaison Trish Adams asked if landowner Ryan Smalls might serve as a liaison by being on both the Landowner and the BCMD boards, or serve as another Landowner representative member. Rick Stevens reminded that voting BCMD board members must be an odd number, and Jerry said all homeowners are invited to every meeting where they all have equal say. Adams inquired as to where architectural review guidelines were, and Jerry noted that is not a BCMD issue, though Joyce noted she could send those. Adams suggested a Landowner's web page where the guidelines could be posted and the Board discussed the difficulties of landowner communication. Rick offered a bulk mailing of a newsletter, which would cost about \$300, announcing, among other things, a proposed rate increase to cover capital improvements, and a trash rate increase. Glenda said she would have Rebecca post the 2018-2019 budgets on the website.
 - b. **Solar Way Maintenance Request:** Maureen Porschman asked about BCMD maintenance and plowing of Solar Way. Jerry reported Solar Way was not a platted BCMD road, rather it was a driveway, created by former resident Harold Whitcomb, who put in Solar Way as driveway to his house, and then sold neighboring lots which also used it as access to their houses. In order to get it converted to a BCMD road, it would have to get Pitkin County approval after surveys and easements, and likely some improvements, with all costs born by residents of the road. Even then, Lawson Wills expressed concern that the road

was so steep and narrow, the BCMD might not want the responsibility and liability of owning the road, and cited an example of a private snowplow which fell off the road. The Board discussed other similar driveways with designated street names like *Snowfox*, and *Pretty Tree*, which are fully owned, maintained and plowed by the owners. Rick reiterated that the BCMD has never received any revenue from Solar Way, and cautioned it might not be able to meet the county standards for a county road, such as a public easement of 30 feet from center line, drainage and fire mitigation, and its width and grade (steepness). Jerry said if homeowners on Solar Way reviewed documents, they would see easements, which would prove further it was classified as a driveway, because roads have integral easements that are no longer tied to the property.

- c. **Fire Mitigation:** The Board responded to questions of fire mitigation, and reminded landowners the BCMD has no jurisdiction to remove brush on private property, though has spent thousands of dollars on clearing right-of-ways. They discussed how maintenance of equestrian easements might be helpful as fire breaks, though no board member recalled any knowledge of any equestrian trails. Maureen worried about use of toxic chemicals such as Roundup for weed control citing seeing workers with hazmat type suits while applying weed control and suggested goats as a solution. She reported weed control occurring on Solar Way, to the surprise of the Board, who said that Solar Way should not have been in the weed control service area.
1. **BCMD Manager Report:**
- a. **PRV:** Rick discussed progress with the PRV project, and that BCMD secured the bond and certificate of insurance, and a two year warranty on the work. The parts would be arriving in a few weeks, with an estimated four day installation.
Motion: Jim Laing made a motion, which was seconded by Lawson Wills, to execute Merrick inspection proposal and contract for professional engineering of the, and all agreed.
Motion: Lawson Wills made a motion with second by Jim Laing, with all in favor, to approve the Telemetry phase 1 quote of about \$16,000 with Browns Hill, which is the control component of the PRV.
 - b. **Snow removal:** The BCMD removed snow at the top of Juniper using a loader when it became so narrow as to not pass two cars. Jerry feared the excessive snow's resulting run off could further damage the road, especially the shoulders. He suggested checking culverts to see if they were clear.
 - c. **Dumpsters:** The Board discussed the trash situation, including options for replacing stolen lighting, employing locks or cameras to reduce bandit usage, recycling, and rate increases. Rick noted if they lock the dumpsters, people will just leave trash outside, and reported such items as couches, tires and ovens wouldn't go in the trash can anyway. He suggested a simple motion solar light from Lowes might suffice to replace lighting. Glenda discussed recycling education especially to communicate that plastic bags contaminates recycling. She suggested bilingual signage since housekeepers are often the ones dropping trash.

Glenda reported the BCMD pays \$3,000 a month for trash removal and recycling, which is an increase of \$400 more per month (\$5,000 per year) that must be borne in the future by the residents.

- d. **Cozy Point:** Tom Newland, the planner, will help organize prior agreements and phrase new agreements and stay on agendas of public meetings, which Rick reminded the Board is cheaper than an attorney to negotiate cost sharing agreements.
 - e. **Water rate study:** Derosier will present in April his findings and benchmarks of billings compared to other jurisdictions.
 - f. **Newsletter:** Rick suggested giving a newsletter a try with key information about fire mitigation and weed control, as well as plans for enforcement, and disseminating material safety datasheet of Aspen Tree Service weed control products.
1. **Water report:**
 2. Kelley Gessele reviewed the latest updates on the water system. Meters have been ordered for Pioneer Springs, but the snow is too deep to install. He discussed the backup pump turns on if the first pump drops below 90 psi. Lawson discussed new weatherproof barcodes and labels on the meters that tie into the new numbering system as a goal for the summer.
 3. **Bookkeeping Report:** Motion to Approve February, 2019 bills as presented, 2nd, Motion Passed. Glenda discussed some inbound payments from the County that were deposited in the road capital fund from property taxes and the road use taxes, and that while funds are most needed in the water fund, they must follow the correct process to allocate.
 4. **Date of Next Meeting:** The date of the next meeting was set for Thursday, April 18th, 2019 at 5:30 at the Aspen Mtn. Gondola Bldg. Conference Room.
 5. **Adjournment:** The meeting was adjourned at 7:34 p.m. by Jerry Sheinbaum.

Brush Creek Metropolitan District:
Thursday, April 19, 2019 at 5:30 p.m.
Aspen Mountain Conference Room
Aspen Gondola Plaza
Aspen, CO 81611

Present:

- **Jerry Scheinbaum**, President
- **Joyce Hardy**
- **Jim Laing**
- **Lawson Wills**
- **Glenda Knight**, Bookkeeper
- **Rick Stevens**, Manager
- **Rebecca Driscoll**, Recorder
- **Trish Adam**, President BCLA
- **Kelly Gessele**, Water Manager
- Stuart Lusk, Landowner
- Guest Eden Vardy, President Cozy Point Farm Collective
- Guest Michael Miracle, VP Cozy Point Farm Collective, Director of Community Engagement

1. **Call to Order**: The meeting was called to order at 5:34 p.m. by Jerry Scheinbaum.
2. **Approve Minutes**: Minutes from the March, 2019 meeting were approved as presented with a motion by Jerry Scheinbaum and second by Jim Laing, with all in agreement.
3. **Guest Comments**:
 - a. **Eden Vardy** and Michael Miracle of the Cozy Point Farm Collective came to update the Board on progress, summer events, and future plans, with the stated goal of being a good neighbor. Based on previously approved plans, he said this year they will be fencing and planting a heritage orchard, installing a rolling hoop greenhouse, reallocate a tool shed, and begin some grading. Future thoughts, not yet approved by the City or County, included a trial of 4 portable solar structure of 72 sq ft each which would be used as a shade structure for plants and create a net zero power usage for his project. He noted all water for his project comes from Brush Creek water rights, but crops are chosen to be drought tolerant with the most water saving irrigation designs. Plans for a future education center would not be realized this summer, so traffic impacts for the summer would be minimal. The Board feels the City/County has not been adequately updating the BCMD on timing and approvals and asked for better communication, which Vardy promised to do, offering to attend each meeting for a five minute update. The Board reiterated while they like the concept of Vardy's project, their concerns were increased traffic use on the shared road, for which no cost sharing agreement has been negotiated, and negative visual impacts of large scale buildings. Specifically, Jerry asked if Vardy's farm stand might be located at the intercept lot, as that

could be the biggest traffic generator. Vardy agreed that location would be advantageous and said he would make inquiries.

- b. **Stuart Lusk and Trish Adam:** Landowner guests attended the meeting in hopes of gathering information on projects like the solar array, which is undergoing a significant review process. They discussed concerns with the intercept lot lighting and camping.
- **Water Report: Kelly Gessele:** Kelly Gessele detailed the 3 Pioneer Springs and two Brush Creek Road meters replaced, with three more in Pioneer Springs plus the bulk meter still to do, plus 3 in Medicine Bow, for the project approved with \$6,000 expenditure at the prior meeting.
 - New remote readers were installed at: 951 Brush Creek Rd (Smith/Connery) 650 Pioneer Springs Ranch Rd (mounted on a post at the top of meter pit), 690 Pioneer Springs Ranch Rd, 780 Pioneer Springs Ranch Rd (Braun), and 1001 Brush Creek Road (Droste).
 - Meters needing to be removed from inside the homes and installed outside are: 770 Pioneer Springs Ranch Rd (Barns) and 855 Brush Creek Road (Altman).
 - The remaining Pioneer Springs addresses of 650, 450, and 412 and the bulk meter have yet to be replaced/repared under the approved plan. Next on the list is 911 Medicine Bow (Prikrlyl), and 1144 Medicine Bow (Hodor) and 473 Medicine Bow (Mann). Additionally, 138 Turtle Cove needs new sending unit. Kelly reported he has 2 meters in stock and needs to order a few more.

4. **Manager's Report: Rick Stevens**

- a. **PRV Project update:** The PRV installation is scheduled to begin the 1st week of May, with project manager Matthew Graham. No traffic issue issues are expected.
- b. **Hollowell Subpoena:** The Board discussed the subpoena for information by landowner Roger Hollowell and Steven Meyer for records as old as 1987 regarding land use issue. Rick Stevens presented a document he was asked to sign giving him 15 days to locate the records. The Board directed Rick to go to File Finders in Glenwood Springs to see what, if any, records existed. Trish Adam noted the Brush Creek Landowners' records only go back to 2005.
- c. **Pitkin County Address Conformation Program:** Rick presented a proposal for 120 6 foot long 4x4 cedar posts for \$13,000 with County approved reflective number signs to be mounted \$30 each, making the total project \$16-\$18,000. Stevens mentioned 26 addresses have incorrect numbers according to Pitkin County's address system with 13 of those the most problematic, but most of the others are not in compliance with Pitkin County's code. The board would like the landowners needing address changes to be notified first, Rick will alert them via registered mail. The problems with the project were discussed and the plan will move forward.
- d. **Gas Lines:** Jerry Scheinbaum mentioned Black Hills Energy is putting in a gas line no charge for the City, and inquired if they would run gas lines in Brush

Creek Village Subdivision. With Colorado's abundance of gas these companies could be willing to run gas lines at no charge.

- e. Dumpster: Rick installed a motion sensor light at the dumpsters.
 - f. Guardrails: Rick told the Board the BCMD has about 2200 feet of non-compliant guardrail, with varying inadequancies that will cost about \$110,000 to remedy. The BCMD is being included on a local government 3 year contract with Ideal Fencing to obtain the most competitive pricing. Lawson Wills was uncomfortable agreeing to spend that much money, and asked if the project could be tiled out over 5 years. The Board discussed enough money did exist in the road fund, so no bond was needed, but directed Rick to determine the most urgent sections for the first year, and section the remaining over the next 2-4 years as appropriate
 - g. Subdivision entrance areas: A \$5,300 summer contract has been set to irrigate, maintain, and fertilize the two entrance areas at Medicine Bow and Juniper Hill.
5. **Finance Report: Glenda Knight**: Motion to Approve March, 2019 bills as presented, 2nd, Motion Passed. Glenda discussed the current balances in the capital funds and the monies expected from the property tax mill levy in 2019 in response to questions of funding large capital projects planned in the next five years.
 6. **Date of Next Meeting**: The date of the next meeting was set for Thursday, May 16, 2019 at 5:30 at Snowmass Chapel Library.
 7. **Adjournment**: The meeting was adjourned at 8:20 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District:
Thursday, May 23, 2019 at 5:30 p.m.
Snowmass Chapel Library
5303 Owl Creek Road
Snowmass Village, CO 81615**

Present:

- **Jerry Scheinbaum, President**
- **Joyce Hardy**
- **Jim Laing**
- **Rick Stevens, Manager**
- **Rebecca Driscoll, Recorder**
- **Kelly Gessele, Water Manager**
- **Guest: Jakob Moe – Cozy Point Manager**
- *Lawson Wills, absent*
- *Glenda Knight, Bookkeeper, Absent*

1. **Call to Order:** The meeting was called to order at 5:34 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from April 2019 meeting were approved as presented by the Board with a motion from Joyce Hardy and a second from Jerry Scheinbaum.
3. **Guest Comments:**

Jakob Moe introduced himself as the manager of Cozy Point and employed by the City of Aspen. His job runs from March 15-Nov 15, to uphold leases, manage the 130 acres of open space, manage plans to build an orchard, complete the ranch parking area grading project, and provide educational opportunities for children. Jerry voiced concerns about moving from agricultural uses to commercial/educational as it relates to increases in traffic and that the construction of permanent buildings could forever alter the agriculture nature of the property. Jim Laing reiterated his concerns about the deadly intersection, and ways to encourage CDOT to conduct a traffic study with counters in the hope of improving safety.
4. **President's Comment:** Jerry noted that the Board's focus is on water, roads and trash. The landowners' association can relay information to homeowners regarding projects in the area that they may want to comment on.
5. **Manager's Report:**
 - The bulk meter at Pioneer Springs was replaced. The new meters require manual reads. The following meters still need to be changed out: 1144 Medicine Bow Road, 911 Medicine Bow Road and adding an outside reader at 770 Pioneer Springs Ranch Road.
 - Pioneer Springs has an HOA headed by Peter Rispoli.
 - The PRV replacement was started 5-23-19. Due to backfeeding the water was disrupted for a short time until a valve was changed. A hydrant requiring repairs will be completed by Tuesday.
 - Rick discussed 675 Brush Creek Road set-back for an ADU.

- Discussion on the Daniel Drive paving project. The road is in poor condition. There are concerns about the cul-de-sac drainage and a homeowner's cottonwood tree plantings in the road right of way. The end of the road will be determined from the plat maps. Rick quoted \$14,000 to resurface by American Asphalt, and \$10,000 to seal cracks.
MOTION: Jim moved with a second by Jerry to proceed with the bid to seal the cracks on Daniel Drive. All approved.
 - Turtle Cove: Rick informed the Board that a septic system on Turtle Cove was recently replaced.
 - Ben Johnson, the attorney representing Roger Hollowell in his litigation with Steve Meyers has completed his record document search.
6. **Water Manager's Report:** Kelley Gessele discussed the new compound meter with remote at Pioneer Springs and the need to control tanks manually for the time being. He noted the need for a digital reader at 770 Pioneer Springs Ranch Road. Jim Laing proposed using an unbuildable lot as a possible location for line-of-sight access point reader for the new PRV to communicate to pump station.
 7. **Bookkeepers Report:** In Glenda's absence, Joyce Hardy presented bills to the Board. Motion to Approve April, 2019 bills as presented, 2nd, Motion Passed.
 8. **Other Business:** The new contact database in Google Contacts is available for all staff and Board Members, and all are encouraged to add to it and keep it current.
 9. **Date of Next Meeting:** The date of the next meeting was set for Thursday, June 20, 2019 at 5:30 at the Yurt at Cozy Point.
 10. **Adjournment:** The meeting was adjourned at 7:35 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Thursday, June 20 2019 at 5:30 p.m.
Snowmass Chapel Library

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Rick Stevens, Manager
- *Kelly Gessele, Water Manager*
- Absent: Lawson Wills
- Conor Goodson, RES Project Development Manager (conor.goodson@res-group.com)
- Rick Ballentine, Fire Chief of Aspen, Brush creek resident
- Ken Josselyn, Battalion Chief Aspen Fire, ken.josselyn@aspenfire.com
- Stuart Lust, *homeowner*

1. **Call to Order:** The meeting was called to order at 5:34 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from May 23, 2019 meeting were approved as presented by Joyce and Glenda with a motion from Jim Laing and a second from Jerry Scheinbaum.
3. **Guest Comments:**
 - a. **Rick Ballentine,** Brush Creek resident and Aspen Fire Chief Rick Ballentine presented to the Board a just-released colored wildfire map, that coded houses, neighborhoods, and open space on a 1-5 scale (red:worse, green:best). The map would allow homeowners and managers to mitigate areas of high risk, and was created using a grant from a non-profit. Battalion Fire Chief Ken Josselyn reviewed past efforts which included a County chipper and would alert BCMD when such a program would be available in the future. The Board discussed fire mitigation efforts currently underway.
 - b. **Conor Goodson:** A representative from the Renewable Energy Systems in Broomfield Colorado, Conor Goodson, updated the Board on the solar farm proposal. RES has been working with Holy Cross since 2017 to create a 5MW 18,000 panel solar facility on 35 acres. They reviewed 19 proposed sites in Pitkin County, and settled on an Aspen Consolidated Sanitation District property because it's already zoned industrial, that is situated next to Holy Cross Energy infrastructure, and offers little wildlife or vegetation disruption. He spoke about how distributed projects that feed back into the electrical network create grid stability. The Board expressed concern over the visual impact. Goodson explained the panels move with sun, so the view would be changed throughout the day, but the panels are designed to absorb, not reflect, so would have minimal glare, and no airport interference. The site would have no lighting, or onsite personnel, and the only structure other than the panels would be an 8 foot wildlife fence. RES is

a private company based out of the UK, and though the project is commissioned by Holy Cross, it would be built and operated by RES, sometime in late fall or early spring. July 16, 2019 is the first hearing with P&Z, followed by an August BOCC meeting. Goodson said the project includes increased landscaping with 275 trees and lots of bushes. He assured the Board the EMI (Electro Magnetic Impact) is similar to a kitchen appliance. Jim Laing was concerned about home values, since it would be in the view plane of many BCMD residents, and felt that even though the project is not in BCMD's scope of concern, the Board agreed to send out information to homeowners.

MOTION: Rick Stevens was directed to create an email blast, and contact the Landowners Association to develop an insert in the next bill. The motion was made by Jerry, with a second by Joyce.

4. **President's comment:** There were no comments by Jerry.

5. **BCMD Manager Report**

- a. Cozy Point: The meeting at the Cozy Point yurt was moved to July. Rick Stevens reviewed the leases. Eden Vardy's lease did not require his operation to comply with the master plan update. His lease is for \$50 per acre per year, and specifies he must increase usage, and includes criteria for special events.
- b. Asphalt Overlay: American Asphalt can do an asphalt overlay on Juniper Hill Road from Hwy 82 to the dumpsters for \$167,000.
- c. PRV: Despite setbacks that lengthened the time of the job, Heyl hasn't issued a change order.
- d. Road improvements: The crack seal is mostly finished, and asphalt patching the fault in Medicine Bow was \$6,500. Sagebrush overlay could wait another year, but Daniel Drive is worse.

MOTION: The Board authorized \$27,000 to repair Daniel Drive, with a motion from Jim Laing and a second from Jerry Scheinbaum.

- e. Future Engineering: Rick Stevens discussed getting a proposal from Roaring Fork Engineering in Basalt who has a young team who would like to visit the site and submit a proposal and capital improvement program. Kelly Gessele would be kept on as an advisor. Rick said he would invite Roaring Fork Engineers to a meeting.
- f. 811: Rick proposed joining a "call before you dig" program 811, and painting meter pits blue.
- g. Leak: A suspected water leak above Jerry's house was determined after 4 days of testing to be runoff underground. Riley tested it and initially thought it was chlorinated but it wasn't.

6. **Water Manager's Report:** : Kelly Gessele

- a. PRV: Kelly reported the PRV project stalled a bit because of a missing part, which required manually turning water on and off to fill the tanks for 5 weeks, but the vault is now complete except for some technology components. Kelly says system is much more stable than 10 years ago.

- b. Meters: The big Pioneer Springs meter is finished. Homeowner, Rick Ballentine reported a steam shower malfunctioned possibly caused by an air gap in the line, resulting in water spewing out over floor. Rick suggested adding more valves every 1,000 feet to shut sections down to isolate leaks in the future.
 - c. Billing: Kelly Gessele reviewed problems with his bill for taking care of water being on and off the last month and a half, but he never charged for the additional time of 50 hours at \$20/hr.
 - d. State Inspections: The State finished their inspections as they do every 3 years, and Kelly addressed a couple small problems they found
7. **Finance:** Glenda Knight reported the Heyl bill total price was \$84,740 after the telemetry technology was taken out. The work has been completed but BCMD is holding 10 % until the project has proven completed and operational.
- Motion to approve May 2019 bills as presented, 2nd, motion passed.
8. **Date of Next Meeting:** The date of the next meeting was set for July 18, 2019 at 5:30 at the Yurt at Cozy Point.
9. **Adjournment:** The meeting was adjourned at 8:20 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Thursday, July 18, 2019 at 5:30 p.m.
Cozy Point Yurt, Aspen, CO

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Lawson Wills
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Rick Stevens, Manager
- Riley Gessele, Water Manager
- *Guest: Homeowner Laurie Laing*
- *Guest: Homeowner Kathie Grayson, 2638 Juniper Hill Drive*
- *Guest: Jakob Moe*

1. **Call to Order:** The meeting was called to order at 5:35 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Jim Laing motioned to approve minutes from June 20, 2019 meeting, with a second from Jerry Scheinbaum. Minutes were approved.
3. **Public Comments:**
 - a. **Jakob Moe.** The manager of Cozy Point, Jakob Moe, updated the Board on current and future plans for the 169 acre property, including irrigation, planting, orchards, and solar. The horse operator has a 10 year term, and offers for profit horse boarding and children's camps. The farm collaborative planted radishes to break up the soil and has begun an orchard, but won't yield fruit for a few years. He noted the City owns all the farm equipment, and will own all structures built by the leaseholders after the lease term is over. Grading of the parking area is scheduled to begin in September. Employee housing on the ranch is only for ranch employees, and includes a year round and seasonal unit, and an apartment in the horse barn for the horses' security. The Board discussed a traffic analysis to determine current usage of lower Juniper Hill Rd by Cozy Point for master plan cost sharing, and directed Rick to get a traffic count before the camps ended for the summer. The board discussed fire safety, and Jakob said he would discuss installing and maintaining a fire break along the road adjacent to Cozy Point with his supervisor.
 - b. **Laurie Laing and Kathie Grayson:** Two concerned residents spoke to the Board about communicating with the landowners regarding the Pitkin County solar array that is going through a Pitkin County Planning & Zoning Committee review and would be located on the Aspen Consolidated Sanitation District property across from Shale Bluffs and highly visible from Brush Creek Village. Laurie volunteered to be the chair person, but asked BCMD for help with an email list. The BCMD board business focus is on roads and water, but made

some suggestions on how the Landowners' Association could organize, choose an attorney to represent the association, or hire a land use expert.

4. **Water Manager's Report:** : Riley Gessele
 - a. Riley reviewed a suspected leak across the road from the area of 724 Juniper Hill Drive. Although there was no pressure drop, tests revealed it may have been chlorinated. The water was shut off to investigate, but it turned out to be probably attributed to natural run off. Lawson asked if there was a better chlorine test that wouldn't yield a false positive. Failsafes for sensitive appliances should be the responsibility of the homeowner, Riley suggested. The Board discussed installing more shutoffs to be able to isolate problems easier than we can currently and install air vacs to vent air after shut offs.
 - b. A second leak occurred across from 244 Medicine Bow Road. It was repaired and was caused by a 10 foot section of corroded pipe that is scheduled to be replaced.
 - c. Tank inspection: Riley suggested hiring professional divers to inspect the inside of the water tanks annually.
 - d. Meters: We are now getting reads from all four of our data collectors.
5. **President's comment:** Jerry Scheinbaum
 - a. Discussion continued as to the correct venue for helping the Landowners' Association prepare a response for the Solar Array project.
6. **BCMD Manager Report:** Rick Stevens
 - a. PRV change orders: Rick noted there were two changes by Heyl to clean and flush a drain line, to straighten dimensions in the vault, and reorder materials. BCMD is still holding the final \$6,000 payment, which will be returned after Derosier signs off.
 - b. Meters: Most meters have been installed, with a couple new ones at 911 Medicine Bow Road and 473 Medicine Bow Road.
 - c. Water management: Rick met with Snowmass Water and Sanitation Board to query if they were interested in managing the BCMD water system. Rick felt that they were better suited professionally to take the lead, with Glenda still doing billing. He also spoke of Roaring Fork Engineers, a young competitive company who might be a good partner for BCMD.
 - d. Water outage claims: Rick further clarified the situation of the water shut off event. He informed the board that he couldn't turn the gate valve because the key was not long enough, so they had to turn the water off at a more distant location, and when the water was returned, there was lots of air to siphon. He attributed the second leak to some missing plastic coating on the pipe which caused the pipe corrosion. The two bills to fix the two leaks Riley detailed were \$18,000.
 - e. Cost sharing: Tom Newland submitted a 2 page draft that recommended a cost sharing plan for Juniper Hill Road.

- f. Road updates: Rick noted lane striping was completed. The County will mow shoulders.
- 7. **Finance**: Motion to approve June 2019 bills as presented, 2nd, motion passed.
- 8. **Date of Next Meeting**: The date of the next meeting was set for Tuesday August 20, 2019 at 5:30 at the downstairs meeting room at the Chapel.
- 9. **Adjournment**: The meeting was adjourned at 7:40 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Tuesday, August 20, 2019 at 5:30 p.m.
Snowmass Chapel Meeting Room, Snowmass Village, CO

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Lawson Wills
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Rick Stevens, Manager
- *Guest: Homeowner Laurie Laing*
- *Guest: Richard Goulding & Adam Racette, from Roaring Fork Engineering*

1. **Call to Order:** The meeting was called to order at 5:31 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** The minutes from July 18, 2019 meeting were conditionally approved with one change.
3. **Public Comments:**
 - a. **Richard Goulding & Adam Racette, Roaring Fork Engineering**

Representatives from Roaring Fork Engineering, who was commissioned to assess the BCMD infrastructure, described progress of the first phase of their system overview. They met with Fire Marshall Parker Lathrope to review hydrant spacing for fire mitigation, and prioritized recommendations for adding hydrants where necessary for all houses to be within 1000 feet of a hydrant, as well as conduct hydrant pressure tests and physical flow tests throughout. They presented updated maps broken into zones. Zone 4 they said was of most concern, as it didn't have a gravity tank, only a pump, which had failed in the past when a bird disrupted the wiring. Adam Racette suggested a small tank at the top of Zone 4. Lawson was worried about the state of the 30 year old pipes. Adam Racette said pipes can last 50 or more years, though suggested a 10 year schedule of replacement after the assessment is completed and problem areas identified. Rick stressed the importance of assessing, repairing and adding more shut-off valves throughout the BCMD, and said his goal is a written operation manual with accurate infrastructure maps and schedules for pump tests, tank inspections, etc. Further recommendations were contingent on completion of the detailed system overview and would be presented at a subsequent meeting.
 - b. **Laurie Laing:** Homeowner Laurie Laing updated the Board on efforts made to block the solar array, which she said could impact views and property values. Jerry Scheinbaum reported that the BCMD attorney said the district cannot legally authorize spending funds to oppose the solar farm project, and moreover, that the Landowners' Association cannot either; only a private citizens group formed with voluntary donations could finance the task. The conditional approval of funds suggested in the prior meeting was therefore invalidated and not implemented.

She commented on progress she had made on behalf of the 80 people in the BCMD that oppose the project. She briefed the Board on discussions with the Woody Creek Caucus and Wayne Ethridge, who questioned the assumption that the property had industrial zoning and might be a violation of the master plan, which stipulates a scenic corridor. She has identified a law firm, Sherman & Howard, which has experience in similar matters, and discussed a goal to have them write a letter of protest, if she can set up a legitimate citizens group, open a bank account and garner donations to fund the attorneys. She noted the project has so much community support that opposing it might be viewed unfavorably.

4. **Water Manager's Report:** : There was no water report as water managers were not present.
5. **President's comment:** Jerry Scheinbaum had no comments.
6. **BCMD Manager Report:** Rick Stevens
 - a. **Mowing:** Rick said the County is scheduled to mow beside the roads for fire mitigation, and he will confirm with them the exact date.
 - b. **Traffic:** Recent traffic counters averaged 600 cars a day on Juniper Hill, with BCMD residential traffic peaking 7:30 to 9:30 a.m. and 4:30 to 6:30 p.m., with Cozy Point traffic concentrated in the middle of the day, consisting more of horse trailers and bigger trucks, as well as camp traffic. About half the traffic was Cozy Point, though that is expected to drop in half after the summer camps are finished.
 - c. **Water Management:** Rick updated the Board on conversations with Kit Hamby from Snowmass Water and Sanitation to take over daily management and maintenance of the BCMD water system. He suggested the BCMD board meet with their board, which convenes every Tuesday at 8 a.m., to discuss proposed costs and benefits. Currently the Board pays \$1,965 a month for management by Independence Environmental Services. The Board agreed that the move to a higher level of management is inevitable as the district evolves.
 - d. **System Engineers:** Rick noted Derosier's last task for BCMD was the PRV vault, which is almost completed, and that BCMD is transitioning to Roaring Fork Engineering.
7. **Other Business:**
 - a. **Cougar Canyon:** The Board was updated on a possible petition from a large parcel to annex into the District to get water for a new development. The 30 acre parcel, zoned for 1 residential lot, is located across from Dr. Mitchell's at 724 Juniper Hill Drive. A possible buyer, Barratt Cyr, discussed preliminary plans to build a single 15,000 sf structure. Lawson worried the District is already over allowance in water use (from 13 million gallons in 2017 to 23 million gallons in 2018), and thought they couldn't guarantee the water, especially as Brush Creek homes evolve into larger more luxurious properties requiring more water usage. Joyce noted even if it were possible to have a well, the buyer would have to join the District to use roads, trash and mail. Joyce said the BCMD is forbidden to sell

water outside the District, but didn't know if that meant the District couldn't annex new residents into the District. The Board discussed whether Snowmass Water and Sanitation might be able to expand the BCMD water allotment, especially in light of new sprinkler requirements for larger homes. The Board asked Rick to explore if an increase were possible.

8. **Finance**: Glenda Knight
 - a. Audits were completed, with a summary letter distributed to the board. Only minor formatting and accounting adjustments were recommended; overall it was very favorable, Glenda noted.
 - b. Motion to approve July 2019 bills as presented, 2nd, motion passed.
 - c. Rick asked Glenda for an updated chart of accounts to assist him in better classifying invoices received.
 - d. Glenda reported a substantial overage in water use in the past month, at the cost of \$4,000.
9. **Date of Next Meeting**: The date of the next meeting was set for Thursday, September 19 at 5:30 at the Snowmass Chapel Library.
10. **Adjournment**: The meeting was adjourned at 7:40 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Thursday, September 19, 2019 at 5:30 p.m.
Snowmass Chapel Library, Snowmass Village, CO

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Lawson Wills
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Rick Stevens, Manager
- Jim Laing - ABSENT

1. **Call to Order:** The meeting was called to order at 5:35 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** The minutes were approved with one correction to minutes, to state there was only 1 lot in activity envelope of Cougar Canyon.
3. **President's comment:** Jerry Scheinbaum
 - a. In final comments, President Jerry Scheinbaum asked for nominations and invitations to fill the final board seat.
4. **BCMD Manager Report:** Rick Stevens
 - a. **Fire Hydrants:** The Board discussed a phasing schedule for fire hydrants at the price of about \$8,000 each, to insure that all dwellings were within 1000 feet of a fire hydrant, as fire code dictates. The inspection is about 75% complete.
 - b. **Guardrails:** Rick said he would contact the installers for a schedule.
 - c. **Solar Farm:** The Board discussed the solar farm hearing where objections were raised as to conservation area limitations and river impacts.
 - d. **Cougar Canyon:** Rick discussed the applicant's proposal, which was to build a maximum of 5750 square feet (without a TDR). He said the owner, Barrett Cyr would like to annex into the District, and was willing to fully fund fire hydrants and a tank. Lawson Wills voiced concern at adding another customer to the District, which he said was already at water capacity. Rick reasoned even if Cyr developed his own well, he would be using Juniper Hill Drive based on right-of-way access, and would require mail and trash, and so it was better if he paid his fair share into the roads and water, and generate revenue. The Board discussed whether there was room in the current water allocation, and whether it was possible to increase the allocation from Snowmass Water beyond the current two million/month.
 - e. **Water Management:** The Board discussed concern for the declining health and abilities of the current water manager, and the transition to a new operator: Roaring Fork Engineering. Lawson Wills expressed frustration over the cost of a water leak search last summer that turned out to be a false positive chlorine test. Rick Stevens offered some upsides to the investigation resulting in some much

needed repairs, and blamed the cascading expenses on deferred maintenance issues. Rick stressed the need for current technology, a licensed manager, working meters, and the ability to shut down affected sections.

5. **Finance:**

- a. Motion to approve August 2019 bills as presented, 2nd, motion passed.
6. Glenda said Rick and she will have the 2020 proposed budget by the next meeting. The Board discussed ways to generate more revenue to cover the replacement and upgrading of much of the 30 year old infrastructure. Glenda explained that State statutes governed which monies could be used for what, and that the \$1 million in the General Fund Capital account could not be used for water system infrastructure. Money from the mill levy is not authorized to be used for water system improvements. The water capital reserve fund is currently at \$122,000, and is built only by using profits from the sale of water. The Board was divided on whether a rate increase should be presented to the Homeowners. The \$196,000 in operating fund is reserved for day to day operation, not capital upgrades. Rick strongly stressed the need raise substantial capital funds, and suggested employing a consultant to explore ways to make it happen over a 5 year period. Rick described existing infrastructure conditions as fully depreciated, and deficient in curb valves, water tank inspections, and pump maintenance. According to the bylaws, homeowners with malfunctioning water meters needing replacements should be billed to the homeowner. That way the water capital reserve would not be used.
7. **Date of Next Meeting:** The date of the next meeting was set for Thursday October 17, 2019 at 5:30 pm.
8. **Adjournment:** The meeting was adjourned at 6:55 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Thursday, October 17, 2019 at 5:30 p.m.
Snowmass Chapel, Snowmass Village CO

Present:

- Jerry Scheinbaum
 - Joyce Hardy
 - Jim Laing
 - Lawson Wills
 - Glenda Knight, Bookkeeper
 - Rebecca Driscoll, Recorder
 - Rick Stevens, Manager ABSENT
 - Riley Gessele, Water Manager ABSENT
1. **Call to Order:** The meeting was called to order at 5:35 p.m. by Jerry Scheinbaum.
 2. **Approve Minutes:** Jerry Scheinbaum approved the minutes with Lawson Wills seconding and approval by all, after a clarification to parties involved in the Cougar Canyon proposal: the buyer/builder is Barry Cyr, whereas Brian Pettet, Pitkin County Director of Public Works, is acting on behalf the County as the seller.
 3. **Public Comments:** There was no public comment.
 4. **Water Manager's Report:** Riley/Kelly Gessele were not present, as Kelly is in hospice.
 5. **President's comment:** Jerry Scheinbaum
 - a. **Solar Array:** Jerry Scheinbaum discussed the Solar Array project, and felt public opinion and the Commissioners were for the project, and thus odds of stopping it were slim though he suggested there may be a way to compel the Commissioners to send it out for a vote.
 - b. **Water Funds:** The Board expressed continued concern over the balance in the water fund as insufficient to cover the ambitious set of improvements needed for infrastructure. Lawson asked that the BCMD attorney, Steve Connor be consulted to see what options existed that did not involve raising water rates and if there were any way to use any of the funds in the road account. The Board agreed those funds could at least be borrowed against if needed. The Board was open to the idea of charging higher water rates for excessive use, but understood that could not raise the amount of money needed. To raise water rates would require a public meeting to notify homeowners, but not a vote, Glenda insured.
 - c. **Board Member vacancy:** Jerry reiterated that the BCMD should have an interim board member as soon as possible and asked for nominations from the other board members.
 6. **BCMD Manager Report:** Rick Stevens was absent, but Glenda reported on his behalf.
 - a. **Turtle Cove Leak:** A leak was reported at 132 Turtle Cove, when a neighbor noticed a building covered in ice, indicative of spraying water. The issue was a garden hose which was quickly turned off. Glenda said the water meter did not record any unusual

- usage, and upon investigation, the property has never exhibited the third quarter spike that other properties did when irrigating.
- b. **Solar Way paved:** At homeowner expense, it was reported it appeared the driveway Solar Way received new asphalt from Elam Construction. Due to its steepness, the Board still expressed hesitation to accept a petition to take the driveway into BCMD control as had been requested in the past. They had additional concerns about the depth of the road base and need for guardrails to be considered a public road.
 - c. **Maintenance:** Alex has not returned from Mexico. The Board was concerned if stricter U.S. policy immigration policy meant he might never return, though his crews have thus far continued to cover all needed grounds maintenance. Rick noted to Glenda he is also reviewing snowplow rates and winter contracts. The Board expressed continued support for the current contractor.
 - d. **Dumpsters:** Jerry discussed how to stop people from dumping tires at the dumpster, and proposed “no tire” signs, with reminders that the most have a \$100 free permit to drop them at the Pitkin County Landfill, just a couple of miles away.
 - e. **Guardrails:** Rick noted to Glenda that the County should be starting the guardrails project soon, though the Board doubted it could be completed with winter looming. At an estimated cost of \$122,000, Lawson suggested it would be better amortized over two years anyway. Jerry said with the funds in the account, and costs increasing every year, it could be financed in one year.
7. **Budget:** Glenda said she and Rick had not met to go over some aspects of the budget so it was not presented.
 8. **Finance:**
 - a. **Bills:** Motion to approve September 2019 bills as presented, 2nd, motion passed.
 - b. **Mill Levy:** Glenda reported the calculations of the next mill levy to be 17.458, about a half point decrease, which would result in receivables of about \$368,009. The Board asked if that figure is also the annual road expenses. Glenda noted that the normal operation does not use it all, but because the Tabor no longer applies, any overages accrue for future larger maintenance.
 - c. **Open Space Donation:** A lot on Juniper Hill owned by Steve Hansen has been authorized to be donated as open space to the BCMD. It did have a paid tap, and had been paying \$400 per year. The lot had failed to sell for several years, and due to its swampy nature, would be a difficult place to build a house.
 - d. **Entrance maintenance:** Glenda reported the two entrances used 86,000 gallons of water to irrigate, at a water cost of \$473.
 9. **Date of Next Meeting:** The date of the next meeting was set for Thursday, November 21st, 2019 at 5:30 at the Aspen Mountain Gondola Building, Conference room.
 10. **Adjournment:** The meeting was adjourned at 6:42 p.m. by Jerry Scheinbaum.

Brush Creek Metropolitan District:
Thursday, November 21, 2019 at 5:30 p.m.
Aspen Gondola Building Meeting Room

Present:

- Jerry Scheinbaum
- Joyce Hardy
- Jim Laing
- Glenda Knight, Bookkeeper
- Rebecca Driscoll, Recorder
- Rick Stevens, Manager
- Riley Gessele, Water Manager
- Absent: Lawson Wills
- Bland Nesbit, *new metro board member*
- Brian Petit, Director of Public Works for Pitkin County
- Richard Goulding, Roaring Fork Engineering
- Joseph & Monique Spears

1. **Call to Order:** The meeting was called to order at 5:32 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** Minutes from October 17, 2019 meeting were approved as presented.
3. **Guest Comments:**
 - a. **Brian Pettit, representing Pitkin County:** Aspen Public Works Director Brian Petit updated the Board on the 40 acre Cougar Canyon project which the County acquired in 1998, which currently has approval for a 5750 square foot private home. He noted while it is 40 acres, the majority is a conservation easement, with 3 developable acres, which he highlighted in a map he passed out showing the activity envelope. He inquired about the possibility of BCMD annexing the parcel and offering water service. The BCMD water service plan guidelines were made with the thought to curb growth and scale, resulting in a small water line, a pre-determined number of available taps, and water allocation. Riley noted that the fire codes for a house of that size would demand more water flow than the BCMD could offer. Jerry asked if the activity envelope could be moved to closer to the Cozy Point entrance off of Juniper Hill Drive. He would prefer smaller multi-unit employee housing that could utilize the bus stop. Brian said the county's highest and best use is to get the most money for the property, but that he would communicate the suggestion.
 - b. **Joseph & Monique Spears:** The Spears will be building a home on Medicine Bow Road and when consulting with the fire department were told that they would request an emergency pullout on Medicine Bow Road between their driveway and the entrance to the Solar Way driveway. They would then sign off on their building permit. The pullout would be restricted for emergency use only, and be situated in close proximity to an existing fire hydrant. The 16' wide path

would need to be stabilized to withstand a fully loaded firetruck, but could be revegetated with grass. A small 1-2 foot timber wall would be needed to fortify the bank once the space was leveled. Rick noted the pullout would help Solar Way residents' emergency access also. The Board discussed the utility easement along that same area, and Riley suggested it would be a good time to upgrade the water line before any improvements were made. The Board agreed that the Spears would be responsible for any damage done to the pipes during construction, or from subsequent use. Richard Goulding noted the BCMD would need to give the Spears a formal easement to use the easement. Jerry noted that the pullout would set a new standard for the subdivision in terms of both safety and policy.

4. **President's comment:**

- a. Kelley Gessele: The Board took a moment to honor the former water manager, Kelley Gessele, and his many years and contributions to BCMD. Kelley passed away on October 22nd.

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

- a. Water Management: Rick introduced Richard Goulding from Roaring Fork Engineering, and explained that Riley Gessele had agreed to stay on to oversee day to day operations. Richard would oversee the water system's infrastructure and upgrades. He presented an analysis resulting from a collaboration of Glenda, Riley, Richard and himself showing the yearly discrepancies between water received from Snowmass Water and Sanitation and water billed to homeowners. In April 2018, that difference increased greatly, due to leaks or faulty meters. Glenda reported nine personal meters were still not reporting through data collectors. Rick reiterated that bulk meters were the first line of defense. The Board discussed how to pay for the upgrades.
- b. 811 System: Rick reported that lots of new septic systems are included in the new 811 reporting system.
- c. Guardrails: The \$182,000 proposal for guardrails from Ideal Fencing Corp locks in 2400 lineal feet of improvements. Although the road capital fund has the capital to complete the job, Rick recommended spacing the work over a few years, beginning with the most damaged areas. Glenda expects the District to receive \$368,000 from property taxes in 2020 for the road operating fund.
- d. Hansen's Open Space: Rick reviewed the parcel on Juniper Hill Rd owned by Steve Hansen, (address TBD). He was planning on donating the parcel to Pitkin County for open space, because it has proved too swampy to build on, and multiple contracts for sale have fallen through.

6. **Water Manager's Report:** Riley Gessele

Riley discussed new technologies in meters communicating on a cell phone circuit for \$700 per meter that provided constant monitoring as well as emergency communication. He said he would invite a rep out to talk to the board ASAP.

7. **Appoint New Board Member: Bland Nesbit**

Zone 4 doesn't have tank, and they are looking into installing a tank at the top of the zone.

6. **BCMD Manager Report**

- a. **Fire Turnout:** Rick will follow up on the Spears' mandated fire truck pullout, which must be signed off by the Pitkin County Engineer and fire department.
 - b. **Roads:** Rick reviewed immediate road concerns.
 - c. **Package boxes:** Solar Way requested a UPS/FedEx drop off at the end of their driveway, since the delivery trucks have issues with their road. Rick noted the location was a public right of way and they would need a permit from Pitkin County. Jerry suggested they attend a meeting for approval. Joyce suggested putting a locked package drop by the mail boxes.
 - d. **Alex:** Alex is expected to return from Mexico in February.
 - e. **Guardrails:** Rick reported about 2000 feet of guardrails are non-compliant. The Board discussed a three year plan for all guardrail repairs. Jim Laing felt strongly that we need to repair the most deficient sections immediately.
 - f. **Mail Boxes:** Glenda said door hinges on the back of the Juniper Hill mailboxes are broken which require welders to repair.
7. **Budget:** Glenda provided the Board with the latest copy of the budget. Glenda noted the auditor suggested increasing the budget for water repairs in 2020 since over \$72,000 was spent for water repairs 2019. The overall budget was up \$30,000. Lawson was hesitant about approving a budget that appeared to have a deficit, but Rick thought there was uncaptured revenue that could be mitigated with functioning meters. Glenda said expenditures were an estimate. The Board discussed the mill levy, which is determined by the total assessed valuation of all the properties in Brush Creek Village and the statutory property tax revenue limit calculations from the Division of Local Government. After some discussion, everyone agreed. Jerry Scheinbaum made **motion** to approve the 2020 budget, and Lawson wills seconded the motion. Everyone concurred.
- Finance:** (*#8 should be up on this line?*) Motion to approve December 2019 bills as presented, 2nd, motion passed.
8. Glenda regrettfully stated her desire to retire as bookkeeper and asked the Board to seek a replacement.
9. **Date of Next Meeting:** The date of the next meeting was set for January 16th at the Aspen Mountain Gondola building.
10. **Adjournment:** The meeting was adjourned at 7:30 p.m.

Brush Creek Metropolitan District:
Thursday, December 12, 2019 at 5:30 p.m.
Aspen Mountain Conference Room
Aspen Gondola Plaza, Aspen, CO 8161

- Jerry Scheinbaum
 - Lawson Wills
 - Joyce Hardy
 - Jim Laing
 - Glenda Knight, Bookkeeper
 - Rebecca Driscoll, Recorder (replaced by Landon Deane at 7 p.m.)
 - Rick Stevens, Manager
 - Guest: Richard Goulding, Roaring Fork Engineering
1. **Call to Order**: The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.
 2. **Approve Minutes**: Minutes from November 2019 meeting were approved with one change to delete a personal comment about the solar farm.
 3. **Public Comment**: There was no public comment.
 4. **President's Comments**:
 - a. Board Member Vacancy: Bland Nesbit, who was sworn in at the November 21st meeting, cannot accept the position and has stepped down due to other commitments. The Board is seeking a new member.
 - b. Tap Fee: The Juniper Hill lot (address TBD) owner has asked that the tap fee be refunded since the lot might be donated to open space.
 5. **Water System Report**: Richard Goulding from Roaring Fork Engineering
 - a. Richard Goulding suggested a 10 year capital improvement plan proposal by Roaring Fork Engineering. He offered to invite a Brown's Hill consultant to the next meeting. Glenda said the bill could be paid out of the water capital fund. **Motion** Lawson Wills made a motion to spend \$22,000 (with a cap of \$30,000) for Roaring Fork Engineering for the proposed 10 year capital improvement plan. Second by Jim Laing. All agreed. Richard expected to have the report ready at the March meeting.
 - b. **Water system**: The Board discussed funding for improvements to water system whether it be a bond, or a tax deductible mill levy. Lawson disagreed with borrowing money, and preferred a staggered parcel approach, Jim Laing noted the District was in good position to borrow money and interest rates are low. He suggested running numbers to see cost estimates. Rick cautioned the water system is losing 1.2 million gallons of water per month and needs a more aggressive proactive approach. Rick reviewed problematic meters and four current master meters to designate zones of failure at the Rodeo lot, Pioneer Springs, PRV, and the pump station. Richard Goulding handed out a report for review. The report showed \$20,000 a year in lost billing. He suggested getting a check valve on the bulk meter at Pioneer Springs first. Lawson suggested April start, Richard noted

Zone 4 doesn't have tank, and they are looking into installing a tank at the top of the zone.

6. **BCMD Manager Report**

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- 1) Brush Creek Metropolitan District Resolution No. 03 Series of 2019, known as Resolution to Adopt Budget
 - 2) Brush Creek Metropolitan District Resolution No. 04 Series of 2019, known as Resolution to Appropriate Sums of Money
 - 3) Brush Creek Metropolitan District Resolution No. 05 Series of 2019 known as Resolution to Set Mill Levies.
 - 4) Brush Creek Metropolitan District Resolution No. 06 Series for 2019 known as Resolution to Re-appropriate Sums of Money for the 2019 budget year.
8. **Finance:** Motion to approve November 2019 bills as presented, 2nd, motion passed. Glenda regretfully stated her desire to retire as bookkeeper and asked the Board to seek a replacement.
9. **Date of Next Meeting:** The date of the next meeting was set for January 16th at the Aspen Mountain Gondola building.
10. **Adjournment:** The meeting was adjourned at 7:30 p.m.