

**Brush Creek Metropolitan District**  
**Thursday, February 16, 2022 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Jim Laing
- Rick Stevens, BCMD Manager
- Rebecca Driscoll, Meeting Recorder
- Cindy Herndon, Bookkeeper

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.

2. **Minutes:** The Board approved the minutes of the January, 2023 meeting.

3. **President's Comment – Jerry Scheinbaum**

Jerry Scheinbaum raised concerns about landowners out of compliance with existing water lines over ¾", and whether the Board was complicit in its silence. He thought all over-sized lines should come into compliance by installing a ¾" strangle. He argued the City of Aspen would enforce compliance on their water system, and as a business, the BCMD should do the same. Jerry said at the very least it should be put on record that they are out compliance to buffer against liability, and that BCMD might be able to force compliance at point of sale before agreeing to supply water. Jerome Meister suggested getting a legal opinion to determine if BCMD could force compliance on existing Landowners, or withhold water service at point of sale.

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

- Rick presented the January water report from water engineer Maggie McHugh. He reviewed progress on a few minor leaks discovered and mitigated.
- **Cougar Canyon:** Pitkin County has issued an access permit for the Cougar Canyon, a 40-acre parcel originally slated for a five-lot employee housing project in 1998. The BOCC agreement calls for a maximum floor area of 5750 square feet, a driveway intersecting with Juniper Hill Road, a 2200-foot waterline to a well near Cozy Point and requires a cost-sharing agreement for any road repairs. The Board discussed other landowners who are not part of the district but who use roads and trash, and the need to develop an overall policy on contribution. Lawson thought it would be easiest to adopt whatever Pitkin County uses to determine a fair contribution.
- **IGA and Easement with COA:** Rick Stevens reviewed a draft of changes to the road maintenance contract that he and Tom Newland submitted after the county zoom meeting that reviewed the document.- Pitkin County doesn't feel an IGA is necessary.

Rick noted that construction traffic on the Cougar Canyon parcel could degrade the road.

- **Water Engineer:** Engineer Maggie McHugh is back at Roaring Fork Engineering and will resume as BCMD chief engineer in February. She will focus on updating and cleaning up the rules and regulations. The Board reviewed discussion on pipe materials. Jerry Scheinbaum said it was acceptable to update the water service agreements to include other materials other than copper for the supply lines from the meter pits to the house as long as the new materials were as robust and leak resistant.
- **Water Meters:** There are only a few meters left to exchange. Rick reviewed some minor water leaks mitigated in January.
- **ACC:** Rick discussed a memo BCMD sent to the ACC dealing with new policies to be implemented by both entities. The Board discussed compliance deposits for remodels versus new construction that might impact roads and water lines.
- **Fire Protection:** Rick said he will work with engineer Maggie McHugh to create a capital improvement list for summer improvements to fire protection.
- **Guardrails:** Rick reported the bill to raise every guardrail to meet the minimum standards was \$50K, plus \$200 per foot to install additional guardrails.

#### 5. Bookkeeper's Report – Cindy Herndon

- **Payables/Receivables:** Cindy Herndon presented a spreadsheet on water usage for January 2023. Usage in winter is usually low. Accounts receivable are very low. Cindy reviewed accounts payable. Lawson expressed concern with the \$2K bill for locks and alarms, though Cindy believed half would be reimbursed by submitting a claim to a subdivision group BCMD belongs to.

**Motion:** Lawson Wills made a motion to approve, with a second from Jerry Scheinbaum, to approve the bills for payment. All were in agreement.

- **Election:** Cindy Herndon completed the GEO training to certify as an election officer, and reported that she has received 5 self-nomination forms for 5 spots on the Board. She said a call for nominations ran in the Aspen Times newspaper, and on the website. The deadline to call for nominations is February 24, for a May election, but if there are no more candidates than spots, a call for a non-election can be made on Feb. 28<sup>th</sup>.

6. **Next Meeting:** The date of the next meeting was set for Thursday, March 16, 2022.

7. **Adjournment:** The meeting was adjourned by Jerry Scheinbaum at 7:10 p.m.