

**Brush Creek Metropolitan District**  
**Thursday, January 21st, 2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Tom Newland – Planning Consultant, Newland Project Resources
- Maggie McHugh -- PE Roaring fork engineering
- Guest: Fran Soroka – homeowner and formerly Pitkin County Open Space Administration
- Lawson Wills - absent

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.
2. **Minutes:** Minutes of December, 2020 meeting were approved by the Board as presented.
3. **Presidents Report:** Jerry Scheinbaum had no comments.
4. **Manager's Report: Rick Stevens**
  - **Administration:** Rick discussed improvement to some administrative policies; including making the Friday before the board meeting the cutoff for bank balances, receivables, etc. Invoices will be listed upon receipt into QuickBooks so they will show as payables, even if they haven't yet been paid. He also recommended setting up auto payments for vendors like Comcast and Holy Cross to streamline bookkeeping, and said he would need Board signatures at the bank to accomplish that.
  - **Meter update:** Rick said 4 meter-pits were completed with 4 Badger meters installed. Work will start on the two pump stations with 2 Badger meters to service zones 3 and 4.
  - **Water Rate Increases.** Following a year's analysis of water usage and leaks, Rick said Roaring Fork Engineering is ready to recommend a new water rate structure. Rick discussed issuing a 30 day notice to higher users, with a follow up notice for 15 day shut off, and charging people to turn water back on. He forecasted that by April, BCMD should have new rate structure that is punitive to high, excessive users.
  - **Spears Construction:** The Board expressed concern about illegal parking on the shoulder by Spear's contractors, who did not appear to be limiting parking the 40 foot gravel designated parking. Rick will contact the sheriff's department to discuss proper parking and possible ticketing enforcement.

- **Cougar Canyon:** The 45 acre lot owned by Pitkin County is under contract for \$850,000. Rick said he reviewed the closing docs and says they do not guarantee and water commitment.

5. **Guest Comment: Tom Newland**

Tom Newland discussed updates to the farm collaborative project at Cozy Point, and efforts to update the Brush Creek Master Plan and the IGA for road repairs and improvements. The Board reiterated concerns that Eden Vardy's project was going to greatly impact the intersection and lower Juniper Hill Road, at the expense of the BCMD, which has an intergovernmental agreement with the County reflecting assessed value, when Cozy Point was a rural ranch. Rick Stevens said the inbound lane is showing extreme damage already by heavy trucks staging a city-run rock processing plant near the archery field. The Board discussed getting the City of Aspen and Pitkin County to agree to not issue a Certificate of Occupancy or building permits until an agreement is signed reflecting current traffic patterns, with an annual review to determine the percentage of use Cozy Point is generating. Jerry Scheinbaum thought CDOT should close the farm house Highway 82 access road immediately, so traffic counts would be more accurate, or at least add that second access point to the traffic monitoring. Tom Newland thought it should not be difficult to get a new IGA by April, and noted there are so many building permit requests in the pipeline, any actual construction was likely years away. The Board reviewed the current application which toned down the farm from table dinners to a soup and salad bar, and noted that the employee housing-will need permits for electrical, water and sewer. Jerry asked if it were possible to restrict the farm stand to only items were produced by Cozy Point. Fran Soroko noted the Farm Collective includes farms all the way to New Castle. Tom Newland will prepare a memo for the next meeting regarding comments on the master plan.

6. **Water Report: Maggie McHugh, PE Roaring Fork Engineering**

Maggie presented a 2020 year-end water usage report, which showed unbilled water usage was reduced by 54%. January had 76% lost water, which was reduced to 9% by June, after ambitious leak repairs. In those first five months, \$36,000 of water was lost. Normal loss of 10-15%, she said, is expected, and the new rate structure should build-in that loss. She noted losses in October and November were attributed to the new pump station installs, where lines were drained. With the four new meter pits completed, Roy Saba can gather data by driving by, and new meters in the pump stations will help clarify usage in zones 3 and 4. Maggie's report included some 2021 water system goals, which included reviewing Cozy Point water issues, SCADA upgrades, identifying individual meters to be replaced, creating air release valve vaults, and fire protection, especially in zone 4.

**7. New Business: Bruch Creek Area Caucus**

- In order to be alerted to issues affecting BCMD so as to have more political influence, Rick Stevens recommended that the board-consider forming a caucus, which has special standing in the County. Tom Newland said any eligible elector in the area can form a caucus, including the BCMD Board members. To do so, they need a chair, vice-chair, secretary, treasurer, but would not need insurance, or need to charge dues. He said some caucuses get a grant from the County to use for public notices.

**MOTION:** Jerry Scheinbaum made a motion to proceed with setting up a Brush Creek Area Caucus. Jim Laing seconded and all were in agreement.

- Rick noted the annual landowners meeting was scheduled for January 28, and suggested attending the meeting to garner support for the Caucus, and perhaps some share in the cost.
- **MOTION:** Jerry Scheinbaum made a motion to direct Rick Stevens and Tom Newland to attend the Brush Creek HOA meeting January 29, which was seconded by Jim Laing and agreed on by all. Jerry volunteered to be the temporary sponsor, to call a meeting to form the Caucus.

8. **Bookkeepers Report:** Tammy Thurber reviewed new bookkeeping policies. The Board approved payment of current invoices.

9. **Date of Next Meeting:** The Date of the next meeting Thursday February 18, 2021 at 5:30 p.m.

10. **Adjournment:** The meeting was adjourned at 7:30 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, February 18, 2021 at 6:00 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Tom Newland – Planning Consultant, Newland Project Resources
- Tim Malloy – Independent planning consultant working with Pitkin County on Master Plans.
- Maggie McHugh -- PE Roaring fork engineering
- Richard Goulding – Roaring Fork Engineering
- Guest: Ellen Sassano –Pitkin County Long Range Planner
- Dara Clarke – President of HOA

1. **Call to Order:** The meeting was called to order at 6:00 p.m. by Jerry Scheinbaum.
2. **Minutes:** Minutes of January, 2021 meeting were approved by the Board after a minor change from Jerry Scheinbaum.
3. **Presidents Report:** Jerry Scheinbaum congratulated those present for initiating the proposal of a Brush Creek Area caucus at a special meeting at 5:30 p.m. Jerry thought Board Members should not also be on the Board of the Caucus, rather just members.
4. **Manager's Report: Rick Stevens**
  - **Existing Conditions Report:** Ellen Sassano, a long range planner for Pitkin County, was joined by Tim Malloy of Tim Malloy consulting, to answer questions about the existing conditions Report. Malloy was hired to help create three master plans for the County. Sassano first gave a brief overview of the masterplan process. The County was mandated by the State to develop and update a comprehensive plan, which they completed in in 2003 (a down valley plan was completed in 1987). Pitkin County developed 11 master plans for different valleys, including the Crystal River, Frying Pan, Owl Creek, Castle Creek and Woody Creek valleys. Additional plans included the Aspen area, and west of Maroon Creek. The Community development department drafted area plans and worked with caucuses and interested citizens to help focus on critical issues. These plans were given to P&Z, which has the adopting authority, for final review. A master plan is designed to identify goals and objectives to guide growth, zoning, infrastructure, and land access. These plans are used by staff and elected

officials, and even by developers looking to get a pulse of an area. The existing Conditions report lays the groundwork by establishing baseline data, including housing and road capacity, buildout, etc. It may identify road and water issues.

- **Cozy Point:** Members of the board expressed fears that the City of Aspen was behaving as if Cozy Point is within the City, and felt the infrastructure doesn't support the proposed uses; specifically, the access and egress through the intersection with Highway 82. Tom Newland noted that although AR10 zoning is in place for Cozy Point, governmental agencies are to subject to zoning, though perhaps they should, and the zoning should be changed. Tim Malloy said the new RSG zone district (Resource Government) is intended for open space type uses, usually applied to large tracts of federal lands, to reduce residential building on land swaps. Tom pointed out to Ellen that recreation trails don't access cozy point, and the City should consider connecting them.

5. **Water Report: Maggie McHugh, PE Roaring Fork Engineering**

- **Generator:** Maggie informed the Board that new codes required a generator at the top of Zone 4, to provide water in the event of a power outage. Lawson was concerned spending \$125,000 on a generator for just 6 houses, and asked if perhaps the system design was grandfathered in, or if a less expensive portable generator would suffice. Lawson wanted to prioritize meters over generators, especially at Pioneer Springs, and was not anxious to borrow money to fund the entire project at one time.
- **Rate increases:** Maggie recommended a \$260/yr increase in rates, plus \$25 per quarter to cover the increased cost of testing and new code requirements, which apply now that the population exceeds 80 families. Lawson and Jerry were in agreement they did not like to raise water rates for the majority of homeowners, and suggested \$150/year might be more palatable, with large users making up the difference. Maggie cautioned enforcement might tame those heavy users, eliminating that receivable. Lawson asked for rate structures of other systems of similar size and economies of scale. Rick advised that BCMD has additional expense of pumping water up a hill, which should be considered. Jerry made a motion, seconded by Lawson, to have a special public hearing on water rates.
- **Usage:** Joyce noted 52 homeowners with double the normal water usage in January, and wondered if that was COVID related, due to spending more time at home, or better metering. Richard said the amount at the bulk meter at the rodeo lot was hitting the same volume.

6. **Bookkeepers Report:** The Board approved payment of current invoices. Rick updated the Board on the new policy of paying Board members at each meeting for the prior month. Payroll will now be included in the monthly packet. He needed some Board authorizations to set up automatic payments to streamline automatic payments, such as Century Link and Holy cross. Invoices must be submitted by the first week of each month to get paid in that month. He suggested some stricter policies on managing delinquent accounts that result in

water being turned off if payment was not made 15 days after receipt of a letter advising homeowners of their arrears status. Only 10 homeowners are currently in arrears, a reduction of 5.

7. **Date of Next Meeting:** The Date of the next meeting Thursday, March 18, 2021 at 5:30 p.m.
8. **Adjournment:** The meeting was adjourned at 8:17 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, 3/18/21, 2020 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
  - Joyce Hardy
  - Jerome Meister
  - Lawson Wills
  - Jim Laing - ABSENT
  - Rick Stevens, BCMD Manager
  - Tammy Thurber, Bookkeeper
  - Rebecca Driscoll, Minutes
  - Maggie McHugh -- PE Roaring fork engineering
  - Richard – Roaring Fork Engineering
  - Dara Clarke – President of HOA
  - Frances Soroka – Formerly of Pitkin County Open Space
- I.     **Call to Order:** The meeting was called to order at 5:32 p.m. by Jerry Scheinbaum on Zoom.
- II.    **Minutes:** Minutes of the February, 2021 meeting were approved by the Board.
- III.   **Presidents Report:** Jerry had nothing to report.
- IV.    **Water Report: Maggie McHugh, PE Roaring Fork Engineering**
- **Pump Station 4:** Maggie recommended hiring Browns Hill to assess whether a portable generator for pump station 4 would be adequate to service the designated properties that would need the service in the event of a power outage.
  - **Water Rate Increase:** Maggie presented a water rate increase table, with the median showing a \$137 per year increase, plus a \$25/quarter update in the base rate. Some comparable properties, including Lazy Glen HOA and White Horse Springs, have a minimum charge of \$3150 per year, compared to BCMD, which is about \$1200, so she assured the pricing is very fair.
- V.     **Manager's Report: Rick Stevens**
- **Badger Meters:** Rick said all the Badger bulk meters have been installed, except for one at pump station 3 which proved defective, and is getting replaced. The one at Pump Station 4 still needs a sending unit installed outside the building.

- **New Lot:** The Board discussed possible water service to a BCMD vacant lot at the top of subdivision on Medicine Bow Road. Maggie McHugh will see if water line 4 can service it. Lawson thought the owners would have to install a holding tank to ensure pressure, as many of the properties highest in the zone have issues with pressure. Riley and Kevin are currently working on pumps in Pump Station 4 to address water pressure at two upper residences. Rick noted the top of Medicine Bow Road is in terrible shape BCMD may not be responsible for improvements if the road is non-conforming to county regulations. Tammy will check to be sure a tap has been paid.
- **Tap Fees:** Rick Stevens questioned about checking what lots had tap fees paid. Glenda Knight had assured if they are paying a \$100 quarterly bill, then the tap fee was paid. Jerome said it was the seller's responsibility to disclose if a tap fee has been paid, and they have the burden of proof.
- **Land Use:** The Cozy Point land use application is set to be reviewed in April. Fran Soroka reported the City is saying Cozy Point grading will begin as soon as it is dry enough.
- **Brush Creek Area Caucus:** The Brush Creek Caucus application will be reviewed in April. The Caucus, having regional boundaries, would encompass residences outside of the HOA, like Pioneer Springs. BCMD's attorney reminded that neither the HOA nor the Metro District can contribute to the caucus. A sum of \$1500 will be granted by Pitkin County on approval of the application to get started. The Board discussed how area homeowners might fund the caucus.
- **Real Estate and Construction:** Rick discussed upcoming construction, and how currently, there are no prepared documents requesting a deposit to the Metro district to mitigate road or infrastructure damage.
- **Locks:** Rick contacted Village Locksmith regarding locking the dumpsters, as well as locks for water system buildings, and said it would cost about \$2,500 to do all the combo locks. He reiterated Alex has to go to the landfill often, which costs the district for his time and dump fees, and the dumpsters might benefit by cameras to identify perpetrators, also.
- **Air Release vaults:** Rick reported a broken air release valve that was easy to fix, though one on the top of Tabula Rasa has not worked in years. Rick said air can create a water hammer, if it is not released, and relying on fire hydrants to bleed off air was sketchy. Lawson was reluctant to spend much on air release vaults, preferring to concentrate funding meters.
- **Water Rate Increase:** The Board discussed what kind of notice was required to raise water rates. The Board agreed residents should receive plenty of notice, and have the



opportunity to weigh-in at a public meeting. Rick will post a notice on the trash can/mailboxes, Tammy will add a notice in the water bills, and Rebecca will post on the website and email known residents with contact emails. The Board hoped to have an increase implemented in June for quarter 2 billing. The Board agreed to tentatively approve the proposed rate structure presented by Maggie McHugh, subject to notice and public comment.

**MOTION:** Jerry moved to create a special public meeting, seconded by Lawson, to discuss an increase in the rate structure, as presented by Maggie McHugh. All were in favor.

- VI. **New Business:** Jerry wanted to source a chipper/shredder to use to clear up roadsides for fire mitigation.
  
- VII. **Bookkeeper's Report:** Tammy Thurber reviewed new bookkeeping policies. The Board approved payment of current invoices. A payment of about \$68,000 from property taxes was received from Pitkin County, which goes into the general fund and road fund. Rick noted bank account balances are strongest in the third quarter, which makes it best time to fund improvements. The number of past due accounts has been reduced to just two homeowners.
  
- VIII. **Date of Next Meeting:** The Date of the next meeting is Thursday, April 15 at 5:30 p.m. on Zoom.
  
- IX. **Adjournment:** The meeting was adjourned at 7:37 p.m.

**Brush Creek Metropolitan District**  
**Thursday, April 15, 2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Lawson Wills – ABSENT
- Maggie McHugh - Roaring Fork Engineering.
- Tom Newland – Planning Consultant, Newland Project Resources

1. **Call to Order:** The meeting was called to order at 5:33 p.m. by Jerry Scheinbaum.
2. **Minutes:** Minutes of the March 18, 2021 meeting were approved as presented with a motion by Jerry Scheinbaum, and a second by Jerome Meister. All were in agreement.
3. **Presidents Report:** Jerry Scheinbaum presented the highlights of the Pitkin County BOCC public meeting yesterday via Zoom. He reported Mr. Fox gave results of a transportation study, using numbers from a 2016 vehicle count. Compared to the 2016 numbers, Jerry felt confident they would be able to reveal a 20% increase in traffic around 2022, which would trigger the state to conduct a traffic study which might demonstrate the need for a signal or other intersection improvements.
4. **Manager's Report: Rick Stevens**
  - Cozy Point grading: Rick announced that the grading project at Cozy point has begun, and he took a video of the existing asphalt. He suggested sponsoring a couple of traffic counters to check construction traffic amounts. The Board agreed but would like a clarification on the cost.
  - Water Rate Changes: Adequate notice was given via flyers on the trash can, emails, and website, regarding an April 22<sup>nd</sup> special public meeting, with Notice of water changes. Rick reported he had only heard from one homeowner, who was satisfied with the explanation given.
  - Dumpster Locks: Quotes to secure the dumpsters range from \$3,000 to \$8000.
  - Illegal parking: Rick mitigated an issue with overnight parking of a van, believed to be a homeless person.
  - New Construction: Rick reviewed current building projects. The Brush Creek Landowners' Association's Architectural Review Committee is charged with ensuring the plans match the activity envelope, site orientation, and building footprints. The BCMD

has little influence over any building, though can hold on any water tap completions until the ARC has signed off on the project.

5. **Guest Comment: Tom Newland**

- **Cozy Point:** Tom Newland also reviewed the recent meeting where the Commissioners unanimously approved the Farm Collaborative’s application. However, he noted the Commissioners did discuss nine conditions, likely because of the BCMD letter of concern. Concern #3 was Lower Juniper Hill Road. Pitkin County Commissioners instructed the City of Aspen to enter into good faith negotiations on cost sharing, periodically upgraded resulting from traffic counts, although building permits are not conditional on compliance. Other BCMD concerns addressed by the Commissioners were to close the access road off Highway 82 which has been directed to be no longer allowed to be used, promote carpooling, create access for RFTA buses, possibly extend the Woody Creek shuttle to Cozy Point, and provide plan for pedestrian and bicycle access. Tom recommended writing a cost share agreement prior to renegotiating the easement.
- **Water protection:** The Board discussed the possibility of capping home size to conserve water use. Tom Newland said, “not only do larger houses use more water, but they develop commercial level impacts on roads, due to service requirements by housekeepers, landscapers, etc., and trash.” Newland says other attempts in the County to limit house size were unsuccessful. Focusing on the completion of the updated Brush Creek Master Plan might control this issue.

6. **Maggie McHugh: Water Report**

- Badger house meter replacement is starting with Pioneer Springs, and 17 others through the system. The First Phase will replace 23 meters; the goal is to replace all meters by the end of 2022. She shared a colored map with three phases: green, blue and yellow, showing the priority of replacement. While the meters are being replaced, the plan is to conduct a detailed survey of isolation valves, meter pits, backflow devices, etc.
- **Billing:** The Board discussed how to claim overdue bills. Jerome asked if it is possible to put a lien on property. Rick explained there is only a 90-day window to place a lien, so recommended the Board formalize the process with a letter of intent to file a lien at 70 days going forward.

7. **Bookkeepers Report:** Tammy Thurber reviewed expenditures and Board approved bills for payments.

8. **Date of Next Meeting:** The Date of the next meeting Thursday, May 20, 2021 at 5:30 p.m.

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

**Brush Creek Metropolitan District**  
**Thursday, May 20, 2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Maggie McHugh - Roaring Fork Engineering
- Lawson Wills – ABSENT

1. **Call to Order:** The meeting was called to order at 5:01 p.m. by Jerry Scheinbaum.
2. **Minutes:** Minutes of the April 15, 2021 meeting were approved as presented, and all were in agreement.
3. **Presidents Report:** Jerry Scheinbaum commented on Tom Newland’s agreement with the City, noting that on page 9, where it discussed rewriting of the master plan, Tom had said water was restricted “due a 4” line”, but Jerry added that their agreement with Snowmass Water also restricts. Jerry clarified even if the lines were larger, BCMD could not service Cozy Point. Jerry asked Rick to communicate that point to Tom.
4. **Manager’s Report: Rick Stevens**
  - **Brush Creek water line:** Rick noted that the 4” inch line might be upgraded to service others, but that water would not run through BCMD meters.
  - **Mailboxes:** Rick reviewed the USPS specs for package boxes, which are a couple thousand dollars each (not including installation).
  - **Locks:** Water tanks and pump houses will be locked promptly. Dumpsters lock options could have 140 codes, or just a few codes everyone shared. He said he is tracking Alex’s cost for hauling illegally dumped refrigerators/TVs, and said they are now seeing remodel construction debris. Jerome wants to consider security camera.
  - **Leaks:** Rick discussed a few possible leaks, but they are since believed to be read issues instead.
  - **Meters:** The new 6 bulk meters, (1 faulty one is being replacing) are reading very close to the rodeo lot meter.
  - **COA:** Rick informed the Board that he discovered a crucial mistake made by in COA agreement with BCMD for Juniper Hill Road: the County failed to procure an access permit from CDOT to trigger intersection improvements based on traffic counts. A 20%

increase in traffic would have resulted in upgrades to the intersection, but since BCMD hasn't changed size, the board felt it should not be required to participate in cost sharing of those improvements. Jerry advised letting County know they are out of compliance. The Board felt an attorney should investigate liability for intersection improvements.

- **Water system reporting:** Rick reviewed the more stringent state requirements, such as a sanitary survey every three years and consumer report. The new water operator is adhering to the new reporting.
  - **Cozy Point:** Eden Vardy requested a water line for fire protection, which BCMD said they are unable to provide.
  - **Legal Addressing:** The Board discussed starting with at least the first 26 sign posts requested by the Fire District, at a cost of about \$100 each. Each would be treated 4x4 6 foot posts, buried two feet in concrete, and black and white neon reflective. Homeowners will be notified before install. Jerome thought homeowners should be billed on the quarterly bill for the county-mandated signage.
  - **Brush Creek Caucus:** June 23<sup>rd</sup> is the first reading of resolution to form brush creek caucus by the County Commissioners.
  - **Unpaid Assessments:** Maggie McHugh presented example policies for unpaid assessments utilized by the Town of Carbondale and City of Glenwood Springs, etc. She reviewed their policies of assessing late fee after 10 days, with notice mailed and taped on the door, with shut off 11 days after, and liens filed promptly. Payment plans are offered. Rick says BCMD policy is similar, but wanted to try to be proactive about warning people of excessive usage. Jerry wanted to be sure the language of the BCMD policy specified that the attorney fees would be paid by the customer.
  - **Water usage:** Maggie noted the rodeo lot meter reported less usage than BCMD, which is being investigated. She noted shortages and production issues have delayed Badger meters installations by 12 weeks. Jerry thought BCMD should alert homeowners irrigating over 1000 sf that they are out of compliance. Rick said also that limitations by Snowmass Water regarding the days/hours limitations on watering should be regularly communicated.
  - Jerry thinks all people irrigating over 1000 feet is out of compliance. Jerry suggests enforcing own rules. Rick said days/hours needs to be routinely communicated.
  - **MOTION:** Jerry Scheinbaum asked for a list of all outstanding accounts, and made a motion to enforce notification and shut-off procedures by May 28<sup>th</sup>. Joyce seconded the motion. All were in agreement.
5. **Bookkeepers Report:** Tammy Thurber reviewed expenditures and Board approved bills for payments.
6. **Date of Next Meeting:** The Date of the next meeting Thursday, June 17, 2021 at 5:30 p.m.
7. **Adjournment:** The meeting was adjourned at 7 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, June 17, 2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Tom Newland – Guest Speaker

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Sheinbaum.
2. **Minutes:** Minutes of the May 20, 2021 meeting were approved as presented, and all were in agreement, following a motion by Jim Laing and second by Jerry Scheinbaum.
3. **Presidents Report:**
  - **Dumpsters:** Jerry brought up ongoing concerns about the Juniper Hill dumpsters which have become a dumping ground for illegal items like TVs, tires and furniture. He proposed building fencing panels to deter the accumulation of items outside the dumpster area. Others thought that solution would just relocate the problem, and items would be left outside the new fence. Lawson Wills, Jim Laing and Jerome Meister were in favor of real cameras with motion detectors and file storage for weeks of recordings; though they admitted enforcement would be difficult. Rick said trash has been discovered with addresses outside the district, which points to drive-by dumping, and the sheriff has been reluctant to prosecute.
  - **Cougar Canyon:** Jerry reported an angry and disturbing conversation from the potential buyer of the Cougar Canyon property, who threatened litigation with BCMD, as well as the County and State, over failure to provide water service. The Board recollected that the County was gifted the parcel from neighboring Bonderman property, possibly for employee housing, and the County wishes to get the value out of the property. He suggested contacting Pitkin County Open Space to see if they could purchase the property and leave it undeveloped.
4. **Manager's Report: Rick Stevens**
  - **Water Usage:** Rick reported successful communications with landowners regarding over-irrigation, usually caused by mis-communication between the landscapers and homeowners. He noted a leak caught promptly when a painting contractor left a hose on all day, wasting 12,000 gallons. He credited the new bulk meters for alerting them to

allow a swift response to issues. Rick presented a report showing May of 2021 usage running a third of the prior year's usage and significantly better than 2018 and 2019 as well. Losses for the past 3 months ran 11% to 13%, which are in the acceptable range. The first house meters are scheduled to be installed in Pioneer Springs in the third quarter of 2021.

- **Parking:** Rick reviewed some issues with construction subcontractors parking on roads, but reminded the Board that as a public right of way, there is little enforcement BCMD can implement; only call the Sheriff. The Board recognized that issue was usually related to temporary construction, and was therefore self-limiting, but Rick could periodically remind the contractor to communicate better parking instructions to the sub-contractors.
- **Fire Mitigation:** Rick thought fire mitigation was going to be an increasingly hot topic, with predictions of increased drought and rising summer temperatures. Clearance of brush near roadways and regular maintenance and testing of fire hydrants would be key.

#### 5. **Guest Speaker: Tom Newland**

- **Juniper Hill Easements:** Tom Newland reviewed the history of easements for Juniper Hill Road. The first easement, dated January of 1966, showed Medicine Bow accessing the Brush Creek County Road, and a short section of lower Juniper Hill. It did not mention deeded access. Currently the easement being amended is from 1992, in which an easement through Cozy Point was granted by Morgan Merrill. Newland reviewed the changes being made, including changing the name of the grantor and grantee, as well as changes in maintenance and upkeep of road based on the average annual daily traffic, plus a new paragraph prohibiting parking on the road. Newland noted the section of road is not eligible for county adoption due because it is not a through-road and doesn't meet width/turnaround requirements. Rick reminded the Board there never was a baseline of traffic count when the City took over the property, to base a 20% increase of usage. The earliest official traffic count was 2018. It was also discovered that Cozy Point does not have a formal access permit from CDOT, which should have been filed before any approvals were made.

**Motion:** Lawson made a motion to spend \$3000 out of the roads funds to get an attorney to explore the issues and ramifications related to access permits. Jerry seconded the motion. All were in agreement. Jim Laing cautioned an intersection upgrade could cost millions, and was concerned that BCMD might be held partially liable. Tom Noland said he would specify in the updated easement that the City would be responsible for upgrades to intersection.

- **Caucus:** The first hearing of the Brush Creek Caucus application was scheduled for June 23<sup>rd</sup>. Ellen Sassano requested testimony for the hearing and invited BCMD Board Members to speak. The Board said they would send a couple of representatives, and nominate a new homeowner Jim Vaschenzy, who expressed an interest to get involved, the president of the Homeowners, Dara Clarke, a few other homeowners to attend.



- **Masterplan update:** Newland reported that Ellen Sassano said they are close to finishing the Masterplan update. She assured that BCMD would be officially referred to on all issues.
6. **Bookkeepers Report:** Tammy Thurber reviewed expenditures and Board approved bills for payments. She discussed successful retrieval of certain accounts receivable, as well as progress on delinquent accounts. The board discussed utilizing credit card payments, if fees could be passed on, to make payments easier.
  7. **Date of Next Meeting: The** Date of the next meeting Thursday, July 22, 2021 at 5:30 p.m. in person at Snowmass Chapel. Note: This was a deviation from the traditional third Thursday, due to scheduling conflicts.
  8. **Adjournment:** The meeting was adjourned at 7:25 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, 7/22/2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
  - Jim Laing
  - Joyce Hardy
  - Jerome Meister
  - Lawson Wills
  - Rick Stevens, BCMD Manager
  - Tammy Thurber, Bookkeeper
  - Rebecca Driscoll, Minutes
  - Tom Newland – Guest Speaker
  - Maggie McHugh, PE– Roaring Fork Engineering, Project Engineer
  - Pete Hajdu – Homeowner, Sagebrush Ln
  - Dara Clarke – Presidents of Brush Creek Landowners' Association
1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Sheinbaum.
  2. **Minutes:** Minutes of the June 17, 2021 and the April 22, 2021<sup>nd</sup> special meeting on water rates were reviewed. The minutes for the June 17<sup>th</sup> meeting were approved as presented, and all were in agreement, following a motion by Jim Laing and second by Jerry Scheinbaum. The minutes for the Special meeting April 22<sup>nd</sup> were also approved.
  3. **Presidents Report:** Jerry Scheinbaum had nothing to report.
  4. **Manager's Report: Rick Stevens**
    - **Water loss and meters:** Rick reported the District was staying under 15% loss; a very low number; damage to a yard hydrant in Pioneer Springs contributed to that loss. He reported issues with some meters failing due to age and wear, which are a priority for replacement. The new bulk meters are more reliable and able to verify usage.
    - **Attorney Fees:** Rick presented an **Agreement for Employment of Attorney's**, from Peck.Feigenbaum, to assist in evaluating and negotiating an access agreement between BCMD and City of Aspen. Lawson made a **motion** to approve payments up to \$3500, which was seconded by Jerry Scheinbaum. All were in agreement.
    - **Roads:** Rick discussed some out of District properties, like Wildcat Ridge, which use BCMD roads but do not contribute fairly to the District's budget. He suggested Pitkin County participate on the cost of road repairs and maintenance, which BCMD can manage.
    - **Water supply:** Snowmass water advised that they are not planning on offering more water to the District, but they have expressed satisfaction with the management of the system. Maggie McHugh will talk will them about managing capacity.
    - **Water Usage:** Several big users have reduced irrigation after being advised of their usage.
    - **Landowners:** The Board discussed new residents-and upcoming construction. They inquired on how to create better link between the two entities, BCMD and Landowners Association, and their websites.
    - **Dumpsters:** The Board agreed that installing cameras, which require electricity, internet and file storage, would be problematic.

- **Meter Repairs:** Rick confirmed they are still able to get parts to fix Neptune meters, which are currently stored in Riley's yard. Lawson would like a walk-in shed that can hold some parts. Jerry proposed a shipping container behind the dumpster, which wouldn't require a permit.
5. **Guest Speakers: Tom Newland and Maggie McHugh.**
- **Caucus formation:** Tom Newland discussed creating a Board for the newly formed caucus, which was officially recognized on July 14. He said the next step was for someone within the caucus boundaries to schedule and notice a meeting for the public to discuss and ratify the caucus operating procedures and bylaws. He solicited recommendations on those who might be interested. The head of the Landowners Association, Dara Clarke, was going to email homeowners. Tom said the County will fund \$1,500 to cover expenses of notices/advertising/mailings, etc. Dara suggests meeting between Metro and Landowner boards. Tom suggested Snowmass Chapel as a location for the first meeting.
  - **Brush Creek Master Plan:** The update from the 2003 version of the Brush Creek Master Plan has been internally reviewed, and should be ready for public review in August. He recommended that the caucus and BCMD should review it carefully. Rick noted that an old IGA for the Metro District and Pitkin County gives BCMD nearly caucus-like powers.
  - **Lower Juniper Hill Road Easement:** Tom reviewed the Lower Juniper Hill Road easement. One issue is the lack of access permit, which could possibly be held by either the City, or the Brush Creek subdivision and others intersecting with Highway 82. The second issue involves updating agreements with other private landowners who use Lower Juniper Hill Road, including Wildcat Ridge, Aspen Ridge and 1953 Medicine Bow Road, so they pay proportionally with vehicle traffic.
  - **Cozy Point Parking:** Tom reviewed some upcoming special event permits at Cozy Point. Jerry suggested requesting the City install permanent "No Parking" signs on Juniper Hill.
  - **Maggie McHugh:** Maggie reported progress on resolving outstanding invoices, identifying leaks in the system, and locating unmetered water. Some bigger users with failing meters were identified as first in line for replacement. She estimated about \$40,000 to replace half the meters this year. She reviewed that 50% of the users stayed in Tier 1 limits, and the rest of the majority were in Tier 2, with only a few outliers. Lawson asked if were possible to charge people a cheaper rate if their water usage for irrigation was at night; Maggie will investigate. Maggie reported that on July 6, 2021, Snowmass Water updated their Neptune system allowing for real-time readings at the Rodeo lot, Pioneer Springs and 4 zones. This would alleviate the problem of getting the dates to line up between reads on their system and BCMD systems.
6. **Bookkeeper's Report:** Tammy Thurber reviewed progress on collections of overdue accounts, and the Board discussed implementing on-line or auto-payment options for residents. Rick noted that they negotiated a compromise with a homeowner to split a contested February bill. Another homeowner with outstanding bill has been unreachable. Checks were approved for payment.
7. **Date of Next Meeting:** The date of the next meeting was set for Thursday, Aug 19<sup>th</sup> via Zoom. Jerry Scheinbaum noted he would be out of town.
8. **Adjournment:** The meeting was adjourned at 6:55 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, Aug 19 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Jim Laing - absent
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Tom Newland – Guest Speaker
- Maggie McHugh, PE– Roaring Fork Engineering, Project Engineer

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

2. **Minutes:** Minutes of the July 22nd, 2021 were reviewed. The minutes for the July 22<sup>th</sup> meeting were approved as presented, and all were in agreement

3. **Water Report: Maggie McHugh, PE Roaring Fork Engineering**

- Maggie presented a review of the July BCMD water summary, including a table showing 11 top users using 1/3 of the water. Typical usage is about 9,000 gallons per month. One user at 121,793 gallons of usage was being investigated for a water leak, and might be a faulty meter. She cautioned the third quarter highest users of greater than 30,000 gallons/quarter could be seeing a water bill of \$5,000-\$6,000.
- New meter rollout: The Badger electronic chip shortage has caused a big lead time to get new meters delivered, but about ½ could still be installed in late 2021. She estimated an hour per house to install, or 3-5 a day.

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

- Rick reviewed the benefits of professional HOA management, and suggested the HOA consider it, since reviewing construction applications might be better left to an expert.
- Rick reviewed a request of a homeowner who requested his road be paved.
- Rick noted locks will be placed on all water buildings within the week.

5. **Guest Speakers: Tom Newland**

- Tom Newland reviewed a COA easement agreement from Lucas Peck, and suggested the road repair should be pulled out of the agreement because it is too complex to be included. Traffic monitoring was suggested to occur at every other year, at two different intervals, during peak in July and again in low season.
- Intercept Lot: A Pilot Program was set for 2023 for 3 months, to consider food trucks at the Brush Creek Park and Ride for Transit Users. Since the roundabout project was set

for April- October 2022, it was delayed. The roundabout project would likely push a lot of traffic down McClain flats.

- The farm to table event was cancelled this year.
6. **Bookkeeper's Report:** Tammy Thurber reviewed accounts receivables, and detailed plans to follow up on any outstanding receivables. Rick reiterated homeowners requests for easier digital/automated payment portals, and Tammy expressed desire to email bills which could be paid through QuickBooks, but was denied the homeowners' email contact list from Marolt LLC, the accountant for the Landowners.
  7. **Date of Next Meeting:** The date of the next meeting was set for Thursday, September 16 via Zoom.
  8. **Adjournment:** The meeting was adjourned at 7:10 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, 9-16-2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Landon Vihil with Rebecca Driscoll, Minutes
- Maggie McHugh, PE– Roaring Fork Engineering, Project Engineer

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Sheinbaum.
  
2. **Minutes:** Minutes of the August 19, 2021 were approved with a motion from Jerry, and a second by Lawson.
  
3. **Presidents Report:** Jerry Scheinbaum applauded the Cozy Point landscaping work, and said he thought it looked very nice.
  
4. **Manager's Report: Rick Stevens**
  - **Water loss and meters:** Rick reported good news on water usage, and projected that 2021 water usage may remain in the 14 million gallon range; an improvement over the past 21 million gallons used in the past.
  
  - **Cougar Canyon:** Rick reported on an executive meeting session the Bureau of County Commissioners had regarding the Cougar canyon parcel of land they are selling, possibly to discuss a buyer, or whether the property might be a candidate for an open space acquisition.
  
  - **HOA Activity:** Rick noted the head of the Brush Creek Landowners, Dara Clarke, sought assistance in a site plan review and help growing the HOA building requirements. The Board discussed that the HOA is using the BCMD (specifically, Rick's time) to oversee things outside the scope of business the BCMD board is responsible for, including rules and regulations and architectural review. Rick said Dara is having trouble working with the HOA Board, and that one board member might not be legitimate, since he is the son of the owner, and not an actual owner. Jerome agreed that the HOA needs a professional association manager, and mentioned using Bob Johnson for other HOAs in the valley, who could keep the HOA aligned with KIOWA compliance requirements.
  
  - **Road Striping:** Road striping by the County has not occurred because paint has not been available due to a shortage, Rick reported.
  
  - **Budget:** Rick reminded the Board the BCMD budget is due December 15.

5. **Water System Project Engineer: Maggie McHugh.**

- **Water usage and leaks:** Maggie reviewed the August water usage report, which had one of the lowest losses on record of under 15 million gallons (6%). She credited quick leak detection, better management, and better policing. She said Q3 charts will be presented at next Board meeting.
- **Sanitary Survey:** Maggie revealed that the latest sanitary survey, which is done every 3 years, went very well. CDHDP will require either a storage tank or a back-up generator at station 4 to meet the requirement of 24 hours of domestic water available if the power goes out.
- **Badger Meters:** Maggie assured the board that the plan is still to install 60 badger home meters, at about \$350/meter, before the end of the year. Zone 4, Pioneer Springs, and top users will be prioritized. They can be stored temporarily in the pump stations. Rick added the homeowners will be able to use the new meters to log in to see their usage. Jerry questioned whether the district should be charging the homeowners for the meter. Lawson said the BCMD owns the meters, so homeowners cannot be charged.

6. **Bookkeeper's Report: Tammy Thurber**

- **Collections:** Tammy reviewed collections and said that emails were sent to the few with overdue balances. So far, they have been only reminders but additional letters would include a threat to turn off water. She noted two meters had zero reads, so the homeowners were not offered a bill immediately, but Rick noted the bulk meters allowed them to calculate usage accurately. The two meters mentioned have been repaired.
- **Compost:** Tammy said the Compost bin company is requiring a bigger bin because it is being filled up. The cost will double from \$100 to \$200. Joyce was concerned a bigger bin may not fit and asked if the vendor could just empty it more often.
- **Motion:** Lawson made a motion to allocate more money for Compost disposal, which was seconded by Jerry, and approved.
- BCMD bills were reviewed for payment.

7. **Date of Next Meeting:** The date of the next meeting was set for Thursday, October 21<sup>st</sup> via Zoom.

8. **Adjournment:** The meeting was adjourned at 6:40 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, 10-21-2021 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Jim Laing
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Rick Stevens, BCMD Manager
- Tammy Thurber, Bookkeeper
- Rebecca Driscoll, Minutes
- Tom Newland – Consultant
- Alan and Linda Leslie – Water Manager
- Nathan Garfield – Guest landowner

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.
2. **Minutes:** Minutes of the September 16, 2021 were approved with a motion from Jerry, and a second by Lawson.
3. **Presidents Report:** Jerry had no comments
4. **Guest: Landowner Nathan Garfield**  
Nathan Garfield brought up concerns about recycling dumpsters that are often overflowing and suggested they could be picked up more often. Trash gets picked up 6 times per week, more often than recycling. Lawson thought part of the issue was that people aren't breaking down boxes, despite signage. Rick and Tammy will review the contract and increase the recycling pickup if possible.
5. **Manager's Report: Rick Stevens**
  - **Water Report:** Rick presented Maggie's Report in her absence. Projected cash flow was up about \$50,000 over last year on billing revenues. There were 31 persons in usage tiers 4-5, though many landowners were motivated to reduce usage after learning of the price increase for upper tiers. There have been few responses since Q3 billing was sent out, which reflected the higher cost structure. According to the Rodeo Lot meter readings, the District is buying less and selling less (15M), In comparison to 3 years when it bought 22 million gallons, and sold 15 million. The bulk meters showed a 5% loss, purchase volume compared to sales volume.
  - **Badger Meters:** The first 56 Badger meters have been ordered, which should be installed by the end of December, starting with Zone 4, where there has been issues. Rick discussed some high usage by a few landowners, including one landowner who filled a 300,000 gallon pond, and another with a leak in a crawl space that cost \$11,000. Rick asked if the Board wanted to adopt a policy similar to the Town of Eagle, which offers some forgiveness a couple of times up to \$1,000. Lawson said landowners are welcome to come to the board



meeting to request an appeal. Jerry suggested waiting for the new meters before adopting any forgiveness policy.

- **New water manager: Linda Leslie:** Rick introduced Linda and Alan Leslie, 2<sup>nd</sup> generation of Environmental Process Control, who will be heading state enforcement and testing on the water system. They have been working with Maggie to create databases and networking to track testing.
- **Cozy Point:** Tom Newland described the access permit issue for Cozy Point as a quagmire, as it is uncertain if Cozy Point is still designated agriculture, and whether all access is grandfathered, pre-dating the access control plan. The Board agreed to get more traffic count information which would account for high and low seasons, including current construction activity. Jerome predicted the traffic counts would show 40% Cozy Point usage, and 60% subdivision usage.
- **Parcel box:** Rick said landowners and the postmaster have requested true parcel boxes be installed, and noted they cost about \$3000. The Board agreed and asked Rick to put in the 2022 budget.
- **Grant Money for AFD fire mitigation.** Jerry wondered if the backup generator or water tanks for Zone 4 might be eligible for grant money from the Aspen Fire Department.
- **Budget items:** The Board discussed a 5 year road improvement plan, noting the top of Juniper Hill is pretty rough, and repairing or replacing worn signage.

#### 6. **Water System Project Engineer: Alan and Linda Leslie**

- **Sanitary Survey:** The sanitary survey was recently completed, with a few recommendations: improve storage tank overflows (which have been done), remove branches and trees away from tanks (which will be completed in the Spring), and be sure every building is locked. Rick said they changed locks on tanks and a couple of hydrants but have a few more to go. They require a hard-to-find U-shaped locks.
- **Testing:** As the population mark within the district went over 500, Linda said sampling requirements doubled from 5 to 10. Requirements for disinfecting byproducts are quarterly, and test for lead and copper are annual. They test the system weekly for chlorine residuals. Sanitary Surveys are conducted every 3 years.
- **Fire storage tanks:** The Board discussed the need for two 10,000 gallon fiberglass tanks installed in Zone 4 to meet fire protection codes at a cost of about \$180,000. Those are the largest tanks that can make it up the road. A Zone 4 pump station generator is expected to cost about \$4,000.

#### 7. **Bookkeeper's Report: Tammy Thurber**

- Tammy reviewed the 2022 proposed budget, which reflects a typical addition of 5%. The new policy of taking excavation for leak repairs out of general fund instead of water fund, as the accountant Roger assured anything done in right of way is road expense. (Total roads are 6.3 miles and 25 feet wide.) The new budget reflects an expected increase in water sales. The County is expected to distribute as much as 28,000 from the Highway User Tax. The budget deadline November 18<sup>th</sup> of Nov. Tammy suggested inviting the accountant Roger from Maggard & Hood, P.C. to that meeting.

- BCMD bills were reviewed for payment.
8. **Date of Next Meeting:** The date of the next meeting was set for Thursday, Nov 18th via Zoom.
  9. **Adjournment:** The meeting was adjourned at 7:40 p.m. by Jerry Scheinbaum.

**Brush Creek Metropolitan District**  
**Thursday, 11-18-21 at 5:30 p.m.**  
**Zoom Meeting**

- Lawson Wills – Acting President
  - Jim Laing
  - Joyce Hardy
  - Jerome Meister
  - Rick Stevens, BCMD Manager
  - Tammy Thurber, Bookkeeper
  - Rebecca Driscoll, Minutes
  - Maggie McHugh – Roaring Fork Engineering
  - Jerry Scheinbaum, President - ABSENT
1. **Call to Order:** The meeting was called to order at 5:31 p.m. by Lawson Wills.
  2. **Minutes:** Minutes of the October 21, 2021 were approved with a motion from Lawson Wills, and a second by Jerome Meister, with some minor clarifications.
  3. **Presidents Report:** Lawson Wills
    - **Brush Creek Caucus:** Lawson expressed concern that the newly formed caucus had not yet seated a Board, and asked for suggestions for qualified candidates. He reiterated past sentiment that it should not include anyone from the BCMD Board. He noted that a Brush Creek Masterplan needed to be filed as soon as possible, since development of the corridor is increasing. The Board posited several names of possible candidates, and promised to follow up to gauge interest.
    - **Roads** – Lawson felt it would be prudent to delay any major asphalt replacement, in light of very high fuel prices, relying on a *patch and survive* strategy. He felt the District should concentrate its time and funds on building the new water system and installing new meters in 2022. Rick reported that he walked most of roads, and no asphalt was required; just some chip seal in the coming year. Rick said his recommendation did not include lower Juniper Hill Road, which he thought should be treated as a separate parcel completely and repairs of which should be negotiated with the City. Lawson felt the BCMD was in a standoff regarding any cost sharing agreement on the lower section of Juniper Hill Road.
    - **Staff Compensation:** Lawson said he would lie to propose that Tammy have a training budget, as she has expressed an interest in taking classes, and Rick was due a compensation increase.
  4. **Manager's Report: Rick Stevens**
    - **Trash/Recycling:** Waste Management has yet to return calls to Tammy about changing the number of recycling bins, and/or adding additional recycling pickup times.
    - **Admin:** Rick reported being very pleased with the admin team of water manager Linda Leslie, water engineer Maggie, and bookkeeper/account manager Tammy . He noted that Maggie's billing would decrease in 2022, as her initial onboarding in 2021 required a lot of

initial in-depth analysis. He said that Riley Gesselle's role would be decreasing in 2022 as his institutional knowledge was passed on to Linda Leslie. Rick recommended a compensation increase for Tammy following her training and as her expertise and efficiency increased. He noted the job has become more complex and requires more hours since Glenda retired, due to a large increase in property transfers and absentee owners.

- **Generator:** Rick discussed the Zone 4 generator, required to power hydrants in the event of a power loss. Funds to design and price this capital improvement have been already approved, which will be implemented in 2022.
- **Online Billing:** Rick discussed the logistical and financial challenges of converting the water system from Neptune to Badger. Current data from Neptune gets transferred to a CUSI billing software interface, making it complicated to do online payments due to the clunky but temporary hybrid system. The Board discussed temporary workarounds, including allowing homeowners to pay their bill by Zelle. Jim Laing said he had a conversation with the bank about online payments, which would require Joyce to sign authorizations at the bank.
- **BCMD Management:** The Board discussed Rick Stevens' compensation package. Rick explained he charges Meadowood \$1750/month, plus \$50/hr for overages and \$75/hr for site reviews, which are then reimbursed by the homeowner. Rick recommended the Metro District should establish a fee for site reviews, and collect damage and compliance deposits, to help offset Rick's time spent. Rick reported he spends about 50-60 hours a month.  
**MOTION:** Jim Laing motioned, which was seconded by Lawson Wills, to increase Rick Steve's monthly compensation from \$1200/month, to \$1500/month, effective January 1, 2022. Everyone was in agreement.

##### 5. Water System Project Engineer: Maggie McHugh

- **Badger Homeowner Interface:** Maggie shared Badger Meter's Aquacue Flow measurement manager, and "EyeOnWater" Mobile App for consumer engagement, which provides instantaneous data reviews, daily alerts, and real time readings, which she called a game changer. Tammy asks if it will alert just homeowner, or management also. Maggie assured it does include an admin function which can see all homeowner data and receive alerts.
- **Badger Meter Delay:** Maggie expressed doubts any deliver before end of January of Badger meters, which was a disappointment to the Board, who had hoped to have a few dozen meters installed in key locations by the end of the year. Given the delay, accelerating the project to complete it in 2022 was discussed. Lawson cautioned they would need to examine cash flow before committing.
- **Leak policy:** Maggie reviewed some other system's leak policies; the gist being to make users aware of leak, and if they make effort to fix in timely manner, award some adjustment to the water bill as a compromise. The Town of Eagle, for instance, will forgive of up to half the bill, once in a 5 year period. The board reviewed three landowners at BCMD who had such anomalies. One, who had only spent 7 days in Brush Creek, received a large bill after his landscaper went overboard on irrigation and filled a pond, and also had a leak in a crawl space. He fixed the leak promptly, cut back on irrigation, and installed features to turn off his water remotely. The next issue involved a below grade yard hydrant that failed, losing 80,000 gallons in 72 hours, which has since

been mitigated, and the yard hydrant removed. A third homeowners usage remains a mystery, and might be attributed to faulty readings, as the homeowner the District have found no explanation for the high usage. The Board voted, at least for these three homeowners, to offer a 50% discount. Lawson wanted the deal to hinge on them paying promptly. The Board largely supported having a formal policy, but opted not to approve anything without Jerry Scheinbaum's vote, as he preferred to review each transgression on a case by case basis. Jerry had in the past expressed that he believed the era of large leaks would end after the net Badger System was up and running, since homeowners and the district would be made aware long before any leak became significant. Currently, water usage data points are limited to once a month.

- **Water Loss:** Maggie explained an increase percentage loss of water in the October water report. The bulk meter showed 912,520 gallons passed through, but water sales on residential meters were 640,520, which is a 30% loss. As October had such low overall use, the percentage looks greater, revealing the small leaks. Those small leaks can be better addressed once new Badger meters combined with the Badger bulk meters reliably show the location of the losses. As a comparison, in July, 2,349,947 gallons went through the bulk meter, 2,140,444 which was billed through the residential meters, which calculated as a lower 9% loss, even though the actual number of gallons lost was very similar.

6. **Bookkeeper's Report:** Tammy Thurber

- BCMD bills were reviewed for payment.
- Budget: **MOTION:** Lawson made a motion to approve the proposed 2022 budget, which was seconded by Jim Laing and approved by all. Jerry will have time to sign and submit the budget to the County by December 15, which then establishes the mill levy.
- **Receivables:** Tammy discussed progress claiming older receivables, including some confusing cases. One involves an absentee owner whose renter discarded the water bills without paying them, so that the homeowner was unaware of a large leak and subsequent large bills. The Board agreed to have these older water bill disputes be settled "at Rick and Tammy's discretion" to clear up the accounts receivable.
- Staff Training: **MOTION:** Lawson made a motion to approve up to \$1000 for Tammy to attend training courses. Jerome Meister seconded and all agreed. They noted the budget would not have to be amended as the contingency and 5% increase in the budget were enough to cover the allocation.

7. **Date of Next Meeting:** The date of the next meeting was set for Thursday, December 16, via Zoom.

8. **Adjournment:** The meeting was adjourned at 7:15 p.m. by Jerry Scheinbaum. The meeting ran 1 hour and 45 minutes.

**Brush Creek Metropolitan District**  
**Thursday, 12-16-21 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
  - Lawson Wills
  - Jim Laing
  - Joyce Hardy
  - Jerome Meister - absent
  - Rick Stevens, BCMD Manager
  - Tammy Thurber, Bookkeeper
  - Rebecca Driscoll, Meeting Recorder
  - Maggie McHugh – Roaring Fork Engineering
1. **Call to Order:** The meeting was called to order at 5:33 p.m. by Jerry Scheinbaum.
  2. **Minutes:** Minutes of the November 18, 2021 were approved with a motion from Lawson Wills, and a second by Joyce Hardy.
  3. **Presidents Report:** No report
  4. **Manager's Report: Rick Stevens**
    - **Badger Meters Installation:** Rick gave an update about the unexpected early arrival of 60 Badger meters, installation of which will proceed promptly on the initial chosen locations, including Pioneer Springs, Zone 4, and part of Zone 3. The installer, Lucas Lizotte, recently installed 170 units at Timberline Excavation's project in Little Elk Creek, so is familiar with the process. Lawson asked to put in check valves where possible.
    - **Neptune/Badger Interface:** Rick updated the Board on how the billing software CUSI, can interface with both Badger and Neptune during the phase-in. Badger uses cellular connection, while Neptune sends its data to a collector in Starwood. The system can send out bills electronically and receive payments electronically, with the help of extra "modules" added to the software package. The substitution of costs from Riley Gessele operation to the new system should offset the new cost, as he will no longer be required to manually read meters after Badger install. Tammy reviewed the costs of the modules, which are \$1000 up front, plus an annual maintenance charge of about \$240. One module sends bills electronically, one would offer residents a chance to pay by bank draft, of credit card (which charges a 2.5% fee to the resident), and another automates communications with the homeowners. The new process will require getting reliable email addresses for all residents.  
**Motion:** Jerry proposed spending the \$5000 to get the additional required modules to automate the billing process. Lawson seconded and all agreed.
    - **Homeowner experience:** Maggie McHugh presented the Board with the customer interface of the Badger Beacon *Advanced Metering Analytics Software*, where Customers can look at usage detail down to 4 hour increments.
    - **Collections:** Rick and Tammy reviewed outstanding receivables and collection strategies, including plans for service suspension if needed.

- **Cozy Point:** Rick reported on a conversation between BCMD planning consultant Tom Newland and County Commissioner Greg Poschman, during which Poschman noted the County is buried by 55 land use applications, and hasn't had time to develop the Brush Creek Village masterplan. Eden Vardy has not yet submitted a building permit.
- **Roads:** Dean Gordon submitted a proposal to survey all 6.3 miles and create a 5-year asset management plan. The Board thought it uneconomical, as currently the roads are in good shape with no significant repairs needed (fortunately, as the cost of asphalt has doubled). The Board agreed to prioritize water in the couple of years, while the meter project completes. Rick noted that some signs need updating and repairing.
- **Resident Communication:** Jerry suggested an annual or bi-annual newsletter to residents to keep them up to date of trash, parcel boxes, etc.
- **Trash:** Tammy is in conversation with Waste Management to arrange-doubling the number of recycle bins, as requested. Joyce noted the compost was overflowing and suggested more frequent pickups.

5. **Bookkeepers Report:** Tammy Thurber

- **Resolutions:** The Board officially adopted and signed three documents: The Resolution to adopt the 2022 Annual Budget (2021 Series No. 3), The Resolution to Appropriate Sums of Money (2021 Series No. 04) of \$733,777, and The Resolution to set the 2022 Mill Levy (2021 Series No. 5) of 18.170 mills.
- **Expenditures:** The Board approved monthly expenditures for payment.

6. **Date of Next Meeting:** The date of the next meeting was set for Thursday, January 20, 2022, via Zoom.

7. **Adjournment:** The meeting was adjourned at 6:48 p.m. by Jerry Scheinbaum.