

**Brush Creek Metropolitan District**  
Thursday, June 15, 2023 at 5:30 p.m.  
Snowmass Chapel Library  
5307 Owl Creek Rd, Snowmass Village, CO 81615

- Jerry Scheinbaum, President
- Joyce Hardy
- Dean Hill
- Jerome Meister
- Jim Laing
- Rick Stevens, Manager
- Cindy Herndon – Bookkeeper
- Rebecca Driscoll, Recorder

1. **Call to Order:** The meeting was called to order at 5:33 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** The minutes of the May 18, 2023 meeting were approved as presented. All were in agreement.
3. **President's Comments:** Jerry Scheinbaum discussed an eagerness to get a new safe bicycle trail link from Brush Creek to the Rio Grande, and said the BCMD joined with the HOA and the Brush Creek Caucus in writing a letter of support to the Pitkin County Commissioners. Rick Stevens thought that the Commissioners were balking at building a bridge due to environmental concerns and the steep price tag.
4. **Manager's Report:** Rick Stevens
  - a. **Formal Request for Service:** Rick Stevens presented a request from a property that is out of the Brush Creek Metropolitan District, at the top of Medicine Bow which is out of water and would like to petition for annexation into the district. The Board reiterated that they are bound by a contract with Snowmass Water and Sanitation to provide service within a defined boundary, with a 2 million gallons per month limitation which the current landowners with their ever-increasing home sizes threaten to breach. The Board discussed possible scenarios that could change the current limits, such as somebody procuring senior water rights to give to Snowmass Water and Sanitation, or buying a lot within BCMD boundaries and neutralizing/transferring the tap. Rick suggested possible benefits of revenue from an outside tap holder, which could fund a much-needed storage tank array. Jim Laing wondered if every property built out to the maximum 5750 sf, would the current capacity be ample. He thought the water trucks might be negatively impacting to the roads while hauling 3,500 gallons of water to adjacent properties. Rick discussed new policy legislation which would allow homes less than 5750 to sell TDR for each 500 sf, which might incentivize smaller landowners in the district looking to raise capital, thus permanently limiting build-out, which is currently at 62% of maximum square footage. Jerome Meister noted that TDRs of 2,500 sf were selling for \$2 million. Jerry Scheinbaum said that if the District allowed anyone outside the boundaries to utilize the system, that would open the flood gates to requests, which would then potentially litigate to get water service since there was precedence. He suggested that Maggie McHugh do a study to determine what build-out demand might look like.

- b. **TDR Limits on Future Capacity:** The Board discussed new building policy which might affect some lots within BCMD. Rick noted some lots would be hard pressed to get a building permit due to site constraints, like a 30% slope.
  - c. **Fire Mitigation:** Rick Stevens would like to spend \$18,000-20,000 on fire mitigation in the road rights-of-way, as a continuation of work done in prior year by Aspen Tree. Jerry requested a second bid. The Board suggested Cindy Herndon send-out an email blast to landowners reminding them of the fire department's offer to come and do a free fire mitigation survey on their property. They should-put all brush on the curb at the end of July when the fire department is offering free collecting and chipping.
  - d. **Traffic Count:** Rick Stevens needed a signature to authorize the traffic count proposal of \$5,220, which will be split 50-50 with the City of Aspen, to keep on top of traffic counts regarding Cozy Point. The Board further discussed how much traffic is going through the subdivision to points further in Aspen Ridge, the Bonderman property, Cougar Canyon, and properties above Medicine Bow.
  - e. **Turtle Cove Drainage:** The Board discussed an ongoing issue with drainage flooding private property.  
**Motion:** Jerry Scheinbaum made a motion to have Roaring Fork Engineering conduct a study to determine a solution. Jerome Meister seconded. All were in favor. Dean Hill abstained from the vote, as his property was affected.
  - f. **Other Updates:** Rick Stevens reviewed other housekeeping items in his report, cleaning out all the pump stations, and shouldering the roads. He discussed upgrading the 25-year-old 12 pair communications lines between the pump stations to a Sensaphone, estimated to cost \$2,500 for the equipment, with no monthly charge.
5. **Water Report:** Cindy Herndon presented the water usage report for May. She highlighted a 40,000-gallon irrigation leak at one household which was mitigated relatively quickly, thanks to the real-time Badger water meter reporting. Another spike of 127,000-gallon usage was mitigated after a few days, which Rick attributed to properties turning on irrigation and working out kinks on their own. Generally, water usage was down significantly from prior years, leading to the discussion of raising revenue through increased water rates. May's usage of 1,026,265 gallons was much lower than 2020's 2,912,715 gallons and 2022's 1,794,676 gallons.
- a. **Water System Specs:** Engineer Maggie McHugh has produced new specs for the water system regarding curb-to-house homeowner responsibilities. One new recommendation is to allow meters in homes, where they are more protected and than in meter pits. The Badger system allows them to be read remotely, thus solving a prior concern of access. This change would mostly apply to new construction, as it is difficult to move meters. Rick Stevens assured that the in-house meters would still identify leaks that occur from the curb valve to the house. Another change is to permit use new pipe technology in addition to copper. The newer materials are more freeze tolerant and flexible, said Rick, who also assured that allowing these new alternates to copper are now standard practice among municipalities also.
  - b. **Zone 3 Water loss:** Maggie McHugh and Cindy Herndon are working to figure out water loss issues in zone 3. Of the four zones, zone 1 and zone 2 are gravity fed, but zone 3 and zone 4 require pumps, and the bulk meters are in zone 3 are showing a difference in what is being delivered to what is being consumed. While it could indicate water loss from a leak, it could also be an issue with the design and pressure.

**6. Bookkeeper's Report – Cindy Herndon**

- a. **Cash Flow:** Cindy Herndon consulted with the accountant to properly divide some bills between the water accounts and road accounts, where applicable. Cindy reviewed the fund balances.
- b. **Interest Rates:** The Alpine money market account is getting a 5% return, but the two operating checking accounts were getting .05% (and have high balances due to tax revenue). She recommended moving funds to take advantage of rates. A CD, which is locked into a 27-month low rate, was discussed also. Cindy will investigate what the penalty would be to cash it in, and lock instead into a higher rate. The Board was in favor of using money market or CDs to earn interest of accounts, though the water and road funds should not be mixed.
- c. **Accounts Payable:** There was nothing extraordinary noted in the monthly bills. Some signatures were required for the audit and bank confirmations, and two physical checks needed signatures for Pitkin County permit fees for two road cuts.  
**Motion:** Joyce Hardy motioned to pay the bills as presented, with a second from Jerry Scheinbaum, and all were in favor.
- d. **Accounts Receivable:** Follow ups on any outstanding accounts with consequences of water service disruption effectively resolved the vast majority of overdue accounts.
- e. **Trash Rate Increase:** Cindy noted that non-household items left at the dumpsters are frequently taken to the landfill and suggested a rate increase for trash to cover costs of the associated staff labor. The Board discussed new signage to remind landowner's not to leave items that do not fit in the dumpster. They revisited the idea of adding cameras, though Rick noted they get stolen or destroyed if they are anywhere accessible. Rick noted the concrete was replaced in front of the Juniper Hill Dumpster.
- f. **New Taps:** Cindy Herndon said there was no evidence that two empty lots, 145 and 148, have paid their tap fees. The Board said it was contingent on the owners to provide proof of payment. Rick Stevens noted that with the new ECU policy, the tap fee price would be more than the standard \$25K, and depend on the building plan. The Board discussed also whether the base \$25K was sufficient to cover badly needed improvements in the water system. Jerome Meister suggested getting \$5K in deposits to cover time for reviewing the projects.  
**Motion:** Jerry Scheinbaum made a motion to bill all new applicants for water \$5K to cover any BCMD expenses to review the project. Any unused funds would be returned. Jerome Meister seconded. All were in favor.

**7. Date of Next Meeting:** The date of the next meeting was scheduled for Tuesday, July 18<sup>th</sup>, since some board members had conflicts with the regular Thursday time slot.

**8. Adjournment:** The meeting was adjourned by Jerry Scheinbaum at 7:27 p.m.