

**Brush Creek Metropolitan District**  
**Thursday, January 19, 2022 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Joyce Hardy
- Jerome Meister
- Lawson Wills
- Jim Laing - Absent
- Rick Stevens, BCMD Manager
- Rebecca Driscoll, Meeting Recorder
- Cindy Herndon, Bookkeeper
- Adrian Levi Aguilar, Water Operator
- Richard Goulding, Water engineer, Roaring Fork Engineering
- Tom Newland, Consultant, Newland Project Resources

1. **Call to Order:** The meeting was called to order at 5:28 p.m. by Jerry Scheinbaum.

2. **Minutes:** The Board asked that the 12/15/22 minutes clarify that the landowner's leak discount was contingent upon successful line replacement with copper or an approved material and be updated to reflect the homeowner had paid the entire bill, but could have a credit if repairs were made in a period of 12 months.

The minutes of the December 15, 2022 were approved by all board members following motion by Jerry Scheinbaum and second by Lawson Wills.

3. **President's Comment – Jerry Scheinbaum** brought up concerns about the half dozen or so homes that had water meters within the houses, instead of the at the curb. He felt that Board inaction could be construed as passive permission, and that if there were leaks between the curb and house on homeowner installed line, the meter would not reflect that. He asked for those meters to be relocated out at the curb, either at landowner, or district expense. The Board agreed, but a discussion was held as to whether the landowner would be held liable for the expense of installing a meter pit. Rick Stevens noted building a meter pit would be an opportunity to install a curb valve, as many properties don't have one. Lawson Wills asked for the list of inside meters, and suggested relocating a couple of year.

4. **Elections:**

- **Election Official Nomination:** Cindy Herndon reviewed the election regulations and asked for a resolution from the Board to designate an election official.

**Motion:** The Board designed Cindy Herndon as the election official, with a motion by Lawson, and a second by Jerome Meister. All were in favor.

- **Board Member Election:** The Board discussed ways to get word out about vacancies for two 2-year terms, currently held by Lawson Wills and Jim Laing, and three 4-year terms, currently held by Joyce Hardy, Jerome Meister and Jerry Scheinbaum. Cindy will send out self-nomination forms for Board members willing to serve and post nomination forms on the website, and notice in the Snowmass Sun (which is now in the Aspen Times Wednesday edition). All nominations are due by February 24<sup>th</sup> to make it on the ballot.

5. **Guest Speaker:** Tom Newland

- **IGA:** Tom Newland met with Pitkin County Staff to review the Inter-Governmental Agreement (IGA) and Road Maintenance agreement, and determined that the IGA could be left to expire, as it mostly contains obsolete items. A few of the items that were relevant, he said should be moved to the Road Maintenance Agreement, which he redrafted. Some of the items he moved from the IGA to the RMA had to do with road weight restrictions, utilities, and parking enforcement left to BCMD (with reimbursement of no parking signs by the County).

6. **Road Maintenance Agreement:** Tom discussed the first draft of the Road Maintenance agreement which asked the County to stripe every three years, maintain the culverts, patch the surface and chipseal, and replace asphalt as needed. Lawson Wills questioned the purpose of the road maintenance agreement, since the County hadn't shown any willingness to pave anything. Rick Stevens thought the City of Aspen did have a budget item of \$100,000 set aside for Juniper Hill Road improvements. Tom Newland thought the District could apply for funds from Contractor Fees for use of County right-a-ways during construction, and would explore that funding source. The Board directed Tom to hash it out with Pitkin County Public Works Director Brian Petit.

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

- **Leaks:** Rick Stevens discussed some minor water leaks he was investigating, with losses of 1.2 to 8 gallons per hour, though noted the system was running pretty clean. He also discussed an issue where well water was discovered to be plumbed into a house, which needs to be inspected for back flow and cross connection.
- **Tabula Rasa Road:** The four landowners of Tabula Rasa, currently designated as a private shared driveway, have formed a new group which want to, at their own expense, improve the road: bring the road base up to County standards, widen the road, improve the drainage, and pave. Rick Stevens thinks Metro should take the opportunity to have them replace the water line first to avoid future issues. Comments on the project are due by February 10.
- **EQRs:** Richard Goulding reviewed the district's current EQRs. The district's current allowance for one EQR is for four bedrooms, three bathrooms, which he called extremely generous. By contrast, the City of Aspen would list the same house as a 1.88 EQR. He proposed going forward the BCMD adopt the City's EQR allowance for all new construction, which holds a 3 bedroom, 2 bath with one 1 kitchen equivalent to 1 EQR. The refined list-has allowance for pools, irrigated lawn area, and hose bibs. The updates would allow the district to assess larger tap fees to help finance the water system.

**Motion:** Lawson Wills made a motion, with a second from Jerry Scheinbaum, to approve the suggested adoption of the revised EQR allowance for new construction, and enforce the existing EQR for upgrades.

- **Damage deposit:** The Board discussed requiring refundable compliance/damage deposits from construction projects as insurance against damage to roads, culverts, and the water system. Jerome Meister thought that \$20K was not unreasonable, and those funds could be used also to reimburse Rick Stevens' time and the cost of engineers, as pertaining to civil engineering affecting district assets. The Board also discussed how much responsibility the homeowner should assume when hooking up to the water line. Richard Goulding said it is common practice for the landowner to do all of the excavation, with the district only stepping in to conduct the actual tap. The landowner installs the water line to house and conducts any road repairs and compaction testing, he recommended. Lawson Wills expressed reservations; he felt that the payment of the \$25K tap fee, his only responsibility was to string the line from the curb. Others on the Board pondered if by definition, the tap fee could be considered the price to pay back cost of installation of the water system in first place, and not the actual cost of mechanics of installing the meter, etc. Richard Goulding said he would study the current rules to see if they specified exactly what the tap fee covered. Lawson Wills asked for a draft of recommended service agreement, which would include the compliance/damage deposit and clarify what was covered in a tap fee.
- **Water Management:** Water operator Adrian Aguilar asked the Board for a spring leak detection survey on the system, with a map of updated pressures to know how the PRVs should be set. He recommended upon installation of the final Badger meter, the Neptune system should be terminated and all equipment removed.
- **Other:** The Board discussed a landowner using his ADU for short term rentals and wondered if his tap fee should be adjusted. They also discussed a house on Tabula Rasa with a septic system built for a four bedroom now supporting a 5 bedroom. Maggie McHugh will returning to Roaring Fork Engineering.

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

- **Payables/Receivables:** Cindy noted the overdue receivables had been largely dealt with and there was virtually none outstanding, for which the Board commended her. She said many homeowners were excited about the personal interface and leak alert function of the new system. The Board discussed current bills and high users, and concluded the high users had temporary situations to explain the high usage that were not leaks or misuse. The Board approved all the payables as presented.
- **Admin:** Cindy said the current database has solid contacts for all landowners, and the new website should debut February 1<sup>st</sup>. W2s and 1099s will be completed by the end of the month.

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

10. **Adjournment:** The meeting was adjourned by Jerry Scheinbaum at 7:05 p.m.