

Brush Creek Metropolitan District
Thursday, July 18, 2024 at 5:30 p.m.
Meeting held via Zoom

- Jerry Scheinbaum
- Joyce Hardy
- Jerome Meister
- Jim Laing
- Dean Hill, absent
- Rick Stevens - District Manager
- Cindy Herndon - BCMD Bookkeeper
- Maggie McHugh - Water Engineer
- Nicole Rebeck-Stout - Deputy Director, Pitkin County Community Development
- Jeanette Muzio - Short Term Rental Manager, Pitkin County
- Shannon “Shaggy” Fink - Wildfire Resilience Project Coordinator, Aspen Fire Department

1. **Call to Order:** The meeting was called to order at 5:31 p.m. by Jerry Scheinbaum.
2. **Approve Minutes:** ***Motion:*** Jim Laing motioned, with a second from Jerome Meister, to approve the minutes of the June 20, 2024 as presented. All were in agreement.
3. **President’s Comments:** Jerry Scheinbaum began his comments by addressing the ongoing efforts to work with Pitkin County to reach an agreement on financial responsibility regarding any road impact due to the continuing development at Cozy Point Ranch. He proposed introducing a new fee structure for short term rental properties (STR) that apply and are approved for STR licenses due to increased road, water and trash usage.
4. **Other Business:**
 - a. **STR Discussion with Pitkin County Representatives:** Nicole Rebeck-Stout and Jeanette Muzio from Pitkin County attended the meeting to discuss the County’s current STR licensing program. Nicole began by distinguishing between a caretaker’s unit (ADU/CDU) and a STR. She noted the need for owners to submit an application to the County’s Land Use Department for approval on those projects. She explained that the County’s intent is to ensure that an ADU/CDU does not become a STR. Jeanette Muzio explained the existing criteria for approval for a STR license which was approved in June of 2022 as 120 nights maximum, 4 nights minimum, and the ability to prove an existing rental history. She pointed out that many owners have opted to rent for 30 days or more, which does not require a license, but has been identified as a loophole in the current STR program. Nicole discussed additional items of the referral process between the County and BCMD and the online list of current applications available on the County’s website. Jerome Meister asked how many current applications they had from Brush Creek residents and Rick Stevens said he thought there were currently 4 – 5 applications. Jerome also asked about how many legal ADU/CDUs are in Brush Creek. Nicole didn’t have that number

and offered to email that information to Rick next week. Nicole asked Rick if it would be helpful if the County gave the Metro District notice when a STR license was issued to a Brush Creek owner. Rick confirmed it would be helpful to start the process of switching that owner into a new rate structure due to the increased service demands. Jerome asked if there was a code enforcement officer at the County and Nicole confirmed that there is, Chad Abraham. She also stated that there is an online complaint platform where people can submit a complaint for non-urgent infractions whether for STR rules violations or exterior lighting infractions for example.

- b. **Discussion of Aspen Fire Protection's Chipper Day Program and Wildfire Mitigation Assessments:** Shannon "Shaggy" Fink attended the meeting to present information on Fire District programs for wildfire mitigation assessments for private residences, neighborhoods, and sub-divisions as well as the Chipper Day program established to help residents create defensible space around their homes by providing free chipping and disposal services. Shaggy explained in more detail what might be included in a fire risk assessment and the Firewise Program. He concluded by asking for support in disseminating information on their programs to the Brush Creek residents and emphasized that the fire department is a community resource to answer any wildfire related questions. Jerry Scheinbaum suggested requiring Brush Creek owners to participate in the risk assessment program. Rick provided information on the Roaring Fork Fire Collaborative and their efforts to coordinate with organizations in the valley to address fire risk issues and develop an enforceable ordinance. After some discussion it was decided to proceed with coordinating with the fire department to do a curbside evaluation to help identify the areas in the district that are at greatest risk for wildfire and to provide information through signs and emails about the Chipper Day program.

5. Water Engineer's Report:

- a. **Water Demand Summary:** Maggie McHugh from Roaring Fork Engineers reported that the water usage for June 2024 was the lowest that it has been since RFE began working with the district at 1.7 million gallons. That is a positive trend. She noted that water loss was down to 6.1%. Rick suggested doing an evaluation of the bulk meters versus the residential meters to try to identify if the water loss may be happening in a particular zone. Maggie said that she would work on getting that information together and present it at the next meeting.

5. Manager's Report:

- a. **Zone 4 Pump Station Improvements:** Rick Stevens stated that Adrian Aguiar from High County Utility Services, Maggie McHugh and Cindy Herndon would be doing a cursory tour of the Zone 4 area and pumpstation to discuss moving forward with improvements previously suggested. He stated that they would be preparing a cost estimate to be presented to the Board at the next meeting for approval.
- b. **Other:** Joyce Hardy asked Rick if he had seen water flowing near Brush Creek road. Rick mentioned several things that could be causing it and that he would look into it.

6. Bookkeeper's Report:

- a. **Water Usage:** Cindy reviewed the Water Usage and High-to-Low usage reports for the month of June. She noted that usage had increased significantly but that the water loss had not.
- b. **Fund Balance Report:** Cindy reviewed the Fund Balance Report and there were no comments or questions.
- c. **Receivables:** Cindy briefly reviewed the current receivables noting she was continuing to reach out to owners that had delinquent accounts and that there were now only 1 or 2 accounts that had balances outstanding for over 30 days.
- d. **P&L Budget vs Actuals:** Cindy reviewed the P&L Budget vs Actuals report year-to-date. There were no comments or questions.
- e. **Payables:** The payables for both the General account and the Water account were reviewed by Cindy. She highlighted invoices from All Valley Maintenance and High Country for additional work done on road shoulders.

Motion: Jim Laing motioned, with a second from Joyce Hardy, to pay bills as presented. All were in agreement.

f. Other:

- 1. **File Storage/Document Scanning Project:** Cindy gave an update on the document scanning project. She mentioned that the boxes would be delivered to Cindy's residence on Monday July 22nd and the shredding bin from Paperwise would be delivered on Wednesday, July 24th. She and Rick will make an initial pass through the boxes and then distribute any remaining boxes to board members with brief instructions on how to sort the contents.
- 2. **Trash Service Charge for ADU/CDU:** Jerome Meister asked about whether we were charging owners with ADU/CDUs an additional service fee for trash service. Cindy said that historically they hadn't been charged that service fee.

Motion: Jerry Scheinbaum motioned, with a second from Jerome Meister, to begin charging ADUs for trash service on the next billing cycle. All were in agreement.

7. Date of Next Meeting: The date of the next meeting was set for Thursday, August 15, 2024.

8. Adjournment: The meeting was adjourned by Jerry Scheinbaum at 6:54 p.m.