

**Brush Creek Metropolitan District**  
**Thursday, September 15, 2022 at 5:30 p.m.**  
**Zoom Meeting**

- Jerry Scheinbaum, President
- Joyce Hardy
- Jerome Meister
- Jim Laing
- Lawson Wills - Absent
- Rick Stevens, BCMD Manager
- Rebecca Driscoll, Meeting Recorder
- Cindy Herndon, Bookkeeper
- Richard Goulding, Roaring Fork Engineering
- Adrian Aguilar, High Country Water

1. **Call to Order:** The meeting was called to order at 5:30 p.m. by Jerry Scheinbaum.
2. **Minutes:** The minutes of the August 18, 2022 were approved by all board members as presented.
3. **President's Report:** Jerry Scheinbaum asked attorney Steve Conners to look into the possibility of implementing a water service transfer fee. Jerry is awaiting confirmation regarding the belief that although municipalities can do that, Districts cannot do them without a vote due to Bruce restrictions. Jerry also inquired whether finance fees were being charged for late payments, believing leniency was being abused. Cindy Herndon believed the system was charging, but would confirm. She noted the second round of notices were sent out with good response, and expected significant movement on AR in the next 10 days.
4. **Manager's Report:**
  - **Home Size and Landscaping:** The Board discussed the increasing size of homes as related to water usage. Richard Goulding noted the City of Aspen charges a difference in ECUs for remodels, even though same tap number stays the same, as a growth mitigation tactic. Richard said larger properties can be mitigated by installing tanks which could serve higher usage and fire codes, and can be filled using the allowed ¾" tap. Jerry Scheinbaum thinks the fee should be related to actual usage, rather than the number of toilets. Jim Laing says BCMD needs to find a way to generate more capital. Rick Stevens noted BCMD only got \$25,000 for tap fee, but it's often not enough to bring services to property line anymore. They discussed increasing tap fees, though noted many properties have tap fees already paid, some as little as \$7,000 back when the system was first set up, and perhaps charging for actual costs to bring water to curb should be considered.  
**Motion:** Jerry Scheinbaum made a motion to change the BCMD water service agreement to transfer actual costs to the homeowner of bringing service if doing so exceeds the cost paid for the tap, Jim Laing seconded, and were all in favor. Attorney Steve Connor will review the proposed revised service agreement before adopting.
  - **Proposed Pressure Drop:** Richard Goulding reviewed the findings of his investigation into how a proposed pressure drop would affect the BCMD water system. Snowmass Water and Sanitation had asked if could reduce pressure to compensate for an issue they were having at the Rodeo Lot

grounds with a new housing development. Richard concluded that a loss in pressure of 40 psi would cause issues with filling the tanks during peak demand, and significantly endanger fire suppression systems, and was not recommended.

**Motion:** Jerry Scheinbaum made a motion to write comprehensive letter to the Snowmass Water and Sanitation expressing the District's objection to the proposal, with detailed findings of anticipated disruptions in the BCMD water system should pressure be reduced as proposed. Jerome seconded the motion, and all were in favor.

- **Water Usage:** Richard Goulding presented the August 2022 water usage statistics, which were less than 2021 and 2020, with an estimated 11.3% loss (230,513 gallons loss). Total usage in August was 2,036,000 gallons. He encouraged the board to disregard April and May's numbers, which are suspect and were created using questionable data from pre-Badger meters. Rick Stevens discussed a Pioneer Springs homeowner who erroneously used BCMD water instead of their raw water for irrigation due to a crossover in their system (there were backflows so the raw water did not contaminate the system.) They discussed a few other outliers in the system. One homeowner with high irrigation usage was deemed temporary, resulting from new landscaping installation, and other high users dropped usage after being made aware.
- **Billing:** Cindy Herndon showed that monthly billing would result in a reduction in revenue as opposed to quarterly billing. Jerry noted they decided at the last meeting to only bill quarterly.
- **Maintenance:** Rick Stevens reported lightning strike hit system, which affected a shut down valve on Brush Creek Road, and fried back up battery on an uninterruptable power supply (UPS). He installed a new surge protector and new battery. Zone 3 and 4 tanks covered the interruption, though he got calls from residents in Zones 1 and 2. He noted that road drainage issues will be addressed, and ditches cleaned.
- **File finders:** Rick Stevens suggested cleaning up and reviewing the File Finders storage, shredding obsolete documents, and looking for missing tap records.
- **Post office boxes:** Rick Stevens recommended a \$500 transfer fee for mailboxes to cover the cost of re-keying and lost keys, etc. The USPS relies on the BCMD for administration of the mail boxes.
- **Brush Creek Traffic:** Cozy Point has increased traffic by 20% since 2019, according to the results of the traffic counts.
- **Badger Meters:** Meter end points for the remaining badger meters are due in November. The meters will be checked for any necessary winterization.
- **Trash:** Rick Stevens said that Covid increased the cardboard volume, and the episodes of drive-by drop-offs, originating from as far away as Tiehack and Carbondale. Rick said he has involved the sheriff's department a couple times, who followed up on illegal contractor dumping. Jerome Meister intercepted someone putting thistles in the recycling. Jerry Scheinbaum admitted there was no easy solution, and suggested increasing the trash rate by \$25 per quarter.
- **Bonds:** Rick Stevens reiterated the need for BCMD to oversee at some level new construction, and get bonds for re-vegetation and warranties for road cuts, which would cover BCMD staff time (including accounting costs). He suggested having owners submit a list of subs and their contact information. Jerome Meister commented that there is no system set in place, and they are not

logistically set up to perform like Meadowood. Jerry Scheinbaum asks for outline by next meeting on suggested fee schedule.

5. **Bookkeeper's Report:** Cindy Herndon

- Cindy Herndon reviewed the fund balances, accounts receivable and accounts payable. The Board discussed implementing a 15-day shut off notice on outstanding receivables and discussed current bills.

**Motion:** Jerry Scheinbaum motioned to approve current bills, with a second from Jim Laing, with all in favor.

- **Budget:** The budget will be drafted with a 5% increase on line items with discussions set to begin next month.
- **Audit:** Cindy Herndon has been in contact with the accountant Roger Maggard regarding the audit, which should be completed shortly, and requires approval before it is submitted, so will be shared with the Board by email.

6. **Date of Next Meeting:** The next meeting was scheduled for Thursday, October 20.

7. **Adjournment:** Jerry Scheinbaum motioned to end the meeting at 7:05 p.m. which was seconded by Jerome Meister.