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## RECORD OF PROCEEDINGS

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Mountain Recreation Metropolitan District – January 19, 2022 Meeting Minutes

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**Minutes of the Regular Meeting  
Of the Board of Directors  
Mountain Recreation Metropolitan District  
January 19, 2022**

The regular meeting of the Board of Directors of the Mountain Recreation Metropolitan District, Eagle County, Colorado, was held on January 19, 2022, at 6:00pm, in the Gypsum Recreation Center, 52 Lundgren Blvd, Gypsum, Colorado, and via Zoom platform, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Liz Jones (attending remotely)
- Mike McCormack
- Mikayla Curtis
- Tom Pohl
- Chris Pryor (attending remotely)

Also in attendance were:

- Janet Bartnik, Executive Director
- Scott Robinson, Superintendent of Business Operations
- Scott Ruff, Superintendent of Facilities
- Cat Olson, Human Resources Manager
- Alethea Platter, Accounting Manager
- Eddie Campos, Marketing and Communications Manager
- Lizzy Owens, Community Engagement Manager
- Rialto Heller, Program Supervisor – Aquatics
- Gerry Flynn, Polar Star Properties (attending remotely)
- Kim Bell Williams, Eagle County Housing & Development Authority (attending remotely)
- Todd Goulding, Goulding Development Advisors (attending remotely)
- Matt Owens, Axios (attending remotely)
- Ken Marchetti, Marchetti and Weaver
- Seth Levy
- Scott Schlosser
- Kris Miller (attending remotely)
- Anne-Marie Desmond (attending remotely)
- Joanna Kerwin (attending remotely)
- Geoff Grimmer (attending remotely)

### **1. Call to Order**

The regular meeting of the Board of Directors of Mountain Recreation Metropolitan District was called to order by Chairperson Jones on January 19, 2022, at 6:02pm, noting a quorum was present to conduct business.

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#### **2. Changes to the Agenda**

Director McCormack requested that a discussion of options to celebrate the memory of Lewis Browning following his tragic loss be added to Other Business.

#### **3. Minutes**

Director Curtis moved to approve the December 15, 2021, minutes as presented. Director McCormack seconded the motion. It was unanimously

RESOLVED to approve the December 15, 2021, meeting minutes as presented.

#### **4. Public Input and Presentations**

Director Jones asked for anyone from the public wishing to share comments with the board to do so at this time. She asked members of the public to limit their comments to three minutes or less.

Kris Miller (Edwards) stated that she was interested in speaking during the All Access Rec Next Steps discussion during the business portion of the meeting. She asked that the 2020 audit be posted to the website.

Seth Levy (Gypsum) and Joanna Kerwin (Edwards) requested time to speak on the ballot issue after the board has discussed.

Scott Schlosser (Eagle) stated that he represented the Haymeadow development. He and the developer, the Cohen Family, support the improvements being considered because of the many health and social benefits to the community.

Anne-Marie Desmond (Eagle) spoke in support of the All Access Rec Initiative. She stated that she trusted the board and Mountain Rec because the board was making adjustments to the proposal based on community feedback. She stated that community centers are more than just recreation centers. She stated that being together is more important now than ever.

#### **5. Business**

##### **a. Spring Creek Village – Letter of Support**

Polar Star Properties received support from the Eagle County Housing Development Authority (ECHDA) for its first two phases in the form of a \$500,000 low interest loan from the Eagle County housing fund and a full property tax exemption for the portion of the project providing housing units for 'very low income' qualified families. Phase 2 of Spring Creek Village targets the "workforce" housing segment, which is typically available to somewhat higher income households (low to moderate income). Eagle County also has a need for these types of units.

Initially, ECHDA granted a property exemption for 50% of these phase two units based on keeping rents and qualifying incomes at 80% Area Median Income

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(AMI). More recently, however, the ECHDA passed a resolution to re-define “Low Income” in Eagle County to 100% AMI for use in qualifying residential development for their property tax exemption tool to encourage greater development of affordable rental housing.

Polar Star Properties has suggested that this new definition of qualifying AMI level allows for an increase to the currently approved property tax exemption to 75% of the units, up from the previously approved 50%. The ECHDA has expressed its concern with negatively impacting property tax revenues for several taxing authorities reliant upon property tax as a single funding source available to provide community services. Accordingly, the ECHDA has asked Polar Star Properties to explain the impacts to each special district and to solicit an affirmative response from those who agree with supporting affordable housing with an additional property tax exemption.

Fiscal impact estimates have been provided by Polar Star Properties and were included in the board meeting packets. Ms. Bartnik asked the Board to consider whether to direct staff to draft a letter of support for the additional property tax exemption requested by Polar Star Properties.

Director Jones asked if the property tax exemption was a permanent request or if there was a time limit on the application of the exemption. Mr. Flynn stated that the request was for a 15-year period. She asked Ms. Williams what the benefit of the tax exemption was. Ms. Williams explained that the state statute was a tool to support the development of more affordable housing.

Board discussion ensued regarding the pros and cons of issuing a letter of support. Director Pohl asked the developer if there was a possibility of accessing units for employee housing for Mountain Rec. Mr. Flynn provided income levels for the various phases of the project, rent rates, and that currently there is a preference afforded down valley employees in place.

Director Curtis requested that Mountain Rec employees be afforded preference for rental units and to open communication between Mountain Rec and Spring Creek Village for facility memberships and programming cooperation.

Director Curtis moved to direct staff to draft a letter of support for the Spring Creek Village additional property tax exemption provided that Mountain Rec employees are considered with priority for renting within the project and to open communication between Mountain Rec and Spring Creek Village for facility memberships and programming cooperation. Director Pohl seconded the motion. It was unanimously

RESOLVED to direct staff to draft a letter of support for the Spring Creek Village additional property tax exemption provided that Mountain Rec employees are considered with priority for renting within the project and to open communication between Mountain Rec and Spring Creek Village for facility memberships and programming cooperation.

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**b. Resolution – Annual Administrative Matters - 2022**

The Annual Administrative Matters Resolution - 2021 was reviewed by legal counsel and forwarded to the board for consideration. The resolution will effectively open the call for nominations for the May 2022 board seat election for two seats whose terms expire in May. A formal election resolution will likely follow in February as a decision on a TABOR question becomes clearer.

Director Pohl moved to approve the Resolution of the Board of Directors of the Mountain Recreation Metropolitan District concerning Administrative Matters – 2022 as presented. Director McCormack seconded the motion. It was unanimously

RESOLVED to approve the Annual Administrative Matters Resolution - 2022.

**c. Colorado Open Records Act Resolution**

The Colorado Open Records Act (“CORA”) requires public entities such as cities, counties, and special districts like Mountain Recreation to provide most records retained to the public upon request. As a Colorado Special District, Mountain Recreation is subject to CORA requirements. Mountain Recreation receives only occasional open records requests from members of the public. Recent discussions with legal counsel regarding open records requests received in November resulted in recognition that a CORA resolution drafted by legal counsel in 2019 had not been adopted by the Board of Directors. Staff was not aware of the adoption of an Open Records Policy prior to 2019, however, WECMRD is listed as a District approved for use of the Colorado State Archive’s statewide retention schedule. Given the District’s name change, and out of an abundance of caution, the 2019 draft resolution has been reviewed and is presented here for board consideration.

Director Pohl asked who prepared the resolution. Ms. Bartnik stated that legal counsel drafted the resolution.

Director Pohl moved to the Colorado Open Records Act Resolution as presented. Director Jones seconded the motion. It was unanimously

RESOLVED to approve the Colorado Open Records Act Resolution as presented.

Director Pryor joined the meeting at 6:45pm.

**d. Personnel Policy Manual**

Staff drafted a comprehensive personnel policy manual which has been reviewed by legal counsel. Staff requested input and comments from the board prior to implementation.

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Ms. Olson summarized the purpose of the redrafting to be related to consistent application of policies and practices contained within. She addressed children and pets at work, holiday time-off flexibility, earned vacation time use during the probationary period, unpaid leave, full-time benefits adjustments, addition of a 20-punch pass to utilize facilities with friends or extended family for full-time staff, flexible work options available, part-time benefits, appearance and courtesy, work rules, and weapons in facilities.

Director Curtis suggested the addition of a regular review for the flexible work schedule to identify what is working and what is not.

The Board provided direction to strike the weapons section at this time and to open communication with partners on the subject.

Director Pohl moved to adopt the Personnel Policy Manual as amended. Director Jones seconded the motion. It was unanimously

RESOLVED to adopt the Personnel Policy Manual as amended.

**e. In-District Fee Policy Resolution**

Hearing community feedback in public events at which All Access Rec information was shared, staff asks the Board to consider a draft resolution indicating the Board's direction on establishing out-of-district rates for facility admissions.

Director Pohl stated that he supported the resolution as drafted. He stated that he liked how the Town of Avon administered their policy.

Director McCormack stated that use of scholarships may help with the burden of higher fees for those impacted.

Director Curtis suggested leaving how to administer the policy up to staff with direction to create the least burdensome methods. Communication of the adjustment in fees will require some time. Director Pryor agreed. He suggested that staff focus on delivery of top-notch programs.

Ms. Miller stated that she concurred with Director Curtis that staff should design the process to keep it from becoming burdensome.

Director Jones moved to approve the In-District Fee Policy Resolution as presented. Director Pryor seconded the motion. It was unanimously

RESOLVED to approve the In-District Fee Policy Resolution as presented.

**f. All Access Rec Next Steps**

Per the Board's conversation in the December 2021 business meeting, staff has developed project package options for the All Access Rec program for further

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Board study and discussion. Mr. Goulding summarized the process used by the staff and consultant team to identify priorities for each project budget targeted.

Director Pryor indicated concern about the reductions to the Gypsum projects between the \$65 million and \$60 million packages. Director McCormack stated that he had a conversation with a Gypsum Town Council member regarding his desire for equality among investments in each area.

Director Pohl stated that he supported pursuing a May ballot at a reduced \$40 million ask.

Ms. Miller stated that she would like to see the de-Gallagher provision off the table, making the ballot question a straight debt authorization question. She stated that she would be supportive of the \$35 million ballot ask given the other inflationary increases impacting home budgets. She urged board members to push the timeframe to a November election.

Mr. Levy stated that he appreciated the board's look at the community comments. He agreed that inflationary impacts are significant for property owners who are paying for unrealized gains on their properties. He felt that a November ballot question would feel less rushed and more like a fresh look rather than a do-over.

Ms. Kerwin agreed that a November ballot question would be in the best interest of the District.

Director McCormack stated that the board was pursuing a May ballot to pick up on momentum from last year. Anecdotally, people are pleased that the Board is making the changes the public is asking to be made. He supports going to ballot in May for the \$40 million amount.

Director Curtis stated that she supported the middle option of \$40 million. She appreciates comments on both options for ballot timing. She noted that the longer the board waits, the more the District will need to communicate with voters.

Discussion ensued related to the cost of a single election in May versus hosting two elections, one in May and one in November.

Director Pryor stated that he was also supportive of the \$40 million funding level. He stated that he wanted to make sure that all the information about the adjustments was able to be communicated publicly.

Director Jones stated that she also supported a \$40 million ballot question. She stated that she was originally supportive of a November ballot. Because of other taxing questions likely to hit the November ballot, she stated that she will support a May ballot push.

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Director Jones stated that staff should prepare formal documentation for consideration in February.

Mr. Robinson asked the board to offer direction on use of political consultant services. Staff was directed to connect with the political consultant.

**g. Other Business**

Director McCormack shared the news of the tragic loss of Lewis Browning, an 11-year-old Eagle resident and Vail Mountaineer Hockey player. He asked for the Board to be aware of the Hockey Club's efforts to memorialize Lewis's life in both ice facilities used by the Mountaineers. A banner is already in place in Eagle. Director McCormack will keep the board up to date.

**6. Financial Matters**

**a. Financial Statements**

**b. Accounts Payable**

Mr. Marchetti summarized the financial reports. The year finished on a positive note. Revenue items continue to exceed budget. The preliminary fund balance projection is expected to be about \$200,000 higher than the projections used in the FY 2022 budget materials presented in fall. He explained the reason why a negative revenue appears in the interest revenue line to be related to the way interest is calculated for investments in certificates of deposit.

Director Jones asked if there were any questions or comments on the December 31 financials (unaudited) or accounts payable report.

Director Curtis shared questions on staff training and outdoor ice rink expenses posed to staff ahead of the meeting. The staff training item was mislabeled. Expenses posted there were related to sponsorships. The hockey rink year over year expenses appear skewed because expenses displayed in 2021 are for both the 2020-2021 and 2021-2022 rink seasons.

Director Pohl noted that he was pleased to see all the revenues in the black for FY 2021.

Director Pohl moved to approve the financial statements and accounts payable report as presented. Director Jones seconded the motion. It was unanimously

RESOLVED to approve the financial statements and accounts payable report.

**7. Staff Reports**

**a. Administration**

**b. Facilities Division**

**c. Recreation Programs Division**

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Director Jones asked what happened that the collaboration with the Lacrosse Club MOU falling through. Staff stated that the District could not meet the salary terms desired by the Lacrosse Director.

#### **8. Reports & Info**

Director Pohl stated that he has a discussion with Gerry Lopez regarding collaboration with Mountain Rec.

#### **Adjournment**

Director Jones moved to adjourn the board meeting. Director McCormack seconded the motion. It was unanimously

RESOLVED to adjourn the meeting at 8:58pm.