
RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Minutes of the Regular Meeting Of the Board of Directors Mountain Recreation Metropolitan District September 21, 2022

The regular meeting of the Board of Directors of the Mountain Recreation Metropolitan District, Eagle County, Colorado, was held on September 21, 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:

- Jason Cowles
- Tracy Erickson
- Mikayla Curtis
- Chris Pryor

Also in attendance were:

- Janet Bartnik, Executive Director (attending remotely)
- Scott Ruff, Superintendent of Recreation Facilities (attending remotely)
- Scott Robinson, Superintendent of Business Operations
- Anna Englehart, Superintendent of Recreational Programs
- Cat Olson, Human Resources Manager
- Brad Johnson, Facilities Supervisor – Edwards
- Lizzy Owens, Community Engagement Manager
- Ken Marchetti, Marchetti and Weaver
- Sanjok Timilsina, Finance Manager
- Amy Burford, Administrative Assistant
- Kris Miller (attending remotely)
- Joanna Kerwin (attending remotely)
- Terri Reichert – Vail Valley Charitable Fund (attending remotely)
- Ryan Owen – Howard Head Sports Medicine (attending remotely)

1. Call to Order

The regular meeting of the Board of Directors of Mountain Recreation Metropolitan District was called to order by Director Pryor on September 21, 2022, at 6:00pm, noting a quorum was present to conduct business.

2. Changes to the Agenda

There were none.

3. Minutes

Director Pryor asked the Board to consider the August 17, 2022 meeting minutes.

Director Curtis noted one grammatical error in the August 17, 2022 meeting minutes.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Cowles moved to approve the August 17, 2022 regular minutes as amended. Director Curtis seconded the motion. Director Pryor abstained since he was absent for the August meeting. By a vote of 2-0-1, it was

RESOLVED to approve the August 17, 2022 regular meeting minutes as amended.

4. Public Input

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

Terri Reichert (Vail Valley Charitable Fund) explained that the Vail Valley Charitable Fund normally hosts their annual LG Tri at the Eagle Pool. She asked for an update on the status of the Eagle Pool repair project as she is in the process of choosing a date for the LG Tri next summer.

Ms. Bartnik stated that the final report from the geotechnical engineer is expected to be submitted within the next two weeks and the future of the Eagle Pool will be discussed at the October meeting.

Kris Miller (Edwards) asked if the public can comment during the business agenda items. Director Pryor confirmed that the public will have designated time to speak during the business items before board discussion.

5. Board Vacancy and Election of Officers

2022 board president Liz Jones resigned on August 22, 2022. Staff is accepting letters of interest for the board vacancy. The board must elect a new president.

Director Pryor explained that information for applying to the board vacancy has been distributed on Mountain Recreation's website. A committee comprised of two board members, staff and a partner representative has been formed to review the applications and recommend a candidate to the board in October.

Director Cowles nominated Director Pryor for the position president.

Director Pryor nominated Director Cowles for the position vice president.

Director Pryor nominated Director Erickson for the position secretary/treasurer.

Nominations were approved by unanimous vote of the board.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Curtis moved to ratify the formal process for filling the board vacancy created with the resignation of board president Liz Jones. Director Cowles seconded the motion. It was unanimously.

RESOLVED to approve to ratify the formal process for filling the board vacancy created with the resignation of board president Liz Jones.

Kris Miller (Edwards) asked for clarification on the application process.

Mr. Robinson confirmed that the deadline for applications is 5:00 pm on Friday, September 23, 2022.

6. Business

a. FAMLI Program Opt-out

In November 2020, Colorado voters approved Proposition 118, which paved the way for a state-run paid Family Medical Leave Insurance (FAMLI) program. As a public entity, the District must decide in 2022 whether to participate in the state-run program. If the District decides to opt-out, employees may still opt-in on their own. All staff received notice of the September 2022 vote of the board through emails and other communication channels.

Full time employees currently accrue 12 sick days annually. A sick time cap is set at 90 days to align with the long-term disability plan, which starts after 90 days. Part time employees accrue one hour of sick leave for every 30 hours of work based on the Colorado Healthy Families and Workplaces Act (HFWA). Part time staff do not accrue vacation time.

The District's long-term disability plan is available to full time staff. This leave begins after 90 days and is an insurance benefit that pays employees approximately 50% to 70% of their salary when they are unable to work for an extended period due to a chronic illness or debilitating injury. The District pays \$7,500 annually for this benefit.

The District could elect a short-term disability program through the current insurance provider. The cost to the District would be approximately \$10,000 annually.

Ms. Olson pointed out that an estimated 55% of the District's employees would not qualify for the FAMLI benefit because they would not meet the required hours worked to be eligible, but those employees would still be taxed for the program if the District decides to opt-in. She stated that staff recommendation is to opt-out with the option to explore a benefit that is comparable to or better than FAMLI.

Director Cowles asked for clarification on the process if an individual employee decides to opt-in.

Ms. Olson confirmed that the employee would complete the opt-in process through the state of Colorado and the District would provide that information during the onboarding process.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Ms. Olson explained that she had not received any questions or concerns about FAML I from staff.

Director Pryor moved to approve a resolution opting the District out of the FAML I program. Director Cowles seconded the motion. It was unanimously.

RESOLVED to approve a resolution opting the District out of the FAML I program.

Mr. Robinson asked if staff should include a short-term disability benefit option in the FY 2023 budget. Ms. Olson and Mr. Timilsina agreed that they will include that number in the October budget presentation.

b. Edwards Field House License Agreement

During the August board meeting discussion, the board consensus was to continue discussion of the Edwards Field House license agreement to a future meeting. Board members voiced concerns over licensing the space without understanding how the community would like to use the space, an interest in understanding how the space was previously used, and a need for additional time to consider the use of the space and how it fits into the overall picture of the Edwards Facility.

Ms. Bartnik explained that gathering information from the community about what they want for the Edwards space will take a significant amount of time. She recommended that the District renew the lease with Howard Head Sports Medicine - Vail Health with the knowledge that there is a termination clause in the agreement. This would allow Vail Health to remain in the space while staff performs community outreach and planning.

Ryan Owen (Howard Head Sports Medicine – Vail Health) introduced himself and volunteered to answer any questions.

Director Erickson asked for clarification about the mention of renovation in the board packet.

Ms. Bartnik stated that if any improvements, or remodels, are made to the Edwards facility it will take a notable amount of time to complete that process. She recommended renewing the lease with Vail Health to give staff sufficient time to examine options.

Director Erickson distributed a self-produced handout with points to support more community rooms for the board to review. He stated that All Access Rec presented positive changes for the Edwards facility, and he would like to see the District move forward with the new multipurpose community room plan. He would like to hear what staff and the community want for the space. He voiced his opposition to the renewal of the Edwards Field House license agreement to Vail Health.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Curtis asked if there are details in the license agreement regarding the condition of the space when the occupant vacates. Ms. Bartnik stated that the lease agreement provides that the space shall be returned to the District in good condition.

Director Pryor recognized that Vail Health has been a long-time supportive partner to the District. He supports a longer lease agreement, at least two years or more, and believes that the revenue provided by the agreement will be beneficial.

Director Erickson stated that he believes the current lease expiration date of October 31, 2023 is sufficient time for the current tenant to find a new space and will give staff enough time to create a plan for the space. He is not concerned about losing the rental revenue and would like to see the space used for programming. He expressed that he would like to see that process start as soon as possible.

Ms. Bartnik pointed out that staff would need to revisit the community input from the last survey to find out if desires expressed are still relevant. She stated that community outreach, estimating potentials costs and developing an action plan could take longer than the one-year license agreement extension. She recommended communicating with Vail Health about the anticipated timeline throughout the planning process.

Director Erickson stated that if the room is left empty after the lease expiration date, he believes it can be used as a community room.

Director Pryor agreed that he would like to see the space used to serve the community. He stated that Vail Health has been providing the District with revenue and opportunity while occupying the rental space. He voiced his concern with seeing an underutilized space if the license agreement is not renewed.

Director Pryor asked for clarification on the termination clause. Ms. Bartnik confirmed that the District must give the tenant 180 days' notice.

Director Cowles explained that he is thinking about the 2023 budget and the cost of the Eagle Pool project while considering the license agreement. He expressed concern over potentially losing the revenue that the agreement would provide. He stated that he is inclined to move forward with renewing the license agreement especially with the termination clause which would allow the District to reevaluate the agreement in the future.

Director Curtis asked for input from the individuals who manage the facilities and programs. Mr. Johnson stated that Vail Health has been an amazing partner. He is hesitant to turn that space into a community room without an established plan for that transition. He stated that the potential loss of rental revenue from Vail Health concerns him.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Pryor asked if there is a demand for space for events such as birthday parties or meetings that we cannot currently fulfill. Mr. Johnson confirmed there is not that demand for space in the Edwards Field House.

Director Cowles mentioned that he would be interested in growing the partnership with Vail Health for more opportunity in the Edwards facility, such as a fitness studio that could be used by the public.

Director Erickson stated that he would like to see all plans conceived during All Access Rec be accomplished.

Joanna Kerwin (Edwards) stated that she would like to see the lease end at the expiration date of October 31, 2023. She believes other physical therapy businesses should be considered for the space. She stated that she would like to see that space used as a community room.

Kris Miller (Edwards) voiced her concerns with Vail Health occupying the rental space in Edwards and their impact on the community. She expressed support for the space to be used for community purposes. She stated that she would not like to see the lease agreement renewed.

Ms. Bartnik expressed her appreciation for the public input. She pointed out that there was a public bidding process for the rental space and Vail Health was the only physical therapy firm to propose an offer.

Director Pryor pointed out that the District is in the process of appointing a new board member and the board should consider waiting for the new member before moving forward.

Directed Curtis stated that she would like to see a process with the community to get a current list of amenities they desire from the Edwards Field House. She asked if the agreement could be adjusted to a year-to-year lease agreement.

Director Pryor asked if a year-to-year lease agreement, with a 90-day termination clause, is possible. Ms. Bartnik confirmed the original drafted agreement had a 90-day termination clause. Vail Health felt 90 days to find a new space was not sufficient.

Ryan Owen (Vail Health) stated that finding a new space in less than 180 days would be very challenging.

Ms. Bartnik suggested the District keep the 180-day termination clause in the agreement considering the strong partnership with Vail Health. She suggested the board could consider a shorter agreement term, like two years, or table the decision.

Director Cowles stated that he would like to give direction to draft a two-year lease agreement with a 180-day termination clause.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Pryor stated he would like to table the discussion until the fifth board member is appointed.

Director Curtis proposed tabling the discussion until February or March.

Mr. Robinson stated that the District should consider giving the public a break from providing input and let the community enjoy current programs. He mentioned that conducting community outreach during the holidays could present some challenges.

Director Cowles mentioned that Singletree and Miller Ranch both provide community rooms, and he does not feel there is a strong need for another community room in Edwards.

Director Curtis moved to table discussion of the Edwards Field House License Agreement to February 2023. Director Erickson seconded the motion. It was unanimously.

RESOLVED to table the Edwards Field House License Agreement to February 2023.

c. Community Partnership Grant Program Applications

In 2021, the Community Partnership Grant Program was reimagined to include Healthy & Happy In-Kind Grants. In-kind funding is available only to those programs/events/services that are not currently conducted by Mountain Recreation or in a partnership with Mountain Recreation. The board earmarked \$15,000 to be used for in-kind grant funding to our partners in 2022. Due to the timing of the grant cycle, some of the requests considered will be for the first quarter of 2023. The total funding requested in 2022 for 2023 is \$12,697.

Ms. Owens explained that the District received four requests from three entities.

- The Cycle Effect requested use of the Edwards Field House for practice space twice a week during winter training. Additionally, they asked to host a few parties for recruitment and celebration.
- The Family Learning Center requested the use of the Eagle Ice Rink for a holiday party, use of the Edwards Field House for staff training events, and half-priced Gypsum Recreation Center memberships for 30 of their employees. Ms. Owens explained that the discounted membership request is not a grant program that has been offered before and the expense to the District could be a concern. It would be hard to predict the total cost because it is unclear if they only want individual memberships or family memberships. She believes this would not be a sustainable grant program to fulfill due to the potential cost.
- Small Champions requested use of the Eagle Ice Rink for a skating party in the winter and use of the Gypsum Creek Pool for a party in the

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

summer. Staff recommends fulfilling all requests except for the discounted gym memberships.

Director Erickson moved to approve the community partnership grant program applications as recommended by staff. Director Cowles seconded the motion. It was unanimously

RESOLVED to approve community partnership grant program applications as recommended by staff.

d. Capital Reserve Study

Mountain Recreation last conducted facility assessments of its flagship facilities in Gypsum, Eagle, and Edwards in 2016. Since no capital reserve study was conducted on outdoor properties such as the Eagle Sports Complex, Freedom Park, Dotsero, or McCoy Park, staff developed replacement and funding models for amenities included in those properties to provide a full picture of capital funding needs for the entire District. This work was completed in 2021.

Staff solicited qualifications and proposals from firms with special expertise in recreational facility capital reserve studies. Two local firms, Axias and Borne Consulting, submitted proposals. The board may choose to award a contract to one of the two firms, award no contract and go forward with staff's current process of fund modeling, or table the discussion until the FY 2023 budget is proposed.

Director Erickson stated his support for the capital reserve study and believes it will provide consistency across all facilities.

Director Cowles asked if the board could approve it as a line item during the budget approval process. Ms. Bartnik explained there is more room for this expense in the 2022 budget as opposed to the 2023 budget.

Director Pryor voiced his support for awarding a contract to Borne Consulting.

Ms. Bartnik stated that the reserve study will give the District a comprehensive outlook on project costs and inflation.

Director Curtis moved to approve a contract with Borne Consulting in the amount of \$27,500 for a capital reserve study. Director Pryor seconded the motion. It was unanimously.

RESOLVED to approve the contract with Borne Consulting in the amount of \$27,500 for a capital reserve study.

e. Freedom Park Water Service Line Extension Contract

Staff presented preliminary information related to the rink relocation and expansion project to the board in May and June, receiving direction to proceed with a planning application for relocation and issuance of a bid for water service line construction to serve the initial flooding of the proposed two sheets of ice.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

The RFP for water service line received no responses during the time the bid was advertised. Staff directly solicited local firms to provide proposals after the bid closed. Two firms, Edwards Excavating and RPM Construction have indicated an interest in providing construction services.

Mr. Johnson stated that staff would like authorization to execute a contract with the lowest bidder. He explained there will need to be additional electrical service extended to the backflow meter which has not been included in either proposal. Both firms confirmed that they can execute the electrical service. Staff can move forward with this project once the District receives approval from the Eagle County Board of Commissioners. The estimated maximum cost to install the water service line is \$150,000.

Director Pryor asked if the electrical service line will assist with the lights. Mr. Johnson shared that temporary lighting will be used. Volunteer contact information will be shared with the community should any lighting issues arise.

Director Erickson suggested staff reach out to Berry Creek Metro District and Edwards Metro District for funding opportunities.

Joanna Kerwin (Edwards) voiced her excitement for the ice rink project.

Board discussion ensued about lighting concerns.

Mr. Johnson stated that the lighting has been approved by Eagle County Planning Commission and explained that sharing volunteer contact information will help address any lighting issues in a timely manner.

Director Pryor moved to direct staff to execute a contract to construct the Freedom Park water service line extension with the firm submitting the lowest qualified proposal and contingent upon County approval of the relocation of the rink. Director Erickson seconded the motion. It was unanimously

RESOLVED to direct staff to execute a contract to construct the Freedom Park water service line extension with the firm submitting the lowest qualified proposal and contingent upon County approval of the relocation of the rink.

f. Board Meeting Policy Manual

The Special District Association provides a template policy for board meeting conduct. A draft policy, updated with direction from the board retreat, is presented for board consideration.

Ms. Bartnik explained there was discussion about adjusting the public input process during the board retreat. Meeting format will include public input at the beginning of the meeting and during business items before board discussion. Additionally, public will be encouraged to submit written comments.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

Director Curtis pointed out a minor grammatical error in the manual. Ms. Bartnik confirmed the error will be removed.

Director Pryor moved to approve the board meeting policy manual as amended. Director Cowles seconded the motion. It was unanimously

RESOLVED to approve the board meeting policy manual as amended.

g. Other Business

- i. The District board must appoint a representative to replace Liz Jones on the Mountain Recreation Foundation board.

Director Pryor moved to appoint Director Curtis to the Mountain Recreation Foundation board of directors. Director Cowles seconded the motion. It was unanimously.

RESOLVED to appoint Director Curtis to the Mountain Recreation Foundation board of directors.

- ii. Request for support of the Freedom Park Lighting Project

Staff is asking for authorization to submit a letter of support for the Freedom Park lighting project to be installed by Edwards Metro District.

Director Pryor moved to submit a letter of support for the Freedom Park lighting project. Director Curtis seconded the motion. Director Erickson abstained since he is on the Edwards Metro District board of directors. By a vote of 2-0-1, it was

RESOLVED to submit a letter of support for the Freedom Park lighting project.

7. Financial Matters

- a. **Financial Statements**
- b. **Accounts Payable**

Mr. Timilsina reviewed the August financials and explained that the District has collected 98% of property tax revenue for the year. He pointed out the updated forecast for FY 2022. He stated that the FY 2023 budget is close to completion.

Director Curtis asked for clarification on the Eagle Valley Community Foundation expense.

Mr. Robinson stated that was the District's contribution to Fiesta Americas and it will be paid for from the Colorado Health Foundation grant funds.

RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – September 21, 2022 Meeting Minutes

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

RESOLVED to approve the financial statements and accounts payable report.

8. Staff Reports

- a. Administration**
- b. Facilities Division**
- c. Recreation Programs Division**

Director Pryor expressed his appreciation for the swim lessons report.

Ms. Owens pointed out the success of Fiesta Americas. She estimated around 2,500 – 3,000 people attended and received positive feedback from the community members. She is looking forward to hosting the event next year.

9. Reports & Board Communication

Adjournment

Director Pryor moved to adjourn the board meeting. Director Curtis seconded the motion. It was unanimously

RESOLVED to adjourn the meeting at 8:24 pm.