
RECORD OF PROCEEDINGS

Mountain Recreation Metropolitan District – April 19, 2023 Meeting Minutes

Minutes of the Regular Meeting Of the Board of Directors Mountain Recreation Metropolitan District April 19, 2023

The regular meeting of the Board of Directors of the Mountain Recreation Metropolitan District, Eagle County, Colorado, was held on April 19, 2023, at 6:00pm, in the Edwards Field House, 450 Miller Ranch Road, Edwards, 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
- Tom Pohl
- Tracy Erickson
- Mikayla Curtis
- Chris Pryor

Also in attendance were:

- Scott Ruff, Superintendent of Recreation Facilities
- Scott Robinson, Superintendent of Business Operations
- Anna Englehart, Superintendent of Recreational Programs
- Brad Johnson, Facilities Supervisor – Edwards
- Ken Marchetti, Marchetti and Weaver
- Sanjok Timilsina, Finance Manager
- Amy Burford, Administrative Assistant
- Jamie Pappas, Borne Consulting
- Kendall Vanvalkenburg, Sk8 Gypsum
- Julie Holter, Sk8 Gypsum
- Braiden Boitch, Sk8 Gypsum
- Ernest Saeger, Vail Valley Mountain Trails Alliance (attending remotely)
- Nicky Asselin, Vail Valley Mountain Trails Alliance
- Ron Fano, Spencer Fane LLP (attending remotely)
- Jason Cole (attending remotely)
- Shawna Topor (attending remotely)
- Kris Miller (attending remotely)
- Tom Edwards
- Joanna Kerwin

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 April 19, 2023, at 6:02pm, noting a quorum was present to conduct business.

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2. Changes to the Agenda

There were none.

3. Executive Session

The board met for an executive session pursuant to C.R.S. 24-6-402(e) to develop negotiating positions and instruct negotiators regarding terms of the intergovernmental agreement with the Town of Eagle.

4. Minutes

The regular meeting session began at 6:55 pm.

Director Pryor asked the board to consider the March 15, 2023 meeting minutes.

Director Curtis asked for the minutes to be updated to state that she is a staff member of Mountain Youth, not a board member.

Director Cowles moved to approve the March 15, 2023 meeting minutes as amended. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve the March 15, 2023 work session meeting minutes as amended.

5. Public Input

Director Pryor asked for anyone from the public wishing to share comments with the board to do so at this time.

Tom Edwards (Gypsum) introduced himself as a board candidate for the May 2023 election.

Joanna Kerwin (Edwards) introduced herself as a board candidate for the May 2023 election. She voiced her support for the Sheriff's office to transition from the Edwards Field House to the new Eagle County office in Edwards once it is completed.

Shawna Topor (Eagle) introduced herself as a board candidate for the May 2023 election.

Jason Cole (Eagle) introduced himself as a board candidate for the May 2023 election.

6. Presentations

a. Capital Reserve Study, Jamie Pappas

The board requested staff solicit qualifications and costs from qualified firms to conduct capital reserve studies and to calculate capital replacement and reserve funding requirements. A contract with Borne Consulting for consulting services to complete a capital reserve study was approved in September 2022. The study is complete, and the results of the capital reserve study provide information to the District in developing strategy for funding its capital investments.

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Mr. Pappas reviewed the summary of recommendations for Gypsum capital funding, Eagle Pool & Ice Rink capital funding, Edwards Field House capital funding and parks capital funding. He pointed out that the study did not include costs for the new Eagle pool project, but it did include replacement costs for items such as pool pumps and slides.

The board designated capital reserve within the fund balance in compliance with the reserve policy (currently \$3 million) approved in 2020 which would be transferred to the proposed capital fund and act as the beginning fund balance as of January 1, 2024. Staff also recommend the board to revise the 2020 reserve policy to include a fixed annual contribution to the capital fund. Each June after the completion of the prior years' audit, the Finance Manager would recommend any additional contributions the District can contribute to the capital fund.

Director Pryor asked about the process of determining the lifespan of a capital expenditure. Mr. Pappas reviewed the process that he applies to produce an average lifespan of capital expenditures and explained there is always a possibility that items could last longer or fail earlier than anticipated. Mr. Pappas recommended the District allocate a set annual contribution, calculated to include inflation, towards a capital fund to cover capital expenditures.

Mr. Ruff explained how this reserve study will help existing and future staff plan for capital expenses. Mr. Timilsina recommended that the board create a segregated capital fund as a part of the 2024 budget preparation process. The new capital fund would manage debt service related to capital improvements, annual contributions to jointly held capital funds, annual replacements to solely owned/managed facilities, and plan and fund desired improvements to facilities. He stated that the goal is to achieve the recommended fund level as early as possible and that the District can begin to make those contributions in 2024.

Director Curtis asked about funds being reserved for the Eagle Sports Complex since Eagle County plans to relocate the complex. Mr. Timilsina explained that the capital fund will not be restricted to one specific facility and the District can reallocate funds to another facility if needed. He stated that the board can decide to move funds to the Eagle Sports Complex if that becomes a priority. Mr. Robinson stated that a capital fund can assist in fundraising and grant opportunities.

The board gave direction to establish a segregated capital fund at the start of FY 2024 to manage and monitor capital contributions, debt service, replacements, and improvements.

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7. Business

a. Gypsum Skate Park Funding Request

The Town of Gypsum has fully funded the replacement of their skate park. Youth in the community are fundraising for site amenities to add to the skate park project. While major capital funding is not a need for the project to be implemented, Sk8 Gypsum students from Red Canyon High School have elected to fundraise and are asking for Mountain Recreation to consider sponsorship. Ms. Van Valkenburg introduced herself as the teacher leader of the skatepark project and introduced two students, Ms. Holter and Mr. Boitch, involved in Sk8 Gypsum. Ms. Holter and Mr. Boitch spoke about the positive impact skating has had in their lives and their excitement to be involved in the new skatepark project. Ms. Van Valkenburg stated that the funds raised by Sk8 Gypsum will be used to hire local artists to create murals throughout different structures in the park. She reviewed their fundraising efforts, such as grant awards, and explained that Sk8 Gypsum and Mountain Recreation share a similar mission and values. She stated that Sk8 Gypsum is \$8,000 short of their fundraising goal.

Director Pryor asked for details about park maintenance. Ms. Van Vanlkenburg explained that Sk8 Gypsum has developed a class to help maintain the park so that future students can continue to be involved.

Discussion ensued about the importance of creating safe places, like the skatepark, for youth in the community. Director Curtis thanked the Sk8 Gypsum members for their presentation and expressed her excitement to see youth leadership.

Director Pryor suggested a \$16,000 sponsorship. Mr. Timilsina stated that there is a favorable number in investment income that can be used for the sponsorship.

Director Erickson moved to approve a \$20,000 sponsorship to Sk8 Gypsum for the Gypsum skatepark construction project. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve a \$20,000 sponsorship to Sk8 Gypsum for the Gypsum skatepark construction project.

b. VVMTA Bike Park Request

The Vail Valley Mountain Trails Alliance (VVMTA) is seeking partners to fund construction of a bike park at the Haymaker Trailhead in Eagle. The District previously partnered to assist with funding for the Minturn Bike Park in the amount of \$5,000. Mountain Recreation district residents have benefited from the project, driving to Minturn to use the park since its opening. Additionally, Outdoor Rec staff have been permitted to conduct programs at the Minturn Bike Park.

The Town of Eagle has partially funded the project and VVMTA has pledged to fundraise the remainder of the project cost. VVMTA is asking for Mountain Rec

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to consider partnering to make the project a reality, suggesting consideration of a \$45,000 contribution. The bike park is a part of the Haymaker Trailhead Master Plan developed jointly by Mountain Recreation and the Town of Eagle in 2020.

Mr. Saeger explained that VVMTA's mission with the Eagle bike park is to connect community to the outdoors while creating sustainable parks. He reviewed the success of the Minturn bike park and the benefits that have been seen by the community. He presented the Haymaker area master plan, with design details, and discussed the proximity to the Eagle Pool and Ice Rink. He explained the desire to make the park cohesive with the Eagle Pool and Ice Rink and showcase Mountain Recreation as a partner. He stated that VVTMA will be working with the Town of Eagle and volunteers to maintain the park. He stated that the goal is to have the Eagle bike park open in the fall of 2023.

Director Cowles asked for more details on maintenance costs. Mr. Saeger explained that the wood features to be installed have an estimated lifespan of 20 years and the dirt requires more ongoing maintenance which is managed by their trail crew. Director Pohl expressed his excitement for Mountain Recreation to use the park for programming purposes and to have a new amenity in Eagle while the pool is under construction.

Director Pryor asked for clarification on the amount of the contribution being requested. Ms. Asselin confirmed that VVMTA is requesting \$45,000. Ms. Asselin explained that the bike park will be an asset to the community and that Mountain Recreation would be a valuable partner in the project.

Mr. Robinson asked for more details regarding recognition. Ms. Asselin explained that VVMTA will work with Mountain Recreation to establish the level of recognition that the District feels is appropriate. Director Erickson voiced his support for Mountain Recreation to partner in funding the Eagle bike park project.

Director Pryor moved to approve a contribution of \$45,000 to partner with VVMTA for the Eagle bike park construction project. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve a contribution of \$45,000 to partner with VVMTA for the Eagle bike park construction project.

c. 5th Amendment to Employment Agreement

Executive Director Janet Bartnik accepted a position in Virginia and resigned on March 31st. The executive director is the sole employee of the board, contracted to manage the day-to-day affairs of the District on behalf of the board, interpreting board direction into staff action plans, and ensuring legal and contractual obligations of the District are met.

In March, the board determined that the transition between executive directors would be best served through joint District leadership shared among the superintendents with consultant assistance provided by outgoing executive

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director Janet Bartnik. The board directed legal counsel to draft an amendment to the employment agreement of Ms. Bartnik.

An amendment was drafted following the March board meeting and executed by the board President.

Director Pohl moved to ratify the 5th Amendment to Janet Bartnik's employment agreement. Director Pryor seconded the motion. It was unanimously.

RESOLVED to ratify the 5th Amendment to Janet Bartnik's employment agreement.

d. McCoy Wildcat Park Maintenance Services Agreement

McCoy Wildcat Park, a 10-acre property owned by the Colorado State Board of Land Commissioners and leased by Mountain Recreation, includes a riding arena, picnic shelter and tables, playground, horseshoes, and parking area. Staff worked with the volunteers, and legal counsel, to draft and finalize a maintenance services agreement beginning with the 2018 operating season. The agreement has been reviewed and updated to finalize a maintenance services agreement for the 2023 operating season.

Director Pohl voiced concerns about the liability insurance. Mr. Ruff confirmed that he will discuss those concerns with legal counsel.

Director Pohl moved to approve the maintenance services agreement with McCoy Wildcats for the maintenance of the property and operation of equestrian events at McCoy Wildcat Park for 2023. Director Cowles seconded the motion. It was unanimously.

RESOLVED to approve the maintenance services agreement with McCoy Wildcats for the maintenance of the property and operation of equestrian events at McCoy Wildcat Park for 2023.

e. Eagle Sports Complex Concessionaire Agreement

Landshark Catering had a concession license agreement for the 2022 season at the Eagle Sports Complex. Landshark Catering experienced success during the 2022 season and plans to make minor adjustments to the menu and schedule in 2023 to be open more during high volume facility use, and open less during evenings with less use and less potential for sales.

A concern was brought forward related to tournament food service and the perceived need to permit food trucks on tournament weekends to supplement concessions. Staff discussed the concern with Landshark Catering. Tournament weekends provide the best opportunities for the concessions vendor to generate revenue to support the business which also operates during lower sales generating league events. Landshark has offered to provide food truck services

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in addition to concessions services to ensure tournament needs are met while still protecting the viability of the concession operation.

Mr. Ruff explained that Landshark Catering would like to provide food truck services and staff would like board direction regarding food trucks at the Eagle Sports Complex. Director Pryor voiced his concerns about Landshark Catering meeting the needs of guests during tournaments that bring in a high volume of people. He explained that he would like to see more food truck vendors during tournaments to give guests options and to ensure food services are efficient.

Mr. Johnson explained that outside of tournaments, it is hard for vendors to make money during regular Mountain Recreation programming. He stated that variability in the schedule is the reason for presenting an exclusive agreement with Landshark Catering.

Discussion ensued about the possibility of food truck options at the Eagle Sports Complex. Director Cowles stated that his family has found the concession stand hours to be inconsistent. Mr. Ruff stated that he will bring up the points made by the board members at his next meeting with Landshark Catering. Director Pohl stated that the start of the season is May 1st and would like to approve the contract to ensure there is a vendor in the concession stand.

Director Erickson moved to approve an Eagle Sports Complex concessions license agreement with Landshark Catering for a one-year term, not to include the food truck option, for \$200 a month. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve an Eagle Sports Complex concessions license agreement with Landshark Catering for a one-year term, not to include the food truck option, for \$200 a month.

f. Gypsum Recreation Center Café Operation Agreement

Mountain Recreation entered into an agreement with Raul Rojas in 2022 that included a waiver of rental fees for the first year of operation. Mr. Rojas proposes to continue operations of the café through 2023 with an attractive menu of signature coffees, sandwiches, wraps, and smoothies offered at reasonable prices.

The second one-year term is for 12 months beginning May 1, 2023. For this term, the lease amount is proposed to be changed and set at a flat rate of \$350 per month beginning May 2023. Town of Gypsum officials have been notified of the continuing arrangement and have indicated their support.

Director Pohl pointed out a small error regarding the number of months written in the contract. Mr. Ruff confirmed that he will amend the error.

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Director Pryor motioned to approve an agreement for GRC café services with Raul Rojas for the rate of \$350 per month for the 2023 calendar year as amended. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve an agreement for GRC café services with Raul Rojas for Director Pryor motioned to approve an agreement for GRC café services with Raul Rojas for the rate of \$350 per month for the 2023 calendar year as amended.

g. Investment Strategy

The District has a Certificate of Deposit (CD) in a multi-bank securities account maturing on April 18, 2023. In December 2022, the board approved the purchase of six CDs. Out of six, three were reinvestment of maturing CDs and the remaining three were new CD purchases. The District portfolio increased from 11 CDs in 2022 to 14 in 2023.

The District is planning to invest a significant amount of cash funding in the Eagle pool replacement project. Reinvesting the upcoming maturity may provide a cash flow issue. Thus, staff recommend the board elect not to reinvest and instead transfer those funds to the District's CSIP account.

Director Pohl motioned to approve the transfer of proceeds from CD maturity to CSIP account. Director Erickson seconded the motion. It was unanimously.

RESOLVED to approve the transfer of proceeds from CD maturity to CSIP account.

h. Signer Update

Staff recommend that the board approve changes to signers on District accounts as follows:

- Remove Janet Bartnik as Alpine bank signer.
- Remove Elizabeth Jones, Cheri Curtis, Janet Bartnik, and Mikayla Curtis from CSIP account.
- Add Jason Cowles or Tracy Erickson to CSIP account as a signer.
- Update Scott Ruff access from 'view only' to 'signer' on CSIP account.

Director Pohl motioned to approve the removal of Janet Bartnik as an Alpine bank signer; the removal of Elizabeth Jones, Cheri Curtis, Janet Bartnik, and Mikayla Curtis from CSIP account; the addition of Jason Cowles as a signer on the CSIP account and the update of Scott Ruff's access to signer on CSIP account. Director Cowles seconded the motion. It was unanimously.

RESOLVED to approve the removal of Janet Bartnik as an Alpine bank signer; the removal of Elizabeth Jones, Cheri Curtis, Janet Bartnik, and Mikayla Curtis from CSIP account; the addition of Jason Cowles as a signer on the CSIP account and the update of Scott Ruff's access to signer on CSIP account to signer.

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i. Other Business

8. Financial Matters

a. Financial Statements

b. Accounts Payable

Mr. Timilsina explained that the gas expense line is high due to an increase in price. He stated that he has started preparing for the 2022 audit and will start the budget process in May.

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

RESOLVED to approve the financial statements and accounts payable report.

9. Staff Reports

a. Administration

b. Facilities Division

c. Recreation Programs Division

Director Cowles asked for an update on the Outdoor Rec department. Ms. Englehart explained that the Monument trips in the spring were cancelled while Ms. Schroeder and Ms. Carter recover from their injuries. She stated that staff plans on moving forward with summer programming as planned. Director Pohl thanked Ms. Owens for her efforts in organizing a very successful volunteer appreciation dinner.

10. Reports & Board Communication

11. Adjournment

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

RESOLVED to adjourn the meeting at 9:31 pm.