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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District November 18, 2010**

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on November 18, 2010 at 12:00 p.m., at the Classroom of the Eagle County Health Service District Building, 1055 Edwards Village Blvd., Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

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

- Bill Simmons
- Todd Williams
- Tracy Erickson
- Becky Bultemeier

The following Director was absent and excused:

- Terry Benedickt

Also in attendance were:

- Steve Russell, Executive Director Western Eagle County Metropolitan Recreation District
- Mike Staten, Western Eagle County Metropolitan Recreation District
- Melissa Macdonald, Eagle River Watershed Council Executive Director
- James Collins, Esq., Collins Cockrel & Cole
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cissy Olson, secretary for the meeting

#### **Call To Order**

The Regular Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Williams on November 18, 2010, at 12:07 p.m. noting a quorum was present.

#### **Conflicts of Interest**

It was noted that a Disclosure of Potential Conflict of Interest Statement had been executed by Tracy Erickson, and filed with the Board and Colorado Secretary of State at least seventy-two hours prior to the meeting in accordance with statute, indicating that he is General Manager of the Homestead Homeowners Association, which is the homeowners association for a community within the District's boundaries. After Director Erickson had summarily stated for the record the fact and nature of his private interests and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned their attention to

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the agenda items. Director Erickson's Disclosure of Potential Conflict of Interest Statement was incorporated into the record of the meeting.

#### **WECMRD 2011**

##### **Community Recreation**

##### **Survey**

Western Eagle County Metropolitan Recreation District (WECMRD) is planning to conduct a community survey next year in order to better understand the recreation needs of the Western Eagle County communities. Mr. Russell asked if the District would like to partner with WECMRD and include questions directed towards the Edwards residents' recreation needs. After discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to appropriate \$1,000 toward the Western Eagle County Metropolitan District community survey and include questions related to the Edwards area recreation needs.

##### **Miller Ranch Field**

##### **House Update**

Mr. Russell reported that the Miller Ranch Field House is undergoing facility changes and coordinating with Ski and Snowboard Club Vail to provide equipment and instruction for teaching aerials, tumble tracks, and aerobics on trampolines to the athletes in the program. Mr. Russell presented photos depicting the equipment location in the facility. According to Mr. Russell the equipment delivery is on schedule and the equipment is expected to be operational by January 2<sup>nd</sup>.

##### **Eagle River Watershed**

##### **Council Update**

The Eagle River Watershed Council (ERWC) has been in the process of restoring the Eagle River in the Edwards area. Ms. Macdonald gave a brief update of the project and identified the locations where the river and river bank restoration has occurred this year.

Ms. Macdonald reported that the ERWC is also planning to construct the first ADA wheel chair fishing access in the state. The access, located west of Lake Creek Village, will allow disabled fishers to wheel directly into the Eagle River and fish. The project will begin next Monday.

Next year the Council plans to continue the Eagle River re-vegetation process, construct a second ADA fishing access east of Brett Ranch, install seasonal port-a-potties and enclosure, provide several new bear proof garbage containers, and construct additional recreational amenities such as trails and signage. After the presentation Ms. Macdonald requested financial support from the District of

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\$10,000 to \$15,000 for the re-vegetation and work that has already occurred this year. The District has pledged \$15,000 annually in 2007, 2008, and 2009 towards the ongoing river restoration project.

The Board discussed the project and by motion duly made and seconded it was unanimously

**RESOLVED** to approve \$15,000 for the 2010 Eagle River restoration.

At 12:45 p.m. Mr. Russell and Mr. Staten left the meeting.

**Minutes** The Board reviewed the October 21, 2010 Regular Meeting minutes. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the October 21, 2010 Regular Meeting minutes as presented.

**Legal** At the last meeting the Board approved a Joint Resolution with Upper Eagle Regional Water Authority (UERWA) stating that the terms and provisions of the Agreement with CVC Investors were not fulfilled as evidence of CVC Property Owners Association and Metropolitan District in denying UERWA access to the easements. At that time the Board requested a letter of indemnification from the Water Authority in the event a claim or challenges were to occur from CVC Investors or their successors. Mr. Collins announced that the indemnification letter has been signed by the Authority and a copy is in the board packet.

Construction of the Edwards I-70 interchange is anticipated to be completed by next spring. Berry Creek Metropolitan District has committed to managing the landscape installation within the roundabouts and certain surrounding exterior areas. Mr. Collins announced he would draft a landscape intergovernmental agreement between the District and Berry Creek.

At 12:50 p.m. Ms. Macdonald left the meeting.

### **Edwards Community Authority Update**

Mr. Marchetti reported that the Miller Ranch Tract J Open Space Conservation Easement is moving forward. The Eagle Valley Land Trust has created a budget proposal for funding the initial conservation easement costs which also included an improvement budget for maintaining the property in the future. The Land Trust has structured the funding to include the County, Edwards Community Authority, and the Community. Arrowhead has committed \$4,500 towards the Open Space

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Conservation Easement administrative costs and an additional \$500 for maintenance purposes subject to annual appropriation. Mr. Marchetti stated that Berry Creek is also included as a 1/3 partner in the funding process, and he asked if the District would consider the same appropriation as Arrowhead and Berry Creek. The Board discussed the proposal and by motion duly made and seconded it was unanimously

**RESOLVED** to appropriate \$4,500 for the Miller Ranch Open Space Conservation Easement administrative costs and an additional \$500 for the annual maintenance costs which are subject to annual appropriation.

**Beard Creek/Berry Creek  
Sidewalk Extension**

Mr. Marchetti reported that CDOT has an additional \$107,000 from their Enhancement Grant Program that they have awarded to Eagle County for path and sidewalk projects. The County has offered to commit the grant money towards the Beard Creek & Berry Creek sidewalk extension project and they would like to see Edwards, Edwards Community Authority, Berry Creek, and the Medical Center pick up the remaining balance of \$160,000. Mr. Marchetti asked if the District would be interested in contributing up to \$40,000 in order to complete the project. After further discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve up to \$40,000 for the Beard Creek and Berry Creek Roads sidewalk extensions.

**Eagle River Preserve**

**Update** Director Bultemeier reported that no Eagle River Preserve meetings have been scheduled lately and there is no new update.

**Accounts**

**Payable** The Board reviewed the revised November accounts payable list and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the revised November accounts payable list as presented.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Edwards Metropolitan District Board of Directors this 18th day of November, 2010.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Cissy Olson".

Secretary for the Meeting