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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Edwards Metropolitan District June 16, 2011

A Regular Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on June 16, 2011 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
- Terry Benedickt

The following Director was absent and excused:

- Becky Bultemeier

Also in attendance were:

- James Collins, Esq., Collins Cockrel & Cole
- Ken Marchetti, Robertson & Marchetti, P.C. (via telephone)
- 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 June 16, 2011, 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 the agenda items. Director Erickson's Disclosure of Potential Conflict of Interest Statement was incorporated into the record of the meeting.

#### **Minutes**

The Board reviewed the May 19, 2011 Regular Meeting minutes. By motion duly made and seconded it was unanimously

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**RESOLVED** to approve the May 19, 2011 Regular Meeting minutes with revisions.

#### **Eagle River Preserve**

##### **Update**

Mr. Collins reported that while discussing the District's possible ownership of the Scudder Webster parcel with the County, they asked if the District may be interested in accepting ownership of the Eagle River Preserve parcel, located on Highway 6 west of Edwards, for operation and maintenance purposes. The Board indicated they would initially discuss the concept internally and could then invite someone from the County to discuss the pros and cons of this concept.

#### **Scudder/Webster**

##### **(East Lake Creek Ranch)**

##### **Open Space**

##### **Acquisition**

Mr. Collins presented a letter to Mr. Russell at the last meeting requesting Western Eagle County Metropolitan Recreation District's (WECMRD) consent to the District accepting ownership and shared responsibility for maintenance of the Scudder/Webster (East Lake Creek Ranch) open space parcel if no other public entities are available to accept ownership. Mr. Collins reported he has received the signed consent letter from WECMRD.

At the last meeting Commissioner Runyon asked if the District would consider accepting ownership of the Scudder Webster (East Lake Creek Ranch) parcel for operation and maintenance purposes. Mr. Collins drafted a letter notifying the County Commissioners of the District's acceptance to the proposal provided the maintenance costs will be shared between the County, the Homestead Property Owners Association, and the District. Mr. Collins announced that the County seemed receptive to the District's requests.

Mr. Marchetti presented a Memorandum of Understanding between Eagle County and the Homestead Owners Association (MOU) regarding the East Lake Creek Ranch Property. The MOU is a preliminary step to developing formal agreements concerning (1) access easements, (2) conservation easements, (3) use, and (4) improvements and maintenance. The final conveyance document should include provisions subject to the Conservation Easement and operation expectations so that the District is aware of the County's expectations.

During the County's due diligence on the Scudder/Webster parcel purchase they found that some adjacent property owners have encroached on the parcel. Mr. Marchetti reported that the County intends to send a letter to all property owners who are encroaching to notify them that they will not receive a prescriptive easement on the encroached property. However, the County has indicated they do

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not intend to place the conservation easement on the areas which have been encroached upon.

#### **Beard Creek/Berry Creek Sidewalk**

##### **Update**

The design changes to the Beard Creek and Berry Creek sidewalk extension have been completed and a bid of \$162,000 has been accepted. The County would like to include a contingency of an additional \$18,000 making the total cost of the project \$180,000. Eagle County has committed one half of the cost or \$90,000 and the Medical Center has committed 1/4<sup>th</sup> of the cost or \$45,000. Mr. Marchetti asked if the District would consider funding the remaining \$45,000 or 1/4<sup>th</sup> of the project. The Board discussed the request and by motion duly made and seconded it was unanimously

**RESOLVED** to approve funding \$45,000 towards the extension of the Beard Creek and Berry Creek sidewalks.

At 12:42 p.m. Mr. Collins left the meeting.

#### **Friends of Vail Mountain Rescue**

Mr. Collins announced that according to the Service Plan the District's legal authority to support the Mountain Rescue program is questionable. The Board discussed the Mountain Rescue funding request and agreed to decline the request.

#### **Edwards Community Authority**

##### **Update**

The Edwards Community Authority June meeting was cancelled.

Director Williams reported that the water meter located on the southwest corner of the Shell Station property located on the Edwards Access Road was not installed by American Civil Constructors (ACC) during the construction of the I-70 Interchange roundabouts, and ACC missed installing one sleeve of the roundabout irrigation system. Work towards completing the irrigation system is under way since it must be operational prior to installing the landscape plant materials.

#### **Financial Statements**

Mr. Marchetti reviewed the May financial statements and the 2012 preliminary forecast.

#### **Accounts Payable**

The Board reviewed the June accounts payable list and by motion duly made and seconded it was unanimously

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**RESOLVED** to approve the June accounts payable list as presented.

**Future  
Improvements**

The Board discussed the recent decline in property tax values and how to go about funding future improvements. After a short discussion the Board agreed to create a list of Edwards' projects.

**UERWA May 26**


**Meeting**

Director Simmons reported that the Upper Eagle Regional Water Authority (UERWA) has commissioned a water usage rate study to establish rates to encourage users to consume less water and discourage those who are using too much.

**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 16th day of June, 2011.

Respectfully submitted,



Secretary for the Meeting