
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT August 26, 2015

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., August 26, 2015 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

- Louis Kreig
- Jim Power
- Stephen Friedman (on phone)
- Jim Fraser
- Pam Elsner

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Jim Collins, BCMD General Counsel, Collins, Cockrel & Cole
- Ken Marchetti, Marchetti & Weaver LLC
- Kathy Lewensten, Marchetti & Weaver LLC
- Jen Brown, Executive Director, BCRC
- Elizabeth Jones, BCRC
- Jim Clancy, BC Public Safety
- Tim Baker, VR Village Operations
- Jeff Luker, BCPOA
- Barry Parker, BCPOA
- Tom Schouten, BCPOA
- Dave Eickholt, BCPOA
- Tim Maher, BCPOA
- Larry Graveel, BC Homeowner
- Tim Kelley, BC Homeowner
- Angela Kamby, Administrative Assistant, BCMD
- James Comiskey, Operations Manager, Comcast
- Andy Davis, Regulatory & Government Affairs Director, Comcast
- David Gibbs, Technician, Comcast
- Bill Nutkins, NDG Architecture

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Lou Kreig, Chairman of the Board, noting that a quorum was present. It was confirmed that prior to the meeting each of the Directors had been notified of the meeting and that

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written notice was duly posted at the Eagle County Clerk and Recorder's Office and at three public places within the District.

Conflicts

The Board noted that it had received certain disclosures of potential conflict of interest statements more than seventy-two hours prior to the meeting for each of the following Directors, indicating the following conflicts: Dr. Louis Kreig is a member of the Board of Directors for Beaver Creek Property Owners Association; Mr. James Fraser is a Director of the Beaver Creek Property Owners Association; Mr. James Power is a member of the Board of Directors for the Upper Eagle Water Authority; Mr. Stephen Friedman is a member of the Board of Directors for the Vail Valley Foundation and the Eagle River Water and Sanitation District; Ms. Pamela Elsner is a member of the Board of Directors for Vilar Guild Executive Board; the Board noted for the record that these disclosures are restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

Public Input

Comcast: In follow up to a homeowner request from the July meeting, three Comcast representatives attended the meeting. A discussion amongst homeowners ensued regarding the general dissatisfaction with the lack of customer service when cable and internet issues arise. The Comcast Director of Regulatory & Government Affairs shared a new call center in Spokane launched a modern monitoring software in May. The software will better assist the Company in continuing to offer innovative services and solutions, including the Tech Tracking & 2 hour service window. Business cards with distributed with contact numbers for future issues.

Election Resolution/Ballot Question

Mr. Collins offered two additional alternatives to add clarification to the ballot question. Alternative three offers a sunset provision expiring in year 2021, alternative four is without a sunset option, including the ability to annually adjust the amount collected. Upon motion duly made and seconded, it was unanimously

RESOLVED to adopt the amended alternative ballot question number three.

Mr. Collins will include a TABOR notice with alternative four, explaining the adjustable amount to collect annually to be \$1,000,000 or up to \$1,500,000 plus inflation.

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Chairman Kreig moved to adopt alternatives number three and four, which included no sunset provision. The motion died due to lack of a second. The BCPOA was clear in the lack of support of the ballot question.

Chairman Kreig moved to adopt the alternative three ballot initiative language for the operating mill levy increase calling for a sunset in 2021. Upon motion duly made and seconded, it was with a vote of four (4) ayes and one (1) nay, (Chairman Kreig).

RESOLVED to adopt alternative three for the November 2015 ballot initiative.

Chairman Kreig made a motion to adopt the election resolution with ballot question number 3. Upon motion duly made and seconded, it was unanimously

RESOLVED to adopt the election resolution with ballot question number three.

Minutes

The Board reviewed the minutes of the July 14, 2015 Special Meeting. The minutes will be revised to reflect adjournment. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the July 14, 2015 Special Meeting as revised.

The Board reviewed the minutes of the July 22, 2015 Regular Meeting. The minutes will be revised to reflect adjournment. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the July 22, 2015 Regular Meeting as revised.

Agenda

No changes were made to the agenda.

Future Meetings

The next regular meeting is scheduled for Wednesday, September 23, 2015 at the same time and location.

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Public Input

Encroachment: 133 South Fairway Drive. Mr. Simmons shared this request is a similar application to previous proposals on South Fairway Drive. This design will be completed with pavers, snowmelt, and a landscape pan assisting drainage in this particular area. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the easement request at 133 South Fairway Drive

155 Borders: Mr. Luker inquired on the status of the drainage issue on Borders Road. Mr. Simmons provide an update that all work will be completed by the hired contractor after Labor Day, 2015, including regrading of the easement.

Jake Brake: Mr. Schouten inquired about the Jake Brake regulations. The noise is excessive on the golf course. Mr. Clancy communicated all Public Safety vehicles have been equipped with decibel meters. Mr. Baker requested sending an immediate text to Public Safety to stop the vehicle before exiting Beaver Creek.

132 South Fairway Drive: Mr. Graveel expressed his concerns regarding drainage issues of water collecting in the easement. Mr. Simmons will visit the site to determine the level of involvement of the District.

BCPOA: Mr. Parker spoke on behalf of the BCPOA to convey their appreciation to the BCMD Board for working together on the ballot question.

General Manager Update

Fire Station Road: Paving was completed the week of August 20. Mr. Clancy is working with Mr. Simmons on the electronic gate. The guard rails will be installed this fall. Currently, the rain delay and topsoil excavation and backfill have the project approximately \$300k over budget, as noted in the financials. The geothermal drilling rig will move in today and continue for three weeks.

Fire Station Sale: An open house was held on Monday, August 17. Steve Cardinale expected a handful of visitors but was pleased with 35 attendees.

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Skiway Agreement: The Board is in a joint Skyway contribution agreement with the Beaver Creek Resort Company. The agreement expires annually but has not been renewed the last couple of years. Provided in the board packet is an updated resolution that will renew automatically, unless the agreement is terminated. The cost is 50/50 to a maximum of \$50k. Upon motion duly made and seconded, it was unanimously

RESOLVED to adopt the Skiway Contribution agreement.

Legal No legal update until executive session.

Financial Statements

Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the July 2015 preliminary financials as presented.

Accounts Payable The Board reviewed the Accounts Payable listing. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve and ratify the 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 Beaver Creek Metropolitan District Board of Directors held on August 26, 2015

Respectfully submitted,



Angela Kamby
Secretary for the meeting