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# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT December 11, 2013

The Special Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., December 11, 2013 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Louis Kreig
- Mike Balk
- Jim Power
- Ernie Elsner
- Bob Gary (by phone)

Also in Attendance were:

- Clyde Hanks, General Manager, BCMD
- Ken Marchetti, Robertson & Marchetti, PC
- Jim Collins, ESQ, Collins Cockrel & Cole (by phone)
- Jennie Fancher, BC Admin Assistant, BCMD
- Tim Baker, Beaver Creek Resort Company
- Bill Simmons, Vail Resorts
- Barry Parker, BCPOA Vice President
- Tim Kelley, BC homeowner
- Paul Miller, RMT Architecture
- Chad Salter, RMT Architecture
- Ric Fields,
- Ceil Folz, Vail Valley Foundation

### Call to Order

The Special Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Mike Balk, 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 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: Mr. Ernest Elsner is a member of the Board of Directors for Beaver Creek Property Owners Association; Mr. Michael Balk is a member of the Board of Directors for Beaver Creek Property Owners Association; Mr. Robert Gary is a member of the Board of Directors for Beaver Creek Property Owners Association, Vail Valley Foundation Board and the Vilar

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# RECORD OF PROCEEDINGS

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## Beaver Creek Metropolitan District December 11, 2013 Meeting Minutes

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Center for the Arts Committee; Dr. Louis Kreig is a member of the Board of Directors for Beaver Creek Property Owners Association; and Mr. James Power is a Director of the Beaver Creek Property Owners Association. 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.

### Minutes

The Board reviewed the minutes of the October 23, 2013, Regular Meeting. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes of the October 23, 2013 Regular Meeting.

The Board reviewed the minutes of the November 11, 2013, Special Meeting. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes of the November 11, 2013 Special Meeting.

The Board reviewed the minutes of the November 19, 2013, Special Meeting. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes of the November 19, 2013 Special Meeting.

### Agenda

Director Power requested a Water Authority update be added to the agenda.

### Future Meetings

The 2014 meeting schedule was introduced. The next meeting will be held on January 22, 2014.

### Public Input

**240 Borders Road:** Ric Fields, a landscape architect, presented a request for improvements in the BCMD easement for 240 Borders Road. The property improvements include boulders along the road edge of the property to prohibit people from parking on the lawn, as well as an address marker being placed in the easement. The Boulders will be placed two to three feet away from the edge of the road. The address marker will be five feet tall and stone faced. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the encroachment request to place boulders along the road in the BCMD easement; and to approve the address marker in the BCMD easement providing it be placed

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# RECORD OF PROCEEDINGS

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## Beaver Creek Metropolitan District December 11, 2013 Meeting Minutes

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approximately 15 feet from the asphalt edge, subject to Mr Hanks approval.

**262 Strawberry Park Court:** Chad Salter of RMT Architects presented the Board with an encroachment request for 262 Strawberry Park Court. The request is threefold and involves spreading out the driveway, installing a stairway that extends to the road, and installing an address marker. The address marker needs to be further from the road. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the encroachment request for 262 Strawberry Park Court providing the address marker is set off the road far enough to meet Mr. Hanks' satisfaction.

**Prater Road Parking Request:** Mr. Simmons presented the Board with a request for the use of Prater Road for overflow traffic on busy days during the ski season. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve parking along Prater Road for the dates requested by Mr. Simmons.

**Vail Valley Foundation Support:** Ceil Folz presented the Board with a request for help during the 2015 World Championships. The request includes continued maintenance of Dally, including preparation, setup and cleanup for the event, continued support with buses for the event, and \$100,000. The donation of \$100,000 was discussed, splitting it between 2013 and 2014 budgets. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the request for road maintenance along Dally, transportation, and \$100,000 related to the 2015 World Cup Championships; \$50,000 will be provided in 2013 and \$50,000 will be a provided in 2014.

### General Manager Update

**Fire Station Update:** Mr. Hanks updated the Board on progress related to acquiring land for a new fire station, noting the issue will be discussed in Executive Session. The District is moving forward with condemnation. Four dates at the end of January have been offered for a possession hearing but no date has been decided.

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# RECORD OF PROCEEDINGS

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## Beaver Creek Metropolitan District December 11, 2013 Meeting Minutes

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**Fire Contract Renewal:** Mr. Hanks informed the Board that negotiations continue. Data has been received detailing the number of times trucks enter the resort from Avon as well as the reasons. An agreement between both parties is closer.

**Insurance Claim Recovery:** The Board referred to the report included in the packet. Mr. Hanks noted a lamp post was knocked over at the Kiva and a report for the incident is being tracked down.

### Legal

No legal matters to discuss.

### Financial Statements

Mr. Marchetti presented the Board with the preliminary financials for October 2013. Mr. Marchetti noted there has been no known settlement in the Assessor's Office related to the two hotels appealing. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to accept the October 2013 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.

### Other Business

Director Power informed the Board of the ongoing negotiations related to the water agreement. Entities leave with the water they brought to the table to begin with but the issue being discussed is related to water purchased by the Authority over time and how the surplus water would be divvied up if the agreement was to be dissolved. It was discussed that an attorney should look at the agreement that has been drafted. Mr. Collins recommended sending it to Greg Perkins, noting it is a simple agreement and not involving technical aspects of water rights.

### Executive Session

Upon motion duly made and seconded, it was unanimously

**RESOLVED** to enter into executive session citing §24-6-402(4) (a) C.R.S. for the purpose of determining positions subject to negotiations related to the acquisition of property for a new fire station; and §24-6-402(4) (f) to discuss personnel matters relating to the renewal of the contract for the General Manager. The Board

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## RECORD OF PROCEEDINGS

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### Beaver Creek Metropolitan District December 11, 2013 Meeting Minutes

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entered into executive session at 10:02 a.m. and adjourned the executive session at 9:41 a.m.

Upon returning from executive session the Board took the following action. Upon motion duly made and seconded, it was unanimously

RESOLVED to renew the annual employment contract of Mr. Hanks.

#### **Adjournment**

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

RESOLVED to adjourn the Special Meeting of the Beaver Creek Metropolitan District Board of Directors held on December 11, 2013

Respectfully submitted,



Jennie Fancher

Secretary for the meeting