
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT May 23, 2012

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., May 23, 2012 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
- Ernie Elsner
- Mike Balk – on phone
- Bob Gary – on phone

Also in Attendance were:

- Clyde Hanks, General Manager, BCMD
- Ken Marchetti, Robertson & Marchetti, PC
- Jennie Fancher, BC Admin Assistant, BCMD
- Samuel Parker, Director of Beaver Creek Public Safety
- Bill Simmons, Vail Resorts
- Tim Maher, BCPOA President

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Lou Kreig, Acting 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 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

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District May 23, 2012 Meeting Minutes

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 April 25, 2012 Regular Meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the April 25, 2012 Regular Meeting.

Agenda

No changes were made to the agenda.

Future Meetings

The next regular meeting is scheduled for Wednesday, June 27, 2012 at the same time and location.

Public Input

No public input was made.

Oaths of Office

Two Board members had been re-elected in the May election for terms through 2016. The Oath of Office was executed by Directors Kreig and Power.

Election of Officers

The Board discussed the election of officers. It was decided the current slate of officers would remain unchanged. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the following officers:
Director Balk as the Chairman/President of the Board.
Director Elsner as Vice Pres, Assistant Secretary/Treasurer
Director Gary as Vice Pres, Assistant Secretary/Treasurer
Director Power as Vice Pres, Assistant Secretary/Treasurer
Director Kreig as Vice Pres, Assistant Secretary/Treasurer
Mr. Marchetti, Secretary

Appointment of Delegates

The Board discussed the delegates it would need to appoint to Upper Eagle Regional Water Authority (UERWA) board. The Board appointed Director Power as the delegate with Mr. Hanks as the first alternate. Upon motion duly made and seconded, it was unanimously

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District May 23, 2012 Meeting Minutes

RESOLVED to appoint Director Power as the delegate to UERWA, with Mr. Hanks as the alternate.

General Manager Update

Fire Station: Mr. Hanks reported the fire station is moving forward with most of the efforts going toward reviewing and preparing the PUD amendment for the current site, to allow for residential property construction. Directors Power and Kreig are working with Mr. Hanks, the PR consultant, the land planner, and the architect on the matter. The group is anticipating a filing for the property at the end of June, with approval following sometime in September. The PUD amendment is an important step before putting the property out to bid.

Mr. Hanks had a meeting with Alex Iskenderian of the Vail Resorts Development Corporation revealing the density allocations in place for Village Walk can be extended to the existing fire station location. 38 units were originally approved for Village Walk, it was built out at 26, leaving 12 unused units. There will be a meeting at the end of May or early June between Mr. Iskenderian, the lawyers, and the BCMD group regarding the land trade for a new station, examining the term sheet for the land trade, and working on negotiating points.

All Beaver Creek property owners in Beaver Creek will be notified of the PUD amendment. The county takes care of the mailing, BCMD may be asked to cover costs of postage. The Fire District is behind Beaver Creek building a new station.

Encroachments: Mr. Hanks reported that a letter was sent to the owner of Lot 6 on Elk Track Court stating that BCMD has a right to control what is in its easement and might exercise the right going forward. The property owner forwarded the letter to an attorney and Mr. Hanks has scheduled a meeting with the attorney to clarify what is in the BCMD easement. The owner of Lot 5 is not moving forward quickly as the building envelope issues are complex.

Insurance Claims: The Board referred to the report included in the packet. All costs associated with incidents to-date have been recovered.

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District May 23, 2012 Meeting Minutes

Phone System: Mr. Hanks reported improvements to the conference phone system are being examined. It was decided to implement a podium, microphone and speaker system for the next meeting.

ERFPD Negotiations: Mr. Hanks reported no changes have occurred related to negotiating a new contract with ERFPD. Jennifer Cartmell-Hays has replaced Ed Obrien as president of the ERFPD.

Legal

No legal issues were presented.

2011 Audit

Mr. Marchetti presented the 2011 Audit. Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the 2011 Audit.

Financial Statements

The Board reviewed the April 2012 preliminary financial statement included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the April 2012 preliminary financials as presented.

Accounts Payable

The Board reviewed the Accounts Payable listing that had been included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve and ratify the accounts payable list as presented.

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) (e) to discuss positions related to negotiations with the BCRC related to the 1999 Transportation Agreement. Board entered into executive session at 9:04 a.m. and adjourned the executive session at 9:57 a.m.

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District May 23, 2012 Meeting Minutes

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 May 23, 2012.

Respectfully submitted,



Jennie Fancher

Secretary for the meeting