
RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT July 23, 2014

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., July 23, 2014 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
- Jim Fraser
- Pam Elsner

Also in Attendance were:

- Clyde Hanks, General Manager, BCMD
- Ken Marchetti, Robertson & Marchetti, PC
- Jim Collins, ESQ, Collins Cockrel & Cole
- Jennie Fancher, BC Admin Assistant, BCMD
- Tim Baker, BCRC
- Jim Clancy, BC Public Safety
- Liz Jones, BCRC
- Jim Lee, BC homeowner
- Tim Maher, BCPOA
- Barry Parker, BCPOA

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 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 Power is a Director of the Beaver Creek Property Owners Association; Mr. James Fraser is a Director of the Beaver Creek Property Owners Association; Mr. Stephen Friedman

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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; and, 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 June 18, 2014, Special Meeting. Chairman Kreig noted the subcommittee created to follow up on the Restrictive Covenant Acquisition should be amended to reflect the appropriate representatives, replacing his name with that of Director Friedman. The subcommittee consists of Directors Friedman and Fraser. Director Power asked that the minutes show that Mr. Hanks as the first alternate for the UERWA Board and Director Elsner as the second alternate. It was also noted that the distribution list should be updated to list the appropriate positions of the Directors. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the June 18, 2014 Special Meeting with the suggested changes, replacing Director Kreig with Director Friedman on the Restrictive Covenant Acquisition subcommittee, noting Mr. Hanks as the first alternate for the BCMD representative for the UERWA Board, and updating the Board's titles on the distribution list.

Agenda

Chairman Kreig added the discussion of Project Legacy to the agenda. Director Power added the discussion of the UERWA agreement to the agenda. Mr. Hanks added that Mr. Baker will discuss bus wrapping in the Public Comment section of the agenda and Mr. Hanks will discuss the bridge repair contract under the General Manager's Report section of the agenda.

Future Meetings

The next regular meeting is scheduled for Wednesday, August 27, 2014 at the same time and location. Director Friedman noted he will not be in attendance at the September meeting.

Public Input

Mr. Baker informed the Board of a Vail Valley Foundation request to wrap two of the parking lot buses. The wraps will promote the 2015 World Championships and are currently on five or six ECO buses. Director Friedman inquired how long the wraps will remain on the buses after the

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championships are over. Mr. Baker responded the unwrapping will be up for discussion. Director Friedman noted the subject should be revisited after the event to decide how long the buses should remain wrapped. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the wrapping of two of the buses used in the parking lot bus system, with a follow-up after the championships to determine the timing for their unwrapping.

General Manager Update

Bridge Repair: Mr. Hanks informed the Board that the Oxford Court Bridge and the Skier Bridge that spans across Village Road to the base of Strawberry Park are owned by the Metro District. Both bridges are in need of repair and \$150,000 has been budgeted, \$50,000 per year for the next three (3) years, to do so. This year's focus is on the Oxford Court Bridge. The work went out to bid, three bids were received, two of which were competitive. The two competitive bids assumed 12 days of traffic control but subsequent analysis revealed that six (6) days is a more likely scenario. The bids were recast using six (6) days of traffic control at the bidders' daily cost resulting in a bid of \$79,472 from Phoenix Industries and \$66,680 from Matsen Enterprises. While these numbers are higher than the \$50,000 budgeted it is less than the \$75,000 total expected for the full bridge repair. There are enough monies in the contingency fund to make up the difference. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the hiring of Matsen Enterprises to repair the Oxford Court Bridge.

Fire Station: Mr. Hanks referred to the schedule in the Board Packet for the building of a new fire station. It appears there will be a delay in the building and construction of the new road due to the fact that part of it will go through a wetlands area. The wetlands issue will need to go through the Army Corps of Engineers, which is backed up with a heavy workload. This could cause a three (3) month delay, placing the completion of a road this fall at risk. The road cannot be re-routed because of utilities, which would have a great expense to move do to necessary road re-grading. Mr. Maher noted his success with the Army Corps of Engineers after contacting the manager directly. Mr. Hanks will move forward with trying to get the Army Corps of Engineers engaged.

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Restrictive Covenant Acquisition: The Restrictive Covenant And Restrictive Agreement have been secured. The bonds were sold, money received and Vail Resorts has been paid. Director Friedman inquired as to whether the final agreement was reviewed by an attorney. Both BCPOA attorney Lew Harstead and BCMD attorney Jim Collins thoroughly reviewed the agreement and related maps. BCPOA president Barry Parker thanked the Metro District for all of its hard work on getting the deal completed.

Insurance Claim Recovery: The Board referred to the report included in the packet. Mr. Hanks noted no new claims have been filed.

Village Road Crosswalk: Director Elsner relayed her concern about the safety surrounding the Village Road crosswalk near the intersection of Beaver Creek Drive. The tall weeds make seeing pedestrians at the intersection difficult and poor signage makes it difficult for approaching vehicles. Mr. Clancy, director of Beaver Creek Public Safety, noted he is working with BCMD supervisor Mark Miscio on creating more consistency with signage at crossings throughout the resort. It was also discussed to paint reflective paint on the crosswalks. The Prater Road intersection was discussed as well, noting cars swing wide, drifting into the turn lane. Director Friedman noted his desire to examine installing a sign coming down Village Road, ahead of the Prater Road curve, stating "Through Traffic Stay Right". Director Friedman noted the issue of shrubbery in the roundabout on Prater Road creating a visual obstacle as well. Mr. Clancy stated he would take a look at the roundabout with the appropriate people from Bachelor Gulch. While the signage could be improved, Director Fraser warned of the issue when too much signage is present in a community.

Legal

Election Resolution: Mr. Collins referred to the election resolution in the Board Packet, calling for a ballot issue for funds to benefit the Vilar Center. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the the Election Resolution for the November, 2014 ballot.

Mr. Collins referred to the Bylaws information in the Board Packet. Upon motion duly made and seconded, it was unanimously

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RESOLVED to approve the Bylaws for the Beaver Creek Metro District.

Mr. Collins referred to the supplemental information distributed to the Board designating Robertson and Marchetti as the Custodian of Records. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve Robertson and Marchetti as the designated custodian of records for the Beaver Creek Metro District.

Equipment

Lease

Mr. Marchetti discussed the lease purchase of the new street sweeper, packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the Wells Fargo proposal as presented, financing \$241,000 over five (5) years with a 2.64% interest rate for the lease purchase of the new street sweeper.

Financial

Statements

Mr. Marchetti referred to the packet, noting the 2014 forecast column has been updated. Mr. Marchetti's conservative estimate is that there will be a balance of \$2 million at the end of 2014. Mr. Marchetti noted the District will look into financing the construction costs of the fire station in the first half of 2015. Financing may be unnecessary if the current site is sold first. Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the June 2014 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.

UERWA

Agreement

Director Power updated the Board on the status of the UERWA Agreement. The Board had previously accepted the Agreement but the Agreement has since been nullified as the Town of Avon has substantive changes to the Agreement.

Project

Legacy

Chairman Kreig noted his desire to revisit Project Legacy after the 2015 World Championships. Items to be examined include the implementation of bike lanes on Village Road and guardrails on Holden Road. Chairman

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Kreig requested input from the Board, noting there are copies of Project Legacy available in the office as well as online.

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 sale of property where the current fire station is located; and §24-6-402(4)(e) to discuss an MOU with the VVF related to the 2015 World Championships. The Board entered into executive session at 9:40 a.m. and adjourned the executive session at 10:26 a.m.

Fire Station

The Board discussed the hiring of a contractor for the construction of a new fire station. Mr. Collins mentioned the ability to receive statements of qualifications for contractors for building the road to the new site. The road could be built with the exception of the wetlands area. If the road is built this fall it will allow for construction of the station to start in the spring. Mr. Collins suggested the Board adopt an Integrated Project Resolution, a standard resolution, with the caveat that if questions or concerns arise they can be brought up at the August meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve an Integrated Project Resolution drafted by Mr. Collins and attached hereto allowing the District to use “best Value” to hire a contractor to construct a road to the new fire station site.

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 July 23, 2014

Respectfully submitted,



Jennie Fancher
Secretary for the meeting