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# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT September 25, 2013

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., September 25, 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
- Ernie Elsner
- Bob Gary (by phone)

Absent and excused were Directors:

- Jim Power

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, Beaver Creek Resort Company
- Bill Simmons, Vail Resorts
- Sam Parker, BC Public Safety
- Brian Judge, Architect, VAG Architects
- Barry Parker, BCPOA Vice President
- Jeff Luker, BCRC

### Call to Order

The Regular 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 Center for the Arts Committee; Dr. Louis Kreig is a member of the Board

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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 August 28, 2013, Regular Meeting. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes of the August 28, 2013 Regular Meeting.

### Agenda

No changes were made to the agenda.

### Future Meetings

The next meeting is a Budget work session scheduled for Wednesday, October 2, 2013.

### Public Input

Clyde Hanks introduced the subject of an encroachment agreement for 89 Elk Track Court, also referred to as Lot 5. The issues with Lot 5 and the adjacent Lot 6 were originally brought before the Board 18 months ago, the biggest issue being that the owners of Lot 6 built in the BCMD easement and the ski access meant solely for Lot 6 was pushed onto Lot 5. Brian Judge, an architect with VAG Architects, presented the Board with information related to the encroachment request. It was noted that Director Power, the Director assigned to look at development on Lot 5 and issues with Lot 6, is in approval of the encroachment request. A retaining wall is necessary for the design and safety of the driveway, which will in turn force the skier easement back to Lot 6 where it belongs. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the encroachment request for 89 Elk Track Court, Lot 5.

### General Manager Update

**Fire Station Analysis:** Beaver Creek homeowners at the August meeting brought forth questions and requested answers related to costs of building a new station at the current site as well as the impact on a longer response time and how that may affect insurance premiums. Mr. Hanks referred to the report in the packet which outlined the specific questions and the initial feedback. The lot by the water tower is 1,867 feet further away from the current site, increasing response time by 46 seconds. The fire chief noted there are 3 companies that conduct fire department planning and analysis. This job appears to be on a much smaller scale and may not be worthy of a study. The cost of such a study is unknown and could be anywhere from

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\$5,000 to \$50,000. On average response times in Beaver Creek are the fastest in the County. Mr. Hanks noted he would contact the 3 largest insurance companies servicing properties in Beaver Creek to ascertain the affect on premiums. Building in the current location involves finding a temporary location for trucks and personnel during the construction process. Mr. Hanks reported he met with the architect of the current station, Jack Zehren, who will have an estimate for rebuilding on the current site next week. The issue of building in the current location versus moving to a new location has been studied extensively by the Board. Mr. Hanks will get insurance estimates and alert the Lowes and the Myers before the next meeting. A ladder truck called a Quint is estimated to cost between \$800,000 and \$1.1 million. Income from the sale of the current site would be enough to build a new station and buy a ladder truck. As a matter of law BCMD is not capable of providing indemnification.

**Fire Contract Renewal:** Mr. Hanks, Director Gary and Director Power continue to make progress with the ERFPD. The direct costs have been examined and there appears to be one issue left to work out. ERFPD believes BCMD should be paying for mutual aid. What that number is needs to be determined.

**Guardrails:** The guardrails are being installed and the rock wall construction will begin later this week or early next week. The guardrails are going in quicker than expected and the stonework is weather dependent.

**Roadwork:** The patching has been completed and the ditch work will start next week.

**Skier Bridge Repair:** The repair costs for the Kiva Bridge damage will be covered by the insurance settlement. Mr. Hanks is still waiting for cost estimates for the other bridges.

**Prater Road Curve:** The current road striping is being grinded off and the new striping should be in place later this week or early next week.

**Homeowner Gates:** Mr. Hanks noted an increase in requests with the DRB for individual homeowner gates. These gates are a challenge for the Fire Department and Public Safety. The gates are not in the BCMD easement but Mr. Hanks inquired as to whether the Board thought it would be a good idea to submit a request to the DRB to not permit future requests for individual homeowner gates as they slow down emergency response. Mr. Hanks was directed to write a letter to the DRB requesting the prohibition of individual homeowner gates in the future.

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

## Transportation Agreements

Mr. Hanks noted there are no substantive changes in the Transportation Agreements. Mr. Baker noted there will be an increase in service hours during peak periods associated with Dial-A-Ride. These changes will be minor and the BCRC incurs additional costs. Director Elsner noted there is no substantiation with the Inter Village Agreement. It was noted that Arrowhead added an additional route and Bachelor Gulch added a few additional routes. Service has been reduced since 2008 but the percentages have stayed the same. Mr. Luker noted the fixed rate of 40% seems high. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Dial-A-Ride Transportation Agreement and,

**FURTHER RESOLVED** to approve the Parking Lot Bus Transportation Agreement.

Upon motion duly made and seconded, it was by a vote of 3 ayes and 1 nay (Director Elsner)

**RESOLVED** to approve the Village to Village Transportation Agreement.

## Vehicle Maintenance Contracts:

Two maintenance contracts were presented to the Board related to BCMD vehicle and equipment maintenance and Bus maintenance with the Town of Avon. Mr. Hanks noted there are no substantive differences in the contracts.

The Vehicle and Equipment Maintenance Agreement with the Town of Avon was discussed. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the BCMD Vehicle Maintenance Agreement with the Town of Avon.

The Parking Lot Bus Maintenance Agreement with the Town of Avon was discussed. Upon motion duly made and seconded, it was unanimously

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**RESOLVED** to approve the Parking Lot Bus Maintenance Agreement with the Town of Avon.

## Legal

Mr. Collins noted there is nothing to report other than items for Executive Session.

## Financial Statements

Mr. Marchetti presented the Board with the preliminary financials for August 2013, noting the District is on track with revenues and expenditures while deferring capital expenditures. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to accept the August 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.

## 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; The Board entered into executive session at 10:08 a.m. and adjourned the executive session at 10:33 a.m.

## 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 September 25, 2013

Respectfully submitted,



Jennie Fancher  
Secretary for the meeting