
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT March 23, 2011

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., March 23, 2011 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

- Mike Balk
- Louis Kreig
- James Power
- Robert Gary
- Ernie Elsner

Also in Attendance were:

- Clyde Hanks, General Manager
- James Collins, Esq, Collins Cockrel & Cole
- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Jennie Fancher, BC Admin Assistant,
- Kathy Lewensten, Recording Secretary
- Sam Parker, BC Public Safety
- Bill Simmons, Director of Operations
- Dawn Friedman, BCPOA
- Tim Baker, BCRC Executive Director
- Steve Young, Beaver Creek Club

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director 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 and a director of the Vilar Center for the Arts; Mr. Robert Gary is a

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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 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 February 23, 2011 Regular Meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the February 23, 2010 Regular Meeting as presented.

Agenda

No items were added to the agenda.

Future Meetings

The next regular meeting is scheduled for Wednesday, April 27, 2011 at the same time and location.

Tennis Court Parking

Mr. Young addressed the Board requesting consideration of on street parking by the tennis courts. He handed out a proposal. The proposal requested allowance of parallel parking along the south side of Offerson Road by the tennis courts. He explained the roadway has been utilized in this manner during peak hours for some time. He was requesting acknowledgement and permission from the District for the parking along the roadway to continue. He stated the overflow parking would generally be needed in the morning between 9:00 a.m. and noon, with up to 22 cars utilizing the overflow parking. The cars do encroach a bit on the roadway but are not located by any curves. The area does not appear to have sufficient room for any roadway improvements which may allow for additional parking. Mr. Simmons commented any parking should only be on one side of the roadway and suggested public safety could help coordinate and monitor the parking. The Board asked for a map of the area showing the section being used for the parking. Mr. Hanks questioned whether this would be a District or Public Safety (BCRC) decision. Mr. Parker cautioned against approval of parking along any Beaver Creek roadways.

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The Board was unclear if this approval was part of the District's jurisdiction and asked staff to look into the matter. The matter was tabled to the next meeting.

General Manager Update

Fire Station: Mr. Hanks reported there is a meeting scheduled later today with Mr. Lovell and the fire station committee to discuss the potential relocation of the roadway and the proposed location of a fire station by the water tank. He will report to the Board after the meeting. Director Balk asked if there is an overall view or plan of the improvements related to the 2015 world championships which might be available to help the Board understand what improvements are planned and their location. Mr. Simmons thought Mr. Allander would have this information.

Mr. Hanks reported any relocation of the fire station would not impact the ISO rating of the District. He continues to work with Ms. Mulson regarding the District's ISO rating. It appears the District may be able to decrease the ISO rating from 5 to 4 by making improvements in required documentation. Mr. Hanks requested permission to hire a retired ISO inspector to help review and improve the documentation. He stated the estimated cost for the retired ISO inspectors services would be approximately \$2,000. The Board asked what impact a reduction in the ISO rating would have on insurance rates, whether it would be significant. Mr. Hanks will contact insurance companies to obtain an estimate of what cost savings may be expected. Director Gary stated the District may be able to obtain an ISO rating of 4 but did not expect it would be able to obtain a rating of 3. The Board asked Director Gary to meet with Mr. Hanks and Ms. Mulson for discussions related to the ISO rating.

Project Legacy: Mr. Hanks reported BCRC is moving forward with obtaining bids for the project legacy sign work proposed for this year. The bids will be due by April 22nd, with a decision expected around April 24th. The bid package will include all signs as specified in the manual provided by Design Workshop with the installation being done in mid-June. Depending on the cost of the final bid portions of the project may be postponed as there is only a limited amount of funding for this year. It is anticipated the core village signs, the wayfinding signs and the signs along Village

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Road will be done, with stop/yield/crosswalk signs included if the funding allows.

Director Elsner questioned whether the sign project had followed proper procedure for formal approval before moving forward with a bid. He stated no project legacy committee meeting had been held to approve this project directly. Mr. Hanks explained the project legacy committee had approved the overall project. The sign manual just defines in more detail what was approved in the overall plan. Director Balk explained the sign project had been presented at the District's regular meeting in February and the Board had approved moving forward with the project at that time. Director Elsner stated his expectation is that the individual projects will go through the formal process of being presented to the project legacy committee for preliminary approval with the respective members then going to their boards with recommendations for or against moving forward with the individual projects. He objected that this was not done with the sign project. Ms. Friedman asked if the BCPOA representative on the project legacy committee would have a vote on future spending decisions related to the individual projects. It was pointed out the financial decisions as to how much money is available each year are an individual board decision for the District and BCRC, not a project legacy committee decision. The community has had access to project legacy information for review and comment for some time. If there are aesthetic design changes or material changes in the projects those would need to be approved by the committee however financial decisions will be made by the individual boards.

Encroachments: Mr. Hanks stated the denied encroachment that was discussed at the last meeting will not be asking for any waivers as it has been redesigned by the architect.

Insurance Claims: There are no claims currently outstanding.

Comcast: The Board turned its attention to the memo provided by Mr. Collin's office concerning the agreement with Comcast. Mr. Collins explained in 1996 the District had sold the cable TV related assets to the cable provider. Comcast is the current successor to the agreement. Comcast pays the District 4% of the total cable fees they collect. In 2010 the District received approximately \$67,000. Mr. Collins reviewed the terms of the

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agreement noting it had expired on February 7, 2011. The Agreement is subject to an automatic 5 year extension upon request by Comcast. The District has not yet received a request for an extension. It was pointed out the Town of Vail had recently negotiated with Comcast for upgrades to their service. It is believed Comcast will be performing the upgrades this summer. The Board discussed new technology and enhancements that would be nice to have as part of the service. The Board directed Mr. Hanks to work with Mr. Collins in drafting a letter to Comcast requesting consideration of upgrades to the technology serving Beaver Creek.

Roadway Update: Director Power asked if there was still a flashing light located by the curve at the golf clubhouse. Mr. Hanks explained the light was not effective and had been removed. A speed sign that is attached to the sign pole has been ordered. It will display the speed of the vehicle and flash if a vehicle is speeding. It will also collect data on the number of vehicles and their speed for informational purposes.

Mr. Hanks stated the Holden Road project will continue this spring. The downhill driveways which were fixed last year did not appear to have issues with heaving this winter. The uphill driveways were still affected and will be done this year.

Mr. Hanks reported Village Road is experiencing some road deterioration such as alligating and potholes due to the weather. Staff will be using cold patch where possible, however there is one section that will be fixed with an infrared patch in the near future. Any work done now will need to be redone as part of the overall patching later this year.

Financial **Statements**

The Board reviewed the February 2011 preliminary financial statement included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to accept the February 2011 preliminary financials as presented.

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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 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 March 23, 2011.

Respectfully submitted,
/s/ Kathy Lewensten

Kathy Lewensten
Secretary for the meeting