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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 April 27, 2011

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., April 27, 2011 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Mike Balk (via phone)
- Louis Kreig
- James Power
- Robert Gary (via phone)
- Ernie Elsner (via phone)

Also in Attendance were:

- Clyde Hanks, General Manager
- James Collins, Esq, Collins Cockrel & Cole (via phone)
- 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
- Tim Baker, BCRC Executive Director
- Steve Young, Beaver Creek Club
- John Forstmann, Property Owner
- Tim Maher, BCPOA

### Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director 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 and a

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director of the Vilar Center for the Arts; 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 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 March 23, 2011 Regular Meeting. Upon motion duly made and seconded, it was unanimously

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

### Agenda

No items were added to the agenda.

### Future Meetings

The next regular meeting is scheduled for Wednesday, May 25, 2011 at the same time and location.

### Tennis Court

Mr. Forstmann explained he was appearing at the request of the tennis club board as their representative to address the matter of on street overflow parking by the tennis courts. He noted for some time cars have utilized the south side of Offerson Road for overflow parking during peak times at the tennis center. He stated there have been significant investments in improvements at the tennis center in the past year. He requested acknowledgement and permission from the District for overflow parking to continue in the same manner. There have been no incidents at the site or issues raised regarding the parking. The area does not appear to have sufficient room for any roadway improvements which may create additional parking. At the last meeting the Board had requested clarification of whose jurisdiction this would fall under. Mr. Collins explained the District owns the roads therefore it has authority over the Roadways. He went on to explain in the past the District has worked jointly with BCRC in matters related to the road regulations. He suggested a joint resolution be considered. The resolution could acknowledge the continued use of the roadway by the tennis court for overflow parking as an exception

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to the road regulations. After discussion the Board determined it will look at the matter again in a year to see if any issues arose. If any issues arises sooner the District has the ability to disallow the overflow parking at any time. Mr. Baker stated BCRC was not opposed to continuing the parking as described and done in the past. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve a resolution which acknowledges an exception to the road regulations for continued overflow parking in the summer months along the South Side of Offerson Road by the tennis center as has been done in the past.

### General Manager Update

**Comcast:** Mr. Hanks reported the District has received a letter from Comcast stating their intention to elect to automatically extend the agreement for an additional five years through February 2016. He has not received much information regarding the status of upgrades to the type of services provided. He will be asking Comcast's representative to attend the May meeting. He reported amplifiers currently in use by Comcast are located primarily underground making them hard to access in the winter months for repairs. Comcast would like to move the amplifiers to pedestals above ground. It is expected they will be relocating these throughout the coming months. Mr. Hanks will ask Comcast to keep the District informed regarding any pedestal that will be located in a District easement.

**Fire Station:** Mr. Hanks reported a meeting had been held with Mr. Lovell concerning the potential fire station location by the water tank. There are wetlands at the site so there would be a cost associated with wetlands remediation. It is expected the cost of mitigation would be approximately \$30,000. The zoning and location of the lot within the zoning is being verified. Director Kreig reported he had received verbal comments from a home owner regarding the relocation of the fire station. The Board tabled the matter to executive session.

**ISO rating:** Mr. Hanks presented information concerning the impact of a reduced ISO rating on insurance rates. For a residential home a reduction in the ISO rating from 5 to 4 would not cause any reduction in rates. For a commercial property the

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same reduction in ISO rating would lower the rate by 8% to 13%. He had contacted ISO/Slayer a consulting firm staffed by retired fire inspectors regarding their services. They offered to review the Districts ISO rating sheet to see if there may be a chance to lower it. The initial review would be done at no charge. They will provide a proposal if it appears they could lower the rating.

**Project Legacy:** Mr. Hanks reported BCRC has received four bids for the project legacy sign work. The bids will be reviewed and compared this afternoon. The bids reflected costs of \$350,000 to \$400,000 for the entire project. The current year budget was for \$200,000 that would be split 50/50 between BCRC and the District. The main entryway monument signs were included and if removed the bids would be reduced by approximately \$50,000. Mr. Hanks and Mr. Baker will try to negotiate pricing to get the most value for the budget. Mr. Hanks stated the final bid will be brought to the May meeting reflecting the work that will be completed for the budgeted amount and what the cost would be to complete the remaining portions of the project.

**Village Road:** Mr. Hanks reported several pot holes along Village Road have been repaired using infrared and cold patch. An in depth review of the roadways condition will be presented at the June meeting.

**Insurance Claims:** There are no claims currently outstanding.

### Legal

Mr. Collins referred to the memo included in the packet regarding the opportunity to hold a TABOR election in November 2011. The Board acknowledged it was not intending to hold an election in November.

### Financial Statements

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

**RESOLVED** to accept the March 2011 preliminary financials as presented.

### Accounts Payable

The Board reviewed the Accounts Payable listing that had been included in the packet. Director Elsner stated he had not received

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the listing so would abstain from the vote. Upon motion duly made and seconded, it was by a vote of four (4) Ayes and one (1) abstention

**RESOLVED** to approve 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) (e) C.R.S. for the purpose of determining positions subject to negotiations related to the fire station relocation. The Board entered into executive session at 9:25 a.m. and adjourned the executive session at 9:55 a.m.

Upon return to regular session the Board appointed Director Gary to replace Director Kreig on the fire committee.

**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 April 27, 2011.

Respectfully submitted,  
*/s/ Kathy Lewensten*

Kathy Lewensten  
Secretary for the meeting