
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT February 24, 2010

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., February 24, 2010 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

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

Also in Attendance were:

- Clyde Hanks, General Manager
- Jim Collins, Esq, Collins Cockrel & Cole
- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Kathy Lewensten, Recording Secretary
- Jennie Fancher, BC Admin Assistant
- Tony O'Rourke, BCRC
- Dawn Friedman, BCPOA
- Chief Charlie Moore, ERFDP
- Jennifer Cartmill, Director ERFDP
- Karl Bauer, Deputy Chief, ERFDP
- Eric Jorgensen, Esq, Collins Cockrel & Cole

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. Director Balk 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

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Directors for Beaver Creek Property Owners Association and a 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 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 January 27, 2010 Regular Meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the January 27, 2010 Regular Meeting as presented.

Future Meetings

The Board reviewed the 2010 meeting dates schedule included in the packet. The next regular meeting is scheduled for Wednesday, March 24, 2010 at the same time and location.

Agenda

No changes were made to the agenda.

Public Input

No public comment was offered.

Type 3 Wild Land Fire Engine

Chief Moore presented the proposal for a type 3 wild land fire truck which had been included in the packet. The vehicle had been brought up for viewing earlier this month. The cost of the vehicle would be approximately \$245,000 with a May delivery date. The truck will be kept at the BC fire station and will display the BCMD logo. Mr. Hanks reported the truck will be an improvement over the current vehicle as the type 3 truck is better suited for use in the terrain surrounding Beaver Creek. Deputy Chief Bauer informed the Board of Colorado Mountain College's need for training vehicles for the fire science program. He suggested the Board consider placing the replaced wildland fire vehicle with CMC for use in training. The residual value of the vehicle is approximately \$5,000. The Type 3 wildland truck purchase is a part of the

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District's 2010 budget. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the purchase of a type 3 Wild Land Fire Engine from Boise Mobile Equipment as proposed, and

FURTHER RESOLVED to provide the replaced Wild Land Fire Engine to CMC for use in the fire training program if so requested.

General Manager Update

Speed Dips: Mr. Hanks reported he has received complaints concerning speeding at the curve by the golf club on Offerson Road. Ms. Friedman stated there had been a suggestion the District look at installing a "speed dip" in the area. Mr. Hanks is reviewing several traffic control methods for the area, including speed dips, speed bumps, or additional signage. If a speed dip or bump is installed one concern is that the dip or bump may cause an out of control vehicle to become more unstable. Speed dips or bumps are most effective on straight level roadways, this particular section of road is downhill and curved. Mr. Hanks noted the District does have temporary speed bumps that could be installed for a trial period. Mr. O'Rourke remarked additional ambient noise would be created with any type of speed bump or dip which may be undesirable in that location. The Board discussed the option of placing a series of signs, perhaps with flashing lights, prior to the curve to warn traffic. Mr. Hanks will check with Public Safety to see how many incidents have occurred in the area. The Board directed Mr. Hanks to bring back options for review at the next meeting.

Village Road: Mr. Hanks handed out a memo from Mr. O'Rourke regarding BCRC's ability to help fund the Village Road portions of Project Legacy. Mr. O'Rourke explained BCRC was open to a funding agreement similar to the one drafted in Spring of 2009. That agreement included a one to three year repayment schedule of any advances made by the District and set forth a variable interest rate from 3% to 6% depending on the length of time of repayment. Mr. O'Rourke noted the project legacy items BCRC was interested in considering were the Prater Road Intersection Improvements and the Village Road Guardrail Enhancement. These have an

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approximate total cost of \$973,265 of which BCRC would pay half.

Director Balk reported after attending the BCPOA executive committee meeting it does not appear there would be adequate support for a debt question in the May 2010 election. At their meeting BCPOA expressed a desire to have more information regarding the current condition and technical aspects of the Village Road project. They suggested the District consider hiring an independent engineer to re-evaluate the Village Road data and to provide recommendations for a course of action with a related timeline and engineer's estimate of cost. Director Power stated he would like to have a meeting devoted to reviewing the technical aspects of the project. He explained he felt the data had been presented in bits and pieces over several meetings and in order to better understand and define the project as a whole a comprehensive presentation would be beneficial. After further discussion, the Board determined it would like to have the current engineers, Alpine and Schmueser Gordon Meyer, and Dale Decker, the asphalt specialist, present a thorough in depth review of the technical aspects of the Village Road analysis and current recommendations at the March meeting. The Board would then be able to determine if more analysis is needed. If it is determined more analysis would be of value, the data could be provided to an outside firm for review. Director Elsner stated he was not comfortable with contractors providing the cost estimates and strongly encouraged obtaining an engineers cost estimate to see how it compared. Director Balk pointed out there may be economic advantages to moving forward with the project sooner rather than later based on an anticipated rise in interest rates and construction costs. Director Gary disagreed stating the opposite may be true as well; there may be financial advantages to moving later rather than sooner on the project. The Board tabled the matter to the March meeting.

Wayne Creek Barbour Driveway: Mr. Hanks reported this matter has been settled.

Holden Road: Director Power noted Holden Road has been heaving up and down in some sections. Mr. Hanks stated he will have the matter looked into.

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Lot 7 Wayne Creek: Mr. Hanks reported the retaining wall has been stabilized on Lot 7. Once the foundation is poured the dirt will be backfilled. The stream bed will be restored prior to run off this spring. The landscaping will be completed after run off is done.

DAR Service: Ms. Friedman reported there is general dissatisfaction by constituents regarding the reduction of service in Dial A Ride, it was particularly noted over Christmas. The Board appreciated the feed back and will take the matter under consideration.

Legal

Mr. Collins stated no action will be needed regarding the ballot question based on the discussion for Village Road above. As there will not be a ballot question in the May election it may be canceled if there are no more candidates then seats available after Friday, February 26th since that is the deadline for filing self nomination forms.

Financial Statements

The Board reviewed the January 2010 preliminary financial statement included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the January 2010 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 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) (b) C.R.S. for the purpose of receiving advice of counsel regarding meetings. The Board entered into executive session at 9:55 a.m. and adjourned the executive session at 10:15 a.m. and

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FURTHER RESOLVED to enter into executive session §24-6-402(4) (e) C.R.S. for the purpose of determining positions subject to negotiations related to the Dial A Ride transportation service. The Board entered into executive session at 10:15 a.m. and adjourned the executive session at 10:40 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 February 24, 2010.

Respectfully submitted,

Kathy Lewensten
Secretary for the meeting

I hereby affirm that all of the discussion concerning meetings in Executive Session constituted attorney-client communications.

James Collins, Esq., Collins Cockrel & Cole