
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT March 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., March 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
- Eric Jorgenson, Esq, Collins Cockrel & Cole
- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Kathy Lewensten, Recording Secretary
- Jennie Fancher, BC Admin Assistant
- Ludwig Kurz, BCRC
- Dawn Friedman, BCPOA
- Bill Simmons, BC Village Operations

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 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

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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 February 24, 2010 Regular Meeting. A revision was made on page 4. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the February 24, 2010 Regular Meeting as revised.

Future Meetings

The Board reviewed the 2010 meeting schedule included in the packet. After discussion, the Board cancelled the April 28th meeting. The next regular meeting is scheduled for Wednesday, May 26, 2010 at the same time and location.

Agenda

No changes were made to the agenda.

Public Input

No public comment was offered.

General Manager Update

Village Road: Mr. Hanks reported he had met last week with the engineers and consultant to review the Village Road data. He reported they discussed the development of a comprehensive package. The package would present the recommendations and supporting data for review and comment. The target date for completion of the package is May 1 to allow adequate time for review by the Board members prior to further review and discussion of the matter. The Board suggested scheduling a special meeting in the first part of July for public presentation and review of the package.

Greystone Court: Mr. Hanks reported he was approached by the General Manager of Greystone Court regarding the possibility of installing a gate on the private roadway. Mr. Hanks explained the District has a right of way which extends approximately 10 to 15 feet up the private roadway. A gate could not be installed within

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the ROW without an encroachment agreement. The Districts encroachment policy does not allow permanent structures within an encroachment. The roadway after the ROW is private for which the District carries no responsibility. A gate could be installed on the private roadway. It was reported BCRC was not in favor of a gate and would be strongly discouraging it. The Board reached a general consensus an encroachment request would be denied.

The question arose regarding access by emergency vehicles if a gate were to be installed. The fire department discourages gates but does not prohibit them. The current BC fire regulations do not prohibit gates across private roadways/driveways. Normally emergency responders are provided with access codes through gates as necessary. A gate does delay response times to the gated areas which may impact insurance ratings.

It was reported Dial A Ride vehicles regularly use the roadway to pick up and drop off passengers to Greystone. If a gate were to be installed it would restrict DAR access. Even if some type of access would be granted to DAR it would cause a delay in the service route while access is obtained. It was suggested the DAR bus stop could be relocated to an area before the gate. This would not be as convenient for the Greystone passengers however it would alleviate the delay in DAR service.

After further discussion a motion was made to direct Mr. Hanks to respond to the Greystone General Manager the Board's position that it strongly discourages placing a gate on the private roadway, that an encroachment would not be favorably received, that a gate would degrade the response time for emergency services, and that if a gate were constructed the bus stop would be relocated to an area before the gate in the Cul de Sac. Upon motion duly made and seconded, it was unanimously

RESOLVED to direct Mr. Hanks to respond with the Districts position as stated in the motion.

The Board briefly discussed amending the BC fire regulations for matters related to gates on private roadways or driveways. Mr. Jorgenson explained any change or amendment to the BC fire regulations will need to be approved by Eagle County. The Board

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requested a draft regulation be provided for discussion at a future meeting.

DAR Service: Director Balk stated the District is reviewing the pros and cons of separating the transportation functions. The District is considering taking responsibility for DAR services with BCRC taking responsibility for the parking lot service. The matter will be discussed in executive session later in the meeting.

Holden Road: Mr. Hanks reported the sections of Holden Road which showed signs of heaving are being studied to determine the cause. Several test holes were dug and a survey was taken. It does not appear the heaving is due to any damage or leakage from water mains. The roadway will be monitored to see if it returns to normal levels after the ground thaws. Remedies for the heaving will be reviewed once the cause is better understood. One remedy may be to make repairs by the affected driveways this would be done by removing the particular section, placing insulation and road base then repaving. It is anticipated the cost for any remedial work will not be significant.

Damage Claims: Mr. Hanks reported the first incident involving damage to District property by an outside party occurred a few weeks ago. A vehicle hit a light post, guardrail and a lift tower. Ms. Fancher will be following up with the owner of the vehicle to obtain reimbursement for related District expenses.

Public Safety Report: Mr. Hanks reported the monthly public safety report will no longer contain the detailed logs due to privacy requirements.

Legal

Mr. Jorgenson stated there is legislation under consideration which may affect the ability of a district to use the "location and extent" procedure if it passes. He will keep the Board informed as the matter progresses.

Financial Statements

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

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RESOLVED to approve the February 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 transportation services. The Board entered into executive session at 9:30 a.m. and adjourned the executive session at 10:40 a.m.

After returning to regular session the Board authorized counsel to work with Mr. Hanks to draft a term sheet per the discussion held and directed Mr. Hanks to present the term sheet to Mr. Garnsey and Mr. O'Rourke for discussion and comment.

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 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.

Eric Jorgenson Esq., Collins Cockrel & Cole