
RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT May 30, 2007

The Special Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., May 30, 2007 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

- Stephen Friedman
- Mike Balk
- John Forstmann
- Ernie Elsner

Absent and excused was Director:

- Robert Gary

Also in Attendance were:

- Clyde Hanks, General Manager
- Kathy Lewensten, Recording Secretary
- Heather Nolan, Administrative Assistant
- Tom Schouten, BCPOA
- John Garnsey, COO Beaver Creek
- Tony O'Rourke, BCRC
- Bill Simmons, Operations
- Jim Telling, East West Partners
- Jim Funk, Public Safety

Call to Order

The Special Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director Friedman, Chairman of the Board, noting that a quorum was present. Director Friedman 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. Stephen Friedman is a board member of the Beaver Creek Arts Foundation which operates the performing arts facilities within Beaver Creek; Mr. John

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Forstmann is a board member of the Beaver Creek Club; Mr. Ernest Elsner is a board member of the Beaver Creek Property Owners Association; and Mr. Michael Balk is a director of the Beaver Creek Property Owners Association and a director of the Vilar Center for the Arts. 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 April 25, 2007 Regular Meeting. Upon motion duly made and seconded, it was unanimously,

RESOLVED to approve the minutes of the April 25, 2007 Regular Meeting as presented.

Agenda

Director Forstmann requested discussion regarding electric golf cart use on District roadways be added to the agenda.

Future Meetings

The Board reviewed the meeting schedule included in the packet. The next regular meeting is scheduled for Wednesday, June 27, 2007 at 8:30 a.m. in the same location.

Public Input

No public input was offered.

BC Landing and Village Walk

Mr. Telling reported on the BC Landing and Village Walk projects. He noted property closings have occurred at both BC Landing and Village Walk. The Village Walk landscape work has begun and should be complete in late summer. Construction on the public plaza at BC Landing has begun and is expected to be substantially complete in July.

General Manager Update

N/S Fairway Drive Overlay: Mr. Hanks stated June 15th is the due date for bids on the North/South Fairway Drive overlay project. The work would be scheduled after Labor Day and prior to October 15th.

Mr. Hanks noted he had requested bids for an overlay on sections of Prater Road be included along with the above. The Board

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questioned whether there would be any legal responsibility on the part of Bachelor Gulch Metro District to contribute towards the costs associated with an overlay of Prater Road. Mr. Hanks will clarify the matter with Mr. Collins. He noted in the past the District has handled roadway maintenance matters for Prater Road. Director Elsner asked if a sidewalk has been considered along Prater. It was explained there is a recreation path that runs slightly away from the roadway that serves the length of Prater Road. The Board requested consideration of upgrading the guardrails along Prater be included as part of the project estimate.

Prater Road Gatehouse: Director Forstmann asked about the recent malfunction of the owner's gate at the Prater entrance. He noted it took several days before the gate was operational and asked why it was not noticed in a timely manner. He suggested that better communication of the matter to persons driving up to the gate would have helped. He pointed out the Prater gate had closed at 6:00 p.m. over the Memorial Day Holiday Weekend and asked when the gate would be open longer. Mr. Funk responded the owner's gate was operational at this time noting he was not aware of any ongoing issues. He explained a wire had been cut to the owner's gate on the days in question. He agreed to have better signage in place if a similar incident occurs in the future. He stated the Prater gatehouse had been closed too early on Memorial Day weekend due to a mistake by staff, normally the gatehouse hours are extended to 10:00 p.m. beginning Memorial Day weekend.

BC Fire Station Improvements: Mr. Hanks reported the new BC Fire Station roof has been installed. The release of the retention to Arapahoe Roofing has been published in the paper and will take place on June 11. Bids for the new siding and windows project are due June 5.

ERFPD: Mr. Hanks reported he has attempted to reach Chief Moore to set up a meeting to discuss training matters. He noted Chief Moore has been difficult to get a hold of and has offered the last part of June as his first available date. Director Friedman offered to contact the chairman of the ERFPD Board to discuss the working relationship between the districts. The Board directed Mr. Hanks to draft a letter to the chairman of the ERFPD Board requesting a meeting.

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Encroachment: Mr. Hanks noted there were no new encroachments to report.

Habitat for Humanity Request: Mr. Hanks explained he was a member of the Habitat for Humanity Board and had been asked to submit a request from Habitat to see if the District would provide staff and appropriate equipment to grade the parking lot area at the Habitat store in Gypsum. The Board discussed the request. They questioned whether the District was allowed to make contributions such as this and whether it would be appropriate. They asked Mr. Hanks to clarify this with Mr. Collins. Mr. Schouten offered that BCPOA looks at such requests in the context of how it benefits the Beaver Creek community and noted this did not appear to have a direct benefit. A majority of the Board decided it would not be appropriate to provide the staff nor equipment for this request.

Public Safety Agreement:

Mr. Hanks reviewed the final draft of the Public Safety Agreement included in the packet recommending approval. Mr. O'Rourke stated BCRC had reviewed and approved the agreement at their May meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Public Safety Agreement as presented.

Director Forstmann asked for an update on the matter of professionalism at the front gate. Mr. Garnsey stated the matter was being worked on noting he hoped to have samples for a new uniform available for review at the next meeting. They are continuing to work on training and standards. The Board made several suggestions for improvements such as better markings for lanes of traffic and improved lighting. Mr. Funk reported the majority of cameras are back in place. He noted the attendants are being asked to stand in the doorway for approaching vehicles to allow them a better view of traffic.

Director Friedman asked about enforcement related to trash regulations. The Board reported several instances where trash receptacles have been left for an extended period of time or have been knocked over by wildlife. Mr. Funk explained there are general patrols and systems in place which should be monitoring

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and enforcing the regulations. He invited any interested Board member to come to public safety to see how the process worked. The Board requested better enforcement of the regulations.

Village Road **Slope Failure**

Mr. Hanks reported Schmueser Gordon Meyer (SGM) had provided an independent analysis and summary of the drainage plan for Village Road. He noted the related memo from SGM had been included in the packet. The design for the drainage on the south side is adequate for normal conditions. The drainage on the north side has been affected by the numerous overlays of the roadway. The overlays have reduced the crown of the roadway to the point heavy water flow from the north side is no longer directed into the drainage but flows over the roadway to the south side. The solution for this would be to mill the road down and rebuild the correct crown into the roadway. The Board asked if there was urgency to correct this matter. After discussion it appears there is no immediate need to correct the matter but that it may be good timing considering the other projects that are taking place in the immediate area. The Board asked if BCRC may be willing to cost share a portion of an overlay in the area. Mr. O'Rourke noted BCRC has already overlaid the front entrance area of Village Road but offered to ask the BCRC board.

The work on the Village Road Slope project is on schedule. Mr. Hanks noted the project will remain on schedule if the concrete pours are available as planned. It is expected traffic will open up to two lanes in mid June. The sidewalk is expected to be complete by the end of June. The columns and walls are being poured and the rock fascia is being installed. The lighting is imbedded into the columns down the sidewalk.

Mr. Hanks requested approval of a change order for approximately \$4,000. This change order is for a design change for the asphalt tie in and joints to be used for the space between the new curb, gutter and sidewalk and the existing roadway. The new design is more aesthetically pleasing and provides stronger joints. The Board discussed the change order as it relates to the previous discussion concerning milling the roadway and an overlay. After discussion the Board stated the change order appears to be in the best interest of the project. The Board then directed Mr. Hanks to obtain an estimate for the milling and overlay of this section of Village Road

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for discussion by the Board at a future meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Change Order for the new design of the joint and tie in for approximately \$4,000.

The discussion turned to the topic of the aesthetics of the Avon side of the retaining wall. The Board noted the District responsibility is for the stability of the roadway and that BCRC was responsible for the aesthetics of the wall. Mr. Garnsey and Mr. O'Rourke responded they had looked at alternatives for the wall including rock, faux rock and paint. At this time the paint alternative is being pursued. Various paint colors and landscaping methods are being reviewed to help improve the overall appearance of the wall. Mr. Garnsey will provide samples of the paint colors for review.

Front Gate Project

Mr. Hanks reported he had received a verbal report from SGM regarding the turning radius at the front gate. SGM stated the work had been built to design. He will supply the written report to the Board once it is received.

Electric Golf Carts

Director Forstmann explained he was interested in having a discussion related to allowing electric golf carts on District roadways. He pointed out the positive environmental impact of using an electric cart. Mr. Garnsey stated concern regarding the limited space surrounding the BC Golf Course for parking additional golf carts along with the current fleet carts. The logistics of a golf cart being used on the Districts roadways which can be steep and curvy was discussed. Mr. Funk stated his concern that the width of the roadways would not allow safe passage of vehicles around carts. Director Balk suggested the topic may be more appropriate to discuss in more detail at a strategic planning session. The matter was tabled.

First Amendment TOA Transportation Agreement

Mr. Simmons stated the TOA Parking Lot Agreement is still being finalized.

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Financial Statements

The Board reviewed the April 2007 preliminary financial statement included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the April 2007 preliminary financials as presented.

Accounts Payable

The Accounts Payable listing was reviewed. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve and ratify 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 Special Meeting of the Beaver Creek Metropolitan District Board of Directors held on May 30, 2007.

Respectfully submitted,

Kathy Lewensten
Secretary for the meeting