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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 July 24, 2019

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m. on July 24, 2019 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Jim Fraser
- Larry Graveel
- Barry Parker
- Pam Elsner
- Steve Friedman (by phone)

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Jim Collins, Collins, Cockrel & Cole
- Ken Marchetti, Marchetti & Weaver
- Mark Miscio, Beaver Creek Metro District
- Koby Kenny, Beaver Creek Village Operations
- Mike Trueblood, Beaver Creek Village Operations
- Jen Brown, Beaver Creek Resort Company
- Tom Allen, Beaver Creek Resort Company
- Jerry Hensel, Beaver Creek Village Operations
- Liz Jones, Beaver Creek Resort Company
- Tim Kelley, BC Homeowner
- Jeff Luker, BC Homeowner (by phone)

### Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Jim Fraser, 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. James Fraser is Vice President of the Beaver Creek Property Owners Association and a Board Member of the Beaver Creek Chapel Endowment Foundation; Mr. Stephen Friedman is a member of the Board

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of Directors for the Vail Valley Foundation and the Eagle River Water and Sanitation District; Ms. Pamela Elsner is a Secretary for Vilar Guild and Board Member/Assistant Secretary/Treasurer of the Upper Eagle Regional Water Authority; Mr. Barry Parker is a Director of the Beaver Creek Property Owners Association and a Board Member of the Beaver Creek Chapel Endowment Foundation; Mr. Larry Graveel is the President 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 June 26, 2019 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes from the June 26, 2019 Regular Meeting.

### Future Meeting

#### Date

The next meeting will be held on Wednesday, August 28 at 8:30 AM at the Beaver Creek Metro District Administrative offices. The 2020 Budget work session will be held on Wednesday, August 21 at 9:00 AM at the District offices.

### Village Connect

Mr. Trueblood discussed the rider totals for June. Village Connect provided 8,800 rides and the parking busses had 16,000 riders. The department reported 100% of calls were under 20 minutes for the month. Th department increased bus service on July 3rd and 4th. It was determined that rider numbers also increase on the 5th of July.

### E-Bike Policy

Mr. Kenny reviewed the three categories of E-Bikes. The Class 1 is a pedal assist bike that has a maximum speed of 20 MPH. Class 2 bikes have a throttle assist and will accelerate up to 20 MPH. The Class 3 E-Bikes are considered a motorized vehicle by the State of Colorado and will max out at 28 MPH. Class 1 & 2 bikes are currently allowed on the recreation path. The Board appreciated the discussion regarding E-Bikes and asked that Mr. Kenny keep the Board informed of any events that occur, particularly related to the recreation path.

### Public Safety

Mr. Kenny requested comments from the Board on the Public Safety report. It was noted that animal calls to the dispatch line are significantly

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decreased this year. Mr. Kenny noted that the department has increased wildlife education.

### **General Manager Update**

Mr. Simmons reported the replacement curb and gutter in Strawberry Park is completed. Crack sealing will begin in the next couple of weeks. The guardrail for Strawberry Park will begin when the materials arrive next month.

Mr. Simmons received a request for a light at the Pines townhomes. The Board discussed the seasonal challenges by placing a permanent fixture. The location is not an easement of the District. The Board requested Mr. Simmons to encourage the Pines to either place some solar down light, in-ground fixtures or other fixture the Pines would prefer to install on it's property.

Peregrine Villas is continuing to work on the first and biggest unit. The interest payment was received this month. Mr. Simmons will request marketing details from Mr. Niemi. The four units are triggering an increase to the size the natural gas pipeline. The replacement pipe will be from the Osprey to Village Walk. Xcel Energy will communicate with Mr. Simmons when the final project specs are available. The area of the road is scheduled for overlay in 2020.

### **Public Meeting Resolution**

Mr. Collins provided details of the Public Meeting Resolution. This will allow the District to post notices electronically 24 hours prior to meetings. It was unanimously

**RESOLVED** to approve the Public Meeting Resolution.

**Election Resolution** The draft Revised Election Resolution was included in the packet. Notice has been given to the County that the District plans to hold a November election this year. The Revised Resolution includes questions related to the extension of the Vilar funding and for a new multi-year contract with ERFPD. The Board discussed increasing the Vilar proposal from 5 years to 10 years. The final revised resolution will be in the August board packet.

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**Financial Statement** Mr. Marchetti discussed the cable access fees. Comcast has refunded approximately \$18,000 to date and will finalize the refunded amount at \$24,000. This will change the forecasted amount to \$48,000.

**Accounts Payable** The Board reviewed the June Accounts Payable list. Upon a 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 conferences with the District's attorney regarding legal advice and §24-6-402(4)(e) C.R.S. negotiation strategies. The Board entered into Executive Session at 9:35 a.m. and adjourned the Executive Session at 10:17 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 Wednesday, July 24, 2019.

Respectfully submitted,

*angela kamby*

Angela Kamby  
Secretary for the meeting