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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 March 23, 2022

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 A.M. on March 23, 2022 via Zoom.

### **Attendance**

In Attendance were Directors:

- Dave Eickholt
- Mac Slingerland
- Pam Elsner
- Ray Shei
- Kevin Hillgren

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Ken Marchetti, Marchetti & Weaver
- Mark Miscio, Beaver Creek Metro District
- Lee Hoover, Beaver Creek Village Operations
- Koby Kenny, Beaver Creek Public Safety
- Jerry Hensel, Beaver Creek Village Operations
- Jeff Luker, Beaver Creek Homeowner
- Tim Kelley, Beaver Creek Homeowner
- Mike Towler, Beaver Creek Homeowner
- Kent Holsinger, Holsinger Law
- Karen Braden-Butz, Beaver Creek Resort Company
- Elizabeth Jones, Beaver Creek Resort Company
- Michelle Siemer, Beaver Creek Village Operations
- Chief Karl Bauer, ERFPD
- Hugh Fairfield-Smith, Eagle Valley Wildland

### **Call to Order**

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Dave Eickholt, 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.

### **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. Dave Eickholt is a Member of the Beaver Creek Property Owners' Association; Ms. Pamela Elsner is a Secretary for Vilar Guild and Board Member/Assistant Secretary/Treasurer of the Upper Eagle Regional

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Water Authority; Mr. Kevin Hillgren is a Board Member of the Beaver Creek Club and a Board Member of the Beaver Creek Meadows Homeowners Association; Mr. Ray Shei is a Board Member 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 minutes of the February 23, 2022 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes from the February 23, 2022 meeting.

### **Future Meeting**

The next Board meeting will be held via Zoom on Wednesday, April 27, 2022 at 8:30 A.M.

### **Public Input** **Wildland Fire**

Chief Bauer and Mr. Fairfield-Smith discussed the Wildland fire mitigation analysis between Beaver Creek and Bachelor Gulch. Mr. Fairfield-Smith provided a simulation video showing burn probabilities due to the current vegetation fuels. This will be a primary focal point for 2022. The plan will not be a clear cut of the area, more of a 30-80% reduction in the canopy. Mr. Kenny will work with Mr. Fairfield-Smith and Chief Bauer to identify a plan of action for both 2022 and 2023 to present at the April Metro meeting. Home assessments are available to create defensible space, treatment on available lands, sustainable landscapes and education to homeowners with Eagle Valley Wildland.

### **Public Safety**

Mr. Kenny provided detail on the Public Safety report. Criminal activity was up slightly due to some minor scuffles in the Village and Hyatt guests. Minor medical incidents include slip and trips and ice rink falls. Noise complaints were decreased this month.

### **Village Connect**

Mr. Hoover provided highlights from the Village Connect report. Actual service hours were 3,104 down from the budgeted 3,683 (579 light). The average wait time was between 6-8 minutes with 95% of rides under 20 minutes. The budget is set for 125 driver with current staffing at 78 with 8-10 contract drivers. The Transportation Committee is preparing for next season.

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### Action Items

#### **General Manager**

##### **Update**

There was an accident involving a plow truck. There were no injuries and the other driver's insurance will cover the repairs. The storm drain vaults that were flushed were believed to be a result of a glycol leak in the snowmelt system. Mr. Hensel has been working with the contractor. The leak will be repaired in the spring. At this time, there will be water in the system due to the expense of adding glycol. Mr. Simmons met with McDowell Engineering Saturday morning at the drop off area. Peregrine Villas hope to close in May. Mr. Niemi has continued to pay the interest payments on time. The Technical Committee for the Transit Authority has been working on the services that could be provided, the cost of those services and revenue sources.

#### **Regional Transit Authority**

Mr. Heil and Mr. Ray will present at the April Metro Board meeting to understand the direction and goals of the Authority with a draft IGA. Chairman Eickholt will review the materials with Counsel to identify and protect the District's interest.

#### **Overlay Project**

There were three bids received from the RFP from 360, United/Old Castle and Frontier. United came in with the lowest bid by approximately \$1,000. Mr. Simmons will work with United on finalizing dates. The Board made a motion and seconded to award the project to United/Old Castle. It was unanimously

**RESOLVED** to approve the contract with United/Old Castle for the 2022 Overlay project.

**Financial Statement** The Financial Statement was included in the packet. Nothing outstanding this for this month. Mr. Marchetti noted that the audit fieldwork has been completed and the report is available for review. Chairman Eickholt and Director Shei will head the audit committee.

**Account Payable** The Board reviewed the Accounts Payable for March. A motion was made and seconded to approve. It was unanimously

**RESOLVED** to approve the Accounts Payable for March 23, 2022.

#### **Public Input**

Chairman Eickholt invited Mr. Towler to join for the Executive Session.

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**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 relative to negotiations, developing strategy for negotiations, and instructing negotiators regarding Water Issues, Transportation and Agreements. The Board entered into Executive Session at 9:55 A.M. and adjourned at 10:37 A.M.

**Public Input** Upon return from the Executive Session, a motion was made to select Seter and Vander Wall as General Counsel. The motion was seconded. It was unanimously

**RESOLVED** to approve Seter and Vander Wall as General Counsel.

A letter of termination will be sent to Mr. Collins.

**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, March 23, 2022.

Respectfully submitted,

*Angela Kamby*  
Angela Kamby  
Secretary for the meeting