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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 27, 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 July 27, 2022 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Dave Eickholt
- Mac Slingerlend
- Mike Towler
- Kevin Hillgren
- Ray Shei (by phone)

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Kim Seter, Seter & Vander Wall (by phone)
- Russell Newton, Seter & Vander Wall (by phone)
- Ken Marchetti, Marchetti & Weaver
- Lee Hoover, Beaver Creek Village Operations
- Jim Clancy, Beaver Creek Resort Company
- Nadia Guerriero, Beaver Creek Resort
- Mark Miscio, Beaver Creek Metro District
- Koby Kenny, Beaver Creek Public Safety
- Jerry Hensel, Beaver Creek Village Operations
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Jeff Luker, Beaver Creek Homeowner
- Jay Ahuja, Beaver Creek Homeowner

### 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. Kevin Hillgren is a Director of the Beaver Creek Club, President of the Beaver Creek Meadows Homeowners Association and a Director of the Upper Eagle River Water Authority; Mr. Ray Shei is a Board Member of the Beaver Creek Property Owners' Association; Mr. Mike Towler is a Director Alternate of the

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Upper Eagle River Water Authority: 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.

**Introduction** Ms. Guerriero introduced Mr. Jim Clancy as the new Executive Director of the Beaver Creek Resort Company.

**Minutes** The Board reviewed minutes of the June 22, 2022 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes from the June 22, 2022 meeting.

**Future Meeting** The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, August 24, 2022 at 8:30 A.M. The annual budget meeting will be held on Wednesday, August 31, 2022 at 8:30 A.M.

### **Public Input**

**Fire Mitigation** Mr. Fairfield-Smith reported the fire mitigation is approaching 200 acres. Units 2, 9 and the Elkhorn fuel break have been completed with the contractor currently working in units 1, 8, 14 and hand cutting 25. Mr. Fairfield-Smith will present the scope of projects and costs for 2023 at the August meeting.

**Public Safety** Bear and moose activity has increased this year. There has been a decrease in resort and trash violations. The Board requested Mr. Kenny include Mr. Simmons and Mr. Miscio in communications regarding e-bike usage on the recreation path. Mr. Luker reported an informal discussion with the BCRC Regulations Committee would like to move all e-bikes off the path. The meeting will be held the first week of August.

**Village Connect** Mr. Hoover reviewed the transportation report in the packet. The month of June had 99% of rides completed under 20 minutes. Budgeted service hours are high for summer. The Board requested a report for the July 4 holiday weekend.

**RTA** The Technical Committee continues to look at services and costs to provide to the Formation Committee. The Formation Committee discussed how to keep expanded services affordable within the revenue streams. Asking voters for lodging taxes would be too difficult to pass in eight (8) communities.

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Incremental taxing will be suggested as a 1/2 of 1% of sales tax increase. The next inquiry into community interest will be August 1. The Board will need to communicate interest in participating in the November election by Friday, July 29. A motion was made and seconded to submit a Notice of Intent to Participate in the November election. It was unanimously

**RESOLVED** to Participate in the 2022 Coordinated Election with Eagle County together with the RTA Formation Committee.

### Action Items

**Manager Update** The closing of unit 2 at 189 Elk Track occurred July 26. The replacement lighting program will be a multi-year project.

### **Financial Statement**

Mr. Marchetti stated the wild fire mitigation funds were moved from contingency to the budget.

**Account Payable** The Board reviewed the Accounts Payable list for July. The Board requested details on the snowmelt expenses. Additionally, there is an invoice for Old Growth in the amount of \$38,000. A motion was made and seconded to approve the July Payable list. It was unanimously

**RESOLVED** to approve the Accounts Payable for July 27, 2022.

**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 Agreements with Vail Resorts and Water. The Board entered into Executive Session at 10:08 A.M. and recessed at 10:55 A.M.

### **Public Input**

Upon return from Executive Session, a motion was made and seconded to submit a Resolution rejecting unification of UERWA. It was unanimously

**RESOLVED** to approve the Resolution Rejecting a Proposed Unification of the UERWA.

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**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 27, 2022.

Respectfully submitted,

*Angela Kamby*

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