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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 January 25, 2023

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 A.M. on January 25, 2023 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Dave Eickholt
- Ray Shei
- Mike Towler
- Mac Slingerlend
- Kevin Hillgren

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Russell Newton, Seter & Vander Wall
- Ken Marchetti, Esq, Marchetti & Weaver
- Mark Miscio, Beaver Creek Metro District
- Chief Karl Bauer, ERFPD
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Jim Clancy, Beaver Creek Resort Company
- Lee Hoover, Beaver Creek Village Operations
- Koby Kenny, Beaver Creek Public Safety
- Jerry Hensel, Beaver Creek Base Operations
- Paul Gorbald, Beaver Creek Transportation
- Erin Jarvis, Beaver Creek Resort Company
- Jay Hanenkratt, American Tower
- Xiao He, American Tower

### 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 Director of the EVTA; 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 an Alternate Director of the EVTA; Mr. Mike Towler is a Director Alternate of the 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.

### Minutes

The Board reviewed minutes of the December 5, 2022 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

**RESOLVED** to approve the minutes from the December 5, 2022 meeting.

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**Future Meeting** The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, February 22, 2023 at 8:30 A.M.

**Public Input**

**Board Positions** The Board discussed a rotation of positions. Director Towler will accept the Treasurer position, in addition to Secretary. Director Shei will join the Lighting Committee. A motion was made and seconded. It was unanimously

**RESOLVED** to have Director Towler as the Treasurer of the Metro District Board.

**Fire Mitigation** Chief Bauer reported that Beaver Creek has received the Fire-Wise Certificate of Recognition. This is due to the efforts made in 2022 to mitigate wildfire in the community. There will be a formal award presented at a national meeting in Reno, NV later in the year.

Mr. Fairfield-Smith will move into a Battalion Chief position while working for the ERFPD. A proposed IGA will be discussed further.

**Public Safety** The report noted that boot and tow orders had increased month over month. Public Safety staff has found violators in the Meadows and Hyatt areas. Mr. Kobias reported the addition of two parking spots at skier drop off has had a positive effect and there are no bus delays or bottlenecks. The Board requested McDowell Engineering review the area during Presidents' Weekend for further potential solutions and report findings at the March Metro meeting.

**American Tower** Mr. Hanenkraatt and Mr. He discussed the possibility of conduit usage in Beaver Creek, as well as adding five (5) sites for towers. The Board requested Mr. Hanenkraatt return next month with a detailed presentation with photos and locations.

**Village Connect** Mr. Gorbald shared the sufficient drivers and buses available during the holiday period of December 17 - January 2. The Board noted that while progress has been made, significant delays during the 3-6 P.M. from December 26 through January 2 and December 31 showed a lack in customer service. The capacity during peak times would suggest a review of possible fixed routes during these peak times. The Board has requested including canceled rides and ride times on future reporting.

**RTA** The EVTA is working on by-laws, standard operating procedures and RFP's to specialist firms.

**Water Authority** Siri Roman is the new General Manager at the Water District. An updated forecast for water availability for the future will be presented at the next Authority meeting.

**Action Items**

**General Manager Update**

It has been a busy snow year for the operations team. Staff is currently working on clearing sight lines at busy intersections. The 18th fairway pond project has begun. Material pulled from the pond will be hauled to the 9th fairway to build a berm. The overlay project for 2023 has begun. The bid process will be posted for available RFP's in February with final bids in the March packet. The BCRC has hired a project

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person to to begin February 13. A prototype has been identified in the lighting project. This light will be easy to install and maintain. Each fixture will run approximately \$3,200 for shipping and installation.

**Legal** The legal report was reviewed. Mr. Newton will work with ERFPD to update the Wildland Fire IGA for the February meeting.

**Financial Statement**

The December Financial Statement has included the Certificate of Deposits. There are ten (10) CDs each \$240,000. The December 31 statement came in as expected.

**2022 Amended Budget**

The Public Hearing was opened to review the 2022 Amended Budget. No public comments were received. The Public Hearing was closed. A motion to adopt the 2022 Amended Budget Resolution was made and seconded. It was unanimously

**RESOLVED** to adopt the 2022 Amended Budget Resolution.

**Account Payable** A motion was made and seconded to approve the January 25 Accounts Payable list. It was unanimously

**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 Conference with the District's Counsel regarding Peregrine Villas and American Tower. The Board entered into Executive Session at 10:20 A.M. and adjourned at 10:35 A.M.

**Public Session** Upon return from Executive Session, the Board gave Counsel direction to communicate with EdgeCreek, LLC.

**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, January 25, 2023.

Respectfully submitted,

*Angela Kamby*

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