
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT March 22, 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 March 22, 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
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Lee Hoover, Beaver Creek Resort Operations
- Jerry Hensel, Beaver Creek Base Operations
- Jim Clancy, Beaver Creek Resort Company
- Erin Jarvis, Beaver Creek Resort Company
- Jeff Luker, Beaver Creek Homeowner
- Tim Maher, Beaver Creek Homeowner
- Tim Kelley, Beaver Creek Homeowner
- Sarah Smith-Hymes, Community Member
- Phil Palmeri, American Tower
- Jay Hanenkratt, American Tower
- Xiao He, American Tower
- Kristin Stathis, American Tower
- Jim Livingston, American Tower
- Kari McDowell, McDowell Engineering
- Greg Schroder, McDowell Engineering
- Edgar Palacios, McDowell Engineering

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.

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Minutes The Board reviewed minutes of the February 22, 2023 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes from the February 22, 2023 meeting.

Future Meeting The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, April 26, 2023 at 8:30 A.M.

Public Input

Chairman Eickholt postponed the Executive Session regarding American Tower due to a late submission of documents that were not included in the Board packet.

Ms. Sarah Smith-Hymes introduced herself to the Board. Ms. Smith-Hymes is running for the District 4 seat on the ERWSD Board. Ms. Smith-Hymes has spent extensive time studying water law and fluency over the years on the UERWA. While the seat is for the Singletree/Wildridge areas, this is an At-Large Election for any qualified elector in the district.

American Tower Mr. Palmeri requests usage of Metro District conduit in the resort to increase and enhance cellular coverage. AT&T will join as soon as possible with TMobile and Verizon expected to request usage in the near future. Carriers would place (respective) radios in the hub connected to the antennae locations throughout the resort to use the fiber placed in the conduit by American Tower. The request is to place one (1) 3/4" fiber in approximately 3,058 feet. American Tower is offering an upfront one time payment of \$35,000 and a yearly utilization fee of \$3,058 equal to \$1.00 per foot.

Fire Mitigation Mr. Fairfield-Smith shared details on a new opportunity for fire mitigation funds. A grant totaling \$9M will be available through 2027 for specific allocation to support metropolitan and fire districts. Any possible grant money distributed will be available to fund projects in 2024. The Board gave Mr. Simmons direction to send a letter to of support on behalf of the District.

ERFPD Service Agreement

The Board reviewed the 2023 Services Agreement detailing the scope of work to be accomplished by Old Growth Tree Service. The ERFPD will act as a representative on behalf of the District. A motion was both made and seconded to approve the Services Agreement. It was unanimously

RESOLVED to approve the scope of work for Services Agreement with ERFPD for fire mitigation.

IGA The Agreement between the ERFPD and BCMD was discussed and reviewed with the Board. Mr. Newton requested to include "extent permitted by law" in the current document with the legal team from the ERFPD. A motion was made and seconded to approve the IGA subject to inclusion of the Indemnification clause. It was unanimously

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RESOLVED to approve the IGA between the Eagle River Fire Protection District and the Beaver Creek Metropolitan District for Wildland Fire Services.

Public Safety & Village Connect

There were no comments or concerns regarding Public Safety. Mr. Hoover discussed the Transportation Committee memo with the Board. The department moved 71,000 passengers in the month of February, making it both the busiest month of the season to date and possibly historically. The Board requested an update on staffing at the April meeting.

RTA Update

The Executive Director position was posted and the RTA is currently vetting Tanya Allen. The financial and operation roles are critical priorities at the next meeting to make headway for this year.

Water Authority

A baseline forecast for the next 7-8 years of stream flows was discussed and possible subsidies for turf replacement.

Skier Drop Off

Mr. Schroder provided an overview of observations made over Presidents' Day weekend. It was determined that the barriers placed in the skier drop off area have proven beneficial to both buses and vehicles. While some vehicles were attempting to drop off at the chapel or in the middle of the road, the Public Safety staff were providing an exceptional and friendly job educating on acceptable options and traffic control. A challenge identified was vehicles backing up over the curb of the planter box. There is an 8 x 10 plate in the planter box covering the snowmelt system in the curb. It will need to be determined the weight restrictions for possible curb relocation. BCPOA is in discussion with the Resort Company to possibly place extra benches and a shelter in the Village Connect bus drop off area. The District supports this project.

Lighting Update

Director Shei shared that the lights for phase 1 + 3 have been ordered with delivery expected in August and September. The Visual Terrain submitted an invoice. The invoice is premature as the parties are still negotiating the agreement and scope of work.

Action Items

General Manager Update

The crew is still plowing snow. The 18th Fairway berm project will need to dry out before completion.

Overlay Project

The bid sheet was included in the packet. GM Asphalt submitted the lowest bid. Mr. Simmons and Mr. Miscio met with the owner of GM Asphalt to discuss the project. A request was made to include a bid on the snowmelt project leading into the Ford structure. There will be some level of difficulty with the Hyatt to close the loading dock for 10-12 days. Mr. Simmons will report on the project at the April meeting. Mr. Simmons recommends approval of awarding the bid pending Mr. Newton's review of documents. A motion was both made and seconded to award the overlay project contract with GM Asphalt. It was unanimously

RESOLVED to award the 2023 overlay bid contract to GM Asphalt.

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Legal Mr. Newton requested a ratification of the Robers purchase order for the lighting project approved at the February meeting. The Board had previously approved approximately \$360,000. A motion was made and seconded to ratify the purchase order with Robers. It was unanimously

RESOLVED to ratify the Robers purchase order in the amount of \$365,430.

2022 Audit Director Towler and the audit committee met with McMahon and Associates to discuss the 2022 Audit. The feedback was that the District has very clear procedures, no violations and a clean audit. A motion was both made and seconded to approve the 2022 Audit as submitted. It was unanimously

RESOLVED to approve the 2022 Metropolitan District Audit.

Financial Statement

Mr. Marchetti noted that the market is moving up. A proposal for funds will be provided next month. The statement notes that there is an unfavorable balance due to the pond dredging. This project was scheduled for completion in 2022.

Account Payable A motion was made and seconded to approve the March 22, 2023 Accounts Payable list. It was unanimously

RESOLVED to approve the March 2023 Accounts Payable with the addition of the Robers invoice of \$182,715.

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 22, 2023.

Respectfully submitted,

Angela Kamby

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