
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT April 26, 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 April 26, 2023 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

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

Absent and Excused:

- Dave Eickholt

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Russell Newton, Esq, Seter & Vander Wall
- Ken Marchetti, CPA, 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
- Erin Jarvis, Beaver Creek Resort Company
- Bruce Kiely, BCPOA
- Phil Palmeri, American Tower
- Jay Hanenkratt, American Tower
- Jim Livingston, American Tower
- Linn Brooks, Community Member
- Gina McCrackin, Climate Action Collaborative
- Will Barror, Climate Action Collaborative
- Sarah Smith-Hymes, Climate Action Collaborative

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director Kevin Hillgren, acting 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 March 22, 2023 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

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

Future Meeting The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, May 24, 2023 at 8:30 A.M.

Public Input

Ms. Linn Brooks introduced herself to the Board. Ms. Brooks is running for the Holy Cross Energy Board. Ms. Brooks background is natural science and engineering and worked at the ERWSD. The available seat is for the northern district that runs from Vail to Glenwood, this is an At-Large Election for one vote per meter in the district. Ballots will be sent via USPS.

American Tower Mr. Palmeri asked if there were any questions from the proposal provided to the Board last month. Chairman Hillgren noted that there will be a discussion regarding the proposal in Executive Session. Mr. Palmeri should expect communication from the District later today.

CAC Ms. McCrackin provided details on the Climate Action Collaborative. The CAC began in 2016 with local entities looking to set attainable emission reduction goals in Eagle County. A 50% reduction by 2030 will include goals of waste diversion, renewable energy and an increase in the EV infrastructure plan. The CAC is a facilitator in the community willing to assist with grants and energy assessments. Ms. McCracken requested the Board consider a contribution toward these efforts.

Fire Mitigation Mr. Fairfield-Smith updated the Board of the grant opportunities. The FRWRM (Forest Restoration Wildfire Risk Mitigation) and ILG (Incentives for Local Government) applications have been submitted. Both grants are a 50/50 match for up to five years of mitigation. The Eagle County Wildfire Coordinator, who is working in a grant funded position, is working to provide a stakeholder engagement and programs in the community. The burn piles will not be burned this spring due to the wet grass and will be addressed later in the year.

Public Safety Mr. Hoover noted the most notable increase last month were due to trash and construction violations. The BCRC is working with the Fire Marshal to maintain construction sites and parking within DRB regulations. There are discussions to possibly set fines for the repetitive violators with the Resort Company legal department regarding HB22 1137.

Village Connect The department is focusing on a strong full time, year round staff continuing into the slower seasons. The buses are running until 10 P.M. until May 19. The Board requested data for “time on ride” to be provided at the next Transportation Committee meeting. Mr. Hoover shared appreciation for the support of the department and conversations within the committee meetings.

RTA Update Director Shei provided the RTA website: eaglecountyrta.org This website will provide updates. The Authority meetings are the second Wednesday of every month. The current objectives are to hire the executive director, a possible test route for the summer, technology and software.

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Water Authority The ERW District election is next month. The budget has been formalized for the next two years.

Action Items

General Manager Update

The overlay project schedule includes milling the first week of May, fixing manholes May 8-17 and paving on the 22nd. A pre-construction meeting for West Thomas Place is scheduled for this afternoon with the project starting May 1 and completion by May 12. The lighting project moving along. The District is now finished with Visual Terrain. The first scheduling meeting with Robers was positive. The first of the District lights will possibly ship the beginning of June. There are two contractors to review bids for the installation. The expectation for completion is November 10. Mr. Simmons is working with Alpine Engineering to see if there is availability at skier drop-off for a minimal amount of area to increase the parking by one more space and eliminate jersey barriers to add a small curb. The District's portion of the 18th fairway project is complete. Mr. Thomson is working with Eagle County regarding a possible permit for the change of grade for the 9th fairway berm. Mr. Hensel will have the three previously purchased water stations installed on the recreation path and running by Memorial Day.

Legal

Mr. Newton requested a ratification of the IGA with the ERFPD to include the Indemnification Clause. The ERFPD requested additionally a minor change to the Appropriations clause. A motion as made and seconded to ratify the IGA with the ERFPD. It was unanimously

RESOLVED to ratify the IGA with the ERFPD for Wildland Fire.

Mr. Newton requested a ratification of the Visual Terrain Agreement. This includes a reduced scope of work, which has been completed. A motion was both made and seconded to ratify the Agreement with Visual Terrain. It was unanimously

RESOLVED to ratify the Agreement with Visual Terrain.

Financial Statement

Mr. Marchetti discussed the March 31 financial report. The unfavorable variance for the month of \$17K in Municipal Services/VA Contract includes the Town of Avon Fleet Maintenance costs. These continue to be higher than previously budgeted costs. There are some utility expenses that also are higher than included in the budget. Mr. Miscio updated the equipment replacement forecast with Mr. Simmons and Marchetti & Weaver. There will be equipment ordered this year for delivery in 2024.

Investing

The Board discussed the memo detailing investment recommendations provided by Mr. Marchetti regarding available cash balances from the closing of Peregrine Villas. A motion was made and seconded to invest \$3.76M in the suggested ladder. It was unanimously

RESOLVED to approve the investment of cash balances into FDIC CDs maturing in ladders as presented in paragraph 3 of the Memo prepared by Mr. Marchetti and Director Towler included in the Board packet.

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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 Visual Terrain in the amount of \$3,400 and \$425,000 based on the IGA with ERFPD.

Executive Session Upon motion duly made and seconded, it was unanimously

RESOLVED to enter into Executive Session citing §24-6-402(4)(b)(e) C.R.S. for the purpose of Conference with the District's Counsel and regarding American Tower and Climate Action Collaborative and negotiation positions regarding American Tower. The Board entered into Executive Session at 10:11 A.M. and adjourned at 10:27 A.M.

Public Session Upon return from Executive Session, a motion was made to accept the conduit lease with American Tower. The motion was seconded. It was unanimously

RESOLVED to approve the conduit lease with American Tower subject to a five (5) year renewable lease, additional payments as service providers additional to AT&T subscribe and approval of tower design by Beaver Creek Design Review Board.

And a motion was made and seconded to approve funding for the Climate Action Collaboration in the amount of \$5,000. It was unanimously

RESOLVED to fund \$5,000 to the Climate Action Collaborative.

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, April 26, 2023.

Respectfully submitted,

Angela Kamby

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