
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT September 27, 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 September 27, 2023 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

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

Absent and Excused:

- Kevin Hillgren

Also in Attendance were:

- Bill Simmons, Beaver Creek Metropolitan District
- Russell Newton, Esq, Seter & Vander Wall
- Ken Marchetti, CPA, Marchetti & Weaver
- Mark Miscio, Beaver Creek Metro District
- Jim Clancy, Beaver Creek Resort Company
- Erin Jarvis, Beaver Creek Resort Company
- Koby Kenny, Beaver Creek Public Safety
- Jerry Hensel, Beaver Creek Base Operations
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Bruce Kiely, Beaver Creek Property Owners Association
- Justin Brown, VPAC
- Cameron Morgan, VPAC
- Jeff Luker, Beaver Creek Homeowner
- Jane Heller, Beaver Creek Homeowner
- Lou Kreig, Beaver Creek Homeowner
- Rod Miller, Beaver Creek Homeowner
- Jim Fraser, Community Member
- Peggy Wolfe, Vail Valley Foundation

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director 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 August 23rd Regular Meeting. A motion was duly made and seconded, it was unanimously

RESOLVED to approve the minutes from the August 23, 2023 Board meeting.

Future Meeting The next Board meeting will be held on Wednesday, October 25, 2023 at 8:30 A.M. at the District offices located at 40847 Highway 6 Avon, Colorado.

Public Input
VPAC

Mr. Cameron Morgan introduced himself to the Board. Mr. Morgan has been working in various capacities with the VVF since 2015 and has recently accepted the position of Executive Director at the VPAC.

Birds of Prey

Ms. Wolfe notified the Board that the Birds of Prey races will be held December 1-3. The Vail Valley Foundation has appreciated the partnership with the Metropolitan District's support in recent years. Ms. Wolfe would like to request the District continue to plow the road and vehicle assistance. The Board directed Mr. Simmons to provide continued assistance.

Elk Track Court

Mr. Miller of Elk Track Court provided the Board with the completed cul-de-sac photos and project expenses. Homeowners of Elk Track Court originally requested a 20/20/20K split of the project with Beaver Creek Metropolitan District, Beaver Creek Resort Company and 8 of the 14 homeowners. Mr. Miller will attend the BCRC September meeting and return to the Metro District with a formal request at the October meeting.

BCPOA

Mr. Kiely discussed the letter sent from the BCPOA to the Eagle County Commissioners regarding possible development on Tract 2A located on Beaver Creek Drive.

Wildfire Mitigation

Mr. Fairfield-Smith reported the crews will be moving into unit 10 at the BC Stables later this week. Once this unit is complete, the crews will be done with equipment for 2023. Unit 16 with the technical piece between Village Walk and the mountain will be next. Units completed in the last two weeks include: 36, 7-1, 37, 29, 28 and 19. The next two weeks will show units 16, 13, 45, 35, and 10. This will be a total of 638.1 acres mitigated in Beaver Creek over the last two years. There are approximately 4,000 piles to burn as soon as there is snow sticking on the ground.

Public Safety

Mr. Kenny discussed the boot/tow order increase up YOY from 12 to 26. Public Safety continues to monitor the roads around the Tennis Center. The increase in Resort Violations over prior year are mostly due to garbage containers. Mr. Kenny plans to have a conversation with the Highlands HOA to suggest ideas for identifying homeowner vehicles. A late season discussion was had with the BCRC to contact Village Transportation for members at the BC Club heading to the courts. The Board requested an accident report by location in the resort for possible improvements with lighting and safety. A new employee has been hired for traffic control and tow assistance.

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Village Connect The month showed great performance. Hours of service for the month were up 9% with an increase of riders up 11%. Parking lot hours of service were up 25% with an 8% rider increase.

Transportation Agreements

The District entered into a two year agreement with Vail Resorts for the Transportations Agreements. Included in the packet are the Exhibits for 2023/24 with updated service hours and hourly rates. The only change this year is a shift in service hours, not rates. These have been approved in the Transportation Committee. A motion was made and seconded to approve the First Amendment to the Amended and Restated Village Connect Agreement, the First Amendment to the Parking Lot Agreement and the Fourth Amendment to the Intervillage Transportation Agreement. It was unanimously

RESOLVED to approve the Village Connect Agreement
and

RESOLVED to approve the Parking Lot Agreement
and

RESOLVED to approve the Intervillage Transportation Agreement.

Water Authority The water meeting was held last month with the UERWA and the ERWSD. A singular update was provided to the Authority and District. The five to ten year timeline will consist of federal regulations, paperwork and government entities. The regular water meeting included conversations regarding alternate sources to purchase water.

EVTA The EVTA will expand frequency of routes for the Vail/Beaver Creek Express and offer the route fare-free beginning in November/December. The Authority is looking into a Denver-based contractor to expand the fare-free zone for the Eagle Valley Express. There will be four buses sent out for reconditioning that will be returned by the end of the season.

Action Items

General Manager Update

The crack sealing project has wrapped up for the summer. Mark is still waiting on signage and the speed hump for Holden Road. The first shipment of the Metro District lights have been installed in the resort with the second shipment arriving yesterday. Lot 2A is the cul-de-sac on Red Spruce Lane. It was determined while looking for an electrical easement that ownership was with Lugano Partners. The Partners have requested the cul-de-sac be accepted by BCMD. A Quit Claim Deed is included in the packet. The Board requested Mr. Newton contact the Legal Department at Vail Resorts to inquire interest in accepting the property. The Board requested Mr. Hensel replace the remaining two water fountains on the recreation path. A motion was made to purchase two water fountains. The motion was seconded. It was unanimously

RESOLVED to approve the purchase of two (2) replacement water fountains.

Audit Engagement Letter

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An Engagement Letter from McMahan and Associates was included in the packet for the 2023 audit. There are no substantial changes in the letter this year of years previous. The audit will begin in 2024. A motion was both made and seconded to approve the 2023 Audit Engagement with McMahan and Associates. It was unanimously

RESOLVED to approve the Audit Engagement Letter with McMahan & Associates.

2024 Budget Public Hearing

The Public Hearing was opened for the 2024 Budget 1st reading. The budget work session was held in August. Additions and changes from the work session include multiple year projections, an increase in inflation numbers to 5% for 2024, 2025 and 2026, dropping to 3% for 2027 and beyond, providing a prudent fund balance. An update to the lighting project will be determined at the October meeting following the BCRC September meeting. No public comments were received. The Public Hearing was continued until the October meeting.

Amended 2023 Budget

No amendment necessary.

Financial Statement

The transportation receivables were updated in the September financial report.

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

RESOLVED to approve the September 2023 Accounts Payable

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 legal advice and §24-6-402(4)(e)C.R.S. Negotiations for the BCPOA Memo and Elk Track Court. The Board entered into Executive Session at 10:32 A.M. and adjourned at 11:21 A.M.

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, August 23, 2023.

Respectfully submitted,

Angela Kamby

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