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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 April 24, 2024

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 24, 2024 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

Also in Attendance were:

- Bill Simmons, Beaver Creek Metropolitan District
- Russell Newton, Esq, Seter & Vander Wall
- Ken Marchetti, CPA, Marchetti & Weaver
- Matt Farley, Marchetti & Weaver
- Grant Mcconnell, Beaver Creek Metro
- Erin Jarvis, Beaver Creek Resort Company
- Jerry Hensel, Beaver Creek Base Operations
- Cameron Morgan, VPAC
- Justin Brown, VPAC
- Bruce Kiely, BCPOA
- Pete Kauffman, BC Homeowner
- Kevin Meyers, BC Homeowner
- Dory Meyers, BC Homeowner
- Sarah Wood, BC Property Owner Representative

### 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.

### Minutes

The Board reviewed the minutes of the March 27th Regular Meeting. A motion was duly made and seconded. It was unanimously

**RESOLVED** to approve the minutes from the March 27, 2024 Board meeting.

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**Disclosure** Director Slingerlend disclosed a conflict of interest pertaining to the Arcadian Project Referral. He and certain neighbors on Beaver Creek Drive oppose the project and hired an attorney to assist with the opposition effort. Director Slingerlend will recuse himself from voting on any District action items regarding the project and will refrain from attempting to influence other directors' votes. Mr. Newton confirmed that Director Slingerlend's conflict of interest disclosure was filed with the Colorado Secretary of State at least 72 hours prior to the meeting.

**Future Meeting** The next Board meeting will be held on Wednesday, May 29, 2024 at 8:30 A.M. at the District offices located at 40847 Highway 6 Avon, Colorado.

**Public Input**  
**Village Walk**

Mr. Kauffman and Mr. Meyers, both of Village Walk, discussed speeding safety concerns on behalf of the homeowners. Mr. Simmons reported the homeowner representative requested placement of the radar speed limit signs for the month of March. The average speed recorded of the 85th percentile was 18 MPH. The Board gave Mr. Simmons direction to enlist McDowell Engineering for recommendations regarding the possible placement of a speed hump for either seasonal or year-round placement. The Board continues to place public safety as a high priority.

**VPAC** The VPAC has a very busy summer with 24 shows scheduled for the season. Mr. Morgan expressed appreciation for the new lighting at the VPAC. A new full-time lighting director has been hired to the VPAC. Many compliments were received by the artist's lighting designers over the winter season. Mr. Morgan would like to invite the Board to tour the facility. Mr. Morgan will be back with the VPAC annual report in July.

**Recreation Path** The Board discussed the recreation path usage, including bikes and e-bikes. Additional signage and striping was added to the path in 2023 at the transitions of roadways. Mr. Simmons and Mr. McConnell are evaluating additional speed mitigation options, including signage and/or striping in other areas. The Board continues to take a comprehensive look at safety in the community. Mr. Kiely will include reminders regarding speeding within the community in the next BCPOA newsletter.

**Public Safety & Village Connect**

The Board reviewed the Village Connect and Public Safety reports.

**Water Authority** The District & Authority have aggressively been seeking grants and letters of support from the local governments and senators for pre-con on the Bolts Lake project. Collectively, the District and Authority have been asked to contribute \$1.5M for the Shoshone water rights.

**EVTA** Ridership continues to be positive with an approximate 10% increase year over year. The TA meetings have increased to twice a month in order to meet the target deadline of August 4, 2024 for completion of the ECO assumption.

**Action Items**

**General Manager Update**

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Grant's crew is busy creating dust storms with power brooms in an effort to clean up the cinders in the resort. The sweeper is running six days a week through the end of May. Even running the sweeper all day, there are still landscaping crews keeping staff busy. Mr. Simmons met with Frontier Paving to discuss the overlays and the addition of change orders at the Charter and Scott Hill Road. Signage for the crosswalk projects will be in the \$40-50K range. The electricity and installation is still to be determined due to accessibility to power. The bollard project quotes were included in the packet. This is to replace and install bollards along Avondale and along the creek path. There were three bidders total and one local. The lowest bid was from Circle D. A motion was made and seconded to approve the bollard project bid with Circle D. It was unanimously

**RESOLVED** to approve the bid with Circle D for the bollard project.

### **ERFPD Contract Amendment**

Mr. Simmons noted the changes to the Fire Protection District amendment. The cap will be increased from 3% to 5% CPI. This document was reviewed and approved at the ERFPD meeting last week. A motion was made to approve the First Amendment of the Fire Protection and Emergency Services agreement. This motion was seconded. It was unanimously

**RESOLVED** to approve the First Amendment to the Fire Protection Contract.

### **Legal**

Mr. Newton reviewed the ADA website and technology law and compliance requirements taking effect July 1, 2024. The fines have been scaled back from any instance of a violation being a fine to a fine for failing to address a violation upon notice or to otherwise provide a reasonable accommodation upon request. The State Legislature is considering a one-year grace period for governments making a good faith effort to gain compliance. The Seter, Vander Wall, Mielke firm is working on an accessibility plan and statement to be discussed at the May meeting.

The Arcadian on Beaver Creek Referral that was received this week will be discussed in Executive Session. Mr. Kiely of the BCPOA is interested in the issues that concern the District.

Mr. Newton presented legal analysis regarding governmental immunity and incremental safety improvements. Making incremental safety improvements to areas that are not considered a dangerous condition in the first instance should not create legal concerns. Not addressing a dangerous condition under the CGIA would be a concern.

### **Financial Statement**

The late legislative changes delayed the County Treasurer in distribution of tax bills. March was a big month for property tax purposes, collecting just under \$4M. The forecast column has been updated to include the ERFPD Amendment Agreement.

### **Account Payable**

A motion was made and seconded to approve the March 2024 Accounts Payable list. It was unanimously

**RESOLVED** to approve the March 2024 Accounts Payable list.

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**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 consultation with counsel to obtain legal advice regarding the Arcadian on Beaver Creek Referral. The Board entered into Executive Session at 10:15 A.M. and adjourned at 11:15 A.M.

**Public Session** Upon return from Executive Session, a motion was made and seconded to engage legal counsel for the Eagle County Referral regarding Arcadian on Beaver Creek not to exceed \$25,000 and \$5,000 for water counsel, if necessary. There were four (4) ayes and one (1) abstain from Director Slingerlend. It was

**RESOLVED** to engage counsel in the Referral matter regarding Arcadian on Beaver Creek.

The Board called a Special Meeting for Thursday, May 9, 11:00 A.M. at the District offices for the purpose of meeting with counsel and reviewing the Referral response.

**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 27, 2024.

Respectfully submitted,

*Angela Kamby*  
Angela Kamby