
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT May 29, 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 May 29, 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
- Ray Shei
- Kevin Hillgren

Also in Attendance were:

- Bill Simmons, Beaver Creek Metropolitan District
- Russell Newton, Esq., Seter, Vander Wall & Mielke, P.C.
- Richard Peterson-Cremer, Esq., Karp, Neu, Hanlon, P.C.
- Ken Marchetti, CPA, Marchetti & Weaver
- Matt Farley, Marchetti & Weaver
- Grant McConnell, Beaver Creek Metro
- Jim Clancy, Beaver Creek Resort Company
- Erin Jarvis, Beaver Creek Resort Company
- Lee Hoover, Beaver Creek Resort Operations
- Jerry Hensel, Beaver Creek Base Operations
- Koby Kenny, Beaver Creek Public Safety
- Paul Gorbald, Beaver Creek Transportation
- Justin Brown, VPAC
- Bruce Kiely, BCPOA
- Sarah Wood, BC Property Owner Representative
- Joanna Hopkins, Arcadian on Beaver Creek
- Dominic Mauriello, Mauriello Planning Group
- John Niemi, Aidan Group
- Chris Larson, Aidan Group
- Andrew Peters, Esq., Otten, Johnson, Robinson, Neff & Ragonetti, P.C.

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; Mr. Mac Slingerlend is in an opposition effort with homeowners on Beaver Creek Drive regarding the Arcadian Project: the Board noted for the record that these

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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 April 24 Regular Meeting. A motion was duly made and seconded. It was unanimously

RESOLVED to approve the minutes from the April 24, 2024 Board meeting.

The Board reviewed the minutes of the May 9 Special Meeting. A motion was both made and seconded. It was unanimously

RESOLVED to approve the minutes from the May 9 Special Meeting.

Future Meeting

The next Board meeting will be held on Wednesday, June 26, 2024 at 8:30 A.M. at the District offices located at 40847 Highway 6 Avon, Colorado.

Public Input **Arcadian**

Ms. Hopkins notified the Board that the Arcadian team is diligently working to answer questions submitted in the Referral. Ms. Hopkins also noted that Eagle-Vail Metro incorporated a sales tax fee instead of road impact fees.

Fire Mitigation

Mr. Fairfield-Smith reported the fire mitigation will begin around July 15. There are two additional grants that have been identified and submitted on behalf of Beaver Creek and surrounding districts. There were no good burn days this spring so the Fire Protection District will look to complete the burn in the fall. There is a residential lead now working to complete home assessments and impacts. The planned activity for this summer is about 200 acres of treatment.

Arcadian

Mr. Kiely complimented the Board on the comments submitted to Eagle County in the Referral.

Public Safety

Mr. Kenny reviewed the Public Safety report. The boot and tow orders were up due to construction violations. Criminal activity was up; both medical and suspicious activity were down. Medical calls will no longer be available on the reports due to privacy laws. Mr. Clancy added that the recently updated Resort Company Construction Activity Parking Regulations will be available in the near future.

Village Connect

Mr. Gorbald reported lower year over year numbers due to the earlier Easter holiday and closing date. Parking lot service hours were down with an increase of riders. The season recap on May 16 with the Transportation Committee reviewed opening to closing day. The majority of negative feedback revolves around time-on-ride and redundant travel. This will be addressed over the summer with the Downtowner application group. The report also details the 20% of booked then cancelled rides. This number is similar to past percentages. The Board requested comparable data from similar service areas for the June meeting.

Village Walk

Mr. Simmons discussed the traffic speeds on Village Walk with McDowell Engineering. McDowell suggested a one lane road with bike lane for traffic to shift if a vehicle is encountered. Mr. Simmons reached out to the homeowners at Village

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Walk. The speed radar sign will be set up for the down hill side. This will provide additional data for consideration.

Water Authority The Eagle River Water & Sanitation District is participating at 60% or \$600,000 and the Authority at 40% or \$400,000 for the Shoshone water rights. Eagle County increased their participation to \$2M. Directors Hillgren and Towler are continuing to push the Bolts Lake project for completion in 2029.

EVTA The Beaver Creek to Vail transit for the 2023/24 winter season had over 160,000 rides completed compared to 11,000 in the prior season. A survey of approximately 1,000 riders showed 37% FT Eagle County residents, 26% PT EC residents and the remaining 1/3 were visitors. The EVTA is discussing possible express shuttle operations outside of ski season. There are informal conversations with the Town of Gypsum to possibly join the EVTA.

Action Items

General Manager Update

Mr. Simmons shared his appreciation to Mr. Hensel for having the water fountains installed and working on the recreation path. Mr. McConnell and his team are continuing with spring cleaning including cinder clean up, guard rails and road striping. Crosswalks and stop bars will be painted by the July 4 holiday. Overlays will be completed this week. Punch list and projects will be wrapped in the next two weeks. The Bollard Agreement will be in place this week with Circle D Electric ordering the bollards. The crosswalks will be a bigger project than originally expected to meet the ADA compliance. The crosswalk lighting is being finalized with proposals from two vendors.

Legal The District previously engaged with AccessiBe for ADA compliance on the website. Mr. Newton stated the requirements require an implementation of a plan and officer to respond to accessibility issues. Mr. Newton requested tabling this topic until the June meeting.

US Bank Addendums

US Bank has requested addendums to our lease purchase financing. A motion was made and seconded to approve the addendums in the packet subject to the discussed change regarding indemnification to the Vehicle Titling Addendum. It was unanimously

RESOLVED to approve the US Bank Vehicle Titling Addendums.

Financial Statement

The April 30 statement included a more detailed break down of disbursements. The unfavorable variance is due to the ERFPD contract that was paid half this month and the second half in July. The draft audit report has been returned and will be presented in June. Director Towler will meet Mr. Marchetti to review prior to the June meeting.

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

RESOLVED to approve the April 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 and Road Impact Fees. The Board entered into Executive Session at 9:58 A.M. and adjourned at 11:09 A.M.

Public Session Upon return from Executive Session, the Board stated that Mr. Peterson-Cremer will be the point of contact for the Arcadian Project Referral comments. Mr. Peterson-Cremer will contact Mr. Peters to understand timing of the response to the District's referral.

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, May 29, 2024.

Respectfully submitted,

Angela Kamby
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