

---

# RECORD OF PROCEEDINGS

---

## Minutes of the Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District June 27, 2018

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, June 27, 2018 at 2:00 pm., in the offices of Marchetti & Weaver, LLC, 28 Second Street, Suite 213, Edwards, Eagle County, Colorado.

**Attendance** The following Directors were present and acting:

- Paul Jardis
- Jennifer Holzworth
- Michael Mossman
- Constance Irons-Malernee

The following Director was absent and excused:

- Dale Stortz

**Also in attendance were:**

- Jim Clancy, Director of Resort Services & Public Safety (via telephone)
- Sean Sprague, Bachelor Gulch Metro District, Supervisor
- Dave Berg, Bachelor Gulch Metro District, Manager
- Ken Marchetti, Marchetti & Weaver, LLC
- Debbie Braucht, Marchetti & Weaver, LLC, Secretary for the Meeting

**Call to Order** The Meeting of the Board of Directors of Bachelor Gulch Metropolitan District was called to order by Chairman Jardis, noting a quorum was present.

**Consideration of Agenda**

After consideration two items were added to the agenda; 1<sup>st</sup> Amendment to the 2012 Loan Agreement and Consideration of a Contribution to Re-unite Immigrant Families.

**Minutes**

Upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the May Meeting minutes with changes.

**Public Safety & Report**

There was discussion of a construction contractor that is doing work on Elkhorn. Director Jardis stated he approached him regarding his illegal on-street parking and smoking out in the open. Director Jardis

---

# RECORD OF PROCEEDINGS

---

---

## Bachelor Gulch Metropolitan District June 27, 2018 Meeting Minutes

---

expressed his concern with the contractor's inability or unwillingness to abide by the rules. He knows Public Safety is very frustrated with him too. Mr. Clancy stated he was unaware of the situation until now but as soon as he is out of his meeting he will check on this issue.

The fire danger varies from day to day between high to extreme depending on temperatures and the wind. There was discussion of the Stage 1 fire restrictions that are now in place which prohibit outdoor fires except in permanent fire pits or developed sites and no outdoor smoking only in an enclosed vehicle or building to name just a couple of the restrictions. The fire pit at the Ritz Carlton is still permissible because it is in a developed site with an established fire pit but the campfire at Anderson Cabin is not permissible under Stage 1. Director Irons-Malernee stated she's concerned about the fire pit at the Ritz because she recently observed guests adding logs seemingly oblivious to the sparks flying everywhere. There are discussions of going to Stage 2 fire restrictions. The Eagle County Sheriff and the area fire chiefs will make that determination based on conditions. Director Mossman asked if there has ever been a fire drill in the District. Mr. Clancy stated they had one just last week with mountain operations and Eagle River Fire Protection District. Director Jardis stated the District does have a siren but it isn't clear what you're supposed to do when you hear the siren. Director Holzworth stated she can't tell the difference between it and the lightning siren on the Beaver Creek golf course. In addition to the siren there is the Eagle County (EC) alert system but that is only effective if people sign up for it. Mr. Berg stated an EC alert is sent when they test the siren and one would be sent if there was a wildfire. He sent an email to the Board regarding a wireless emergency alert system after he spoke with Jennifer Kirkland at the Town of Vail. They tested the system in their area. This emergency alert system will be used to notify all cell phones within a geographical area sending an alert if there is a life-threatening event. In the event of a wildfire both the EC alert system and this emergency alert system will notify people in Bachelor Gulch whether they have EC alert or not; however they strongly encourage people to sign up for EC alert. Director Jardis asked about the evacuation plan for Bachelor Gulch. Mr. Clancy stated he will review the plan again since it hasn't been done in awhile.

Mr. Clancy left the meeting.

### **Operations Report**

There was discussion of the road overlay next year and the timing.

---

# RECORD OF PROCEEDINGS

---

---

## Bachelor Gulch Metropolitan District June 27, 2018 Meeting Minutes

---

The Board asked about the status of the request for a mirror at the blind spot on Daybreak Ridge Rd and Bachelor Gulch Trail/Rd if you are making a left turn. Director Irons-Malernee asked about the risk of fire by installing a mirror. The mirror is concave so provides a focus and won't heat up or start a fire. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the purchase and installation of a mirror at the intersection of Daybreak Ridge Rd and Bachelor Gulch Trail/Rd for making left hand turns in an amount not to exceed \$2,000.

Director Mossman commented on the deep ruts in the gravel shoulders. Mr. Sprague stated while they are replacing the guardrails they will build up the cinders under the guardrails and will back drag them to smooth them out.

The recent hail storm in Denver damaged the new truck. It will be repaired before it is delivered.

Mr, Berg asked if the Board wanted to spray the weeds under the guardrails again. When it was done a couple years ago the contractor inadvertently killed some of the trees along the road. The District now has a new contractor and he is an arborist. He said he has a different weed formula mix that will not harm the trees. The Board approved a test section.

Director Irons-Malernee asked if they are seeing more beetle kill trees this year. Mr. Sprague stated they are seeing more spruce beetle and some aspen trees are being affected by something. Director Jardis asked if the spruce trees should be sprayed. Mr. Berg replied that the trees in the common areas are all being sprayed but individual homeowners may want their trees to be evaluated.

Mr. Sprague and Mr. Berg discussed the three types of vaults and manholes in the District. The conditions under ground vary but some are confined spaces and are dangerous because they are filled with water and debris. Working in these conditions requires special equipment and training. They have received a rough estimate of \$150 pre vault/manhole from a contractor to clean and blow out each one. This would also alleviate liability issues because are they not only dangerous to work in but some of the lines and conduit are fragile. Cleaning out the lines would allow Comcast and CenturyLink to go

---

# RECORD OF PROCEEDINGS

---

---

## Bachelor Gulch Metropolitan District June 27, 2018 Meeting Minutes

---

back in and identify and label the lines. They would like to wait and see if Comcast or CenturyLink will take this on.

### **CenturyLink**

Director Jardis discussed correspondence between the District's special legal counsel and Century Link. In summary, Century Link says they were really busy and they will get back to us. The District's attorney has given them six weeks to respond on all the issues and a contract.

### **Comcast**

Director Jardis stated he has not heard back from Mr. Davis at Comcast but a letter dated June 6<sup>th</sup>, 2018 did go out to homeowners to update their account information. Based on this information their account number will change and Comcast will stop charging them a franchise fee if they have not done so already. There was discussion of a refund of the fees to the District. Director Jardis stated there are three issues with Comcast-#1 refunding the fees collected but not remitted to the District, #2 an agreement for use of the District's conduit and #3 the refund of franchise fees subsequent to January 1, 2018 and a refund for those who had been billed.

### **Cell System Design**

Director Jardis stated it appears the purchase of a home in Bachelor Gulch by Jorge Hernandez, who is the CEO of Continental Towers, will not be going through. He tried to contact Mr. Hernandez and there has been no response. It appears the deal for the design of the cell towers and wi-fi network is dead.

HR Green has asked to perform a study to determine what the District's ultimate goal is. Mr. Kushner who is also a District consultant will be in town in a few days and he has a better idea of what the ultimate goal for the District should be. There was discussion of other governmental entities forming and operating their own telephone or television systems because they could not get satisfactory service. Director Jardis stated in his opinion that is not the best case scenario for the District and cost will be a driving factor.

### **Amendment to the 2012 US Bank Loan Agreement**

The District contacted US Bank last fall to amend the 2012 Loan Agreement to reflect the pre-payments of principal. At that time, the District agreed to pay up to \$3,000 for the bank's attorney to draft an amendment. The amendment allows the District to pay down the principal on the 2012 Loan in the order the Board chooses. At this time Mr. Marchetti believes they have that agreement. Director Jardis

---

# RECORD OF PROCEEDINGS

---

---

## Bachelor Gulch Metropolitan District June 27, 2018 Meeting Minutes

---

agrees and Mr. Pogue has reviewed and approved it. Upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the Amendment to the 2012 US Bank Loan Agreement.

### **Consideration of Contribution to Re-Unite Immigrant Families**

The media is full of reports that immigrant families are being separated at the US/Mexico border while refugees and immigrants are being processed or prosecuted. Director Jardis feels very strongly that because of the availability of guest workers this is an issue that affects the valley and in particular the District. An article in the Vail Daily also brought attention to this issue and how it is affecting the valley. Director Jardis talked to Director Mossman regarding the issue and contacted Mr. Pogue to see if the District can legally contribute to one of the charities helping re-unite families. Mr. Pogue said he will look into the matter. Director Mossman stated while this is admirable he has concerns that this quasi- governmental entity's money can be used to donate to anything whether that be this or the American Red Cross or whatever. He would also like to wait and get approval from legal counsel. After discussion it was agreed not to move on this issue today.

### **Financial Statements**

Mr. Marchetti stated the May financials looked good but they are seeing a slight decrease in sales tax revenue.

### **Accounts Payable**

An updated list was distributed to the Board. Upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve and ratify the updated accounts payable list.

### **Adjournment**

There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the meeting of the Bachelor Gulch Metropolitan District Board of Directors held June 27, 2018.

Respectfully Submitted,

---

**RECORD OF PROCEEDINGS**

---

---

**Bachelor Gulch Metropolitan District June 27, 2018 Meeting Minutes**

---

*Debbie Brauch*

Secretary to the Meeting