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# RECORD OF PROCEEDINGS

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## Minutes of the Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District January 23, 2019

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, January 23, 2019 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
- Michael Mossman
- Dale Stortz (via telephone)
- Jennifer Holzworth
- Constance Irons-Malernee (via telephone)

**Also in attendance were:**

- Kenneth Fellman, Kissinger & Fellman, PC (via telephone)
- Jim Clancy, Director of Resort Services & Public Safety
- Maureen Crofton, Bachelor Gulch Public Safety
- Sean Sprague, Bachelor Gulch Metro, Ops Asst Manager
- 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 an Executive Session was added to the Agenda at 2:30 pm.

**Minutes**

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

**RESOLVED** to approve the December 12, 2018 Meeting minutes with changes to the Construction Snowplowing fine schedule, there being no schedule, 1<sup>st</sup> violation is exclusion from the District.

**Public Safety & Report**

Mr. Clancy announced this will be his last meeting, he is moving out of the area. Upon motion duly made and seconded it was unanimously

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**RESOLVED** to thank Mr. Clancy for the good work he did with Bachelor Gulch Public Safety and good luck on his future endeavor.

### Operations Report

Director Jardis stated an important piece of information was left out of the Operations Report. He stated the pre-order of an electric pickup was not mentioned. Mr. Berg stated the truck will be ready in 2020 when they will be ready to replace the Chevy Colorado. There was discussion of the specifications.

There was discussion of on-street parking and in particular a realtor open house which resulted in one of the District's snowplows going into the ditch to avoid hitting cars parked in the road.

Mr. Berg reported on Verizon's evaluation, evaluation of a new mini-excavator which could help with fire mitigation and they are still evaluating concrete street signs and lot markers. Director Jardis stated the Board would need samples to evaluate the product.

### Skiway Access Gates

Mr. Sprague included a memo in the Board packet outlining issues with the current gates or lack thereof and his proposed resolution. His proposal to replace or add locking gates that are more secure and aesthetically pleasing would cost approximately thirty thousand dollars (\$30,000) of funds that were not budgeted for in 2019. Vail Resorts approves of the proposal and discussed the option of cost sharing. Director Holzworth asked if the ski-ways were emergency access. They are and Public Safety would have keys to all the gates. The Board approved moving forward to get more information.

### Asphalt Overlay Bid Tabulation

Alpine Engineering provided a tabulation of the bids for the 2019 Asphalt Overlay. The Board reviewed the bids and bidders and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the lowest competitive and competent bidder and approve the bid from United Companies for one million fifty-five thousand eight-hundred thirty-two dollars, (\$1,055,832).

Mr. Fellman joined the meeting via telephone.

### Executive Session

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The Board discussed the need for Executive Session in regards to the Comcast Bulk Deal. Upon motion duly made and seconded it was unanimously

**RESOLVED** to enter in Executive Session at 2:30 pm citing §24-6-402(4)(e), C.R.S., determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

Upon returning from Executive Session and by motion duly made and seconded it was unanimously

**RESOLVE** to authorize in consultation with Special Legal Counsel to execute the provisions as discussed in Executive Session so long as they substantially accomplish what they are trying to accomplish and any other issue as they relate to the Conduit Use Agreement.

Mr. Fellman left the meeting.

### **Sales Tax Issue**

Director Jardis stated while he was doing some research on the Eagle County Assessor's website he found an account for Zach's Improvements. Per the Eagle County Assessor, this account is within the boundaries of the District and Vail Associates is paying property taxes to Bachelor Gulch Metro District. When the District implemented the sales tax they looked into on mountain amenities and it was unclear whether Zach's Cabin was in the District or not. Because of that Zach's Cabin has never collected or remitted sale tax to the District. Director Jardis checked and State Law prohibits the District from not charging sales tax to businesses within its boundaries. After discussion the Board agreed and Director Jardis will contact Beth Howard and George Bigley, Senior Director of Signature Clubs regarding the matter.

### **2019 Meeting Calendar**

Upon review and consideration of the meeting calendar contained in the Board packet by motion duly made and seconded it was unanimously

**RESOLVED** to adopt the 2019 Meeting Calendar.

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### **24 Hour Posting Resolution**

Each year the Board must designate the location of the 24 hour and regular meeting notices. Upon motion duly made and seconded it was unanimously

**RESOLVED** to establish the posting locations for the notices of the District's 2019 meetings as follows:

Notices of the meetings of the District's Board of Directors required pursuant to Section 24-6-401, et. seq., C.R.S., shall be posted within the boundaries of the District at least 24 hours prior to each meeting at the following location:

Bachelor Gulch Gatehouse

Notices of regular or special meetings required to be posted at three public places within the District and at the office of the County Clerk & Recorder at least 72 hours prior to meetings (2) shall continue to be made pursuant to Section 32-1-902, et. seq., C.R.S.

### **Financial Statements**

Mr. Marchetti stated the financial statements in the Board packet are preliminary year-end until the 2018 Audit has been completed. Field work is scheduled for the second week of February.

### **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 January 23, 2019.

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**Bachelor Gulch Metropolitan District January 23,2019 Meeting Minutes**

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Respectfully Submitted,

A handwritten signature in black ink that reads "Debbie Beach". The signature is written in a cursive style with a large initial 'D'.

Secretary to the Meeting