
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District February 27, 2019

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, February 27, 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
- Jennifer Holzworth
- Constance Irons-Malernee

Also in attendance were:

- Kenneth Fellman, Kissinger & Fellman, PC (via telephone)
- Koby Kenny, 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.

Mr. Fellman joined the meeting via telephone.

Executive Session

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

RESOLVED to enter in Executive Session at 2:10 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 and §24-6-402(4)(b), C.R.S., conferences with an attorney for the purpose of receiving legal advice on specific legal questions.

Upon returning from Executive Session and by motion duly made and seconded with 4 votes in favor and 1 objecting it was

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RESOLVED to evict Century Link from the telecommunications room if a lease agreement cannot be reached between March 8th and 15th.

The Board further **RESOLVED**;

To authorize Director Jardis proceed as discussed in Executive Session.

Mr. Fellman left the meeting.

Consideration of Agenda

No changes were made to the Agenda.

Minutes

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

RESOLVED to approve the January 23, 2019 meeting minutes with changes.

Sales Tax Issue

Mr. Bigley emailed Director Jardis stating he believes Zach's Cabin is in Arrowhead so they will work with the Eagle County Assessor's office on the matter. Director Mossman asked where exactly Zach's Cabin is? Mr. Marchetti pulled up the Eagle County Assessor's GIS on the meeting room computer screen so the Board could see the location of the property in relation to the property lines in the area.

Koby Kenney & Maureen Crofton joined the meeting.

Public Safety Report

Mr. Kenney introduced himself as the new Director of Resort Services and Public Safety and reviewed his work history at Beaver Creek.

There was discussion of 48-hour notice to Public Safety and Operations for parties. This needs to be stressed more because it gives Metro District Operations enough time to prep the area and check the weather forecast.

The Board discussed their concerns with turnover at BG Public Safety.

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There was discussion of the once-monthly moonlight hikes and the need to notify Public Safety so Operations can plow a bigger area to park at the cul-de-sac at the top of Horizon, weather permitting.

The Board told Mr. Kenney that they have asked Operations to look at electric vehicles when evaluating all new vehicle purchases. They asked that Public Safety consider this option too particularly since the new solar panels have been installed and could help with charging.

There was discussion of the recent mountain lion sightings in other areas around the valley. There have not been any in Bachelor Gulch yet this year but if there are people should call Public Safety and they will alert Parks and Wildlife.

Skiway Access Gates

Mr. Sprague said he has cost estimates now of two-thousand five hundred eighty-seven dollars (\$2,587) per gate for a total to replace all the skiway access gates for thirty-six thousand two-hundred nineteen dollars (\$36,219). Beaver Creek Resort Company said they would contribute thirteen thousand dollars (\$13,000) towards the cost if the District approves them. Ordering the construction of ten gates or more comes with a 10% discount so it would be worth doing them all at once. Upon discussion and by motion duly made and seconded it was unanimously

RESOLVED to approve the replacement of the skiway access gates in an amount not to exceed forty thousand dollars (\$40,000) with Beaver Creek Resort Company contributing thirteen thousand dollars (\$13,000) towards the cost.

Mini Excavator

Mr. Berg stated the estimates for the mini excavator came in at one hundred forty-three thousand nine hundred eighty-seven dollars (\$143,987) which includes the trade in allowance for the 2002 mini excavator of twenty-one thousand six hundred forty dollars (\$21,640.00). In his opinion, they need a bigger machine to run the masticator attachment that they use for fire mitigation. With the new machine and attachment they will be able to take down small trees and one person will be able to do the work. They will also be able to use the arm to climb up hills as the masticator shreds in place. The Board asked what the payback was. Mr. Berg said this machine was not budgeted and he still needs the temporary summer employees. He discussed the overlay budget with Marchetti & Weaver but they believe

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that all funds budgeted will be used. Upon discussion and by motion duly made and seconded it was unanimously

RESOLVED to approve the purchase of the 309 Mini Excavator and the trade-in of the 305 Mini Excavator.

Director Irons Malernee & Mr. Marchetti left the meeting.

Operations Report

Mr. Berg reported both the International snowplows had been out for repairs but both are now back.

The new sweeper is done but is currently at a trade show.

Mr. Sprague stated he will have a proposal on the locking manhole covers with the Bachelor Gulch logo on them for the next meeting.

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 February 27, 2019.

Respectfully Submitted,



Secretary to the Meeting

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Attorney Statement

REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as special counsel to Bachelor Gulch Metropolitan District, I attended the executive session meeting convened on [February 27, 2019](#) held pursuant to §24-6-402(4)(b) and (e) C.R.S., conference with an attorney for the purpose of receiving legal advice related to specific legal questions and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b) and (e), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept, and no further record, written or electronic was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signature



Name and Title Kenneth S. Fellman, President
Kissinger & Fellman, P.C.

Date 4/12/19