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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 June 26, 2019

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, June 26, 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 (via telephone)
- Jennifer Holzworth
- Constance Irons-Malernee (via telephone)
- Dale (Dutch) Stortz

**Also in attendance were:**

- Alicia Davis, Lot 45, Scott Turnipseed Architects
- Maureen Crofton, Bachelor Gulch Public Safety
- Mike Trueblood, Beaver Creek Village Operations
- Sean Sprague, Bachelor Gulch Metro, Ops Asst 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**

July meeting date and MidFirst Bank were added to the Agenda.

**July Meeting Date**

Director Jardis stated he is unavailable for the July 24<sup>th</sup> meeting and could the meeting be moved to Wednesday, July 31<sup>st</sup>. The Board agreed.

**Minutes**

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

**RESOLVED** to approve the May 22, 2019 meeting minutes with one spelling correction.

Alicia Davis joined the meeting.

**Lot 45 Encroachment Agreement**

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Ms. Davis stated they are requesting permission to place boulders in the roadway right of way and aspen trees in the drainage easement. The driveway is along the edge of the road and has a steep retaining wall. Adding the rocks and trees will help with erosion and separate the driveway from the road. Director Jardis stated the Board does not typically allow anything in the roadway right of way. He asked Mr. Sprague if there was any problems or concerns with this request. Mr. Sprague said the driveway was below grade and there would be no problems with snowplowing. He added they have concerns the shoulder is eroding and they believe the rocks will help with that. Director Jardis reiterated that the Board does not typically allow anything in the roadway right of way but will approve with stipulations since the driveway is below grade. Upon motion duly made and seconded it was unanimously

Director Irons-Malernee joined the meeting.

**RESOLVED** to approve the Encroachment agreement for Lot 45 for boulders and trees in the roadway right of way and the drainage easement, respectively, subject to the stipulation that the tops of the boulders are below grade and the trees are not in the roadway right of way.

Ms. Davis left the meeting.

## **Lot 14 Encroachment Agreement**

Lot 14 is on Daybreak Ridge and there is an existing boulder wall that they are requesting permission to expand to widen the driveway. The driveway is well below grade and there are no concerns for snowplowing. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the Encroachment Agreement for Lot 14 to expand the existing driveway.

## **Public Safety Report**

Director Stortz brought up an incident where a homeowner's car was booted while she parked at the tennis center. Since it is a common practice for people in Bachelor Gulch to park and meet up at the tennis center Director Stortz asked why this happened. Ms. Crofton stated the Public Safety person did not know she was a homeowner because there was no pass on the car. Director Jardis asked if there were restrictions for parking at the tennis center? Director Jardis stated there were not so why is Public Safety enforcing regulations we don't have and not

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enforcing regulations we do. There was discussion of Vail Associates parking in the bus turn around. Mr. Trueblood did not know this was a problem so he will look into it. Director Jardis stated for now there is no regulation on parking at the tennis center so Public Safety should not be enforcing something that doesn't exist.

### **Operations Report**

Mr. Sprague stated they have hired a new full-time year-round employee to replace the one that left and one seasonal employee of the two they wanted to help with summer maintenance.

Mr. Sprague stated it was not clear to him and Mr. Berg, after the last meeting, what direction to take on the high-speed internet. Director Jardis stated they looked at their options with Verizon and Resort Internet would use Century Link's lines so neither is an option at this time, in his opinion. Their focus should be on the conduits with Comcast and Century Link. Mr. Sprague stated Century Link did approach him about putting a new fiber network in Bachelor Gulch like they have done in Red Sky Ranch. Director Jardis stated a new fiber network would not address the poor cell phone reception in Bachelor Gulch and that is the issue.

Mr. Sprague reviewed current projects with the Board. Mr. Trueblood stated they are very happy with the new asphalt and curb and gutter. He asked if the District would consider a partnership with Beaver Creek to add sidewalks to Prater Road. Director Jardis said Bachelor Gulch Metro is not obligated to do that but would consider a partnership with Beaver Creek. Mr. Trueblood added maybe Bachelor Gulch Village Association would partner in that too. Everyone agreed pedestrians walking on Prater Road is dangerous.

Mr. Trueblood stated Eagle River Water and Sanitation District contacted him about removing a tree on top of their water tank down by the tennis center. It is in violation of Colorado Department of Public Health and the Environment's regulations. Director Jardis stated the District owns the landscaping at the tennis center so they would approve removal of the tree if it was replaced with another tree of similar size. Mr. Sprague and Director Jardis agreed that if there are any concerns with the removal or replanting of a new tree Old Growth Tree Service should be contacted and in particular Mike Earl.

### **Colorado Classic**

Director Jardis reviewed the route details with the Board. A full closure would likely start at approximately 2:45 pm and end at

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approximately 3:30 on Friday, August 23rd. This will be the only women's stand-alone stage race in the Western Hemisphere on the Union Cycliste Internationale calendar and USA Cycling's Pro Road Tour.

### **Climate Action Collaborative**

Director Holzworth stated Walking Mountains has a Climate Action Collaborative tab on their website that has recommendations from their Collaborative on waste, building, transportation and energy. The question is how does the District want to interact with them? The Bachelor Gulch Residents Association newsletter had the information but Director Jardis stated it was lengthy and hard to read. In his opinion, encouraging purchasing renewable energy from Holy Cross was the easiest option for Bachelor Gulch residents. There was discussion and it was determined Bachelor Gulch Village Assoc (BGVA) has the best email database to disseminate information. Director Holzworth stated a 1-page newsletter would be best, short and to the point. She will put together a newsletter and have the Board review it before sending it to BGVA.

### **Bachelor Gulch Solar**

A conceptual idea Director Jardis is looking in to is for Bachelor Gulch Metro District to own its own solar array. The concept would include a solar farm on 40 acres creating electricity to sell to Holy Cross at cost, then they could sell it back to Bachelor Gulch users at reduced fees. There are issues about selling energy at reduced rates to a specific group and different attorneys have differing opinions of whether the Metro District is even allowed to do something like this. There is also the question of what is the best return for the taxpayers in Bachelor Gulch and Mr. Marchetti and he agree that would be reducing the mill levy. After discussion Director Jardis will look into it further.

### **Tunnel Update**

Part of the approval process for the sale of the tunnel is getting approval from the Snow Cloud Association on any change in use. After reaching out to the Association they told the ownership group they do not approve of the employee housing idea. The ownership group still wants to buy the tunnel and the timing is still on track.

### **Comcast Bulk Agreement**

It looks like the Comcast Bulk Deal is an overwhelming success and is very popular. Director Jardis stated there has been no negative feedback and the people are Comcast are very knowledgeable and pleasant to work with.

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## 2018 Audited Financial Statements

Director Holzworth stated she, Director Mossman and Mr. Marchetti had a conference call with Mr. Nelson of Chadwick Steinkirchner and Davis to review the 2018 audited financial statements. There were no issues and she would recommend approval. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2018 audited financial statements.

## MidFirst Bank

Director Jardis stated MidFirst Bank is one of the largest privately owned banks in the United States with over \$12 billion dollars in total assets. They are based in Oklahoma City but have a branch in Edwards and offer a full range of commercial banking options. Failed transactions and issues with the credit cards at the District's current bank have lead him to believe another bank would be best for the District. He would recommend opening a new bank account and credit cards with MidFirst Bank. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve opening a new bank account and credit cards for the Manager and Assistant Manager with MidFirst Bank.

## 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 26, 2019.

Respectfully Submitted,



Secretary to the Meeting