
RECORD OF PROCEEDINGS

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

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, October 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
- Dale (Dutch) Stortz (via telephone)
- Michael Mossman
- Jennifer Holzworth

The following Director was absent and excused:

- Constance Irons-Malernee

Also in attendance were:

- Kobe Kenney, 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

Upon review, no changes were made to the agenda.

Minutes

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

RESOLVED to approve the September 25, 2019 meeting minutes as modified.

Public Safety Report

Mr. Kenney reported that Ms. Crofton was working today because they are a few employees short but they do have some in the pipeline. Director Holzworth reported on a bear tearing up her hot tub cover. There was discussion of some confusion by the trash company on the holiday trash pickup schedule.

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Director Jardis, Mr. Kenney, Mr. Berg and Mr. Sprague will meet after this meeting to discuss fire restriction protocol in Bachelor Gulch.

Operations Report

Mr. Berg stated they are focusing their efforts on the skier tunnels.

They are done with the guardrails for this season in part because the company he hired, in the spring, was too busy to get to Bachelor Gulch. He had a frank conversation with them and now they won't do anymore work for the District. Director Jardis asked what their options were and why didn't he use Adarand? Mr. Berg stated legal counsel did not agree to language in the contract that stated Bachelor Gulch Metro District was responsible for the safety of Adarand while working in the District. They asked Adarand to change the language but they refused.

He has received approval from the Personnel Committee to hire a new employee now instead of at the beginning of the year. HR Plus is interviewing and they have a couple of solid candidates. He will likely make an offer to one of them.

There are two employees currently out for surgery. Mr. Johnson is expected to be released by his doctor on November 11th and Mr. Dodge is also recently out for surgery. Based on Mr. Dodge's recovery time and physical therapy he does not expect him to be able to return to work until after the beginning of the year. The new employee will fill in for Mr. Dodge and with Mr. Johnson back to work his department will be fully staffed. The new employee budgeted for next year was an additional employee in 2020 but will keep the department fully staffed for the rest of 2019.

The old sweeper has been listed for auction online but they have only had one bid for the minimum price. Based on that he is not sure it will be sold.

Update on Sale of Tunnel

Director Jardis reported at the end of September the buyer signed the sales documents then sent them over to the District's attorney. That set of documents from the buyer changed the Bill of Sale to a general Warranty Deed. The District's legal counsel redrafted the documents and sent them back, which was a couple weeks ago. In addition to the severe disregard for the legal documents they had previously agreed to they want the District to fix a "leak" in the tunnel. Director Jardis

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stated they knew the tunnel was being sold “As Is” so the District was not fixing the leak. Director Mossman asked if the District would have fixed the leak if they were not selling the tunnel? Mr. Berg replied that they would not. He stated in his opinion, the leak was from SnowCloud landscaping either from over watering or just irrigation seepage. It is not an issue anyway because it seeps to a drain and only seeps during irrigation season. Director Jardis stated he told the buyer they were not fixing the leak, and weren’t even sure they could fix the leak, so if they wanted the tunnel in “As Is” condition fine and if they don’t fine.

Tennis Center Parking Lot License

Director Jardis stated the proposal he received from Vail Associates required the agreement remain confidential. Since the District has already discussed it in a public meeting it is no longer confidential. Mr. Trueblood agreed and he received a redraft of the agreement last night. Director Jardis will review the revised agreement and report back to the Board.

Gatehouse Lease

A draft of the Gatehouse lease was sent to Mr. Trueblood several weeks ago and he has not received any feedback. The agreement is a no-cost lease memorializing what is already in affect and requests that tenant conforms to all laws rules and regulations. It does prohibit Bachelor Gulch Village Association (BGVA) from overusing the irrigation sprinkler system in a manner that causes damage or undermines the District’s roadway improvements. Director Holzworth asked what the term of the lease was and Director Jardis replied it is a five (5)-year lease, renewable for five (5) successive terms, cancellation by either party with 30 days advance notice. This same language will be used for the Tennis Center but that agreement has not been drafted yet. He assumes the BGVA attorney is reviewing the agreement.

Upper Eagle Regional Water Authority

Director Jardis has not received a response back from their attorney. The term of this lease is for fifteen (15) years renewable for five (5) year terms and only the Authority can cancel the lease with 30 days written notice.

Down Payment Assistance Program

Director Jardis stated he still doesn’t know how this is funded and he has no more information. Mr. Berg stated he sent an email before the meeting today with information HR Plus put together. This discussion was tabled to the next meeting.

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Financial Statements

CenturyLink paid the sales tax collected in August of 2019 and will be remitting payment for sales tax collections between June 2018 and July 2019 probably next month.

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 as presented.

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 October 23, 2019.

Respectfully Submitted,



Secretary to the Meeting