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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 22, 2020**

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, January 22, 2020 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
- Constance Irons-Malernee (via telephone)
- Blair Hayes

**Also in attendance were:**

- Blair Hayes, Property Owner
- Maureen Crofton, 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, Consideration of Board Member Vacancy was moved to the first item on the agenda.

**Consideration of Board Member Vacancy**

After consideration and by motion duly made and seconded it was unanimously

**RESOLVED** to appoint Blair Hayes to fill the vacancy on the Board until the next regular election.

Mr. Hayes eligibility was verified by Marchetti & Weaver staff and the Oath of Office was administered by Chairman Jardis. The Oath of Office immediately upon completion was filed with the Eagle County Clerk and Recorder's office.

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## Bachelor Gulch Metropolitan District January 22, 2020 Meeting Minutes

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### Minutes

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

**RESOLVED** to approve the December 11, 2019 meeting minutes as presented.

### Public Safety Report

The Board reviewed the report that was included in the packet.

### Operations Report

Mr. Berg reported on the amount of snow the District has received recently.

A new employee has been hired and he will be filling in for Mr. Dodge who is expected to be out on medical leave until the third week of February. He is being trained to get his Commercial Driver's License then Operator II.

There was discussion of the status on the installation of the mirror on Elkhorn.

### Draft Changes to the Employee Handbook

Mr. Berg included draft proposed changes to the Employee Handbook. Two of which were paying employees for volunteer time and adding another week of vacation for employees who have reached 20 years of combined employment with Vail Resorts and the District. After discussion and by motion duly made and seconded it was in a vote of 4 against and 1 abstention

**RESOLVED** to deny those proposed changes.

### Down Payment Assistance Program

Director Jardis stated there seems to be little interest in this program at this time. If an employee needs assistance they should come to the Board.

### Asphalt Overlay Bid Tabulation

There was discussion of the value and safety to the residents of the District by adding a sidewalk along Prater Road down to the Bear Lot. Mr. Berg attended the Beaver Creek Metro District meeting this morning to ask them if they would participate in joint funding the sidewalk. They have declined. The same request was sent to the Beaver Creek Resort Company and Bachelor Gulch Village

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## Bachelor Gulch Metropolitan District January 22, 2020 Meeting Minutes

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Association (BGVA). There has been no response from either of them at this time. After discussion the Board agreed if no other entity participates there is enough benefit and safety reasons that the District should add the sidewalk to this year's asphalt overlay project. Mr. Berg stated the lowest bid came in under budget even with the addition of the sidewalk. The Board reviewed the Bid Tabulation and by motion duly made and seconded with a vote of 4 in favor and 1 abstention it was

**RESOLVED** to accept the bid from the lowest responsive and responsible bidder for the asphalt overlay and sidewalk on Prater from United Companies.

### **Tennis Center License Agreement**

Director Jardis stated the negotiations are ongoing.

### **Tennis Center and Gatehouse Lease Agreements**

These agreements have been finalized and executed with BGVA paying all costs, maintenance and repairs.

### **Upper Eagle Regional Water Authority Agreement**

Nothing new to report.

### **Ski School and Public Restroom Lease**

Director Jardis reported they started with a clean lease agreement and are negotiating on a couple points. Vail Associates wants a 20-year lease and 24-hour notice if the District needs access. The facility, in part, is a public restroom so it is unclear why the District would need to give notice of access when the public does not.

### **Solar Array**

Director Jardis has been working with Mr. Holzworth on a capital lease agreement for installation of a solar array on the top of the Operations Facility. The total gross cost to the District will be just over seventy-five thousand dollars (\$75,000) then there are rebates and no cost electricity bringing the net cost down to twenty-four thousand dollars(\$24,000). This is a significant savings over what it would cost if the District were to construct the solar array themselves. Because the District does not pay taxes it cannot take advantage of the tax credits where a private citizen or company can. At the end of the lease the District has the option of purchasing the solar array for one-dollar (\$1.00). By motion duly made and seconded it was unanimously

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## Bachelor Gulch Metropolitan District January 22, 2020 Meeting Minutes

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**RESOLVED** to approve the lease proposal with Bachelor Gulch LLC subject to review and approval by legal counsel.

Director Irons-Malernee left the meeting.

### **2020 Meeting Calendar**

A proposed meeting calendar was included in the Board packet calling meetings on the 4<sup>th</sup> Wednesday of every month at 2:00 pm with the exception of November and December which will be held on the 2<sup>nd</sup> Wednesday. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2020 meeting calendar.

### **24-Hour Posting Location**

Last year the District adopted a posting resolution, per new state statute, that allows for posting all meeting notice/agendas on the District's website. In the event the internet is down or the District is unable to post notices on the website the Bachelor Gulch Gatehouse will serve as the 24-hour alternate posting location. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the 24-Hour posting location as the District's website and the alternate as the Bachelor Gulch Gatehouse.

### **Financial Statements**

An update to Zach's Cabin is that Vail Associates has petitioned the Eagle County Assessor to move the taxing location of the cabin into Arrowhead. This year they will begin paying sales and property taxes to Arrowhead Metro District.

Home Depot has begun paying sales tax on building materials delivered to Bachelor Gulch. Because of the Supreme Court decision sales tax is paid at the point of delivery. This brought up the question of whether other building supply companies were charging the District's sales tax on their deliveries. Staff reached out to a local building supply and they reported they were not. After discussion the Board agreed since this is an emerging area it would be in the District's best interest to create a one-page information sheet that could be distributed to contractors and suppliers. The Board asked Mr. Marchetti to draft something.

### **Long-Range Planning Committee**

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## Bachelor Gulch Metropolitan District January 22, 2020 Meeting Minutes

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Director Mossman asked if there have been any discussions of a long-range succession plan/committee. This committee or Board member could facilitate the transfer of knowledge particularly what Director Jardis knows about the District and its history to future Board members. Director Jardis stated he and Director Stortz have had some discussions on the subject but there are limited options. Director Mossman stated as the Board members age this facilitation and transfer is important.

### **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 January 22, 2020

Respectfully Submitted,



Secretary to the Meeting