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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  
May 27, 2020**

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, May 27, 2020 at 2:00 pm. MST, via Zoom video call.

**Attendance**

The following Directors were present and acting:

- Paul Jardis (via video call)
- Dale (Dutch) Stortz (via video call)
- Constance Irons-Malernee (via video call)
- Blair Hayes (via video call)

**Also in attendance were:**

- Rob Gosiewski, Intermountain Landscaping & Maint for Lot 65 (via video call)
- Casey Brunner, Property Owner (via video call)
- Mike Trueblood, Village Operations (via video call)
- Maureen Crofton, Public Safety (via video call)
- Sean Sprague, Bachelor Gulch Metro, Ops Asst Manager (via video call)
- Dave Berg, Bachelor Gulch Metro District, Manager (via video call)
- Ken Marchetti, Marchetti & Weaver, LLC (via video call)
- Debbie Braucht, Marchetti & Weaver, LLC, Secretary for the Meeting (via video call)

**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.

**Minutes**

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

**RESOLVED** to approve the April 22, 2020 meeting minutes as presented.

**Lot 65 Encroachment Agreements**

Mr. Gosiewski with Intermountain Landscaping stated they have plans to upgrade the driveway entrance and add better irrigation. While they were doing research for that they found out there is no encroachment agreement in place for the existing boulder retaining wall on the skiway. They would like to present two Encroachment Agreements one for the landscaping along the North side of the driveway and the

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other to memorialize what is already in place in the skiway. Mr. Gosiewski discussed his conversations with the Design Review Board (DRB) and what they are removing per DRB. Director Jardis stated since the rock wall is in the skiway easement the Board would need to know the adjacent property owners are in agreement with it's placement. To assist Mr. Gosiewski, Ms. Crofton stated she could get the adjacent property owners contact information and Mr. Berg stated he could look at the plat to see which properties benefit from the skiway. After discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to tentatively approve the landscaping on the North side of the driveway contingent upon further review and discussion of the Encroachment Agreement in the skiway.

Mr. Gosiewski left the meeting.

## **Vail Valley Foundation Community Fund Donation**

Director Jardis stated the Vail Valley Foundation created a Community Fund, not to be used for their usual projects, but instead to be used for family assistance. A motion was made and seconded to donate one-thousand (\$1,000) to the Vail Valley Foundation Community Fund. Discussion: Director Stortz stated he is on a committee looking at the need for rent payment assistance throughout the valley. They've been able to assist with rent payments up to June but additional funds are needed now. They provide assistance to the hourly workers in the community. This donation would be a gesture of good will for the whole community. Director Jardis said people are in a time of great need and this would be a small token of appreciation. Director Hayes stated he has no problem with the expressed intent of this donation but in the interest remaining as apolitical as possible does not support it and would like to focus on spending funds on the direct needs of the district. Director Irons-Malerner suggested creating a committee of Bachelor Gulch homeowners. They could collect donations and distribute the funds which are needed right now. Director Hayes agreed that this would give associations and others a chance to donate. Director Irons-Malerner agreed and the committee could decide on how and who to give the donations to. She will contact the Bachelor Gulch Residents Association. The motion passed with a vote of three in favor and one opposed.

## **Public Safety Report**

Mr. Trueblood reported that the tennis center roof replacement has been completed. They are not playing tennis yet. They need to get some

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more protocols in place such as signage, sanitizer and cleaning before play can start.

Mr. Trueblood left the meeting.

Ms. Crofton reported the current crew level is fine but they are ready to bring more staff back next week.

Wildlife in the area are a mother moose with two calves and a bear that likes to eat to eat hot tub covers. They are working with one owner on this issue.

Ms. Crofton also reported on someone tampering with the valves controlling water flow to ponds, 1, 2 and 3. The flow of water to the ponds flows down to the wetlands then to the creek. She has reached out to Eagle River Water and Sanitation and other parties who might have opened the valves but they still don't know who did it. Mr. Berg is evaluating a locking feature or valve lock and Ms. Crofton is looking at signage.

## Operations Report

The Board asked Mr. Berg to report on the COVID-19 safety protocols. He reported they have built more tables and bought a bar-b-que grill so it makes it easier for the crews to social distance. He has met with a contractor to look at the possibility of adding a second bathroom upstairs and cleaning the upstairs to add another space for a break room. They continue to social distance, symptom check and wear masks which he has purchased with a multiple filter option. A maximum of five crew members can only be in the break room or the shop at the same time in order to maintain social distancing. They will continue to work on projects that naturally keep them social distanced like the guardrails. Start times are already staggered the way the guys show up for work. Everything they touch is disinfected. Everyone is taking this seriously and they have an open chain of communication for concerns and ideas. The N95 masks they normally use are now back in stock so he ordered a lot plus a supply of hand sanitizer and gloves.

They have guardrails for a section along Elkhorn. Adarand was supposed to put in the posts but his repeated efforts to contact them have gotten no response. Two truck-loads of green guardrails are shipping the end of May. Fire mitigation will begin as soon as they are done with the guardrails.

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Mr. Berg reported on a meeting with Resort Concepts, the general contractor for the new house at 575 Strawberry Park Road. Construction vehicles will travel through Bachelor Gulch and they estimate they will be exporting at least sixty-two truck loads of fill over the next two to three years. Their representative sent plans for review of an automatic gate for authorized personnel on their jobsite. Mr. Berg and Ms. Crofton have questions on the program ability of the gate and control over who would get clickers. Ms. Crofton stated she would want them returned daily to insure they are leaving on time. A tentative start date is mid-June.

Work is set to begin at Beaver Creek Landing and Mr. Berg would like to get on the contractor's schedule to install conduit while they are in the area. A new 4" conduit is needed create space for future needs.

## **Settlement and Tennis Center License Agreement**

The agreements have been finalized and Vail Associates Inc has agreed to pay half of the \$22,000 in utility fees paid by the District for use of the telecommunications space. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the Settlement Agreement and the Tennis Center License Agreement.

## **Upper Eagle Regional Water Authority Memorandum of Understanding**

No update.

## **Amendment to Solar Array Lease Agreement**

An amendment was drafted for the Solar Array Lease Agreement after Mr. Holzworth reported to Director Jardis he received bad legal and accounting advice which resulted in original lease not providing the tax benefits that he had anticipated. The amendment changes the amortization schedule and over six years will increase the overall cost to the District by nine-hundred and sixty-three dollars (\$963). It also changes the Lease-end Option paragraph from purchase of the equipment for a "nominal price" to purchase at "fair market value". Director Jardis reiterated the benefits of the solar array from free electricity to selling back the excess. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the Amendment to the Solar Array Lease agreement.

## **Board Member Vacancy**

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The Board has a vacancy after the May election. Ms. Guss expressed an interest when she came to a meeting earlier in the year but they haven't moved to Colorado full time yet.

### **Election of Officers and Appointment to Committees**

By motion duly made and seconded it was unanimously

**RESOLVED** to leave the officer positions as they currently are.  
Chairman/President: Paul Jardis  
Vice President & Secretary: Constance Irons-Malernee  
Vice President: Dale Stortz  
Treasurer: Blair Hayes

The Board further **RESOLVED** to appoint the following Committees:  
Personnel & Human Resources: Constance Irons-Malernee & Dale Stortz  
Budget: Bair Hayes & Paul Jardis  
Operations: Dale Stortz & Paul Jardis

### **Financial Statements**

Director Jardis reiterated he would like the preliminary 2021 budget to show 12.000 mills for the General Fund with a 6.000 temporary mill levy credit and 6.000 mills for Debt Service. Mr. Marchetti stated the Colorado Division of Property Taxation is discussing a reduction of 18% in the residential assessment rate that will have significant impact on the 2022 Budget.

### **2019 Audited Financial Statements**

Due to scheduling conflicts Director Hayes, Mr. Marchetti and Mr. Nelson of Chadwick Steinkirchner and Davis have been unable to meet for a detailed review of the audit. Director Jardis asked the discussion of the 2019 be tabled to the next meeting.

### **Accounts Payable**

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

**RESOLVED** to approve and ratify the accounts payable list as presented.

### **Public Comment**

Mr. Brunner once again would like to voice his concerns over the artificial materials used for the log replacement on the skier bridges. Director Jardis thanked Mr. Brunner again for his comments and will

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take them into consideration but at this time nothing has been scheduled. Director Jardis wanted to make note that the Design Review Board does not approve or disapprove of Metro projects and welcomed Mr. Brunner to present some alternatives for consideration.

Mr. Brunner stated he would like to be considered for the vacancy on the Board. Director Jardis stated the conversation with Ms. Guss did predate this and he would like to see a more diverse representation. Currently there are two Board members from the Buckhorn Townhomes, if appointed that would make three.

## 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 May 27, 2020

Respectfully Submitted,



Secretary to the Meeting