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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  
April 28, 2021**

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, April 28, 2021 at 2:00 pm. MST, via Zoom video.

**Attendance:** The following Directors were present and acting:

- Paul Jardis (via video)
- Dale (Dutch) Stortz (via video)
- Blair Hayes (via video)
- Russ Coburn (via video)
- Stephanie Zilberman (via video)

**Also in attendance were:**

- Rob Gosiewski, Intermountain Landscape & Maint-Lot 91 representative (via video)
- Casey Bruner, Homeowner (via telephone)
- Gary Shimanowitz, VP Beaver Creek Resort-Director of Operations (via video)
- Mike Trueblood, Village Operations (via video)
- Koby Kenny, Bachelor Gulch Public Safety (via video)
- Sean Sprague, Bachelor Gulch Metro, Ops Asst Manager (via video)
- Dave Berg, Bachelor Gulch Metro, Manager (via video)
- Ken Marchetti, Marchetti & Weaver, LLC (via video)
- Debbie Braucht, Marchetti & Weaver, LLC Secretary for the Meeting (via video)

**Call to Order** The Meeting of the Board of Directors of the Bachelor Gulch Metropolitan District was called to order by Chairman Jardis, noting a quorum was present.

**Consideration of Agenda**

No changes were made to the Agenda.

**Appointment of Director-Oath of Office**

Director Jardis administered the Oath of Office to Ms. Zilberman. Once administered, Mr. Marchetti filed the Oath of Office with the Eagle County Clerk and Recorder.

**Public Comment** There was no public comment.

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## Bachelor Gulch Metropolitan District April 28, 2021 Meeting Minutes

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### Minutes

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

**RESOLVED** to approve the March 24, 2021 meeting minutes with corrections.

### Lot 91 Encroachment Agreement

Since last month's meeting, Mr. Gosiewski contacted the owners of Lot 90 and the Slopes and Trails Manager at Beaver Creek Resort. Both approved of the placement of the proposed new tree because it will not interfere with their use. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve Lot 91 Encroachment Agreement.

Mr. Gosiewski left the meeting.

### McCoy Park Construction

Mr. Shimanowitz reported most of the logging operations will be done on the snow before the elk closure to reduce the environmental impact. There are approximately 40 acres of timber to remove which will translate in to six to eight logging trucks a day up and back down Bachelor Gulch. Construction will begin after the elk closure so July 1<sup>st</sup>. All trucks except large semis, which can't negotiate the tight curves, will go through Beaver Creek with Bill Kennedy coordinating construction traffic. The period with the most activity will be August through September then assembly and load test in December 2021. The new area will add mostly green and some blue ski runs on 268 acres, 260 of which will be groomed. Directors Jardis and Stortz asked if the contractors were aware of the traffic restrictions and fire danger. Mr. Shimanowitz stated they have made all of the contractors aware of the traffic/road restrictions and they are in charge of the lift crew so they will keep them updated on fire restrictions. Approximately 20-25 people will be on site on average. Mr. Shimanowitz added if anyone has any concerns to contact him and Mr. Trueblood added he could attend a future meeting, if necessary, to keep the Board updated.

### Public Safety Report

Mr. Kenny asked if there were any questions on the report. He noted they continue to have challenges with the construction line up every morning and are working on solutions. Mr. Berg stated the pre-

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construction meetings every Monday is where it should be discussed that they are not to stage on Bachelor Gulch Trail.

There was a lengthy discussion of an incident where a drone operator lied to Public Safety to gain access to the resort. When confronted he stated he was working for the Ritz Carlton on their fire suppression system. The Ritz Carlton confirmed he was working for them and claimed they were unaware of a no-drone policy. Director Jardis stated he was of the opinion that lying to Public Safety should not be tolerated so there should be more than talking to the Ritz about it. Director Coburn stated he was unaware of a no-drone policy in Bachelor Gulch and noted real estate agents use drones all the time for photographing houses. Mr. Kenny stated for the safety of guests, roads and lifts, and privacy Director Jardis added, there are a number no-drone policies from the Forest Service, Vail Resorts and Bachelor Gulch Village Association (BGVA) plus the Bachelor Gulch Metro District (BGMD). There is an application process, applications are reviewed on a case-by-case basis but most are denied. If approved the drone operator must be licensed and provide an insurance certificate. Mr. Trueblood asked if the District wanted additional action taken on this incident. Director Jardis stated if someone is caught using drones then they should get a Warning Letter and if it happens again then they should be banned from the resort. He will contact the District's legal counsel to draft a Warning Letter.

### **Wildfire Mitigation and Plans**

Mr. Trueblood stated Eagle River Fire Protection District attended their BGVA meeting this morning and would like to further a discussion on mitigation with BGMD Operations.

There was discussion of re-evaluating the Evacuation Plan, the Wildfire Siren and the Evacuation Routes due to concerns of the upcoming wildfire season. The Board would like Mr. Berg to make this a top priority and then work with BGVA to communicate this information to the property owners. Mr. Shimanowitz added the evacuation routes were discussed and planned before. Director Jardis stated he doesn't know what the route would be off Elkhorn. Mr. Berg stated they been discussing wildfire mitigation behind the Wilson's house. They are considering coming up from the bottom which would create an evacuation route.

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Bachelor Gulch Metropolitan District April 28, 2021 Meeting Minutes

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There was discussion of wildfire evaluations and waiving Design Review Fees based on those recommendations.

Mr. Shimanowitz left the meeting.

## **Operations Report**

Mr. Berg discussed a concrete pan for Lot 38 and it was determined no encroachment agreement was needed as part of the driveway construction.

Mr. Berg stated the employee out on work comp will be out until around the end of May. He expects him to return at that time with restrictions. Mr. Guy Sedillo will be returning for his eleventh season this summer. He will also re-hire the same two temporary summer employees to assist with their summer work schedule. Their focus will be on fire mitigation and will be getting started early. Director Jardis asked if the seasonal workers were vaccinated and Mr. Berg stated they are or are in the process.

Frontier Paving anticipates being able to complete the overlay two weeks early.

Per manufacturers suggestions they are cleaning the solar array one-time per month. Director Coburn asked if there was a separate budget for Solar Maintenance and Mr. Berg replied there was not.

## **Financial Statements**

Director Jardis and Mr. Marchetti recently had a discussion regarding cash flow. Instead of investing in low interest certificates of deposit they discussed paying down the District's debt. Mr. Marchetti will check on prepayment penalties for the 2012 US Bank Loan but both believed the District was able to pre-pay principal in the amount of one-million dollars a year. Director Jardis stated he would like to pay the final principal payment on the 2011 GO Bonds which is eight-hundred and twenty thousand dollars (\$820,000) with the June 1<sup>st</sup> interest payment. This will save the District twelve thousand three-hundred dollars in interest. The Board agreed to the early payment of principal on the 2011 GO Bonds. Director Jardis stated going forward the District will continue what it has done in the past which is lower the mill levy and pay down debt.

## **Accounts Payable**

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## Bachelor Gulch Metropolitan District April 28, 2021 Meeting Minutes

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A supplemental list was provided to the Board prior to the meeting and upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve and ratify the 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 April 28, 2021

Respectfully Submitted,



Secretary to the Meeting