
RECORD OF PROCEEDINGS

**Minutes of the Regular Meeting
of the Board of Directors of
Bachelor Gulch Metropolitan District
March 23, 2022**

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, March 23, 2022 at 2:00 pm. MST, via Zoom video.

Attendance: The following Directors were present and acting:

- Paul Jardis
- Russ Coburn
- Mike Leeds
- Blair Hayes
- Linda Flanders

Also in attendance were:

- Hugh Fairfield Smith & Jason Clark, Eagle Valley Wildland
- Tracy LeClair & Chief Karl Bauer, Eagle River Fire Protection District
- Linda Flanders, Property Owner
- Casey Brunner, Property Owner
- Lee Hoover, Village Operations
- Maureen Crofton, Bachelor Gulch Public Safety
- Sean Sprague, Bachelor Gulch Metro, Ops Asst Manager
- Dave Berg, Bachelor Gulch Metro, Manager
- Ken Fellman & Colleen McCroskey, Kissinger & Fellman
- 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 the Bachelor Gulch Metropolitan District was called to order by Chairman Jardis, noting a quorum was present.

Gary Shimanowitz

Director Jardis wanted to acknowledge Mr. Shimanowitz' passing and his contributions to the resort community.

Consideration of Agenda

No changes were made to the Agenda.

Public Comment

There was no public comment.

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Board Vacancy-Appointment of Director

Upon motion duly made and seconded it was unanimously

RESOLVED to appoint Linda Flanders to fill the vacancy on the Board and to serve until the next regular election.

Director Jardis administered the Oath of Office to Ms. Flanders. Her executed Oath of office was filed with the Eagle County Clerk and Recorder.

Wildfire Mitigation

Chief Bauer stated their analysis and modern science have created an effective wildfire mitigation effort which they would like to present today. A collaboration has been formed between Greater Eagle Fire Protection District, Eagle River Fire Protection District and Eagle County. The power and cooperation of this collaboration should begin to reduce the wildfire risks in our area. Mr. Fairfield Smith shared a simulation presentation created specifically for Bachelor Gulch based on their analysis of ignition points, winds and fuels. Based on their data the wildfire would reach homes and burn 59 acres in thirty (30) minutes. He ran the presentation again with fire breaks just below the Wolf Lot, mid-slope and two fuel breaks on the ridge tops which would act as a funnel to catch any fire that breaks through. With the breaks in place after one-hour and red flag conditions (48 MPH winds) the fire is not impacting any structures and 47 acres are burned. Under this same scenario, after 3 hours no homes are impacted and the fire is contained within the fuel breaks. During discussion of a joint mitigation effort he noted they do not have the resources to do the work themselves. They would provide supervision and work with Mr. Berg using the District's mastication machinery and Old Growth Tree Service for other tasks. Director Hayes asked if there were grants or funding from the County for these efforts? Chief Bauer stated not at this time but the County is supporting Eagle Valley Wildland. Director Hayes stated now that they have identified what needs to be done the 2nd part of the action plan is a joint effort between the District, Bachelor Gulch Village Association, possibly Beaver Creek Metro District and the Homestead Homeowners Association for finances and personnel.

Ms. LeClair stated County wide they are working on evacuation routes and education particularly with second homeowners that are not as familiar with the area. Director Jardis stated that has been one of the top priorities of the District but they really need more work in that area. Mr. Hoover stated they have an owner database that can be used to get education and evacuation information disseminated.

Mr. Fairfield Smith, Mr. Clark, Chief Bauer and Ms. LeClair left the meeting.

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The Board stated they were pleased with the information and presentation Eagle Valley Wildland put together. Mr. Berg agreed it was superior technical information than what they were seeing from Anchor Point or SWCA Environmental Consultants. Director Jardis stated due to the seriousness of this issue and timing he would make a motion to authorize Mr. Berg to start work ASAP to hire who he needs and to authorize funds of two-hundred fifty thousand (\$250,000) for wildfire mitigation. Director Leeds seconded the motion for discussion purposes. Discussion-Director Hayes stated he would like to have more information and for Mr. Berg to come back to the Board with a recommendation before authorizing additional funds. One-hundred seventy thousand dollars (\$170,000) has already been budgeted for wildfire mitigation. Director Coburn asked Mr. Berg when they can get started and he replied the snow has to melt and the ground had to dry out before they can get equipment on the ground. He added he needs to discuss mitigation planning efforts with Mr. Fairfield Smith and Old Growth Tree Service then get on the contractor's schedule. Director Jardis stated as soon as the ground is dry it's wildfire season so time is of the essence. Director Flanders agreed they need to move forward as quickly as possible. Upon motion duly made and seconded the vote failed of one in favor and four opposed. After the vote failed, Director Coburn asked Mr. Berg if he felt he had the financial backing he needed to proceed, he replied that he did.

Minutes

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

RESOLVED to approve the February 23, 2022 meeting minutes with spelling corrections.

Eagle County Regional Transit Authority

Mr. Marchetti stated Eagle County, and the Towns of Vail and Avon along with Beaver Creek are studying the concept of creating a regional transit authority. ECO Transit, which is already in place, would be replaced by the proposed authority modeling it after the Roaring Fork Transit Authority. They are holding a public meeting at the Single Tree Community Center on April 14th to discuss the pro and cons of an authority and explore funding before they would consider putting a question on the November ballot. Where they are not proposing any changes for Bachelor Gulch, ECO Transit currently moves workers from residential areas to work in the ski areas so it is of interest to Bachelor Gulch. They would like a representative from the District to attend the meeting. Director Leeds stated if the meeting were held via Zoom he could attend. Mr. Marchetti stated he will look into it.

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Public Safety Report

Ms. Crofton contacted Colorado State Patrol regarding speed enforcement. Because Bachelor Gulch is a private community there are only a handful of statutes they could enforce. She reviewed the detailed enforcement criteria with the Board and after discussion everyone agreed Colorado State Patrol and Eagle County Sheriff are out of the picture for enforcement. It was noted, Bachelor Gulch Public Safety has the ability to enforce Bachelor Gulch rules. After discussion the Board asked Ms. Crofton to work with Mr. Kinney and Mr. Hoover to come up with what is reasonable and enforceable and determine whether that is for Bachelor Gulch Metro or Bachelor Gulch Village Association.

Operations Report

Mr. Berg reported the Rivian electric truck is scheduled for delivery in four to six weeks. He has sent the paperwork to Mr. Fellman for review and will return it once that has been approved. Because they need a charging station they are working with Holy Cross Energy who is giving away charging stations with proof of an electric vehicle.

Mr. Berg reported they have made two offers to well qualified candidates to fill the two vacancies they currently have in operations.

Comcast Agreements

There has been no update on the new agreements from Mr. Henzler at Comcast. Mr. Fellman has drafted amendments to the original agreements and will send them to Directors Jardis and Leeds for review and approval. Director Hayes requested a copy too. Mr. Fellman will incorporate any comments or revisions and forward the Draft Agreements on to Comcast. The Agreements expire the end of April 2022.

Beaver Creek Metro District and Upper Eagle Regional Water Authority

Director Jardis circulated a letter from the Beaver Creek Metropolitan District regarding their opposition to the Upper Eagle Regional Water Authority (UERWA) change in governance. The restructuring would place all decision-making with the Eagle River Water and Sanitation District and reduce the six voting members to an advisory role. Their letter states there is no clear reason or benefit to a consolidation. Bachelor Gulch is represented by Beaver Creek in UERWA so would also lose representation. Director Jardis stated the District's former representative would come to Board meetings regularly and the Board had an excellent relationship with him. After discussion the Board agreed to have Mr. Fellman draft a letter of support for Beaver Creek Metro District's position on the matter.

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Financial Statements

Mr. Marchetti included a revised draft 2023 Budget column with the Financial Statements. Director Jardis asked why there was projected deficit spending in the revised draft of the 2023 budget? Mr. Marchetti stated the deficit would be covered by the favorable fund balance. He noted it was for discussion purposes only because no action was required at this time or for some months. Up to this point wildfire mitigation has been paid out of the general fund. Mr. Marchetti reported if the Board wanted to get authorization to use sales tax to pay for fire mitigation that is now a permissible under HB-19-1047. This however would require an election to get voter approval. Director Hayes stated he is not sure if he is in support of Ken's proposed mill levies but he would support this use of sales tax. After discussion and upon motion duly made and seconded the Board approved moving forward with a Sales Tax question in a Special Election in November 2022. Mr. Marchetti stated it is customary to use special legal counsel to write the ballot language and assist with these types of elections. Mr. Fellman was in support of that and special legal counsels were discussed. The Board asked Mr. Marchetti & Mr. Fellman to come back to them with a recommendation.

Accounts Payable

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

RESOLVED to approve and ratify the Accounts Payable List.

Employee Raises & Cash Incentives

After last month's meeting the Personnel Committee and Mr. Berg moved forward with the following:

- Raises to three employees to increase their wages up to a level commensurate with their years of employment and the rate they are advertising for the new hires. The total came to \$11,294 for the 2022 Budget.
- Bonuses to five employees totaling \$950 for going above and beyond their regular duties.
- Finally they anticipate giving sign-on and recruitment bonuses totaling \$5,500 between this spring and fall. Six months is held back for retention, attendance and performance.

At this time they would request approval for the items listed above and will continue to collect and review data related to additional pay increases to

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present at future meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the raises and incentives as outlined above and as recommended by the Personnel Committee and Mr. Berg.

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 March 23, 2022.

Respectfully Submitted,



Secretary to the Meeting