
RECORD OF PROCEEDINGS

**Minutes of the Regular Meeting
of the Board of Directors of
Bachelor Gulch Metropolitan District
June 22, 2022**

A Regular Meeting of the Board of Directors of Bachelor Gulch Metropolitan District, Eagle County, Colorado, was held Wednesday, June 22, 2022 at 2:00 pm. MST, via Zoom video.

Attendance: The following Directors were present and acting:

- Russ Coburn
- Michael DeMane
- Linda Flanders
- Blair Hayes
- Mike Leeds

Also in attendance were:

- Dan Dickhart, General Manger, Ritz Carlton
- Lee Hoover, Village Operations
- Sean Sprague, Bachelor Gulch Metro, Ops Asst Manager
- Dave Berg, Bachelor Gulch Metro, Manager
- Ken Fellman and 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 Leeds, noting a quorum was present.

Consideration of Agenda

Discussion of Gatehouse dedication was added to the Agenda.

Discussion of Jardis Dedication

There was discussion of the placement of a plaque in honor of former Director Jardis. Language and locations were discussed.

Public Comment

There was no public comment.

Update on Road Closure and Ritz Remodel

Mr. Dickhart gave an update to the Board on the building remodel and timing for re-opening. The Board asked if there were any complaints or comments and Mr. Dickhart replied there were not. Director Coburn stated he stopped by regularly and they did a great job and so did Public Safety.

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Minutes

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

RESOLVED to approve the May 25, 2022 meeting minutes with a spelling correction on page 4.

Public Safety Report

Ms. Crofton is on vacation so no report was included in the meeting packet.

Public Safety Questions and Authorizations

There was discussion of who Public Safety calls when they need guidance for routine public safety questions or exception requests to the Road Rules and Regulations. After discussion the Board agreed if Public Safety needs to call a Board member on the West side, they should contact Director Coburn and if it is on the East side, they should contact Director DeMane.

The Board asked the status of the new radar system. Mr. Berg stated there were a lot of unanswered questions on the quote so he is still working on it. One big question he has, is that this is a downhill system but can it record uphill with another camera and radar or would it require a whole new system? There was discussion of how important an uphill camera and radar system would be since this seems to be the issue lately. Mr. Berg is working on it and will keep the Board informed. Director Hayes stated he was still unclear what their enforcement options were. There was discussion of Colorado State Patrol and the penalties included in the Road Use Rules and Regulations. Ms. Crofton has the best understanding of the regulations and what the Sheriff or Colorado State Patrol can or cannot assist with. There was discussion of the new system and when it's up and running it has the ability to trigger a ticket and notice to the violator.

Operations Report

Mr. Berg stated they are 29% done with the guardrail replacements for this year. They will begin the installation of angled end pieces which will take them until approximately 2025 to complete. The vertical posts will need to be evaluated and they are hoping to get that done by a company out of Oregon. He will keep the Board updated on those. They continue to replace log lot markers, street lights and signs.

Operations is currently fully staffed with fourteen employees. Eleven full-time year-round, two short-term summer seasonal and one summer seasonal employee that works about half the year. Mr. Sprague stated they are starting to see supply shortages and are trying to work through that. In anticipation of these shortages they are trying to stock pile some items.

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They are excited about the 6,500 feet of additional space the yard expansion created and look forward to utilizing it. They won't be striping the Wolf Lot because Mr. Hensel said they will be doing the whole lot later. Director Leeds noted the expansion has been more expensive than originally planned. The contractor had to over excavate the hillside because of water saturation then backfill with suitable dry fill followed by four-inch asphalt instead of the normal three inches to match the existing grade of the parking lot. Vail will be gaining thirty-two parking spaces in the Wolf Lot which is a big gain for them.

Wildfire Mitigation Update

Mr. Berg reported to the Board on the ongoing fire mitigation efforts. Operations supported by Old Growth Tree Service (OGT) and Eagle Valley Wildland are close to accomplishing nearly all of the mitigation recommendations. OGT hand crews are creating slash piles for prescribed burns. The Board questioned the safety of the slash piles but Mr. Berg reassured them they are professionals and do this a lot. He expects the prescribed burns to begin after the snow starts this fall. He stated in the mitigation areas the grass is starting to grow in and if it has not in two years, they will seed it. Mr. Smith with Eagle Valley Wildland, adjusted the mitigation areas based on the topography and OGT has more hand work to do and remote mastication for a 60-degree slope. Mr. Hoover stated other Metro Districts have been complimenting Bachelor Gulch on their efforts and it is driving them on their efforts. Bachelor Gulch Village Association is fully supportive of those efforts.

Mr. Hoover left the meeting.

Comcast Agreements

Director Leeds stated he has signed the First Amendment to the Comcast Bulk Agreement and the Conduit License Agreement. He added, he has never felt comfortable that the single-family homes don't pay for the basic Comcast services and the associations pay through their association dues. He doesn't have any answers yet but would like to continue to work on making this more equitable. Mr. Fellman stated the bulk agreement is tied to the conduit use and it only benefits 107 or 108 single family homes currently. This type of agreement with a Metro District is highly unusual and they will continue to work on a way to make it a benefit to all because all property owners have an interest in the conduit. The contracts have been extended to December 31, 2024 with automatic three-year renewal options.

Election Resolution

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Mr. Vieo drafted the Election Resolution and he will draft the ballot language. They will be asking voters to approve use of the already existing sales taxes for fire protection and mitigation. The original sales tax election did not ask to use sales taxes for fire mitigation because it was not a permissible use at that time under the law. Mr. Marchetti stated the election will be a mail ballot election on Tuesday, November 8, 2022 and the Resolution authorizes his office to conduct the election. Mr. Marchetti stated it its important for the taxpayers to understand this is not a tax increase and as individuals they can promote it. Colorado Law prohibits a Board to campaign on behalf of their election but they can as individuals. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the November 8, 2022 Sales Tax Election Resolution.

Mr. Dickhart and Director DeMane left the meeting.

2021 Audit

This discussion was tabled to July.

Financial Statements

Mr. Marchetti stated he will typically review the financial statements and focus on the Forecast column for unfavorable variances. There were increased costs on the Wolf Lot construction but the District has the ability to absorb those overages. Accounting costs have been higher because his office has been converting all the old paper files to electronic storage. Additional overages was work early in the year by HR Plus for the studies and employee pay increases. Director Hayes appreciated Mr. Marchetti reaching out to the Ritz on the sales tax for the remodel.

Accounts Payable

There was discussion of the process for approving payables and the timing of the second AP List. Director Hayes stated he is unprepared to vote on approval with only 26-hours of notice which is when the second list was sent to the Board. The construction contracts for the Wolf Lot and Yard Expansion in addition to the 2012 Principal payment increased the second AP List significantly, he noted there was no backup for the significant changes/increases. After discussion it was agreed Mr. Marchetti will provide the Board with an Accounts Payable Procedure/Policy. Upon motion duly made and seconded it was unanimously

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RESOLVED to approve the Second and Amended AP List subject to Mr. Marchetti's review and approval of the contracts and change orders for the Wolf Lot and Shop Yard which should be by Monday.

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 June 22, 2022.

Respectfully Submitted,



Secretary to the Meeting