

---

## RECORD OF PROCEEDINGS

---

### **Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District February 25, 2014**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on February 25, 2014 at 8:30 a.m., at the Singletree Community Center, 1010 Berry Creek Road, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

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

- George Gregory
- Dan Godec
- Herb Luhman
- Mike Budd
- Ann Darby

Also in attendance were:

- Dan Carlson, Operations
- Cheri Curtis, Secretary to the Meeting
- Ken Marchetti, District Administrator

#### **Call To Order**

A Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on February 25, 2014, at 8:30 a.m. noting a quorum was present.

#### **Potential Conflicts**

**Of Interest** Director Darby reported that she is the owner of Darby Architects, P.C., an architectural firm that has been engaged to provide architectural services to the District. Darby Architects' provision of these services to the District could constitute a potential conflict of interest. The Board noted, for the record, that this disclosure is restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

**Public Input** No public input.

#### **Changes to the**

**Agenda** None were presented.

---

## RECORD OF PROCEEDINGS

---

---

### Berry Creek Metropolitan District February 25, 2014 Meeting Minutes

---

**Minutes**      The January 28, 2014 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the January 28, 2014 Regular Meeting minutes as revised.

**Community Center  
Expansion &  
Community  
Garden**

Director Darby with assistance from Director Gregory presented a very preliminary concept to construct a “community center expansion building” that would be detached from the existing Community Center. The additional building would have room for an additional office and meeting room with room for additional exercise equipment. A barbecue area will be established between the existing Community Center and the proposed building.

The Garden Committee has requested forty spaces instead of the thirty-two proposed spaces. There would be twenty garden spaces built initially. Director Budd stated the originally proposed garden area to the east of the Community Center is where weddings are currently held and the current proposed area to the south of the Community Center would be a better location. The gardens would be fully fenced with landscaping to screen the fencing.

The walkway between the two buildings would be a covered and enclosed. The Board discussed the concept and the location of the different rooms. It was noted that storage needs to be considered.

Director Budd stated although Community Center reservations are down, the Board has reserved \$500,000 for the Community Center expansion and the concept was presented to the Community. Director Luhman suggested that a survey be conducted that will provide community input to the Board.

Director Gregory has met with the Garden Committee consisting of Director Darby, Sarah Jaridis, and Susan Mackin-Dolan, to discuss the design concept. One suggestion was to use pocket parks for garden plots, rather than the Chip Ramsey Park.

Director Darby questioned making changes to the existing building. Director Budd would like to see the mechanical equipment moved from the attic to the main floor. The Board agreed the facility should be a top quality facility.

Darby Architects, P.C. presented a \$2,500 proposal to prepare a site plan including floor plans for an additional facility. Upon motion duly made and seconded it was by a vote of four in favor and Director Darby abstaining

---

## RECORD OF PROCEEDINGS

---

---

### Berry Creek Metropolitan District February 25, 2014 Meeting Minutes

---

**RESOLVED** to approve the contract with Darby Architects P.C. for an amount not to exceed \$2,500 to prepare a site plan with a floor plan for an additional facility.

The Board suggested scheduling a meeting with the SPOA Board to discuss the conceptual plans.

Director Gregory contacted Jim Collins regarding legal and liability issues with creating a community garden. Mr. Collins suggested the District form a sub-committee under the District's organization. Sara Jardis suggested forming the committee under The Walking Mountain Science Center for fund raising purposes. Director Luhman expressed concerns with The Walking Mountain Science Center taking control of the project, and therefore overriding any Board decisions. Director Gregory will investigate the roll of the Walking Mountain Science Center.

**Operations** Mr. Carlson has been performing standard cleaning and has removed an animal carcass. Cars have veered off the District roads with recent ice issues.

The roundabout decorative lights have not been working and Mr. Carlson is working with Stephens Landscaping to correct the problems. Director Luhman would like to see the holiday lights extended to the small roundabout. The Board agreed to leave the holiday lights on during the ski season.

#### **Financial Report**

The January 31, 2014 financial report was included in the Board packet. The preliminary 2015 budget is included as a place holder and will be discussed later in the year and a preliminary 2016 budget will be added in a future financial reports for comparative purposes.

The District has received a tap fee and is anticipating additional tap fees in 2014.

#### **Accounts Payable**

The Board reviewed the accounts payable list for February 2014. Director Budd questioned the contribution to ECA that was confirmed by Mr. Marchetti. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the February 2014 accounts payable list as presented.

**SPOA** There was no report.

---

## RECORD OF PROCEEDINGS

---

---

### Berry Creek Metropolitan District February 25, 2014 Meeting Minutes

---

**UERWA** Director Gregory reported the UERWA Board is proposing to increase the water user base fee to cover short to mid term capital replacements rather than bonding for those costs. This fee increase will require approval of all of the member entities in UERWA and a resolution for Berry Creek Metro's approval will be presented at the March meeting. Director Budd expressed concern that there will be pushback from property owners on increasing costs without looking at other costs saving measures. Director Gregory asked the Board whether based on the discussions of this topic over the past year if they have the information necessary to approve this fee increase or if they would like a detailed presentation from UERWA. The Board indicated a detailed presentation was not necessary.

Director Darby questioned the status of the Resolution approved by the Board to develop a Statewide Water Usage Initiative. Director Gregory explained the process is complex and continuing.

The UERWA attorney (Jim Collins) continues to work on the updated Authority agreement. The issue being addressed is determining how an entity will be reimbursed if the Authority ever disbands or an entity withdraws from the Authority.

**ECA** There has been no recent meeting. Director Budd reported the IGA between ECA, Eagle County and CDOT for the Spur Road design has not been completed yet. CDOT has announced that it is stopping any further pursuit of light rail between the Denver Airport and the Eagle Airport, due to costs. Cordillera has still not agreed to funding its share of the Spur Road design costs.

Director Budd noted funding for Vail's underpass was approved without finished engineering studies and the access road grade will have to be moved by as much as twelve feet. With the overage on the Eagle Roundabouts and the expansion of the twin tunnels, Director Budd does not believe CDOT will have funds available for the improvements on the Edwards Spur Road.

Mr. Marchetti explained the County is working with CDOT on the IGA for the design of Phase II. The previous Phase named Eagle County as the lead for the process. It was suggested assigning CDOT to lead the process with the understanding that CDOT will charge a fee to lead the project. The costs associated with CDOT leading the project will be considered at ECA's next meeting.

#### **Open Items List**

Director Gregory has contacted Gordon Adams with Eagle County Road and Bridge to inform him the District made improvements to Howard Drive and had an engineering study completed on the District's roads. Director Gregory explained the roads have severe cracking. Mr. Adams requested postponing the

---

## RECORD OF PROCEEDINGS

---

---

### Berry Creek Metropolitan District February 25, 2014 Meeting Minutes

---

review of the District's roads for forty-five days and assigned Ben Gerdes to the project.

Signs notifying residents of closed areas for wildlife have been ordered and installed. Ms. Curtis was directed to follow up on the insurance claim for the damages to Winslow Road. SPOA will need to take the lead on the Castle Peak Senior Center. Susan Mackin-Dolan was appointed chair for the Community Garden committee.

#### **Executive Session**

Upon motion duly made and seconded, it was unanimously

**RESOLVED** to enter into executive session at 10:12 a.m. pursuant to §24-6-7402(4)(f) to discuss negotiations with the Singletree Property Owners Association Board of Directors regarding staff and personnel matters.

The Board adjourned from the Executive Session at 10:30 a.m.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 25th day of February, 2014.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting