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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District May 27, 2014

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 27, 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
- Ann Darby
- Dan Godec
- Mike Budd
- Mike Reisinger

Also in attendance were:

- Karen Kern
- Sonja Atkinson
- Eva Wilson, Eagle County Engineering
- Ralph Dockery, SPOA
- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- Cheri Curtis, Secretary to the Meeting

#### **Call To Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Chairman Gregory, on May 27, 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.

#### **Changes to the Agenda**

Eva Wilson's presentation was moved to the top of the agenda. Director Budd added recognition of Herb Luhman's service to the Community to the agenda.

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#### **Freedom Park**

##### **Paving Project**

Eva Wilson, with Eagle County Engineering, made a presentation to the Board on the planned paving of the Freedom Park parking lot adjacent to the WECMRD Field House and the dog park. The east lot will be closed on July 7, 2014 until construction is completed. The west parking lot and the Battle Mountain High School will be used during construction.

The lighting matches existing lighting in the Berry Creek Fifth Filing. LED lighting will be used for energy efficiency. The lights will be controlled by WECMRD staff and will be down lighting that will be turned off by 10:00 p.m.

The Board questioned the plans for a future Eagle County Building to be located on the Berry Creek Fifth Filing. Ms. Wilson reported there are currently no specific plans or timeline for an Eagle County Building at this site. However, Ms. Wilson reported that the County plans to submit the plans as they are developed to both the Berry Creek Metropolitan District and the SPOA Boards for review.

#### **Edwards Spur Road**

##### **Phase II**

The design for Phase II of the Edwards Spur Road was budgeted with a preliminary budget of \$1,000,000. CDOT had previously committed \$500,000 for the design phase with Eagle County contributing \$250,000 and ECA contributing \$250,000. Due to over programming, CDOT withdrew the funds for design of Phase II. Eagle County officials have worked out a tentative agreement with CDOT that will allow Eagle County and ECA to fund \$500,000 in 2014 with CDOT allocating their portion at the end of the project. This agreement will be documented in an intergovernmental agreement between CDOT and Eagle County but this agreement will be available for review by all the ECA participants.

Director Godec questioned whether CDOT will commit additional funds in future years for construction of improvements to the Edwards Spur Road. Ms. Wilson stated CDOT has recognized the project needs to be completed and they plan to fund the project in future years.

The design will begin after the IGA with CDOT is completed and an engineer is chosen. After questions presented by Director Budd, Ms. Wilson explained the difficulties of getting projects completed and the need to be ready to move forward on the project when funds become available. Director Gregory clarified the Board is uneasy approving funding of a project if the specific amount is not determined.

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Director Budd clarified the first IGA is between CDOT and Eagle County. The second IGA is between Eagle County and ECA. After discussing the items presented on the Community phone call, Director Gregory clarified the Board would like multiple opportunities to withdraw the District's funding if CDOT's funding is not guaranteed. Ms. Wilson understands the Board's position to not commit funding but presented options to work toward getting prepared for the project so the design is ready when funding becomes available. The Board stated the IGAs with CDOT and ECA need to be in place prior to the Board committing funds for the project.

**Public Input** Karen Kern and Sonja Atkinson reported they were in attendance to obtain information on the plans for the Community Gardens.

**Minutes** The April 29, 2014 Special Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the April 29, 2014 Special Meeting minutes with revisions.

#### **Appointment of**

**Director** There were three positions available at the May Board election. Directors Reisinger and Darby submitted Self-Nomination and Acceptance Forms and were elected to the Board, leaving one position open. Upon motion duly made and seconded it was unanimously

**RESOLVED** to appoint Mike Budd to serve on the Board until the May 2016 election.

#### **Oaths of Office**

The Oaths of Office were administered to Directors Darby, Reisinger, and Budd by Chairman Gregory and notarized by Ms. Curtis.

#### **Election of Officers**

Upon motion duly made and seconded it was unanimously

**RESOLVED** to appoint Director Gregory as Chairman/President, Director Godec as Secretary/Treasurer, and all other Directors as Vice Chairperson/Assistant Secretary & Treasurer.

#### **Wildland Fire Module Funding**

Avon Town Council has requested donations from neighboring entities to fund a wildland fire module in Wildridge. It was reported SPOA agreed to contribute \$5,000. Director Gregory recommended the District contribute the same amount.

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Director Budd suggested Eagle County entities should agree to contribute to funding the wildland fire module to avoid increases in homeowner insurance and to meet State requirements.

Director Reisinger stated he felt there should be a supportable allocation formula rather than an arbitrary allocation. Director Gregory clarified the funding is not based on an allocation; it is just a good will gesture. Upon motion duly made and seconded it was unanimously

RESOLVED to approve a \$5,000 donation to the Town of Avon for the Wildland Fire Module.

The Board will request an allocation be determined based on a specific calculation for future funding requests. Director Budd stated the County's budget process does not allocate funding based on the property taxes collected from Singletree and the Board should keep this in perspective when approving funding.

Director Reisinger suggested the Board have a representative work with the Town of Avon to be able to educate Singletree Property Owners on wildfire mitigation. Director Reisinger agreed to work with Virginia Eggers, the Town of Avon Manager on wildfire mitigation education.

#### **Community Garden**

**Committee** Susan Makin-Dolan and Sarah Jardis from the Community Garden Committee decided to not appear at the DRC meeting to present the Community Garden concept. It was noted there were eighty letters in support of the gardens and eight letters of opposition. Director Darby stated the community garden concept will be incorporated into the plans for the expansion of the Community Center.

Director Gregory explained the Board's position is to make sure the community garden enhances the Community. Ms. Atkinson informed the Board she is not opposed to a community garden, only the proposed design. Director Gregory encouraged Ms. Atkinson to contact the Community Garden committee members to get involved with the design plans.

#### **Community Center**

**Expansion** Director Darby has solicited input from the other Board members to start the next phase of the design for the expansion of the Community Center. Director Darby would like to meet onsite with the Board members to look at the plans for the next phase. The discussion on the Community Center expansion was tabled to the end of the meeting.

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#### **UERWA**

##### **Agreement**

The changes requested by Director Budd have not yet been incorporated into the draft agreement presented at the meeting. Director Gregory agreed to make sure Directors Budd's comments are incorporated into the agreement. Director Budd presented other comments that were clarified by Director Gregory. The Board agreed to not execute the UERWA Agreement until the proposed changes are incorporated into the agreement.

#### **Other**

##### **Business**

Herb Luhman has served the Community as a Director with both SPOA and Berry Creek Metropolitan District. Director Budd proposed the Board acknowledge his service. Director Gregory suggested sponsoring a youth fly fishing education program in Mr. Luhman's name. Upon motion duly made and seconded it was unanimously

RESOLVED to approve up to \$500 for a contribution in honor of Herb Luhman for his years of service to the community.

The Board will request funds from SPOA for this purpose.

#### **Operations**

Mr. Carlson has received a \$15,000 proposal to paint the street lines, stop bars and pedestrian marking signs. With the street lines still in good shape and the plans to overlay the roads in 2015, the Board agreed to only paint the stop bars, pedestrian marking signs, and other signs that need to be updated.

The flower pots around the Community Center have been planted. The noxious weeds are being sprayed. Sand is being dumped in the Community Center parking lot for the golf course. The playground equipment is being repaired. The temporary irrigation at the entrance is being removed.

#### **2013 Draft**

##### **Audit**

The 2013 draft audit was presented to the Board at the April meeting. Directors Budd and Godec meet with Dan Cudahy from McMahan and Associates and Mike Reisinger to review the audit. The changes requested have not been completed yet so the audit will be presented for approval at the June meeting.

#### **Financial**

##### **Report**

The April 30, 2014 financial report was included in the Board packet. Director Godec suggested looking into moving additional funds out of ColoTrust to achieve a better interest rate

#### **Accounts**

##### **Payable**

The Board reviewed the accounts payable list for May 2014. Upon motion duly made and seconded it was unanimously

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

**SPOA** Ralph Dockery was present at the meeting to update the Board on the items discussed at the last SPOA meeting. Mr. Dockery recommended a working meeting with the two Boards. It was also agreed the Boards should work together on wildfire mitigation.

Mr. Dockery reported there have been three resignations from the SPOA Board. Mr. Dockery is recommending that the vacant board seats not be filled reducing the size of the SPOA Board. Director Gregory recommended maintaining a five member Board to be most efficient. It was agreed the Boards would evaluate moving toward a single five member Board to manage the Singletree Community.

**UERWA** The Authority Agreement was presented for review and will be brought back at the next meeting. The Traer Creek water tank is operational and part of the water system.

Mountain Star properties have continued to use excessive water for outside irrigation. The Authority is considering installing a water tank specific for Mountain Star property owners only. The water usage in Mountain Star may need to be restricted over time.

Upon motion duly made and seconded it was unanimously

**RESOLVED** to appoint Director Gregory to serve as the UERWA representative and Director Godec as the alternate.

**ECA** Upon motion duly made and seconded it was unanimously

**RESOLVED** to appoint Director Budd as the representative for ECA and Director Reisinger as the alternate.

### **Open Items List**

The Board reviewed the Open Item List. Director Gregory will work on a letter to the insurance company requesting a large settlement for the Winslow Road damages. It was noted the lights are not working on the railing on the Winslow Road underpass.

The Board agreed to discuss the expansion of the Singletree Community Center Conceptual Plan at a continuation of today's meeting. Director Darby requested a budget for the Singletree Community Center expansion. It was decided a meeting for property owners input was premature until conceptual plans are completed.

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#### Other

#### Business

Mr. Carlson suggested improving the dumpster situation at the Community Center to discourage residents from dumping household trash. An enclosed facility adjacent to the expansion of the Community Center was suggested.

Director Reisinger suggested communicating to property owners the plans for paving and lights at Miller Ranch.

#### Executive Session

Upon motion duly made and seconded, it was unanimously

**RESOLVED** to enter into executive session at 10:40 a.m. pursuant to §24-6-7402(4)(f) to discuss staff and personnel matters.

The Board adjourned from the Executive Session at 11:05 a.m.

The Board agreed to have Terri Martinez-Johnson work full-time at the Singletree Community Center beginning June 2, 2014.

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

**RESOLVED** to continue the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 27th day of May, 2014 to Friday, May 30, 2014 at 8:30 a.m.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting