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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 24, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 24, 2011 at 9:00 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:

- Mike Budd
- Heather McInerny
- George Gregory
- Dan Godec

The following Directors were absent and excused:

- Herb Luhman

Also in attendance were:

- Peter Bergh
- Marty Sophir, SPOA
- Kim Ahmad, Community Manager
- Dan Carlson, Operations
- Ken Marchetti, Robertson & Marchetti, P.C.
- 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 Director Budd, on May 24, 2011, at 9:00 a.m. noting a quorum was present.

#### **Agenda**

The following additions were made to the agenda:

- Peter Bergh was present to discuss the District trees
- The Travel Management Plan (Trails)
- Revisiting the beautification plan
- Work session for goals and objectives

The ECA update was moved up on the agenda to accommodate Director McInerny's schedule.

**Public Input** Peter Bergh thanked the Board and Neil Tretter for replacing the damaged or dead trees along Berry Creek Road. Mr. Bergh suggested the Board request that ACC reimburse Berry Creek Metro District \$800 for the Cottonwood tree that was

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damaged and removed during the construction process. Director Gregory requested that Ms. Ahmad monitor the tree issue. Director Gregory and Mr. Bergh looked at several trees on Berry Creek Road that need trimming, spraying for insects, and general care. Mr. Bergh requested the District and SPOA work together to maintain the trees.

Mr. Bergh suggested the Board look at purchasing a property on Mesquite Trail for access to public lands. He also requested the Board consider closing the drainage area between I-70 and the #2 golf hole during wildlife migration periods because he has observed free running dogs on the drainage south of June Creek Road.

**Minutes** The Board reviewed the minutes from the April 26, 2011 Regular meeting. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the April 26, 2011 Regular Meeting as presented.

Director Budd questioned the status of the MOU or letter agreement between Edwards Community Authority, Edwards Metropolitan District and Berry Creek Metropolitan District for the cost sharing of the landscaping maintenance. Ms. Ahmad will work with Mr. Marchetti on the agreement.

Director Budd also questioned the status of SPOA taking over maintenance of the trails outside of Singletree. The Board directed Mr. Sophir to request the SPOA Board consider budgeting to maintain the trails adjacent to Singletree. Director Gregory further explained that Lee Rimel organizes the construction of new trails using volunteers, which provides a substantial cost savings.

**Community  
Manager  
Report**

Ms. Ahmad reported four property owners have agreed to have their properties sprayed for weeds. The District will invoice the property owners for the cost of the weed treatments.

Charolais residents have requested permission to purchase a bench in honor of Herb Rubenstein's 90th Birthday for the Charolais Circle Park. The Board approved the purchase of a bench with the stipulation the District will purchase the bench to keep the benches throughout Singletree consistent. Charolais Circle residents will then reimburse the District for the cost of the bench.

SPOA has requested the Board consider budgeting to camouflage the utility boxes throughout Singletree.

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Ann Evans has requested funds to purchase replacement equipment for the Pilates classes. Ms. Evans suggested opening the classes to people outside of Singletree as an additional source of revenue. The Board does not want to open up the classes to participants outside of Singletree at this time. Mr. Carlson questioned the storage of additional equipment with the limited storage at the Community Center. Director Budd suggested the Board consider additional equipment and the storage issue during the Board's upcoming work session.

**Operations** The bathrooms at Chip Ramsey parks will be open on May 26, 2011 and the port-a-potties will be removed.

Mr. Carlson will work with Brush Creek Landscaping regarding tree maintenance, based on input from the Board. The green landscaping stakes will be removed by Mr. Carlson. Director Gregory noted the Singletree and Winslow Road intersection has landscape damage from the County snowplows. Mr. Carlson reported STI will repair the sprinkler heads at that intersection. The sand that is put on the roads during the winter months gets pushed into the landscaping beds at intersections and needs to be removed. The Board discussed options to permanently correct the problem so the sand does not affect the landscape area.

The bicycle lanes will be painted next week and Mr. Carlson will repaint the "25 MPH" signs on the roads in Singletree. The red platform speed bump needs to be repainted and Mr. Carlson agreed to obtain bids for the Board to review.

The Board requested Mr. Carlson discuss sealing the County roads in Singletree with the Eagle County Road and Bridge staff.

The final walk-through for the Winslow Road project is scheduled for Thursday, May 26 at 10:00 a.m.

### **Travel Management**

**Plan (Trails)** Ms. Ahmad distributed a letter from Chuck Powers regarding trail plans. Mr. Powers has agreed to set up a meeting with Forest Service personnel to discuss the cost recovery. It was noted the SPOA Board needs to appoint a replacement representative for the trails committee. Mr. Powers and other residents are opposed to motorized vehicles on trails adjacent to Singletree and it was noted June 18, 2011 is the deadline for public comment. The Board agreed to allow Mr. Powers to represent the District on the trails issues. The SPOA Board has \$75,000 reserved for trails.

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#### **Board Work**

**Session** The Board agreed to schedule a work session prior to the June meeting to discuss goals and objectives. Ms. Ahmad will coordinate with the Board members to schedule the work session.

**Officers** Director Budd questioned whether the board wanted to continue with the policy to have Officers change bi-annually or if election of officers should be held annually. The Board indicated Director Luhman should have an opportunity to express his opinion on this topic but otherwise agreed to continue with the same officers for the upcoming year.

#### **I-70 Landscaping**

**Project** Directors Godec reported the landscaping construction will commence on June 13, 2011. Weekly meetings will be scheduled during the construction period. Rocky Mountain Custom Landscaping obtained a warranty bond equal to 20% of the project and it will start after construction is completed.

#### **Sidewalk Design**

**Update** Mr. Marchetti reported the County is nearing completion of the revisions to the plans and anticipates bidding the project soon. Although funding sources cannot be finalized until the costs are known, the County has indicated they do not expect the District will be required to contribute funds.

Directors McInerney and Godec along with Mr. Marchetti met with the County Commissioners and other Eagle County personnel to present the landscaping project for the Edwards roundabout project. They presented a power point to show the plans and funding for the landscaping project.

#### **Communication**

##### **Committee**

**Update** Committee members have been out of town and there was no meeting since the April District Board meeting. Mike Reisinger is working on the survey and Ms. Ahmad is working with the website designer.

#### **WECMRD**

##### **Field House**

Director Godec reported three different firms have looked at the WECMRD Field House roof project to reduce the glare. Product samples were sent to WECMRD this week. The material bids are estimated to be between \$35,000 and \$60,000 depending on the product chosen. The committee is hopeful the ultimate cost will be less than the \$150,000 originally projected. The County acknowledged they are anticipating a request for funding for the project since the County owns the land and was involved in the construction of the Field House project. The committee has discussed using an acrylic paint over the product for additional

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reduction of the glare from the sun. A forensic engineer was hired to determine if there could be possible heating issues.

Director Gregory questioned whether the committee has considered painting a contrast color to break up the roof's massiveness. Director Godec reported painting a contrasting color will be based on costs. Director Gregory suggested making it a community project to design a contrast for the roof with an award to the person whose design is chosen.

#### **Beautification**

##### **Process**

Director McInerny stated SPOA has requested completion of the landscaping at June Creek Road and Singletree Road. Director Gregory stated the design has been completed for next Berry Creek Road landscaping phase. Upon motion duly made and seconded it was unanimously

**RESOLVED** to develop a plan for the next section of Berry Creek Road designed by Scott Sones noting Mr. Sones will consider input from Peter Bergh on planting evergreen plants.

The Board agreed to have the plan ready for an early implementation.

After completion of the next section of Berry Creek Road, the intersections will be included in the next phase of the beautification project.

##### **ECA**

CDOT has reported maintenance vehicles will not be allowed to park on roads for maintenance of the roundabout landscaping but they will be allowed to park on specific areas of the roundabout aprons.

Eagle County has questioned the future of Edwards and whether incorporation should be an option.

#### **Financial Report**

The April 30, 2011 Financial Statements were included in the Board packet with the tax abatements separated out from property taxes in the financials. Mr. Marchetti reported the preliminary assessed value came in at a 20% reduction. The preliminary budget shows 2012 property taxes are comparable to 2011 and approximately \$150,000 will be available for capital projects. Property values appear to continue to decline, which will affect the 2014 reassessment. Upon motion duly made and seconded it was unanimously

**RESOLVED** to accept the April 30, 2011 financial statements as presented.

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#### Accounts

#### Payable

Director Gregory questioned the invoice from Sonnenalp Golf Course. It was noted the Board had not approved the expenditure at the last meeting. In the future all expenditures will need approval by the Board prior to funds being spent. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 2011 accounts payable list as presented.

#### SPOA

SPOA has determined based on the Evergreen case that the Association does not need to acquire any common property at this time.

#### UERWA

Director Gregory reported the UERWA has contracted for a rate study with Red Oak Consulting.

The Colorado River Cooperative Agreement has been completed which is a big accomplishment.

Director Godec inquired about flood prevention measures. Director Gregory stated flood prevention is not an UERWA issue.

**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 24th day of May, 2011.

Respectfully submitted,



Cheri Curtis

Secretary for the Meeting