
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors of Berry Creek Metropolitan District January 28, 2016

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on January 28, 2016 at 3:00 p.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. The Board met in joint session with the members of the Executive Board of Singletree Property Owners Association (SPOA). These minutes are the minutes of the BCMD portion of the meeting and separate minutes record the SPOA portion of the meeting.

Attendance The following BCMD Directors were present and acting:

- George Gregory
- Mike Budd
- Mike Reisinger
- Dan Godec

The following BCMD Director was absent and excused:

- Ann Darby

SPOA Directors in attendance:

- Melissa Macdonald Nelson
- Ralph Merritt
- Ralph Dockery
- Jennie Longville
- Jay Gould

Also in attendance were:

- Karen Kern
- Larry Rodgers
- Todd Goulding, Goulding Development Advisors
- Terri Martinez-Johnson, Community Manager
- Dan Carlson, Operations
- Ken Marchetti, CPA
- 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 Gregory, on January 28, 2016, at 3:00 p.m. noting a quorum was present.

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Disclosure

Matters

Pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed his conflicts of interest, stating the fact and summary nature of any matters as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Darby has reported she is the owner of Darby Architects, P.C. who provides architectural services to the District. This disclosure is associated with approval of items on the agenda, which may affect her interests.

Written disclosures of these interests were filed with the Secretary of State and the Board prior to the Board meeting.

Agenda

There were no changes to the agenda.

BCMD

Minutes

The December 10, 2015 Special Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

RESOLVED to approve the December 10, 2015 Special Meeting minutes as revised.

Administrative

Resolution

The 2016 administrative resolution was presented to the Board for approval. The Singletree Community Center was designated as the twenty-four hour posting notice location. By motion duly made and seconded it was unanimously

RESOLVED to approve 2016 administrative resolution with revisions. A copy of the administrative resolution is incorporated herein by this reference.

2016 Meeting

Schedule

The 2016 meeting schedule was presented to the Board for approval. By motion duly made and seconded it was unanimously

RESOLVED to approve 2016 meeting dates as 3:00 p.m. on the fourth Thursday of each month except for November which will be held on the third Thursday.

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2016 Election

Resolution Special District elections are held on the first Tuesday in May following the first Monday in even years. The 2016 election resolution was presented to the Board for approval. Cheri Curtis was appointed the Designated Election Official for a polling place election. By motion duly made and seconded it was unanimously

RESOLVED to approve the election resolution as presented. A copy of the election resolution is incorporated herein by this reference.

Singletree Community

Center

Expansion Todd Goulding informed those in attendance that Ann Darby is the architect on the project and designed the expansion of the Singletree Community Center. The project was advertised and three contractors submitted bids; Structural Associates, Viele & Company, and Evans Chaffee Construction Group. Viele & Company submitted the lowest bid and Mr. Goulding is recommending the Board enter into a contract with Viele & Company for construction of the Singletree Community Center expansion. The AIA Contract and exhibits were presented for approval. By motion duly made and seconded it was unanimously

RESOLVED to approve the AIA contract and exhibits with Viele & Company as submitted.

A construction start date of May 3, 2016 is tentatively scheduled with the possibility of an earlier start date, weather contingent. The project is being value engineered to be reduced to remain within the \$1.2 M budget.

Yoga Classes Keni Herman is interested in providing yoga classes during the week for Singletree Property Owners. Several owners have requested the class. The compensation structure would be the same as Pilate's classes with the instructor being guaranteed \$45 minimum for up to 12 participants and \$5 per participant over 12.

Tap Dance Classes

Ms. Martinez Johnson received a request from Singletree residents for tap dance classes for youth after school on Wednesday afternoons. The Board agreed to allow tap dance classes for a trial period noting there could be possible scheduling problems, damage to the floor, and negative financial impacts.

Other

Business Jay Gould questioned the timing for resurfacing the basketball court. The Board reported this will be completed during the Community Center expansion.

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Operations Mr. Carlson provided his report that was reviewed by the Board.

Financial Report The preliminary December 31, 2015 Financial Statements were included in the Board packet. The Board reviewed the financial report and acknowledged receipt.

Payment of Invoices The Board reviewed the December accounts payable for ratification and the January list of payments to approve. By motion duly made and seconded it was unanimously

RESOLVED to ratify the payments in December. The Board further

RESOLVED to approve the January 2016 list of payments as presented.

Singletree Community Center Update Questions were presented by the SPOA Board regarding the construction process for the Community Center expansion. The Board explained the contract is a not to exceed contract and any possibilities to reduce the contract amount will be considered.

Trails Contribution Lee Rimel has requested \$2,500 each from BCMD and SPOA for a total of \$5,000 to be used to pay for a seasonal US Forest Service Ranger. The Ranger will monitor the maintenance and restoration on existing trails. If time and funds allow, additional trails will be constructed. Without a seasonal ranger the projects will not be permitted to proceed.

SPOA Director Merritt stated he questioned supporting the request since it could become an annual request. By motion duly made and seconded it was unanimously

RESOLVED by both the BCMD and SPOA Boards respectively to approve \$2,500 each for a seasonal US Forest Service Ranger in 2016.

Open Items List Director Gregory is working with Eagle County Road and Bridge on potential road improvements in 2016 within Singletree. The Alpine Engineering report will be used to discuss the need for a road overlay in 2016.

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Director Darby is researching moving to proxy card readers for the Community Center doors during the construction process.

Director Reisinger reported letters were sent to eighteen prior Community Center users requesting input on possible improvements to enhance the Singletree Community Center. The committee of Directors Reisinger and Darby along with Ms. Martinez-Johnson will be contacting wedding planners, florist, concierge and other groups to increase usage while also being sensitive to events that could negatively affect neighboring property owners.

The committee is considering putting ads in wedding magazines. Discussion followed on possible conflicts with exercise classes until the new facility is completed.

Other Business

Director Budd clarified REALFire and the need for the community to be proactive with fire mitigation in the event of a massive wildfire.

Updates

UERWA

With the Traer Creek tank failing, UERWA is proposing assessing a fee to potential users to fund a down-loading valve for additional water storage in other areas.

There is new legislation to protect businesses from being forced to convey water rights to the Forest Service. The new legislation would require the government to compensate the owner of the water rights for their value. Water rights are considered personal property.

Director Gregory presented an update on the Wilderness Lite proposed legislation.

ECA

Members voted in 2015 to remain as a governing entity through May 2016. The Edwards Metropolitan District is contemplating asking voters for approval to collect a sales tax for road improvements in the Edwards area including the Spur Road and US Highway 6.

Executive Session

Upon motion duly made and seconded it was unanimously

RESOLVED to enter into Executive Session at 5:14 p.m. pursuant to §24-6-402(4)(f) C.R.S. to discuss personnel matters.

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The Board adjourned from Executive Session at 5:45 p.m. By motion duly made and seconded it was unanimously

RESOLVED to contract with Freeform Consulting for recruiting services.

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 28th day of January, 2016.

Respectfully submitted,

Cheri Curtis
Secretary for the Meeting