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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors of Berry Creek Metropolitan District February 25, 2016

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on February 25, 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
- ) Ann Darby
- ) Dan Godec (By Telephone)

SPOA Directors in attendance:

- ) Melissa Macdonald Nelson
- ) Ralph Merritt
- ) Ralph Dockery
- ) Jennie Longville (By Telephone)

Also in attendance were:

- ) Karen Kern
- ) Larry Rodgers
- ) Chip Smith
- ) Nina Timm, 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 February 25, 2016, at 3:00 p.m. noting a quorum was present.

**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

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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 member's present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Darby 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.

**Introduction of  
Community  
Manager**

Nina Timm was introduced as the new Community Manager. Ms. Timm will begin employment with the District on February 29, 2016.

**Agenda**

There were no changes to the agenda.

**Minutes**

The January 28, 2016 Regular Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the January 28, 2016 Regular Meeting minutes as revised.

**Employment  
Letter**

The Employment letter between Ms. Timm and the District was reviewed by the Board. By motion duly made and seconded it was unanimously

**RESOLVED** to ratify approval of the employment letter with Ms. Timm.

**CEBT**

The CEBT Agreements to provide health insurance to the District employee(s) were presented. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the Employer Participation Agreement and Business Associate Agreement with CEBT as presented.

**Operations**

The operations report was included in the Board packet. Director Budd reported they have identified the driver who damaged the guardrail and destroyed the trees at the west entrance in January 2016. Mr. Carlson will be provided the information to recoup costs from the driver's insurance company.

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#### **Financial**

##### **Report**

The preliminary January 31, 2016 Financial Statements were included in the Board packet. The Board reviewed the financial report and acknowledged receipt.

##### **Payment of**

##### **Invoices**

The Board reviewed the February list of payments to approve. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the February 2016 list of payments as presented.

#### **Singletree**

##### **Community Center**

##### **Update**

Director Budd reported the committee is reviewing each line on the bid that was submitted. There was skepticism on the bid and after review and further discussions with the contractor, the bid has increased by \$151,000, which is still under the budgeted amount for the project. With further adjustment the contract will end up somewhere between \$10,000 below budget to \$15,000 above budget.

The building permit for the project should be issued the week of February 29, 2016 with the contract agreement to be finalized at the March meeting. Director Gregory questioned timing for construction with the contract not being executed until April. It was reported the contractor's sub-contractors are prepared to begin construction immediately upon the District's finalization of the contract and that the construction will be completed as originally scheduled.

#### **Open Items**

##### **List**

Director Gregory reported the road overlay and golf course crossings are tabled until Eagle County commits to a road overlay schedule.

Director Reisinger provided information to distribute to potential Community Center users to increase usage and revenue. Director Reisinger reported that their research indicated that hosting an event for concierges would not be effective in increasing usage but meeting with concierges from individual hotels to provide information on the amenities at the Community Center would be more effective.

Director Reisinger contacted Lone Star Security and presented the concept of hiring a security guard at \$75 per hour for the last hour of Community Center events. The Community Center rental rate would be an additional charge to cover the cost of hiring a security guard if approved.

Director Darby would like to meet with Ms. Timm and Mr. Carlson to work on moving to remote card readers for door access into both the existing Community

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Center and the new building. Director Darby will schedule a meeting with Dan Ward and the committee.

#### **Updates**

**UERWA** Director Reisinger attended the UERWA meeting. Traer Creek has denied liability related to the failed tank. Traer Creek proposed mud jacking under the tank, which is not acceptable to the Authority.

The Authority has agreed to fund \$135,000 towards the Mountain Star tank. Additional funds have been spent by UERWA on engineering plans and acquisition of the property. The Authority will continue negotiations for funding of the Mountain Star tank.

Water sales were down in January 2016. The Town of Vail is working on efforts to clean up the Gore Creek. The lead content in the drinking water continues to be monitored and levels are well below the action level required under the federal Safe Drinking Water Act.

Discussions are continuing on Eagle Park Reservoir expansion with the plans being completed. It was reported the other option would be costlier than the Eagle Park Reservoir expansion.

Colorado legislation is being proposed that would mandate that Colorado law takes precedence over Federal laws/regulations with respect to water rights.

The new ERWSD management chart was distributed showing consolidation of certain positions to reduce labor costs. Director Budd questioned the way the value of water rights are being accounted for. Director Gregory reported the water rights are being re-evaluated and will be provided to the District when available.

**ECA** ECA is continuing on a reduced scale while Edwards Metro District pursues voter approval for a sales tax to fund road improvements. CDOT has earmarked \$9 M for what is expected to be a \$15 M project for improvements to the Spur Road.

There is a design meeting scheduled for March 1, 2016 that is being hosted by CDOT.

#### **Executive Session**

Upon motion duly made and seconded it was unanimously

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**RESOLVED** to enter into Executive Session at 5:22 p.m. pursuant to §24-6-402(4)(f) C.R.S. to discuss personnel matters.

The Board adjourned from Executive Session at 5:42 p.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, 2016.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting