
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors of Berry Creek Metropolitan District March 24, 2016

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on March 24, 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

SPOA Directors in attendance:

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

Also in attendance were:

-) Karl Bauer, ERFPD Fire Chief
-) Tracy LeClair, ERFPD
-) Jennifer Cartmell-Hays, ERFPD Board Chairperson
-) Karen Kern
-) Larry Rodgers
-) Todd Goulding
-) 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 March 24, 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 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.

Agenda

There were no changes to the agenda.

Public Input

ERFPD

Jennifer Cartmell-Hays, the Chairperson for the Eagle River Fire Protection District (ERFPD) introduced Karl Bauer, the ERFPD Fire Chief and Tracey LeClair, the Public Information Officer. Ms. Cartmell-Hays informed the Board that the Edwards Fire Station building was built as a temporary facility and needs to be replaced. ERFPD has a \$25M bond issue question with corresponding mill levy increase to pay the debt service on the May 3, 2016 ballot. If voters approve the ballot question, \$12M would be spent on a new fire station in Avon, \$10.5M on a new fire station in Edwards and remainder of the bonds funds will be used for a training facility planned to be constructed in Minturn. ERFPD will partner with the Town of Avon (TOA) for the proposed building in Avon.

Chief Bauer expanded on the need to replace the existing facilities to be able to handle not only the current call volume but the potential increased call volume if the population increases as predicted in the next ten years. Currently the closest training facility is located in Dotsero and is not a full training facility, therefore a training facility is needed closer to Avon and Edwards.

Director Reisinger questioned how the plans would change if TOA is not able to participate with the cost of the proposed building. Chief Bauer stated ERFPD is prepared to proceed with construction of a facility in Avon, with or without the TOA.

Director Reisinger then questioned the call volume. Chief Bauer stated there were 3,000 calls at the Edwards facility in 2015 with 84 of those calls in

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Singletree with three structure fires. The proposed bond issue is only for capital needs and additional staff would be funded through increased property taxes as the assessed values increase.

Ms. Cartmell-Hays requested the Board pass the proposed resolution to support the ballot issue. By motion duly made and seconded the it was unanimously

RESOLVED to approve the resolution as presented

Minutes The February 25, 2016 Regular Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

RESOLVED to approve the February 25, 2016 Regular Meeting minutes as revised.

The March 12, 2016 Special Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

RESOLVED to approve the March 12, 2016 Special Meeting minutes as submitted.

ICMA 457 Plan

Ms. Curtis presented the documents and resolution to allow the District to participate in the ICMA 457 Plan. Questions were presented on fees and how the process would work. By motion duly made and seconded it was unanimously

RESOLVED to approve the ICMA 457 Plan Resolution and documents as presented.

Record Retention Policy

The District has a need for a comprehensive records management manual for the District's non-permanent records and the retention of those records that have long-term administrative, fiscal and historical value. The Colorado State Archivist has developed a state-wide Records Management Manual in cooperation with the Colorado Special District Association, the Colorado Attorney General's Office and the State Auditor's Office for special districts to use and follow. By motion duly made and seconded it was unanimously

RESOLVED to adopt the Colorado Special Districts Records Management Manual.

[The District received approval from the State Archivist on April 11, 2016.]

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Election Update

For the May 3, 2016 election there were no more candidates than seats available so the election was cancelled. Dan Godec and Karen Kern and were elected by acclimation to serve until May 2020. There is one two-year term that will be open after May 3, 2016. The Board will need to appoint a Director to serve the remainder of that term.

Open Items List

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

Community Center Door Access - Director Darby reported Dan Ward is not planning to incorporate the new building into the security system. The District needs to develop a plan for the door lock access program. Mr. Goulding recommended using a Schlage lock system that uses both a key pad and an RFID card.

Community Center Promotion - Director Reisinger reported pictures of the facility were taken on March 12, 2016 at the annual meeting. Additional pictures will be taken after the flowers around the Center are in bloom. The Board recommended waiting to promote the Center until construction is completed.

Other Business

Director Budd reported Ms. Timm attended the ECA meeting and is now on the invitee list for the Mayors & Managers meetings.

Director Darby attended the Climate meeting to discuss the economic and social needs of the community. Kim Langmaid with Walking Mountain is leading the committee.

Operations

The operations report was included in the Board packet. The Board agreed to not repave the basketball court at a cost of \$45,000.

The Board approved a recycling container for the disk golf location and \$650 for programmable timers for bathroom fans.

Mr. Carlson presented a proposal from Luis Castillo Painting for \$2,320 to refinish the deck. The proposal was approved by the Board. Director Gregory requested Mr. Carlson clean the front deck regularly.

SCC Proposal

Lonestar Security provided a proposal to attend night functions at the Community Center for \$75 for the last hour to guarantee the music is turned off by 10:00 p.m.

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and the facility is vacated by 10:30 p.m. Mr. Carlson proposed charging \$100 for attending the last hour of a function and provide cleaning including putting the tables and chairs away, removing the trash and securing the building. The Board approved the proposal and agreed to increase the rental fees by \$100 for any events after 5:00 p.m.

Financial Report

The preliminary February 29, 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 March list of payments to approve. By motion duly made and seconded it was unanimously

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

Updates

UERWA

Director Gregory reported on the Traer Creek tank failure. Eagle River Water and Sanitation District's insurer, the Colorado Special District Property & Liability Pool, has denied coverage for the Traer Creek Tank failure.

Mountain Star Property Owners have come to an agreement with the Town of Avon and Upper Eagle River Water Authority to construct a water tank in Mountain Star. The request from Mountain Star for additional money from UERWA for the tank construction was denied.

There are personnel organization changes under way at Eagle River Water and Sanitation District along with Leslie Isom retiring. The District is reducing management to allow the hiring of additional staff.

Director Gregory reviewed the legislative issues stating the State is close to passing a bill to protect individual property owner water rights.

ECA

Director Budd reported the Spur Road and Highway 6 west of Edwards were the main discussions at the last ECA meeting. Director Budd reported on the three remaining options for the Spur Road, one is for a signalized intersection at Highway 6, the second is for a roundabout and the third is for multiple roundabouts at Highway 6. CDOT has only committed to \$9M for the Spur Road improvements at this time. Additional funding sources will continue to be sought while the design process is being completed. The Rail Road is requiring that the

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bridge over the tracks be raised to provide more clearance. This requirement is adding to the cost of the project.

Director Budd reported ECA has requested a resolution to approve the Edwards Metropolitan District sales tax. Discussion followed. A motion was made to offer a resolution of support for Edwards' 1% sales tax ballot question. A vote was taken with Directors Godec and Darby in favor, Directors Budd and Reisinger opposed, and Director Gregory abstaining from voting so the motion failed.

Community Manager Report

Ms. Timm received a request from a wedding party renting the Center to install full length mirrors in the bathrooms. Ms. Timm received a proposal for just under \$1,000 for two mirrors. The Board noted tempered glass is required and recommended using Eagle Valley Glass & Mirror.

Ms. Timm received a request to install a pet pickup station at the intersection of Charolais Circle and Hackamore. By motion duly made and seconded it was unanimously

RESOLVED to approve the purchase of a pet pick up station and bear proof trash can for the intersection of Charolais Circle and Hackamore.

The trial period was completed for the tap dance class for toddlers and they have requested permission to continue. Seeing no damages from the class, the Board approved continuing the tap dance classes.

The SPOA annual billing was mailed on March 21, 2016. Jared Osbourne is the new owner of Riverwalk Wine and Spirits and has requested permission to hold a wine tasting in June. The Board approved the request, noting no alcohol sales are allowed without a special permit.

Singletree Community Center Construction Update

The Board approved an amendment to the existing contract. The construction area has been fenced off to commence construction. Pay applications will be presented on Fridays and payments will be made on the following Wednesdays via wire or ACH.

SPOA

The annual meeting was held on March 12, 2016. Jennie Longville and Mike Budd were the only two candidates running for the open SPOA Board seats so they were elected by acclamation to serve until 2019.

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Election of officers was held with the following results:

President	Melissa Nelson
Vice President	Ralph Dockery
Secretary	Jennie May-Longville
Treasurer	Ralph Merritt

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 March, 2016.

Respectfully submitted,

Cheri Curtis
Secretary for the Meeting