
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors of Berry Creek Metropolitan District May 26, 2016

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on May 26, 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
-) Karen Kern
-) Ann Darby
-) Dan Godec
-) Mike Reisinger (By Telephone)

SPOA Directors in attendance:

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

Also in attendance were:

-) Larry Rodgers, DRC Architect
-) Ann Evans, Exercise Class Instructor
-) Heidi Cofelice, Sonnenalp Golf Club
-) 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 May 26, 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

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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. which 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 Marty Jones requested to make a presentation to the SPOA Board on a potential amendment to the design guidelines to permit asphalt shingle roofing as an alternative to shake shingles. The Boards allowed Mr. Jones to make his presentation at the beginning of the meeting.

Public Input Heidi Cofelice invited both Boards to attend the ribbon cutting ceremony for the Sonnenalp Health and Fitness Center on June 1, 2016.

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

RESOLVED to approve the April 28, 2016 Regular Meeting minutes as presented.

Director Opening There was no candidate for the two-year position for the Board of Directors at the May 3, 2016 election. At the April 28, 2016 Board Meeting the Board agreed to appoint George Gregory to serve on the Board until May of 2018. By motion duly made and seconded it was

RESOLVED to ratify approval of the appointment of George Gregory to the Board until May 2018. Director Gregory abstained from voting.

Oaths of Office The Oaths of Office were administered to Dan Godec, George Gregory and Karen Kern by Cheri Curtis, a notary public.

Election of Officers By motion duly made and seconded, it was unanimously

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RESOLVED to appoint officers as follows:

George Gregory, President
Dan Godec, Secretary/Treasurer
Ann Darby, Vice President, Asst. Sec/Treasurer
Michael Reisinger, Vice President, Asst. Sec/Treasurer
Karen Kern, Vice President, Asst. Sec/Treasurer

Appointments To Boards/Committees

UERWA - By motion duly made and seconded, it was unanimously

RESOLVED to appoint Director Gregory as the District's primary representative on the UERWA Board with Director Godec as the first alternate and Director Reisinger as the second alternate.

ECA – By motion duly made and seconded, it was unanimously

RESOLVED to appoint Director Reisinger as the representative and Director Kern as the alternate.

Construction Committee – By motion duly made and seconded, it was unanimously

RESOLVED to appoint Director Godec to the Construction Committee with Mike Budd as a liaison.

It was noted the Service Agreement with Mike Budd was approved at the April meeting and has been executed.

Exercise Classes

Ann Evans has requested the Board consider increasing the minimum amount per class from \$45 to \$55. The Board discussed increasing the charge per class for participants. By motion duly made and seconded it was unanimously

RESOLVED to approve Ms. Evans' request to increase the minimum rate to \$55 per class. The increase for class charges will be reviewed again one month prior to opening the new facility.

Eagle County IGA

Mike Budd noted there is not an agreement in place with the landscaping season starting. Mr. Marchetti reported the agreement is being reviewed by Mr. Collins'

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office and will be executed upon completion. Director Gregory offered to contact Mr. Collins to complete the agreement review.

Open Items

List

Road Overlay – There is no update from Eagle County on a schedule for the road overlay.

Community Center Promotion – Pending completion of the new facility.

Website Design – Ms. Timm reported Avid Design was chosen to create the website for the Community. The committee is hoping to have the new website to present to the Board in two months. Director Reisinger reported Mike Budd and Jennie Longville May have provided input on the website design.

ECA IGA

The draft IGA for ECA was presented to the Board for comment. Funds will be retained by ECA for any outstanding expenses and all remaining funds will be distributed to the participating entities. There will be no future expenses for ECA moving forward with each member District hosting future meetings. By motion duly made and seconded it was unanimously

RESOLVED to approve the new ECA IGA as presented.

Operations

The operations report was included in the Board packet. Mr. Carlson reported that LC Painting will be able to stain the back deck on the Community Center within the next week. The Board directed Mr. Carlson to have the road stop bars, MPH signs and pedestrian striping completed promptly.

Noxious weeds are problematic this spring due to wind and rain. Weeds will be sprayed when weather permits.

The Board directed Mr. Carlson to have the No Parking signage professionally painted on the parking lot leading to the basketball court.

Financial

Report

The preliminary April 30, 2016 Financial Statements were included in the Board packet and reviewed by the Board. By motion duly made and seconded it was unanimously

RESOLVED to accept the financials as presented.

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Payment of Invoices

The Board reviewed the updated May list of payments to approve. A question was presented on the invoice from Brush Creek Landscaping that included a charge for fall services. By motion duly made and seconded it was unanimously

RESOLVED to approve the May 2016 list of payments except for the Brush Creek Landscaping invoice. [After review the Brush Creek invoice was revised to remove the fall service and the remaining amount was paid.]

Updates

UERWA

Director Gregory reviewed the fixed assets owned by the Authority. It was reported the ERWSD water system is the most complex system in the State of Colorado and possibly the most complex system in the Nation. Other items reported:

-) There will be a water law class held on June 21, 2016 that will be open to the public.
-) Director Gregory updated the Board on water legislation considered in the 2016 session.
-) BP American Production Company sued the State of Colorado for a severance tax refund and was successful. It is anticipated that other companies will seek severance tax refunds as a result of this ruling which will negatively affect the State of Colorado's budget for 2016 and future years.
-) Director Gregory gave an update on discussions of whether to build the proposed Whitney Creek Reservoir or expand the Eagle Park Reservoir. There are substantial wetland issues with the Whitney Creek Reservoir that could make the costs prohibitive. The cost to expand the Eagle Park Reservoir is estimated at \$65,000 per acre foot.
-) Director Gregory reported on other new developments within the ERWSD District.

ECA

There was no report.

Community Manager Report

Ms. Timm attended Community Manager licensing training in April.

Ms. Timm has called the Eagle County Sheriff's office regarding on street parking. A warning is issued for the first offense and a ticket is issued for a second offense.

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Notices have been provided for trash can violations. Ms. Timm has been dealing with a covenant enforcement issue related to a boat. It was reported residents are allowed to bring a boat or recreation vehicle to their home for three days before or after a trip to prepare and clean the boat/RV.

Ms. Timm presented a proposal to the SPOA Board to convert existing home construction plans to electronic format for \$.79 per sheet. The SPOA Board approved the expense.

The construction of the Community Center expansion is a month ahead of schedule. The building should be totally sheathed in less than a week. With construction beginning on the breezeway, Ms. Timm will be working in the construction trailer starting in June.

The Annual Party will be held on August 27, 2016. Drink tickets will be provided again. Reservations for the June 17th wine tasting are filling up quickly. The SPOA Board discussed working with different Liquor Store owners to hold wine tastings at the Community Center.

Singletree Community Center

Construction

Update

The Committee met to approve the third pay application. Construction is proceeding well and will be twenty-five percent completed by the end of May.

A meeting on landscaping was held with Dennis Anderson. Director Darby suggested the Board recommend a couple of landscaping firms for Viele and Company to contact. Mr. Budd stated security has been improved with both the new and existing facilities, including increased internet speed.

Community Center

Funding

Director Godec indicated SPOA has agreed to fund 21% of the project. It was discussed breaking the SPOA payments into incremental payments. Director Gregory stated that Mr. Collins suggested the funds be placed in an escrow account. The SPOA Board agreed to pay \$150,000 now and \$100,000 at the end of the project.

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 26th day of May, 2016.

Respectfully submitted,

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Cheri Curtis
Secretary for the Meeting