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## RECORD OF PROCEEDINGS

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### **Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District January 27, 2015**

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 27, 2015 at 4:30 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.

**Attendance** The following Directors were present and acting:

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

Also in attendance were:

- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- Cheri Curtis, Secretary to the Meeting

#### **Call To Order**

A Special Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Chairman Gregory, on January 27, 2015, at 4:30 p.m. noting a quorum was present.

#### **Potential Conflicts**

**Of Interest** Director Darby reported that she is the owner of Darby Architects, P.C., an architectural firm that has been engaged to provide architectural services to the District. Darby Architects provision of these services to the District could constitute a potential conflict of interest. The Board noted, for the record, that this disclosure is restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

**Agenda** The amendment to the UERWA Water Lease was added to the agenda.

#### **Public Input**

There was no public input.

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**Minutes** The minutes of the December, 9, 2014 Special Meeting were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the December 9, 2014 Special Meeting minutes as revised.

#### **24-Hour Posting**

**Notice** The Board is required to adopt a resolution each year indicating the location of the 24-Hour Posting Notice. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the 24-hour Posting Notice Resolution. A copy of the 24-Hour Posting Notice Resolution is incorporated herein by this reference.

#### **2015 Meeting**

**Schedule** The 2015 meeting scheduled was reviewed. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2015 meeting schedule. A copy of the 2015 meeting schedule is incorporated herein by this reference.

#### **Marchetti & Weaver, LLC**

##### **Engagement**

##### **Letter**

Mr. Marchetti reviewed the memo and the proposed engagement letter for Marchetti & Weaver, LLC. The engagement letter incorporates new AICPA guidelines that allow a CPA to “prepare” financial statements instead of the historical options to either compile, review and audit financials. By preparing financial statement the CPA can prepare the financials and omit the compilation cover letter and add verbiage to the bottom of each page of the financials. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the proposed engagement letter with Marchetti and Weaver, LLC to prepare financials.

#### **Sonnenalp**

**Golf Club** No update.

#### **Community Center**

##### **Expansion**

Director Darby suggested proceeding with the remodel of the existing Community Center while waiting to decide on construction of the additional facility. The remodel of the existing facility is estimated at \$150,000; with the additional of \$90,000 for the roof replacement, \$10,000 for air-conditioning.

The Board discussed the timing for the remodel project and agreed to have contractors work around already scheduled events. Director Gregory suggested

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bidding the air conditioning component separately. The committee agreed to work on plans for the remodel of the existing facility and report back to the Board at the February meeting.

#### **Community Center**

**Rental Rates** Staff prepared comparisons of comparable facilities in Eagle County with rates, deposits and occupancy numbers. Director Darby stated with the construction of the new facility, parking will increase to seventy-four parking spaces and capacity with both buildings will increase to two hundred and twenty occupants. The Board reviewed the proposed rates and deposit amounts. The new policy will require that all users will meet with staff at 10:00 a.m. on the day of the event to pick-up the key and review the policies and procedures for the facility. Users will then return the key no later than the following day at 10:00 a.m. and make sure the facility was left in good condition. By motion duly made and seconded it was unanimously

**RESOLVED** to approve increasing the rates to \$450 on weekdays and \$650 on Friday through Sunday. The facility will be available from 10:00 a.m. to 10:00 p.m. and users must exit the building by 10:30 p.m. or forfeit a portion of their deposit. A 25% discount is available for residents and non-profit organizations on the rental amount. The deposit will be increased to \$500 for all users.

The Board requested that certain revisions be made to the contract form. Director Reisinger agreed to meet with staff to revise the Community Center contract.

#### **Overnight Parking**

Ms. Martinez-Johnson reported there have been problems with unattended vehicles and trailers being left at the Community Center for extended periods of time. The Board reviewed staff's recommendation to post No Overnight Parking signs and to allow West Vail Shell to tow vehicles in violation. West Vail Shell offered to fund 50% of the signs.

Director Reisinger requested a tow rate schedule from West Vail Shell. The Board agreed to install "No Overnight Parking, Subject to Tow" signs in the Community Center Parking lot. The Board rejected entering into an agreement with West Vail Shell to tow vehicles in violation.

#### **MacKechnie Easement Agreement**

The Quitclaim Deed Vacation of Access Easement for Filing 4, Block 2, Lot 35 was presented to the Board for execution. The Board agreed to not record the document until the \$15,000 payment and legal costs are received from Lynn and Peter MacKechnie. By motion duly made and seconded it was unanimously

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**RESOLVED** to approve executing the Quitclaim Deed Vacation of Access Easement for Filing 4, Block 2, Lot 35 with the stipulation that the MacKechnie's submit the \$15,000 payment to the District and pay all legal costs prior to the document being recorded.

#### **Emergency Liaison**

**Officer** The Board reviewed the memo from Jim Collins recommending the Board appoint the Chairman as the Emergency Liaison Officer for the District in the event of a catastrophic emergency. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the Emergency Liaison Officer Resolution. A copy of the Emergency Liaison Officer Resolution is incorporated herein by this reference.

#### **Terminating Water**

**Tap Fees** The Board discussed the proposed resolution to terminate the collection of water tap fees. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the Resolution Terminating Water Tap Fees. A copy of the Resolution Terminating Water Tap Fees is incorporated herein by this reference.

**Water Lease** The District leases their water rights to UERWA which UERWA uses to provide treated water to the District's constituents. UERWA has requested the Board agree to amend the water lease to make the term "in perpetuity". The Board tabled discussion on amending the water lease agreement pending receiving a memo from Glen Porzak explaining the benefits and risks to the District.

**Operations** A picnic table and fire pit were removed from Charolais Circle Pond. Mr. Carlson is working on removing ice on the recreation path near the Community Center by using ice melt and better plowing by contractors.

Certain street lights have been replaced and Mr. Carlson will be driving through the community tonight to make sure all street lights are working. Holiday lights at the main entrance are not working and will be repaired. The holiday lights will be taken down after the Ski Mountain closes in April.

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#### December 31, 2014

##### Financial

**Statements** The December 31, 2014 financial statements were presented. Director Budd noted the major variances between the budget and actual for the year. The Board acknowledged receipt of December 31, 2014 financial statements.

##### Accounts

**Payable** The Board reviewed the revised accounts payable list for January 2015. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the revised January 2015 accounts payable list as presented.

**SPOA** SPOA has decided to revise the contract with the current DRC architect and is requesting that future files for architectural review be submitted in electronic format. The Board discussed fair compensation for architectural reviews.

**UERWA** The Traer Creek tank is on target to be accepted by the Authority. Senator Sonnenberg is proposing legislation that operators on US Forest Service permits that may be required by the U.S. Forest Service to relinquish any private water rights must be compensated at fair market value. Governor Hickenlooper has proposed development of a statewide water plan. Director Gregory reported the Authority has determined it would be a report, not a plan and the Authority is providing input comments and feedback on the report.

**ECA** There has been no ECA meeting since November.

##### Open Items

**List** The Board reviewed the Open Items List. The Board directed Mr. Carlson to install No Overnight Parking signs in the Community Center parking lot.

Director Reisinger, Ms. Martinez-Johnson, and Ms. Curtis will revise the Community Center Rental contract. It was noted electrical boxes have been knocked down during snow removal around fire hydrants and need to be repaired.

Director Darby stated if the County completes the overlay in 2015, the Board needs to revisit completing the golf course crossings.

##### Other

**Business** Ms. Martinez-Johnson has received a request from a local youth lacrosse group to use the Chip Ramsey Park for a lacrosse tournament in May, 2015. The organizers requested the use of the field be donated by the District. By motion duly made and seconded it was unanimously

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**RESOLVED** to allow the lacrosse group to use the Chip Ramsey Park for the lacrosse tournament at no charge. The organizers will be notified about the parking restrictions and the clean-up requirements.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Special Meeting of the Berry Creek Metropolitan District Board of Directors this 27th day of January, 2015.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting