
RECORD OF PROCEEDINGS

Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District March 24, 2015

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on March 24, 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:

- Karen Kerns
- Jim Daus, EVLT
- Terri Martinez-Johnson, Community Manager
- 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 March 24, 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 There were no changes presented.

**Public
Input** There was no public input.

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Minutes The minutes of the February 24, 2015 Special Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the February 24, 2015 Special Meeting minutes as presented.

**Sonnenalp
Golf Club**

Several sports memberships have been purchased. Director Gregory reported the Singletree DRC granted conceptual approval for the proposed building.

**Eagle Valley
Land Trust**

Jim Daus is new Director of Eagle Valley Land Trust. EVLT was successful in preserving the West Avon Open Space adjacent to Singletree. Mr. Daus is seeking input from the community for future open space areas and conservation easements. The Board discussed options for conservation easements for District property.

Mr. Marchetti informed the Board that Tract J in Miller Ranch has a conservation easement which was supported by the District but that a conservation easement has never been done for the adjacent Tract I. After discussion Director Gregory indicated the Board would support a conservation easement on Tract I. Director Budd reported that the reason a conservation easement was not placed on Tract I was because it is one of very few options for a potential future rail station in the Edwards area.

Mr. Daus offered to provide information on putting the District property into a conservation easement, including the cost and reimbursement to the District.

**Community Center
Expansion**

Director Gregory informed property owners at the SPOA Annual Meeting that plans for the expansion of the Community Center have been tabled until the Sonnenalp determines their plans for the construction of a new facility.

**Community Center
Proposals**

Director Darby reported only one bid for \$340,835 was received for the remodel of the existing Singletree Community Center. The bid was double the estimate provided by RA Nelson for the project. The Board discussed acting as the general contractor and bidding out the different components to subcontractors. Director Reisinger expressed concerns with the time commitment required of individual Board members. The Board agreed to reject the bid received and to move forward without a general contractor, to work directly with subcontractors and for Director Darby to serve as owner's representative to complete the project.

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Community Center

Rental

Agreement Director Reisinger presented the updated community center rental agreement which has been updated to address times, usage, rates, and procedures. By motion duly made and seconded it was unanimously

RESOLVED to approve the updated Community Center Rental Agreement as submitted.

SPOA Remodel

Contribution Director Darby suggested the District request funds from SPOA for the remodel project after ascertaining the amount required for the remodel.

Operations Mr. Carlson reported even though the weather has been unseasonably warm, he plans to wait until May to open the Chip Ramsey bathrooms. The playground equipment is currently being stained.

The District has budgeted to replace the stone at the landscaped corners with concrete pans and Mr. Carlson questioned whether the stone that will be removed should be saved for future projects. Director Gregory reported the County is not going to be overlaying the roads in Singletree in 2015. Gordon Adams with Eagle County Road and Bridge (ECR&B) is going to evaluate the roads in Singletree and determine which roads need to be addressed for maintenance purposes in 2015. ECR&B will consider options for certain roads that include crack sealing, installing a membrane and applying a layer over the top, or a total overlay.

ECR&B is not interested in reviewing the independent engineering study on the condition of the District roads prepared by Alpine Engineering. The District needs to work with ECR&B on the plans for the intersections with golf cart crossings. It was noted there are no funds allocated in the 2015 budget for pans.

The No Parking Signs were installed. Mr. Carlson suggested improving the pavement at the entrance to the Community Center. The Board agreed to discuss improvements to the Community Center entrance after ECR&B determines the plans for the roads in Singletree.

Director Darby questioned plans for sweeping the roads. Mr. Carlson informed the Board that Eagle County is responsible for sweeping the roads in Singletree.

Intersection of Buckboard & Berry Creek

Road Jodi Talbot has requested improvements at the corner of Buckboard and Berry Creek Road near the Villas that would be similar to other corners. The Villas Association offered to provide irrigation if the District installs landscaping. The

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Board agreed in concept it would nice to landscape the corner, however, Director Budd cautioned setting a precedent by only landscaping one quadrant of an intersection. It was suggested looking at all corners and the master plan before determining whether to move forward on improving any corners. The Board agreed to have Garden Creations create a landscaping plan for the north corner of Buckboard and Berry Creek Road. By motion duly made and seconded it was unanimously

RESOLVED to approve up to \$1,500 for a landscaping plan by Garden Creations for the corner of Buckboard and Berry Creek Road

February 28, 2015

Financial

Statements The February 28, 2015 financial statements were presented. The Board acknowledged receipt of the February 28, 2015 financial statements.

Accounts Payable

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

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

SPOA

SPOA recently held the annual members meeting. Melissa McDonald has been elected to serve as President of SPOA for the upcoming year. There is one open Board seat to be filled.

UERWA

The next UERWA meeting will be held this Thursday, March 26, 2015. Information on water rights was provided to Director Budd. Director Gregory updated the Board on the status of legislation that would require the Forest Service to compensate land owners for the fair market value of any water rights acquired.

Director Reisinger updated the Board on the presentation at a Special Meeting by Glen Porzak indicating the District has sufficient water rights for existing development within the District. Director Budd further clarified that a portion of the District's water rights were allocated to the developments on the Berry Creek Fifth Filing.

Linn Brooks and Glenn Porzak have agreed to attend meetings annually of each member district of the UERWA to present the water rights reports.

ECA

At the last meeting it was reported the an engineering firm has been selected for the Spur Road Phase II design and Eagle County is seeking volunteers to serve on

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the project leadership team for this design process. The Edwards Area Master Plan update process is continuing.

Funding mechanism alternatives for Edwards' area improvements are being discussed. Certain ECA member boards are not supportive of approving property taxes in an overlay district but are supportive of a sales tax. If sales tax is the only funding mechanism, it would probably be done under the existing Edwards Metropolitan District without the need for an overlay district. ECA could remain in place for community input purposes. Director Gregory anticipated sales tax only being the preferred funding mechanism. Director Budd indicated with EMD collecting sales tax, it could eliminate the need for input from other neighboring communities. Director Gregory believes it is better to work as a collaborative group of Edwards communities when working with Eagle County.

**Open Items
List**

The Board reviewed the Open Items List.

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 24th day of March, 2015.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting