
RECORD OF PROCEEDINGS

Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District April 28, 2015

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 28, 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:

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

The following Directors was absent and excused:

- George Gregory

Also in attendance were:

- Karen Kern
- Christian Haeusermann
- Jason Cowles, UERWA
- Terri Martinez-Johnson, Community Manager
- Dan Carlson, Operations
- Cheri Curtis, Secretary to the Meeting

**Call To
Order**

The Special Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Godec, on April 28, 2015, at 4:30 p.m. noting a quorum was present.

Agenda

The Board agreed to add the proposed GoPro bike race and disk golf games to the agenda.

Public Input There was no public input.

Minutes

The March 23, 2015 Special Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the March 23, 2015 Special Meeting minutes as revised.

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UERWA Impact

Fee Jason Cowles with Eagle River Water and Sanitation District explained the need to increase the UERWA Water System Impact Fee (formerly the plant investment fee) to cover the cost of new and replacement infrastructure. Directors Budd and Reisinger questioned the method of determining growth rates and what the consequences would be if the population does not increase as predicted. Mr. Cowles explained if the population does not increase, new construction will probably not happen and impact fees will not be collected. Director Reisinger questioned why the report uses replacement costs in the analysis. Mr. Cowles explained replacement cost is the industry standard method. A study of impact fees throughout Colorado showed UERWA had the lowest impact fee rate followed by Denver Water. Mr. Cowles requested the District pass the proposed motion. By motion duly made and seconded, it was unanimously

RESOLVED to approve the Upper Eagle Regional Water Authority's proposed increase of the Water System Impact Fee to \$9,041 per single-family equivalent.

UERWA

Agreement Director Budd requested an opinion letter from legal counsel to show the Board had completed their due diligence prior to signing the Authority Agreement Amending and Restating the Agreement Establishing the Upper Eagle Regional Water Authority and the Master Service Contract (Agreement). The Board discussed which legal counsel should provide the opinion with no decision. Director Godec stated he was in favor of approving the agreement after receiving a legal opinion.

Buckboard Intersection

Landscaping Garden Creations provided an estimate of \$12,480 to landscape the corner at Buckboard Road and Berry Creek Road in front of the Villas at Singletree. Director Reisinger reported trees are going to be planted on the south side of Buckboard, which could affect the view corridor. Ms. Martinez-Johnson was directed to follow up with the property owner on the south corner to ensure DRC procedures were being followed.

The Board discussed the need for the contractor to control the irrigation to the project in order to provide the warranty for the plants. Discussion on the project was tabled to the May 26, 2015 Board meeting.

Golf Course

Update The Sonnenalp plans to start construction of the new facility in October, 2015. It was reported approximately 30 sports memberships have been sold.

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Community Center

Expansion Director Budd stated with the plans for the Community Center expansion completed and the Board having budgeted to construct the facility, the District should reconsider whether to commence construction in the fall of 2015 at a later meeting.

Community Center

Remodel Christian Haeusermann joined the meeting to report on the Community Center remodel. Mr. Haeusermann reported the drywall inspection was completed today. The mechanical update is progressing with the heaters already removed and temporary heating in place. The two new heaters and air conditioner units will be installed when they arrive. The tile, carpet, and trim work are the next phase of the schedule after the drywall installation is completed on Friday.

Mr. Haeusermann requested ability to work on Sundays to complete the project by May 15, 2015, which was approved. Director Reisinger received responses to his questions about the lighting in the bathrooms. It was noted a carpenter has not be hired yet. Mr. Carlson will coordinate staining the concrete floor after construction is completed. The Board requested a lighter colored floor stain that would show less dust.

Go Pro

Bike Race The Vail Valley Foundation had proposed a mountain bike race on the June Creek Trail between Avon and Singletree for this June during the GoPro Games. The race has been postponed to possibly 2016. Director Budd reported the Town of Avon employees inspecting Berry Creek Metropolitan District private property on the lower section of June Creek Trail in anticipation of the proposed GoPro Bike Race. Director Budd expressed concerns that the Singletree disk golf course might be used for GoPro games. The Board agreed to communicate with the Town of Avon by contacting Virginia Eggers, the Town Manager, to determine the plans for the GoPro games. Ms. Curtis was directed to contact the Vail Valley Foundation regarding the disk golf course.

Other

Business June Creek Trail – Director Darby reported there was an off road vehicle being driven on pedestrian paths between Singletree and June Creek. Two boulders have been shifted to allow access. The Board directed Mr. Carlson to have Terry Nottingham move the boulders on June Creek to prevent off road vehicles from entering the area.

Community Center Usage – Ms. Martinez-Johnson has received a request from a church to use the Community Center for a year at \$125 per usage. Besides Sunday services, potlucks are held every six weeks. Since the congregation is

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small, she suggested having the church use the Board room for \$50 per usage for church services. The Board agreed to allow the church to use the community room on a trial basis, not for a year. Potlucks will be held in the community room at \$125 per time.

Bike Lane – Karen Kern reported bikes are traveling on Winslow Road under I-70, interfering with vehicle traffic. It was noted there is a bike lane on the west side of Winslow Road. Mr. Carlson was directed to look at the area to determine if additional signage or striping would help.

Community Access

Proposals Alpine Lock & Key and Vail Lock & Key presented proposals to change the Community Center locks to allow card or FOB access. Mr. Carlson stated the proposals are not consistent. Alpine Lock & Key's proposal for \$5,013 did not include \$2,500 for wiring. Vail Lock & Key's proposal was for \$7,831. Mr. Carlson agreed to bring clarified proposals to next month's meeting.

Recreation Path

Drainage

Issues Mr. Carlson presented a proposal for \$3,400 to improve the drainage on the recreation path. By motion duly made and seconded it was unanimously

RESOLVED to approve up to \$3,400 for repairs on the bike path to eliminate ice build-up during the winter.

Operations Mr. Carlson reported the No Overnight Parking signs have been installed. The bathrooms at Chip Ramsey Park will be open within a week. The stove for the Community Center kitchen will have to be moved prior to opening the bathrooms.

STI discovered a break in the 3' irrigation line for the west entrance irrigation system that is being repaired. Ms. Curtis was directed to obtain a meter reader for the District so Mr. Carlson would have the ability to monitor the water usage at the entrance. Dave Sobek with STI Services will monitor the irrigation system to detect additional leaks.

Director Darby suggested adding annual flowers to the main entrance roundabout near the metal ribbon.

Financial Report

The preliminary March 31, 2015 Financial Statements was included in the Board packet. Director Reisinger requested clarification on specific line items. By motion duly made and seconded it was unanimously

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RESOLVED to accept the March 31, 2015 financial report as presented.

**Payment of
Invoices**

The Board reviewed the April accounts payable list. By motion duly made and seconded it was unanimously

RESOLVED to approve the April 2015 list of payments as presented.

SPOA

It was reported that there was not a quorum for the April SPOA meeting. The Board discussed having a representative from both the SPOA and District Boards attend each other's Board meetings.

UERWA

Director Godec attended the April meeting. The Impact Fee increase and the Authority Agreement were both approved by the UERWA Board. The State of Colorado water report will be available in July 2015. Director Budd informed the Board regarding proposed and approved legislative changes during the current legislative session.

ECA

Eagle County Planning is reviewing Anglers Crossing (Jesses Parcel) PUD application and had requested comments. Director Budd explained the plans for the housing proposed would be on the Eagle River with nine proposed building sites. Director Budd noted the property is currently listed in the MLS with no indication that it is under contract. Director Budd reported he has provided comments to Cissy Olson at Marchetti and Weaver for the benefit of ECA.

Director Budd updated the Board on the proposed apartments planned on Highway 6 west of Fox Hollow. The 70 proposed units will fit on the property but parking is a concern. The Eagle County Commissioners have requested an updated parking plan and will review the application at a future meeting.

**Open Items
List**

The list was reviewed, with no additions.

**Future
Meetings**

The Board discussed leaving the meetings at 4:30 p.m. on the fourth Tuesday of each month. The meeting time will be included on the May agenda along with Board organization.

Other Items

Director Budd thanked Directors Gregory and Darby for their time spent on the community center remodel and congratulated Director Darby on her recent marriage.

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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 28th day of April, 2015.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting