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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District January 28, 2014

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 28, 2014 at 8:30 a.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
- Dan Godec
- Herb Luhman
- Mike Budd
- Ann Darby

Also in attendance were:

- Siri Roman, ERWSD
- Todd Fessenden, ERWSD
- Ellie Caryl, ECO Trails
- Dan Carlson, Operations
- Jenny Longville, SPOA
- Steve Penrose, SPOA
- Cheri Curtis, Secretary to the Meeting

#### **Call To Order**

A Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on January 28, 2014, at 8:30 a.m. noting a quorum was present.

**Public Input** No public input.

#### **ERWSD**

Todd Fessenden and Siri Roman with Eagle River Water and Sanitation District (ERWSD) gave a presentation on the ERWSD operations and the Wastewater Treatment Plant. Ms. Roman explained the complexity of the drinking water operations and the seasonal demands. New Federal Regulations have been approved that will require the ERWSD to improve all waste water facilities.

Ms. Roman gave a presentation on the three (ERWSD) wastewater treatment plants. Most treatment plants are built as open facilities and are constructed at the outside edge of most towns. The ERWSD plants are closed facilities, the towns have expanded around the facilities, and the plants have different needs based on servicing a tourist area. Currently solid waste is treated in Avon and Edwards. ERWSD is regulated by an Effluent Discharge Permit. There are new EPA and

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District January 28, 2014 Meeting Minutes

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Colorado regulations to reduce nitrogen and phosphorus levels in water discharged back into streams. These regulations provide a benefit to the streams and drinking water but the disadvantage is the cost necessary to upgrade the plants to comply with the new requirements.

ERWSD will be upgrading the Edward's wastewater treatment facility to handle all the solid waste from East Vail to Edwards and expanding the plant to provide additional future capacity. The Conceptual Implementation plan was presented showing the improvements planned through 2029 at a potential cost of \$96,000,000. ERWSD has issued \$32 million in bonds for the next phase of the expansion. Construction on the Edwards wastewater treatment plant is scheduled to begin in 2014.

Ms. Roman was successful in obtaining a \$1M grant for the improvements. The additional funding will come from a \$28M revenue bond. ERWSD will look at additional funding options. Discussion followed on the issues with stream quality and the effect of discharges on streams.

During the expansion, odor issues will be reduced with the installation of a state-of-the-art odor control system. Different treatments, winds, and plant defects can all effect odors. ERWSD is evaluating processes to control odor with the ever changing variables.

Ms. Roman and Mr. Fessenden left the meeting at 9:15 a.m.

#### **Colorado Water Plan**

Director Gregory informed the Board that Governor Hickenlooper has expressed concerns that Colorado's water flows and storage may not met future water needs. There is a goal to develop a statewide water usage plan to be equitable for all water users, including users outside of Colorado. A Resolution Endorsing the West Slope Principals and Adopting the Eagle River Basin Principals for the Colorado Water Plan was presented to the Board for approval.

Director Luhman questioned how water would be supplied for future developments in Eagle County, such as the proposed Wolcott Development and Eagle River Station. Director Gregory stated trans-mountain diversions are no longer allowed. Director Gregory recommended the Board approve the Resolution. Director Luhman would like to see the wording be tightened to guarantee that water is available for future developments while not affecting current users. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the Resolution Endorsing the West Slope Principles and Adopting the Eagle River Basin Principles for the Colorado

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District January 28, 2014 Meeting Minutes

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Water Plan, as presented. A copy of the resolution is incorporated herein by this reference.

#### **Changes to the**

**Agenda** None were presented.

**Minutes** The November 26, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the November 26, 2013 Regular Meeting minutes as presented.

**ECO Trails** Ellie Caryl, Program Manager for ECO Trails presented a map showing a portion of the recreation path near the Eagle River is within Berry Creek Metropolitan District Filing 5. Ms. Caryl reported that the surrounding towns and Districts help fund the cost of trail maintenance within their boundaries. Ms. Caryl requested that the District contribute to the cost of maintaining the portion of the recreation path within the Berry Creek boundaries. Director Budd noted the District does not have any control over Filing 5. After discussion and upon motion duly made and seconded it was unanimously

**RESOLVED** to agree to fund \$1,031 to ECO Trails for the maintenance costs associated with the segment of the trail in Berry Creek 5th Filing.

Director Godec questioned the status of the path from Edwards to Wolcott. Ms. Caryl explained the proposed path is in the planning process and portions are dependent on future development.

Director Godec questioned the status of conversations with the Union Pacific Railroad Company (UPRC). The UPRC does not want to allow access and the area indicated for access is not feasible. Director Luhman noted areas of the recreation path adjacent to Miller Ranch need to be cleaned and barbwire removed.

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

**Notice** The Board is required to adopt a resolution each year indicating the location of the 24-Hour Posting Notice. Upon 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.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District January 28, 2014 Meeting Minutes

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#### 2014 Meeting

**Schedule** The 2014 meeting scheduled was reviewed and approved for meetings to be held on the fourth Thursday of the month at 8:30 a.m. each month.

#### Election

**Resolution** The terms for Directors Budd, Darby and Luhman expire in May 2014. The District will be calling an election for the open Board Member positions. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2014 Election Resolution as presented to hold a polling place election, appoint Cheri Curtis as the Designated Election Official, and allow Ms. Curtis to cancel the election if there are no more candidates than positions available. A copy of the 2014 Election Resolution is incorporated herein by this reference.

#### Community

**Garden** Director Darby presented a concept plan for the Singletree Community Garden. The Community Garden Committee has requested an eight-foot fence around the garden to keep wildlife out, a storage shed, and a compost area. The Board stated the compost area would not be approved due to odor issues. The fencing height and shed will be considered.

#### Community Center

**Expansion** Director Darby presented conceptual plans for expanding the Singletree Community Center. Director Gregory noted residents are requesting additional workout equipment. Increased storage, an additional office, and an additional meeting room should be considered in the planning process. The Community Center will need to be ADA compliant under the current regulations.

#### Tai Chi Exercise

**Class** Dave Cabin is interested in providing Tai Chi classes at the Singletree Community Center. The Board approved the proposal to pay Mr. Cabin \$45 for a 2 hour class and \$25 for a one hour class. There can be no onsite storage, all cleaning must be provided by the instructor, and an insurance waiver naming the District and SPOA as additionally insured must be provided. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve providing the space for Tai Chi exercise classes, paying the instructor \$45 for a two-hour class and \$25.00 for a one-hour class with the stipulation that onsite storage is not available, an insurance waiver naming the District and the Association as an additional insured be provided, and the instructor is responsible for all cleaning.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District January 28, 2014 Meeting Minutes

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#### **Buckboard**

##### **Road**

Director Darby requested a pet pickup station that was approved by the Board be installed on Buckboard Road. Mr. Carlson will work with the Sonnenalp Golf Course to see if the station can be installed on the golf course property.

##### **Operations**

The exercise equipment is wearing out and needs to be replaced. Mr. Carlson will look at options for new exercise equipment.

The sidewalks and paths are icing over on a regular basis with the amount of snowfall this season and the warmer day time temperatures. Cinders are being spread to assist with the icy areas.

The deer and elk mitigation signs have been installed.

#### **Financial**

##### **Report**

The preliminary December 31, 2013 financial report was included in the Board packet. The District is showing a favorable operating fund balance for 2013.

#### **Accounts**

##### **Payable**

The Board reviewed the accounts payable list for January 2013. The Board tabled payment of the ECA payment. Ms. Curtis was directed to work with ECA staff to obtain an invoice with the correct amount. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the January 2014 accounts payable list without the payment to ECA. The Board further

**RESOLVED** to ratify payment of the December 2013 payable list.

#### **SPOA**

Bob Drab, the current SPOA President has sold his home and is expected to resign from the Board. Steve Penrose is expected to be voted in as President of the Board. The Annual Meeting was moved to 9:00 a.m. due to a conflicting schedule at the Community Center.

Mr. Penrose is working on material for a planning session scheduled for February 3, 2014. The goal of the planning session is to discuss Board member expectations.

#### **ECA**

The next Edwards Community meeting is being scheduled and information will be distributed when available. Singletree had the highest number of participants in the survey. There was no IGA for the study and Cordillera is not willing to be a partner.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District January 28, 2014 Meeting Minutes

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#### **Open Items**

##### **List**

The open item list was reviewed and updated. Director's Budd and Gregory have a meeting scheduled with Eagle County Road and Bridge to discuss the status of the roads within Singletree

The conceptual plan for the Singletree Community Center and a chair for the Community Garden were added to the action 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 Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 28th day of January, 2014.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting