
RECORD OF PROCEEDINGS

Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District April 29, 2014

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 29, 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
- Ann Darby
- Dan Godec
- Mike Budd (By Telephone)

The following Director was absent and excused:

- Herb Luhman

Also in attendance were:

- Karen Kern
- Mike Reisinger
- Steve Bjurstrom, RMCL
- Jason Ulberg, RMCL
- 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 Director Gregory, on April 29, 2014, at 8:30 a.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.

Changes to the

Agenda None were presented.

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Public Input Karen Kern read a letter from Walter Atkinson, who resides on Rawhide Road, expressing opposition to the proposed Community Garden. Director Gregory explained the Board's intention is not to approve any projects within the community without receiving input from community members. The Board will take the letter under advisement. A copy of the letter from Walter Atkinson was provided for the District's files and is incorporated herein by this reference.

Ms. Kern is concerned with dead trees on individual properties. Director Gregory informed Ms. Kern that individual properties are the responsibility of SPOA.

Minutes The March 25, 2014 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the March 25, 2014 Regular Meeting minutes with revisions.

Community Garden

The Community Garden committee has requested a hearing on the Community Garden with the DRC on May 1, 2014. Ms. Kern questioned the DRC approval process. Ms. Kern was informed all SPOA and District meetings are open to the public except for very limited matters that can be addressed in executive (private) session.

Community Center

Expansion There were no updates presented.

Insurance

Claim The District has received a settlement offer of \$15,000 from the rental car insurance company that would indemnify the rental car company and the driver who landed on the Winslow Road railing from any further liability. The damages caused by the driver exceeded \$50,000. Director Gregory offered to draft a letter to the insurance company demanding additional reimbursement.

Wolcott Waste

Water Treatment

Plant ERWSD will be providing services for the proposed Wolcott Waste Water Treatment Plant. Eagle County is reviewing the land use proposal and has notified government entities of the hearing. Director Gregory informed the Board he has been receiving information on the proposed plant and has no concerns with the application.

Joint Board

Meeting May 29, 2014 is the proposed date for the Joint Meeting between the Berry Creek Metropolitan District Board and the SPOA Board. Mr. Marchetti suggested

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meeting with Director Gregory and the SPOA president prior to the meeting to create an agenda for the joint meeting.

HOA

Registry Legislation has recently passed to allow homeowner associations to create a property owner list. SPOA is considering creating a list of Singletree property owners.

Spring 2014 Maintenance

Contracts Director Godec requested Steve Bjurstrom and Jason Ulberg appear at the meeting to explain the RMCL proposal and the warranty on the west entrance roundabout trees, landscaping, and irrigation. The Board reviewed the proposals from RMCL, STI Services, and Garden Creations. RMCL will provide a proposal to ECA for maintaining the trees and native area to the south of Beard Creek Road.

The temporary irrigation was left in place during 2013 for fire mitigation reasons. The exposed irrigation can be removed and Mr. Bjurstrom will provide a proposal to remove the exposed irrigation.

Director Darby suggested signage to direct pedestrians to sidewalks.

The Board requested a comparison of the contracts for the Board to make an informed decision. The Board agreed to award the maintenance contracts for the west entrance roundabout after reviewing the comparisons. Director Darby requested considering perennials for the landscaped area at the west entrance roundabouts.

Mr. Carlson presented a \$5,500 proposal for installing a concrete pan for the June Creek and Berry Creek Road landscaped corners for comparison purposes. With Eagle County planning to overlay the roads in Singletree in 2015, construction of the concrete pans will be coordinated with the 2015 overlay process. Director Budd questioned the costs for repairing the corners in 2014. Mr. Carlson estimated the cost to be under \$1,000. It was noted the design needs to channel the drainage to protect the plants. The Board requested that cost of the concrete pans at the June Creek and Singletree Road intersection also be obtained for consideration in the 2015 budget process.

2013 Draft Audit

The 2013 draft audit was presented to the Board. In the past an audit committee has met with the auditor to review the audit. Directors Budd and Godec offered to meet with Dan Cudahy from McMahan and Associates to review the audit.

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Financial Report

The March 31, 2014 financial report was included in the Board packet. Director Godec questioned the overage on Accounting and Administration. Mr. Marchetti stated his firm has taken over more services with the change in administration and the budget should have been increased during the budgeting process.

Accounts Payable

The Board reviewed the accounts payable list for April 2014. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the April 2014 accounts payable list as presented.

SPOA

There was no SPOA representative present at the meeting. At the April meeting the election of officers was held and Ralph Merritt has been elected as the president. There have also been some resignations from the SPOA Board.

UERWA

The Authority Agreement was presented for review and approval by the Board. Director Budd presented concerns with items in the agreement that were noted or explained by Director Gregory. Director Gregory will obtain clarification from Mr. Collins on the questions presented by Director Budd with the intent the Board will approve the Authority Agreement at the May meeting.

ECA

Director Budd informed the Board there is a telephonic town hall meeting being hosted by CDOT on May 1, 2014 regarding transportation matters in CDOT's intermountain region.

Open Items List

The Board reviewed the Open Item List. The Community Center conceptual plans will be presented to the Board prior to being submitting to the DRC for review. The Board will consider the letter from Mr. Atkinson to determine whether the concept for the Community Garden should proceed.

The Board noted there is no personal signage allowed on street signs. An email will be sent to all property owners notifying them of the sign regulation. In the future, no emails will be sent to all property owners on lost animals.

The Board added continuation of trail system for forest service access to the open items list. It was noted signage and education are needed for the trail system. Director Gregory reminded the Board that SPOA has a committee for trails.

Other Business

Ms. Curtis informed the Board graduation weekend is a high demand weekend for the Singletree Community Center rentals. There have been last minute

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cancellations this year, possibly costing the District revenue. The Board agreed if a reservation for a peak time is cancelled the fees should not be refunded. Upon motion duly made and seconded it was unanimously

RESOLVED to adopt a policy that deposits for rental of the Community Center on high demand weekends will be nonrefundable if the reservation is cancelled.

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 29th day of April, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting