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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 June 24, 2014

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 24, 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
- Mike Budd (By Telephone at 9:00 a.m.)

The following Directors were absent and excused:

- Ann Darby
- Mike Reisinger

Also in attendance were:

- Peter MacKechnie, Lot 35
- Larry Rogers, Lot 35
- Lee Rimel, Trails Committee
- Virginia Egger, Avon Town Manager
- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- Cheri Curtis, Secretary to the Meeting

#### **Call To Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Chairman Gregory, on June 24, 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.

#### **Singletree Trails**

Lee Rimel requested the District contribute \$5,000 in 2014 for trail construction for the West Avon Preserve and \$6,000 in 2015. Director Budd had stated he would be willing to contribute \$5,000 in 2014 but the Board was not able to

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commit funds for future budget years and the request needs to be discussed yearly. The request for additional funds will be discussed during the 2015 budget process.

Ms. Egger reported the Town of Avon (TOA) is willing to contribute funds for West Avon Preserve trails improvements that would mainly consist of signage. The TOA's contribution will be reduced by any contributions from BCMD or SPOA. Mr. Rimel stated the TOA is applying for a grant, with the TOA funding up to 80% of the project. Funding commitments from other entities is a requirement of the grant process. The TOA is working with the Eagle Valley Land Trust on the planned improvements and funding for the project. Director Godec requested the trail be staked so the Board could see the proposed route.

Director Godec stated there is an existing barb wire fence and suggested when the wire is removed the posts be left in place as a view corridor. Ms. Egger stated the TOA is forming a committee for trail improvements and is looking at preserving existing historical trails. The TOA will provide parking patrol, animal control, and maintenance. A volunteer day is scheduled for September 24, 2014. Ms. Egger requested photos of the barb wire fence to be able to include removal of the wire during the trails clean-up volunteer day.

#### **Wildland Fire**

##### **Module**

##### **Funding**

The BCMD Board agreed to contribute \$5,000 to the TOA for the wildland fire unit. SPOA has indicated they will also fund \$5,000 towards the project. Director Reisinger is working with the TOA on the wildland fire unit project and if the budgeted \$70,000 is not needed, a portion of the District's contribution will be refunded.

#### **Foal Circle**

##### **Lot 35**

Peter MacKechnie and Larry Rogers were present to discuss the easement that was in place on Lot 35 on Foal Circle when it was purchased by the MacKenchies eight years ago. Mr. MacKechnie provided pictures indicating there is no room on the lot for the easement. The easement has not been used in the last eight years. The MacKechnies are requesting the District abandon the easement.

Director Gregory explained a previous Board made a decision to purchase the lot for the purpose of placing an easement on the lot to provide access to the Forest Service property. Director Godec stated the Board might be able to assist in defining the easement.

Mr. Rimel explained the challenge of providing access to all Singletree residents to Forest Service property. The Board informed Mr. MacKechnie they would consider abandoning the easement if the MacKechnie were able to provide an

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easement on another property at their cost to link Foal Circle into the trail system. Mr. Rimel agreed the easement is not the ideal access, but is the only access on Foal Circle.

**Public Input** No additional public input.

**Minutes** The May 27, 2014 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 27, 2014 Regular Meeting minutes as presented.

Approval of the May 30, 2014 meeting minutes was tabled until the July meeting.

#### **UERWA**

**Agreement** The changes requested by Director Budd have been incorporated into the redline draft agreement included in the Board packet. The TOA has requested additional changes. It was agreed to table approval of the UERWA Agreement until the final draft is presented.

#### **2013 Draft**

**Audit** It was agreed to table approval of the 2013 audit until the revised audit is presented.

#### **Accounts**

**Payable** The Board reviewed the revised accounts payable list for June 2014. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the June 2014 accounts payable list as presented.

#### **Board Member**

**Recognition** The Board agreed to cap Board member recognition at \$1,000. The Board agreed to contribute to the fly fishing program for area youth in Herb Luhman's honor. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve a \$1,000 contributions to the area youth fly fishing program under the District's park and recreation powers in honor of Herb Luhman's service to the community.

#### **ECA**

Director Budd questioned the "handshake" agreement for the Spur Road Design, Phase II between Eagle County and CDOT. Mr. Marchetti explained Eagle County and CDOT have both agreed that it is important to move forward on the design of the next phase of the Spur Road and CDOT and Eagle County are willing to initiate this process while the formal agreement is still being prepared.

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Director Budd stated there is not a firm commitment from ECA until a written agreement is completed. Mr. Marchetti concurred.

Mr. Marchetti relayed information from Eagle County that the preliminary construction estimate for the Spur Road Phase II is \$10,000,000. This project has been near the top of CDOT's Statewide Transportation Improvement Plan (STIP) for many years but without a funding commitment. Both CDOT and Eagle County agree that it will be best to keep this project on the STIP and the upcoming Intermountain Transportation Planning Region (TPR) will be focusing on prioritization of projects on the Intermountain TPR. Ms. Wilson, Eagle County Engineer, believes the best opportunity to receive a funding commitment from CDOT will be to have a significant local match. Local matches have been a minimum of 20% in other similar projects so Ms. Wilson is recommending that Eagle County and ECA each offer to fund 10% of the construction costs (20% total, which is in addition to the design costs) if CDOT will commit to 80% of the construction costs. Director Budd questioned whether CDOT would still manage the project, indicating if they fund \$8,000,000, the \$2,000,000 from ECA and Eagle County would primarily be used by CDOT for construction management. Director Budd indicated his support for a funding construction costs for a completed project as opposed to funding design costs for plans to go on the shelf.

#### **Insurance Claim**

Director Gregory has spoken to Jim Collins, the District's legal counsel, about the District's claim for damages to Winslow Road. Mr. Collins suggested the District pursue the claim for additional compensation. The Board agreed to have Mr. Collins pursue additional compensation for the damages to the Winslow Road underpass.

#### **Operations**

Brush Creek Landscaping has been invited to attend the next Board meeting. They would like to develop a planting program for replacing trees that have been removed. Director Godec requested a proposal for future work. The Board questioned whether they had an arborist on staff and Mr. Carlson stated they have three arborists.

#### **Community Center**

##### **Expansion**

Director Darby was not in attendance to present the schematic plans. A work session will be scheduled the week of June 30, 2014.

#### **Trails**

##### **Request**

Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve a \$5,000 contribution in 2014 toward construction of the West Avon Preserve Trail.

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The additional \$6,000 request will be discussed at a later meeting.

**Paint  
Claim**

The District was notified by a Singletree Property Owner that he drove around the cones when the stop bars were being painted and got paint on his car. Director Gregory noted there were no tire marks leaving the painted area. Ms. Curtis was directed to obtain the paint type from Mountain Striping. The property owner has filed a claim with his insurance company and Ms. Curtis has notified the District's insurer of the possible claim.

**Work  
Session**

The proposed work session with SPOA is pending until the Board receives input from SPOA.

**Other  
Business**

Mr. Rimel requested a pet pick-up station and trash can for the West Avon Preserve Trail on June Creek Road. Director Budd suggested discussing the request with neighboring property owners before installing a pet pick-up station. The Board directed Ms. Martinez-Johnson to contact neighbors for permission.

The Board agreed to request funds from SPOA for this purpose.

**Financial  
Report**

The May 31, 2014 financial report was included in the Board packet. No questions were presented.

**SPOA**

No update.

**UERWA**

The next meeting will be held on Thursday, June 26, 2014.

**ECA**

The Highway 6 shoulder widening and road overlay project between Avon and Squaw Creek Road has begun. Kelley Collier made a presentation on the ECO Transit plans noting that they are now using a collector route in Eagle/Gypsum and are looking for funds (including funding partners) for a collector route in Edwards. The cost for the Edwards collector route will be approximately \$300,000.

Director Gregory questioned the plans for Eagle River Preserve. Mr. Marchetti reported Edwards Metropolitan District is funding improvements to the Log Cabin and construction of certain trail improvements is continuing. Director Godec reported the conservation easement is quite restrictive and Mr. Marchetti offered to circulate info he had on permissible uses for the Preserve.

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**Open Items**

**List**           The Board reviewed the Open Item List. Mr. Carlson has received bids for a replacement elliptical machine. The Board agreed to purchase an elliptical machine for amount not to exceed \$6,800.

**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 24th day of June, 2014.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting