
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District July 22, 2014

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on July 22, 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
- Ann Darby
- Mike Reisinger

Also in attendance were:

- Larry Fletcher
- 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 July 22, 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

Communication to property owners, potential insurance settlement, and the Berry Creek State Habitat Area Baseline Report were added to the agenda.

Public Input Larry Fletcher requested the Board discuss with the Sonnenalp Golf Course the ability to offer additional discounts to property owners that could include special rates after 3:30 p.m. and rates for playing less than 18 holes. The Board noted the golf course is a private entity and not governed by the District. The Board will

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take the request under advisement and agreed to be willing to work with the Sonnenalp to increase property owners' access to the Golf Course.

Minutes The minutes of the May 30, 2014 Continuation of the Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the May 30, 2014 Continuation of the Regular Meeting minutes as presented.

The minutes of the June 24, 2014 Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the June 24, 2014 Regular Meeting minutes as presented.

Operations The Board briefly discussed the water leak at the main roundabout. The dead tree on the corner of Hackamore will be removed today. Mr. Carlson has been painting the Community Center doors.

Community Center

Expansion Darby Architectural Contract – The Board reviewed the draft AIA contract with Darby Architectural for the design of the Singletree Community Center. Upon motion duly made and seconded it was

RESOLVED to approve the contract with Darby Architectural, subject to review by Jim Collins. Director Darby abstained from voting.

Construction Contract – The Board agreed to use the standard Collins Cockrel & Cole short form construction contract.

Other Consultants – Dennis Anderson submitted a \$2,500 proposal for schematic landscape drawings and \$3,500 for landscape installation (construction) drawings. Upon motion duly made and seconded it was

RESOLVED to approve the proposals from Dennis Anderson to prepare landscape schematic and installation (construction) drawings for the Community Center expansion landscaping. Director Darby abstained from voting.

Director Darby stated the District will also need to contract with a Structural Engineer for the project.

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Meetings are being scheduled with R.A. Nelson to obtain an estimate for construction costs. Ms. Darby indicated her overall budget for the project includes \$60,000 for pre-construction services. Utility locates will be added to the survey.

The plans will be presented to all property owners on August 23, prior to the Annual Function. The Board agreed all comments must be submitted in writing.

Director Reisinger suggested presenting the plans to SPOA prior to presenting them to the community.

The Board discussed having an owner's representative for the project. Directors Budd and Godec agreed to serve as the owner's representative.

Remote Water Meter

Reader

Since the District received the excessive water bill due to leaks at the west entrance, the Board is looking for solutions to quickly identify future water leaks. The District has the ability to purchase a meter reader device from ERWSD to read the meter at the main entrance. By motion duly made and seconded it was unanimously

RESOLVED to approve spending up to \$350 for a remote water meter reading device.

Potential

Insurance

Settlement

Director Gregory reported Mr. Collins sent a letter to Rich Milford with Scottsdale Insurance Company requesting more than the \$15,000 offered for the damages to Winslow Road. Mr. Milford stated \$15,000 is the Colorado policy limit for property damage. After further discussion Director Gregory agreed to request Mr. Collins present this request to someone higher up in Scottsdale. Director Budd suggested also obtaining a financial and credit report on the driver to determine if the District's losses can be recovered directly from the driver.

Brush Creek

Landscaping

Proposal

Paul Dyke, Nick Close and an associate with Brush Creek Landscaping (BCL) were present to discuss planting plans for additional trees in Singletree. Director Gregory informed the BCL representatives that the District is working on plans to expand the Community Center. The perimeter of the trees near the proposed building location will be staked.

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BCL has removed several Cottonwoods in Singletree due to Oystershell Scale. Trees to avoid include spruce and aspen trees. The following trees are recommended:

- Choke Cherry
- Ponderosa Pines
- Thornless Hawthornes
- Austrian
- White Fir
- Honey Locust
- Snow Crab
- Foxtail Bristlecone (great ornamental tree)

Director Gregory requested BCL provide a list of recommended trees for Singletree which can be incorporated into Singletree's design guidelines.

Entrance Irrigation

Issues

Steve Bjurstrom, Brian Wells and Jason Ulberg from Rocky Mountain Custom Landscaping (RMCL) were present to discuss the \$20,648 water bill the District received for the irrigation at the main entrance as the result of water leaks. The problem was caused by two gate valves that were stuck open and a mainline break. RMCL reported the two options to avoid future water being wasted would be to install a master valve that shuts down the irrigation system if water usage exceeds a set amount or install a smart clock that only allows the system to run for a set period. The cost of a smart clock is estimated at \$2,500.

Director Gregory questioned how the problem was not discovered during routine landscaping operations. Mr. Wells stated the mainline break was at a depth of eight feet in the area where the trees are planted and there is no regular maintenance in that area. Mr. Wells suggested installing a master valve and if there are future problems a flow meter which includes a smart clock could be installed. RMCL provided a letter with invoices to be sent to ERWSD requesting they grant the one-time waiver of the excessive charges. The Board requested that Mr. Wells provide a proposal to install the master valve and smart clock.

2013 Draft

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Audit The 2013 draft audit was included in the Board packet with the revisions requested by the Audit Committee. Director Budd questioned the District's negative net position. Mr. Marchetti stated bonds were issued for the Winslow Road underpass project but the improvements were conveyed to Colorado Department of Transportation so the debt is shown on the District's books but the improvements are shown as having been transferred to CDOT. By motion duly made and seconded it was unanimously

RESOLVED to accept the revised 2013 audited financial report as presented.

June 30, 2014

Financial Statements

The June 30, 2014 financial statements were presented. Budget, cash flow and expense questions were explained. The Board acknowledged receipt of June 30, 2014 financials statements.

Long Range Financial Plan

Mr. Marchetti presented the District's long range financial plan as a discussion tool for decisions with current items in the context of future finances. Discussions followed on the Spur Road improvements and CDOT's construction management fee. The Board discussed other funding mechanisms for the Spur Road and establishing a cap for the District's contributions.

Eva Wilson, Eagle County Engineer, is pursuing a STIP (Statewide Transportation Improvement Program) grant of \$8,000,000 from CDOT, to be matched by \$1,000,000 from Eagle County and \$1,000,000 from ECA to be used to construct improvements for Edwards Spur Road Phase II.

The long range financial plan will continue to be discussed as the plans for the community center expansion are developed and in conjunction with the discussions of the 2015 budget.

Accounts Payable

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

RESOLVED to approve the revised July 2014 accounts payable list as presented.

SPOA

Director Gregory attended the last SPOA meeting and updated the Board on the plans for the Annual Function scheduled for August 23, 2014. The joint meeting/social function for the District and SPOA Boards was discussed.

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Community Communications

Policy The Board agreed items included in community communications should only be items that only affect Singletree Property Owners.

Berry Creek State Habitat Area

Baseline

Report Director Gregory presented Berry Creek State Habitat Area Baseline Report that discussed the path to Forest Service access. Per the report, the path will remain open.

CVC

Signage Rick Pirog, president of CVC Metropolitan District, has requested permission to install a sign at the Berry Creek traffic circle. Director Gregory stated CVC would need to contribute annually to the maintenance of the signage and any landscaping. A proposal needs to be presented to Board before a decision can be made.

UERWA

The Forest Service in another attempt to require parties using Forest Service Property to convey water rights to the Forest Service has proposed Best Management Practices (BMP) as a method to obtain privately owned water rights under Forest Service control. ERWSD has joined others entities to oppose the BMP.

The Traer Creek water storage tank is under construction.

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Open Items

List The Board reviewed the Open Item List.

Wildland Fire

Meeting Director Reisinger requested Board members attend the next Wildland Fire meeting.

Executive

Session Upon motion duly made and seconded, it was unanimously

RESOLVED to enter into executive session at 11:04 a.m. pursuant to §24-6-7402(4)(e) to discuss positions relative to matters that may be subject to negotiations with the Sonnenalp Golf Course.

The Board adjourned from the Executive Session at 11:35 a.m.

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 22nd day of July, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting