
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District August 26, 2014

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 26, 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
- Mike Budd
- Ann Darby
- Mike Reisinger

The following Director was absent and excused:

- Dan Godec

Also in attendance were:

- Cynthia Lehman
- Monte Lehman
- Karen Kern
- Sonya Atkinson
- Walter Atkinson
- Lee Rimel
- Tim Carpenter, R.A. Nelson
- Bryon Wooters, R.A. Nelson
- Ralph Dockery, SPOA
- Terri Martinez-Johnson, Community 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 August 26, 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

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this disclosure is restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

Changes to the

Agenda Disk golf, the insurance settlement and the roundabout landscaping on the northeast quadrant were added to the agenda.

Public Input Charolais Circle Park – Cindy and Monte Lehman were present to discuss maintenance issues at the Charolais Circle Park. Photographs of areas needing improvement were distributed to the Board. The Board agreed to replace the picnic tables with metal tables. The Board will visit the Charolais Circle Park after the meeting with Mr. Carlson to determine how to address the issues presented.

Mrs. Lehman questioned how the Board would follow-up with Charolais Circle property owners after the meeting. Mr. Carlson provided his phone number for any follow-up questions. Ms. Curtis will send an email explaining the plan determined by the Board.

Ms. Lehman questioned the lack of expenditures reported on the financial statements even though there was a budget line item. The Board explained maintenance is included in the overall park budget and the line for Charolais Circle Park was for extra items.

Singletree Community Center Expansion – Walter Atkinson informed the Board the drug activity in the Chip Ramsey Park and parking lot has been curbed. When reviewing the plans for the Community Center expansion, Mr. Atkinson expressed concerns with noise based on the orientation of the new building, especially when parties do not end by the 10:00 p.m. curfew. Mr. Atkinson would like to see the building moved to mitigate noise from the Community Center to the residents to the south. The Board thanked Mr. Atkinson for his input and will take the recommendation under advisement.

Minutes The minutes of the July 22, 2014 Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the July 22, 2014 Regular Meeting minutes with revisions.

West Avon Trail

Lee Rimel presented photographs of the West Avon Trail along with the positive comments received from Singletree residents. The Town of Avon would like to accelerate the plans for the West Avon Trail system and has requested the additional \$6,000 contribution from both Berry Creek and SPOA in 2014, rather

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than 2015 as previously requested. The SPOA Board has already agreed to contribute the additional \$6,000 in 2014. Director Gregory questioned ownership of the trail, to which Mr. Rimel informed the Board the Town of Avon owns the property. A survey of the area is being completed to determine the specific location of the trail. Upon motion duly made and seconded it was unanimously

RESOLVED to approve contributing an additional \$6,000 in 2014 to the Town of Avon for the West Avon Trail.

Sixty-two volunteers have assisted with building the trail. Most of the volunteers are mountain bikers. The next volunteer day is scheduled for September 20, 2014 to build the next portion of the trail.

Potential Insurance Settlement

Director Gregory reported the Board has received a credit report on Mr. Ruth, the driver who caused the damage to Winslow Road, and the District could probably not collect any settlement from him based on the report. By motion duly made and seconded it was unanimously

RESOLVED to accept the \$15,000 settlement offered by Scottsdale Insurance.

Community Center Expansion

Construction Cost Estimate – Tim Carpenter and Brian Wooters with R.A. Nelson presented a cost estimate summary for the Singletree Community Center expansion. The proposed expansion is just less than 2,000 square feet. The enclosed breezeway was removed from the plans for cost savings reasons. Director Budd suggested keeping the breezeway option without having to install HVAC for heating and cooling. The estimate for the new building and remodeling of the existing building is \$1,390,713. The proposed deductions and additions were discussed.

The Board discussed separating the remodel of the existing building (\$260,000) from the cost of the new building.

Mr. Carpenter stated the estimate is conservative to avoid surprises. Director Gregory stated the Board will discourage change orders from any successful bidder.

Discussion followed on preparing plans to get competitive bids. The current design includes preliminary plans for electrical, mechanical, kitchen design, and fixtures. The plan is to bid the project cost efficiently.

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Darby Architectural Contract – Jim Collins has reviewed the AIA contract with Darby Architects for the design of the Singletree Community Center and approved the language in the contract. By motion duly made and seconded it was

RESOLVED to approve the contract with Darby Architects, subject to verifying the disclosure of potential conflict of interest statement has been filed with the Secretary of State. Director Darby abstained from voting.

The Board discussed the concept of doing a design/build contract but felt fully designing the building and competitively bidding the construction was a more viable approach.

The Board discussed re-orienting the building to reduce the noise from the current large assembly room. The primary reason for the current design is that the concept provides a great courtyard aspect. A north facing courtyard would not be utilized as much due to wind and weather. The Board also discussed that redesigning the building may not assist with the noise from the large room. Suggestions were presented to mitigate some of the noise from parties that the Board will consider. Ms. Darby estimated the cost increment to redesign the building could run as high as \$20,000. The Board concluded to not pursue a redesign to reorient the building.

R.A. Nelson Preconstruction Services Contract – The Board needs the attachment schedule from R.A. Nelson before the Board can ratify approval of the contract.

Bidding Schedule – The Board discussed the pros and cons of beginning construction in fall versus waiting until next spring.

Operations A pet pick-up station with a trash can is being installed on June Creek Road after hearing no objection from neighboring properties. There has been a request to install a pet pick-up station on Howard Drive, which is golf course property. Mr. Carlson will discuss the request with Neil Tretter.

The elliptical trainer is being delivered today. The other elliptical machine is being repaired.

Irrigation lines on Berry Creek were broken and have been repaired.

The Board directed Mr. Carlson to remove the tree stumps and clean-up the Charolais Circle park area. By motion duly made and seconded it was unanimously

RESOLVED to approve the purchase of two metal picnic tables for the Charolais Circle Park.

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The west entrance of Singletree has been sprayed for thistle. The weeds on the northeast quadrant need to be cut down. Director Budd requested STI create a border between the native grasses and the flowers near the Singletree sign.

ECA 2015 Budget

The 2014 ECA budget is being presented to the participating entities for comments. ECA will approve the 2015 budget this fall, based on comments received.

Mr. Marchetti reported the cost for ECA's share of the engineering design of Edwards Spur Road Phase 2 is included in ECA's budget, half in 2014 and the other half in 2015. CDOT funding in the amount of \$3,000,000 for construction of the Highway 6/Spur Road intersection project has been approved by the Intermountain TPR (Transportation Planning Region), to be matched by \$300,000 from Eagle County and \$300,000 from Edwards (specific Edwards sources to be determined). Director Gregory expressed the importance of addressing pedestrian traffic as the priority in the design of Phase 2.

Director Budd repeated his position that he is not in favor of funding the design of Phase 2 of the project when it is not assured that funds will be available to fund construction of the project. Director Gregory believes it is necessary for ECA to complete the design phase to remain on the list for potential funding. Director Darby agreed with completing the design plans to remain on the list for construction funding. Directors Budd and Reisinger are opposed to funding the design phase of Spur Road stating it is not a good use of District funds to spend \$250,000 for plans that might sit on a shelf. Director Budd stated RAMP funding could become available after 2017, which could then possibly fund the improvements. The District has already budgeted \$28,750 for 2014 and ECA is requesting an additional \$28,750 for 2015. Director Reisinger stated the contributions for the 2014 and 2015 budgeted amounts is the maximum Berry Creek should commit for Edwards Spur Road Phase 2. By motion duly made and seconded it was

RESOLVED to approve a maximum contribution of \$28,750 for 2014 and 2015 to ECA for the design phase of the Spur Road project with a vote of three in favor and Director Budd opposed to the motion.

ECA Future Funding Sources

The discussion was tabled to an upcoming work session.

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CORA Policy

Under new State legislation, the District is not able to charge for providing copies of the District's records without adopting a policy pursuant to the Colorado Open Records Act (CORA). CORA specifies the District can charge up to \$35 per hour after the first hour to prepare documents as requested and \$.25 per page for printed copies. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the CORA policy as presented.

Speed Bump Request

Jeff Koch requested a speed bump be installed on Winslow Road. A speed bump for Winslow Road will put on the open action item list and Director Gregory will discuss the request with Gordon Adams of Eagle County Road and Bridge. Ms. Curtis will notify Jeff Koch of the Board's decision.

Disk Golf

Ralph Merritt has proposed the installation of a 9-hole disk golf course on Tract M near the west entrance of Singletree. SPOA will contact Moonridge to notify them of the plan. Parking is being addressed. A display of the proposed parking and outline of the course was presented.

Director Budd stated signage will be needed to protect the buried power lines. A survey was recommended to ensure the course is placed on the District property. By motion duly made and seconded it was unanimously

RESOLVED to approve allowing SPOA to install a disk golf course on District property, subject to notification of the Moon Ridge Association and SPOA agreeing to address any problems with Moon Ridge or the Forest Service.

Community Center

Usage

Terri Martinez-Johnson has received a request from an instructor to hold a small Buddhist class at the Community Center. The instructor will pay the District \$75 for four hours of usage each time. The Board approved the request.

July 31, 2014

Financial Statements

The July 31, 2014 financial statements were presented. Mr. Marchetti clarified questions presented by the Board. The Board acknowledged receipt of July 31, 2014 financial statements.

Long Range Financial Plan

The discussion was tabled to an upcoming work session.

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Accounts Payable

The Board reviewed the revised accounts payable list for August 2014. Questions presented by Director Budd were answered. Upon motion duly made and seconded it was unanimously

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

SPOA

The Avon Wildfire donation check is being held until SPOA receives assurance the funds are needed. Director Reisinger reported six staff members have been hired. The Evacuation Plan was developed and Terri Martinez-Johnson has a copy of the plan. Door hangers were distributed in Wildridge. A meeting was held in August at Singletree Community Center for all Singletree Property Owners on wildfire mitigation. Mr. Dockery stated the check would be released immediately.

Director Budd questioned whether SPOA has agreed to allocate funds for the Singletree Community Center expansion. Mr. Dockery reported SPOA is waiting for information from the District on costs and needs for funds before allocating funding.

UERWA

The UERWA Agreement has been revised to reflect the concerns raised by members of the Authority and the revised agreement will be presented to the Board at a future meeting.

Magnus Lindholm was not allowing access to ERWSD District employees as agreed to review the construction of the Traer Creek water tank. That issue has been resolved.

Jared Polis is proposing a designated wilderness plan to protect designated wilderness areas. The plan could create problems for the maintenance of existing equipment on designated land included in the plan. ERWSD is opposing the proposal.

Director Gregory encouraged the Board to attend future UERWA meetings. The Water Rights Analysis report was distributed to the Board members.

ECA

Director Budd reported there will be future demands for funding in the Edwards area moving forward and he feels the Board needs to address this in the proposed work session. Director Budd would like to see the District's ECA contribution reduced, but he does not expect the other entities to increase their contribution.

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Open Items

List The Board reviewed the Open Item List. The first three items have been addressed. The speed bump request was added to the list.

Community

Center

Expansion

(Cont)

The Board agreed to execute the contract with Dennis Anderson for the Singletree Community Center landscaping plans. Other contracts will be held until the proposed work session.

The Board reported mostly positive comments on the Singletree Community Center expansion. Ms. Curtis and Mr. Carlson suggested improving the Community Center guidelines and looking at ways to increase usage of the center.

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 26th day of August, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting