
RECORD OF PROCEEDINGS

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

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

Also in attendance were:

- Karen Kern
- Sonya Atkinson
- Walter Atkinson
- 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 October 28, 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.

Public Input

Walter Atkinson questioned whether the Board had addressed the comments by Jeff Schlichting regarding the Community Center usage. The Board informed Mr. Atkinson the person organizing the function in question presented a different story on the time the function ended and the noise level. Mr. Atkinson suggested having staff in attendance at the Community Center for the entire function. The Board indicated the cost would be prohibitive.

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The Board agreed to increase the deposit to \$1,500 for all functions and the deposit will be forfeited if the function runs past the 9:00 p.m. (not counting clean-up time). Ms. Kern stated she is pleased with the increased deposit amount.

Minutes The minutes of the September, 23, 2014 Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the September 23, 2014 Regular Meeting minutes with revisions.

Operations There have been ice build-ups in the past in certain areas on the bike path on Berry Creek Road. Permission was granted to Mr. Carlson to lower the grass area adjacent to the bike path to improve the drainage flow.

The Chip Ramsey Park bathrooms have been closed for the winter and a port-a-potty has been delivered.

Community Center

Expansion Director Darby informed the Board the engineers will have the final engineering plans completed by November 4, 2014. The project can be put out to bid once the engineer's report is completed.

Director Darby is working on revising the plans to include a second phase to enclose the connector between the two buildings.

Rader Engineering has revised the scope of work to include air conditioning and heaters in existing building. Venting the upstairs windows to keep the building cooler during the summer is also being considered.

Colors and finishing samples being proposed for the new facility were presented. Director Darby informed the Board Discount Cabinets and Appliances (DCA) have display appliances that can be purchased for a reduced cost. The appliances need to be purchased and moved by November 23, 2014. Director Darby suggested storing the appliances in the Chip Ramsey Park bathrooms over the winter. Mr. Carlson recommended not purchasing a dishwasher since the last one was not used and had to be removed. The cost of insurance for a full kitchen was questioned. Director Gregory recommended offering DCA a minimal amount to determine what amount the distributor will accept.

Additional soil will be required for construction. RA Nelson has soil available for a reduced cost that can be stored on site over the winter. The Board agreed to accept the soil for storage on site until it will be needed for construction.

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ECA & County

IGA An IGA between the entities in ECA (except Cordillera) and Eagle County related to cost sharing for the engineering design of Edwards Spur Road Phase II was distributed for consideration by the Board. Director Budd raised several questions about the agreement, reviewing the discrepancies for the Board member's awareness. Director Reisinger questioned why the agreement permits Cordillera to receive reports since they have chosen to not make a contribution. Director Budd explained they have contributed to ECA and since ECA is a participant in the agreement then he believes it is appropriate for Cordillera to receive reports through ECA. By motion duly made and seconded, it was unanimously

RESOLVED to approve the IGA with Eagle County subject to Director Budd's concerns being addressed and with a clarification that Cordillera is not participating in the agreement.

Snow Plowing

Agreement The Board reviewed the contract with H & B Snow Removal Services noting the recommendations by legal counsel and the areas to be included in the contract. By motion duly made and seconded it was unanimously

RESOLVED to approve the contract with H & B Snow Removal Services.

Landscaping

Proposals Director Budd questioned the Brush Creek Landscaping proposal of the different areas to make sure the roundabouts are separated between the District, Edwards Metro District, and ECA. A letter will be sent to RMCL notifying them of the tree dying in the main roundabout. By motion duly made and seconded it was unanimously

RESOLVED to approve the Brush Creek Landscaping proposal for \$27,739.50. The Board further

RESOLVED to approve the Gardens Creations proposals for the main entrance roundabout for \$7,930 and the flower planting for \$31,660. The Board further

RESOLVED to approve the STI Services proposals for the main entrance roundabout for \$3,825 and the landscape maintenance for \$25,625.

Director Reisinger requested in the future the prior year contracts be included in Board packet along with the new proposals to ensure the agreements are consistent. The Board commended Mr. Carlson and Director Godec for obtaining competitive proposals.

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November & December

Meetings With the regularly scheduled Board meetings for November and December being held the same weeks as Thanksgiving and Christmas, the Board agreed to schedule a Special meeting on December 9, 2014 instead.

September 30, 2014

Financial

Statements The September 30, 2014 financial statements were presented. The Board acknowledged receipt of September 30, 2014 financial statements. The 2015 budget needs to reflect a \$250,000 contribution from SPOA. Director Budd questioned the contribution to the Town of Avon for the wildfire module suggesting leaving a place holder in the budget for a possible expenditure. Director Reisinger stated the Avon Town Manager, Virginia Eggers, has indicated the program will be funded by ERFPD in the future.

2015 Budget

Hearing

The Board held a work session on October 15, 2014 to review the 2015 budget. The changes requested by the Board at that meeting have been included in the current 2015 proposed budget that was distributed with the Board packet and made available to the public. The meeting was opened for public comment and upon hearing no public comment the public hearing was closed. Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the 2015 budget as revised at the budget work session and presented at this meeting; to set the debt service mill levy at 9.585 mills and the operating mill levy at 8.746 mills, for a total mill levy of 18.331 mills; and to appropriate funds for spending in 2015, all as documented in the formal budget resolution but subject to minor adjustment for any further adjustments to the assessed values. A copy of the formal budget resolution is incorporated herein by this reference.

Accounts

Payable

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

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

SPOA

Directors Gregory and Reisinger attended the October SPOA meeting and requested \$250,000 for the construction of the Singletree Community Center expansion, which was approved. It was noted the disk golf course has been a success.

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UERWA Director Gregory recapped the October 23, 2014 UERWA meeting. The Authority Agreement has been amended again by Beaver Creek Metropolitan District's attorney. The Agreement changes will need to be distributed to all participating entities for approval.

James Eklund with the Colorado Water Conservation Board met with UERWA representatives. Mr. Eklund and the group agreed all entities must work together to create a consensus on water for the good of the State of Colorado.

ECA Director Budd reported that the the Edwards Sub-Area Master Plan update process is continuing steadily forward, although the process seems to be moving more slowly than necessary. Regarding the Spur Road Phase II, \$3,000,000 in CDOT construction funding has been committed for spending some time between 2016 to 2019 for construction of the roundabout at Highway 6 and the Spur Road with a required match of \$300,000 from Eagle County and \$300,000 from "local Edwards funding". ECA has made a verbal pledge that if CDOT and Eagle County come through with \$3.3 million in funding that "Edwards" will find a way to come up with the other \$300,000. ECA has been actively working on additional funding sources to fulfill this need.

Director Godec questioned ECA's making a commitment without having a secure source for the funding. Mr. Marchetti explained ECA is working diligently to establish a source for the additional funding and believes that over time the funding source can be put in place. Discussion followed on the District's contribution in future years and allocation of operation and capital contributions. Director Gregory believes the District needs to continue to participate as it has in the past until the new funding sources are implemented since Singletree is a big part of Edwards.

The formation of an overlaying district to have the ability to collect sales tax is being considered by members of ECA. Director Budd expressed concerns with certain areas not having a voice in the proposed district. Mr. Marchetti explained the board could consist of members at large or delegated by wards. Director Gregory stated although he is aware it could happen, he is not concerned with the Berry Creek Metropolitan District not having the ability to participate. A decision is not required today, but the Board needs to come up with a plan for the proposed overlaying district. Director Godec agreed the District will continue to fund based on the current allocations with annual reviews. Mr. Marchetti indicated the plan is to consider holding an election in 2016 for voter approval of new tax sources. Director Gregory indicated the Board will need to see the funding plan before making a decision. Director Budd stated there will need to be a dialogue for the Board to take a position on an overlaying district.

Open Items

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- List** The Board reviewed the Open Item List. All items have been completed except the corner pans scheduled for 2015.
- Other Items** The Board received a request to landscape corners on Buckboard near the Villas. The Board agreed to consider the request in future budgets.
- 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 October, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting