
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District January 22, 2013

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 22, 2013 at 9:00 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
- Herb Luhman (Via Telephone)

Also in attendance were:

- Steve Penrose, SPOA
- Dan Carlson, Operations
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

Call To Order

A Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on January 22, 2013, at 9:00 a.m. noting a quorum was present.

Agenda Director Gregory asked if there were changes to the agenda. No changes were presented.

Public Input There was no public input.

Minutes The November 27, 2012 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the November 27, 2012 Regular Meeting minutes with revisions.

Operations Mr. Carlson is working to address the ice issues under I-70. On a separate topic, two wireless cameras are being installed and the camera system is being updated.

Mr. Carlson received a quote of approximately \$1,300 for the pump to use water out of the Charolais Circle Pond for irrigation. The total cost for the system is approximately \$12,000.

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Easement

Request Eric King purchased a property on the end of Prairie Circle. There is a large area adjacent to his property that is owned by the District and he would like the District to grant him an easement on the District property permitting him to build a berm to mitigate road noise. The Board agreed no decision could be made until the Board receives plans and a performance bond from Mr. King.

Meeting Dates

and Times The Board reviewed the 2013 meeting calendar. Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the schedule for 2013 regular meetings to be held on the fourth Tuesday of each month with the meeting time to be at 9:00 a.m.

24 Hour Notice and Posting

Locations Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the posting notice resolution establishing the Singletree Community Center as the location for posting the 24 hour posting notice required by Section 24-6-401, et. seq., C.R.S., and posting two notices at other places within the District boundaries and at the Eagle County Clerk and Recorder's office for notices required pursuant to Section 32-1-903(2), C.R.S. A copy of the resolution is incorporated herein by this reference.

West Entrance

Landscaping Director Godec is working with Scott Sones on the west entrance roundabout landscape design including the placement of the sod and the location of plantings. Director Godec has also asked RMCL to review and revise the warranty proposal.

Mr. Penrose questioned whether all ECA participants have agreed to the plans for the roundabouts as presented and are committed to contributing funds for the project. Mr. Marchetti informed Mr. Penrose that all government entities are in agreement with Scott Hovey agreeing to fund the area adjacent to the Northstar Center. Mr. Marchetti further explained ECA will be funding and bidding the landscaping project for the south side of I-70. The north side landscaping will be funded by Berry Creek and Singletree.

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Beautification

Process The Board agreed to wait for the outcome of the West Entrance Landscaping negotiations before discussing the golf course crossings.

Directors Budd and Godec have entered into discussions with Neill Tretter from the Sonnenalp Golf Course regarding using golf course irrigation water for the District's parks. The cost for installing the Charolais Circle irrigation has a three year payback. The Miller Place Park has a 25 year payback, so that park is not feasible. The District has budgeted \$35,000 for the irrigation project. Mr. Tretter will be obtaining bids for the project and the Board tabled discussion on the project until receiving the bids.

Eagle Charter

Academy Director Darby sent a letter to Eagle County with the District's input on the Charter Academy plans. The Board requested that Ms. Curtis follow up with Eagle County to get information on the exterior materials to be used and to inform the County that the Board did not see the plans prior to the commencement of construction, as promised.

Legal

Counsel The Board discussed the decision to change legal representation. The Board agreed to send a letter to Jim Collins asking him to represent the District. A letter will be sent to Matt Dalton terminating his service and requesting the files be transferred.

Community Manager

Position The Board agreed to move into executive session at the end of the meeting to discuss personnel matters. The Board questioned if SPOA had made a decision on the hiring of Ms. Martinez-Johnson on an ongoing basis. Mr. Penrose stated the SPOA Board will make a decision made after the District Board decides on the Community Manager position.

Trails

Director Godec stated the Eagle Valley land exchange with the Forest Service that includes the parcel between the Town of Avon and Singletree is near completion. The Town of Avon has requested that Berry Creek agree to allow a ten foot wide paved path that would allow a second access to Wildridge in case of fire. The Board agreed it would not make sense to use June Creek as a second access and will recommend the Town of Avon look at other options.

Financial

Report The preliminary December 31, 2012 Financial Statements were included in the Board packet. The audit fieldwork is scheduled for February 4, 2013. The Board discussed whether the next Assessor evaluation could be a greater reduction than

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the 20% currently in the 2014 forecast. Upon motion duly made and seconded it was unanimously

RESOLVED to accept December 31, 2012 financial report as presented.

Accounts Payable

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

RESOLVED to approve the January 2013 accounts payable list as presented. The Board further

RESOLVED to ratify approval of the December 2012 accounts payable list as presented.

SPOA

Mr. Penrose stated the SPOA Board is working on keeping property owners in compliance with the covenants. Owners advertising short term rentals are being contacted and informed that they are violating the Covenants.

Director Budd suggested the next SPOA newsletter include a paragraph from the Sonnenalp Golf Course on damage to the golf course from use by residents during the winter months.

UERWA

Director Gregory stated UERWA has been focused on a case that addresses water usage by ski areas. The water quality of the discharge from the Eagle Mine is being closely monitored. The lawsuit between Traer Creek and the Town of Avon is closer to resolution.

The Board discussed UERWA's rate increases to fund capital expenditures. The Board further discussed the need to communicate the need for rate increases to Singletree property owners.

ECA

The roundabout landscaping was discussed earlier in the meeting. ECA has set goals that include completion of the roundabout landscaping, participation in an update to the Edwards Community Plan, completion of the traffic study to determine the need for Phase II of the Spur Road improvements, work towards development of a long-term funding mechanism for ECA and enhanced communication with constituents.

Open Items List

Director Gregory reviewed the Open Item List. The cameras and irrigation resolution were added to the list. Items were removed.

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**Executive
Session**

Upon motion duly made and seconded it was unanimously

RESOLVED to enter into Executive Session at 10:25 a.m. pursuant to §24-6-402(4)(f) to discuss personnel matters.

The Board adjourned out of Executive Session at 10:45 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 January, 2013.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting