
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District March 26, 2013

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on March 26, 2013 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
- Herb Luhman

Also in attendance were:

- Buddy & Bonnie Sims
- Nancy Alexander, ECA
- Tom & Sharon Stoloff
- Connie Powers
- Jason Denhart, EVLT
- Kara Heide, EVLT
- Jeff Reed, Agora West Realty for ECCA (Via Telephone)
- Bruce Larson, Architect for ECCA (Via Telephone)
- Dan Carlson, Operations
- Joan Fritsche, Collins Cockrel & Cole (Via Telephone)
- 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 March 26, 2013, at 8:30 a.m. noting a quorum was present.

Eagle County Charter Academy

Director Gregory informed the Eagle County Charter Academy (ECCA) representatives that one of the Eagle County Commissioners' requirements of ECCA was to meet with the Singletree Property Owners Association. Mr. Larson indicated a meeting was held in March 2012 at the Sonnenalp Golf Course that was attended by Director Gregory. ECCA held another meeting on April 4, 2012 that was open to the public, and a meeting at ECCA on April 26, 2012. Director Godec attended the meeting at the Singletree Community Center. The plans for

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the building were presented at all meetings. Mr. Reed informed the Board that Ms. Ahmad indicated that no concerns had been expressed with the design of the building. Director Gregory previously requested the roof be non-reflective material, the brick be toned down by using an earth tone color brick, minimizing the amount of brick used, the exterior lighting be down lighting, and that additional landscaping be used to screen the building. Mr. Reed indicated he has already addressed the concerns presented by Director Gregory. The goal is to make the design more consistent with the Battle Mountain High School design.

Buddy Sims expressed his disappointment for not receiving communication on the school design or the public meetings prior to the commencement of construction. Mr. Sims is upset the school has impacted his view of Arrowhead Mountain and requested a higher berm or trees to block his view of the school. Mr. Sims discussed the conditional requirements in the September 24, 2012 letter from Eagle County to ECCA and the School's ability to build without enforcement from Eagle County. Mr. and Mrs. Stoloff stated they had recently purchased their home and are also disappointed to have their views of Arrowhead impacted as well. Director Gregory remembered the discussion on landscaping and encouraged ECCA representatives to do what they can to minimize the view of the building from Singletree views.

Opinion Letter

For UERWA Director Gregory indicated the District needs to provide a legal counsel opinion on the 2013 UERWA bonds as a member of the Authority. The Authority will be issuing \$9,655,000 for a new issue and \$845,000 in refunding bonds in March 2013. The bond rates will not be determined until the bonds are marketed. Ms. Fritsche will issue the opinion letter for the District and Director Gregory agreed to forward the bond rates, when they are determined.

Public Input Mr. Sims thanked the Board for allowing him to attend the meeting and for the opportunity to speak. Mr. Sims plans to attend the next SPOA meeting to express his frustration with the process and the lack of communication from SPOA.

ECA Nancy Alexander, the President of ECA, noted a draft of the traffic study report was presented to ECA indicating that traffic conditions at the intersection of Highway 6 and the Edwards Spur Road will eventually reach an "F" level of service. The ECA board took action to initiate the engineering design for Phase II of the Spur Road. Ms. Alexander has since determined the population projections for Eagle County, which was part of the decision to move forward on the design, may not be realistic. Directors Budd and Gregory have reviewed the population projections and believes the State Demographer may not be using the correct information to determine the demographic projections for Eagle County.

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Director Budd anticipates ECA will require 20% of the District's budget in future years. Eagle County and CDOT are requesting funds for the design of the Spur Road improvements from ECA. Director Budd stated the source of funding for construction (as opposed to design) of the improvements has not been determined. The design may become obsolete before the construction funding is available. According to a recent newspaper article, Eagle County's priorities for CDOT I-70 projects are the roundabout at the I-70/Eagle interchange, the Airport interchange, improvements to Dowd Junction, reducing road closures, and completion of the Twin Tunnels. According to this article, Edwards Spur Road is not on the County's priority list.

Director Luhman believes by contributing funds to ECA, the County is double charging Singletree residents. Director Darby agreed that until funding is determined, spending money for the design not prudent. Director Gregory believes the Edwards Area Master Plan needs to be completed with enforcement provisions before moving forward on the design of Phase II of the Spur Road. The Board agreed to not spend funds on the design of Phase II for the Edwards Spur Road.

EVL

Jason Denhardt and Kara Heide presented the plans for the Beaver Creek Point Conservation Easement. Mr. Denhardt provided information on the West Avon/Beaver Creek Point. The cost to place the property into a conservation easement is estimated at \$25,000, which is mainly for legal costs. The area is adjacent to Singletree and EVLT is requesting a one-time contribution of \$4,500 from the District for expenses. Mr. Denhardt and Ms. Heide explained EVLT is a 501(c)(3) entity and is totally funded by donations. Upon motion duly made and seconded it was

RESOLVED to approve contributing \$4,500 for the legal cost to place a conservation easement on the West Avon/Beaver Creek Point parcel.

Director Godec recused himself from voting on the issues.

ECO Trails

Ellie Caryl will be attending a future Berry Creek Metro meeting to discuss the trail system in Eagle County. Mr. Marchetti apprised the Board that there will be additional trails built along with continuing maintenance of the existing trails that will require funding. Ms. Caryl will be requesting funds from the District to maintain the segment of the core trail in the Berry Creek 5th Filing.

West Entrance Landscaping

Director Darby's input has been incorporated into the design of the west entrance landscaping north of the I-70 roundabout and Rocky Mountain Custom Landscaping doesn't believe the changes will increase the costs. The Committee

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needs to determine the specific perennials for the project. The contract was executed and construction has commenced. Upon motion duly made and seconded it was unanimously

RESOLVED to ratify approval of the Contract between the District and RMCL for the west entrance roundabout landscaping improvements.

Irrigation Project

Director Gregory explained to the public that the Board is proceeding with plans to use non-potable water to irrigate most of the District's parks. There will be an ongoing cost savings by not paying for treated water for irrigation purposes. The District is working to stay within the project budget of \$38,000. There are hydraulic issues with using water from the Charolais Circle Pond that are being addressed.

Director Budd presented information on the properties with the easements that will be used for installing the pipe for the irrigation project. The affected property owners need to be contacted so they are aware of the project and the District's intent to use the easements.

Community Manager

SPOA has increased the scope of the contract with Terri Martinez-Johnson to provide more services and covenant enforcement for the Association. Ms. Martinez-Johnson is providing services to the District and SPOA has requested the District contribute funds to SPOA for Ms. Martinez-Johnson's services. The Board approved the concept and will discuss percentages/compensation at the April meeting.

Director Budd suggested the Board consider hiring an advocate for the District who could attend County meetings as the District representative.

Golf Course Crossings

Director Darby indicated the three priority locations for golf course crossing are the Berry Creek and Winslow Road crossings on both the north and south side of Berry Creek Road, the crossing north of I-70 on Winslow Road, and the bike path crossing on Berry Creek Road. The cost would be \$25,000 for the crossings. Only the crossing north of I-70 on Winslow Road requires additional landscaping. Upon motion duly made and seconded it was unanimously

RESOLVED to approve up to \$25,000 for golf course crossings with Directors Luhman, Darby and Godec overseeing the project.

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Minutes The February 26, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the February 26, 2013 Regular Meeting minutes with revisions.

Operations Mr. Carlson reported there is a drainage problem at Howard Park. Mr. Carlson recommends changing the drainage to direct the drainage into the pond with an estimated cost between \$500 and \$1,000. Upon motion duly made and seconded it was unanimously

RESOLVED to approve up to \$2,000 for the Howard Park drainage project.

There is a street light out, possibly due to the cutting of an electric line, that will be repaired.

Patriot Marking will be striping the roads in the District this spring and Mr. Carlson will paint 25 mph signs on the roads. Director Godec requested Mr. Carlson request a discount on the road striping to stay within the adopted budget.

Mr. Carlson received a \$500 bid from T. Nottingham Construction for spreading the Fibar that is already included in the 2013 budget. Mr. Carlson is working with Mr. Tretter on placement of the pump in the Charolais Circle Pond for the irrigation project.

Mr. Carlson received a bid from Service Master for between \$5,000 and \$9,000 to seal the Community Center floor, depending on the specific service to be provided. Mr. Carlson recommends using the \$9,000 procedure.

Mr. Carlson received a second proposal for painting the Community Center at \$6,600. Upon motion duly made and seconded it was

RESOLVED to authorize up to \$9,000 to have Service Master seal the Community Center floor and authorized Mr. Carlson to have the building painted by the painter providing the lowest bid, using funds from the replacement fund.

Mr. Carlson suggested purchasing a machine to clean the Community Center floor. There have been a lot of complaints from the community on the condition of the floor and the machine would be the best option for keeping the floor clean. Upon motion duly made and seconded it was unanimously

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RESOLVED to authorize Mr. Carlson to purchase a floor cleaning machine for the District.

Director Luhman requested Mr. Carlson straighten street signs throughout the Community. The painting of the utility boxes will continue. There have been problems with people using Knob Hill Trail during the wildlife closure period, in spite of the signage. Ms. Curtis reported new tables, a newspaper recycling box, and the new office computer have been purchased.

Financial Report

The preliminary February 28, 2013 financial report was included in the Board packet. Director Budd noted the anticipated reduction of the assessed value and how it will affect the operating budget in 2014 and 2015. Director Budd questioned the status of the ECA reimbursement, which was received after the Board packets were distributed.

Accounts Payable

The Board reviewed the accounts payable list for March. The check to ECA was not approved and the description for the percentage of the payment to Rocky Mountain Custom Landscaping was reduced from 50% to 30%. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the March 2013 accounts payable list as revised.

SPOA

There was no report from SPOA. New Board members were elected at the March 16, 2013 Annual Meeting.

UERWA

Director Gregory reported UERWA representatives are meeting with Mountain Star representatives to discuss construction of the water tank. Eagle River Water and Sanitation District could use their bonding capacity and the debt service payment would be assessed to Mountain Star owners or another option would be to assess \$35,000 to each property owner for the cost of the tank.

Director Budd questioned the bond rates for the refunding and the debt service expenses reported on the ERWSD water bills. Director Gregory indicated he has presented the request for additional information and enhanced communication to the Authority.

ECA

Eagle County and ECA are preparing to update the Edwards Area Master Plan. Part of the process will be to implement procedures to ensure compliance with the new plan when adopted. Fitz Landscaping will be implementing the new landscaping south of I-70 for ECA, Northstar Center and Edwards Station. An

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onsite meeting is planed for April 4 to review the status of construction of the I-70 landscaping.

Director Budd stated the District's net cost for ECA for 2013 after the landscape maintenance rebate is \$22,000. The landscape maintenance rebate received from ECA will be used to pay for landscaping maintenance for the new West Entrance landscaping.

Open Items List

The Board reviewed the open items list. Items completed will be removed. Add contacting residents impacted by the new irrigation project to the list. Director Luhman suggested the Board hire a consultant to do a study on the roads in the District, assessing the need for an overlay or crack sealing.

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 March, 2013.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting