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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District April 23, 2013

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 23, 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 (Via Telephone)
- Mike Budd
- Ann Darby
- Dan Godec
- Herb Luhman

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 April 23, 2013, at 8:30 a.m. noting a quorum was present.

**Public Input** No public input.

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

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

**ECA** Directors Budd and Gregory attended the April 10, 2013 ECA meeting. The Board had previously agreed to not approve funding for the design of improvements to the Edwards Access Road based on project funding concerns. At the April ECA meeting, Eagle County representatives presented the RAMP program that includes potential CDOT funding for road improvements and maintenance with funding partners. All members of ECA agreed to move forward with the RAMP program, subject to approval by the ECA participating districts and by CDOT. If CDOT approves the project to improve the Edwards Access Road it will require \$149,500 from the District over a five year period

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from 2013 to 2017. If CDOT does not approve the project then the ECA entities including Berry Creek will not have a funding commitment. Director Budd cautioned that there is no guarantee the project would be approved. The proposed design is a hybrid two lane roundabout at Highway 6 and widening the bridges over the Eagle River and the railroad underpass. The RAMP program mandates all projects are completed by 2017.

Director Godec questioned whether the percentages allocated to ECA members should be revisited. The Board agreed that the percentages are acceptable for the RAMP project but may need to be revisited for future ECA projects.

ECA acknowledged the traffic and demographic predictions that are being used to plan road improvements in the Edwards area are not accurate.

Director Budd informed the Board the cost of the Edwards Access Road project is estimated between \$5M to \$6.5M for design and construction. Eagle County and ECA have committed \$650,000 each with the additional funding provided by CDOT. It was noted per TABOR all entities will need to approve the allocation of funds annually.

Director Luhman requested Director Budd require a second engineering study on the design. Director Budd cautioned that there would be additional cost to require a second opinion. Director Darby stated CDOT and the Federal Highway Commission require strict guidelines for road improvements. The Board discussed requiring CDOT to pay for "peer study" of the engineering study.

Director Gregory is not concerned with widening bridges but is concerned with the roundabout design at Highway 6 and the Spur Road. The Board discussed creating pedestrian access from Colorado Mountain College to the Riverwalk in Edwards. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve contributing funds to the project, subject to the approval of RAMP funding, and consideration of pedestrian access.

#### **Accounts Payable**

The Board reviewed the accounts payable list for April. Director Budd questioned the payment to Grand Junction Pipe. Ms. Curtis explained an account was set-up with Grand Junction Pipe to use the government tax exemption for the west entrance landscaping project. There were additional utility bills received that were included in the approval of payables. Upon motion duly made and seconded it was unanimously

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**RESOLVED** to approve the April 2013 accounts payable list as presented.

#### **Golf Course**

##### **Crossings**

Director Darby informed the Board she would be meeting with Neil Tretter on the proposed golf course crossings and requested clarification from the Board on what items should be requested from the golf course for this project. The Board requested the golf course continue providing water for any new landscaping within our water rights and funding additional crossings on Berry Creek Road at Stagecoach and at Winslow Road and Singletree Road.

Director Darby will call Eagle County Road and Bridge on the timing of overlays for the District Roads before commencing with the golf course crossings project.

#### **Edwards Bike**

##### **Park**

Kevin Douglas requested to be on the agenda to present the proposed Edwards Bike Park, but was not in attendance at the meeting. The Board agreed to send a letter to Eagle County Commissioners requesting the Bike Park not receive approval at the County level without a presentation to the Board. The letter will be copied to Steve Russell with WECMRD and Mr. Douglas. [Mr. Douglas contacted Director Budd after the meeting indicating he was unable to attend the meeting due to weather in Denver. Mr. Douglas will make a presentation at the next ECA meeting that will be attended by two District Board members, which the Board agreed would be sufficient. The letter will not be sent.]

#### **West Entrance**

##### **Landscaping**

The recent snow has delayed the west entrance roundabout landscaping project. A walk-through on the project is scheduled for Thursday morning, April 25.

#### **Community**

##### **Manager**

Director Luhman distributed the Community Manager job description to the Board prior to the meeting. The Board agreed to discuss the Community Manager position in Executive Session.

#### **Irrigation**

##### **Project**

The District will be the permitting entity for the irrigation project. Information on the scrubber valves and screening were conveyed to Neil Tretter. Two property owners have given approval for the District to access the easements on their property for the project.

#### **Operations**

Mr. Carlson and Neil Tretter met with Mark from Freedom Pumps to discuss pump options for the Charolais Circle Park. Dave Sobeck with STI Services will

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be providing a bid for installing the scrubber valves and screens at Charolais Circle Park.

Mr. Carlson received a \$3,000 bid from T. Nottingham Construction to improve the drainage at Howard Park, which is higher than the previous estimate. There will be a dramatic drop-off at the end of the drainage area. The Board discussed the need for property owners to clean-out the culverts on Howard Drive to improve the drainage flow. Mr. Carlson stated the golf course water is generally clean irrigation water and should not significantly affect the culverts on Howard Drive. (Howard Drive remains a concern.) Mr. Carlson and Director Gregory will look at the area as it relates to the drainage culverts on Howard Drive.

The Chip Ramsey Park bathrooms will be opened between by May 15, 2013. Mr. Carlson will work with the painter to schedule the painting of the Community Center. The Community Center will be closed from May 8 to May 10, 2013 for scheduled floor maintenance.

Mr. Carlson will contact Eagle County Road and Bridge to obtain the sweeping schedule of the District roads. The 25 MPH signs and lane striping will be completed after the roads are swept. Mr. Carlson contacted the striping contractor and they agreed to reduce their bid by \$700.

Mr. Carlson will straighten the road signs when the weather is conducive. The Board reported the "Adopt A Highway" sign on I-70 has been damaged. Mr. Carlson agreed to contact CDOT to have the sign repaired or replaced.

Garden Creations is preparing the beds for 2013. Flowers will be planted in June. STI Services have started landscaping maintenance for this year. Director Budd informed Mr. Carlson the rocks placed on the new corners have been moved by snowplows and need to be repositioned. The Board discussed areas where trees and perennials have been destroyed by magnesium chloride and snowplowing. The Board directed Mr. Carlson to have the dead materials removed.

Director Darby left the meeting at 9:40 a.m.

### **Financial Report**

The preliminary March 31, 2013 financial report was included in the Board packet. Director Budd stated the assessed values might only decrease by 15% when the property re-evaluations are released in May. The Board discussed tempering the expenses of the District for future capital expenses. The Board will look at reserve funds for future projects, if necessary. The next large anticipated capital expenditure is improvements to the Community Center.

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Mr. Marchetti reported the projects the Board approved at the previous meetings have been incorporated into the 2013 forecast.

**SPOA** Mr. Penrose reported the SPOA Board has not met since the Annual Meeting. SPOA is looking at the verbiage of the proxies for clarification at future annual meetings.

**UERWA** Director Gregory previously forwarded bond information to the Board. The snowpack levels have now exceeded the 2002 levels with the recent snow.

Director Budd appreciated the email on the UERWA bonds and questioned why the bonds were refunded for ten years at 4.01%. Director Budd believes the Authority should have waited to refund the bonds at a lower interest rate. Director Gregory requested an email from Director Budd on his concerns that can be forwarded to Becky Bultimier with ERWSD.

**ECA** ECA is moving forward with the landscaping project on the south side of I-70.

Eagle County presented the IGA for the Edwards Sub Area Master Plan. The IGA did not include a provision requiring all funding members approve any variances to the Edwards Sub Area Master Plan.

Director Budd stated the District's net cost for ECA in 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 Action Item List. Staff will work with SPOA on scheduling a joint meeting with the two Boards. Items were added to the list.

#### **Executive Session**

Upon motion duly made and seconded it was unanimously

**RESOLVED** to enter into Executive Session at 10:35 a.m. pursuant to §24-6-402(4)(f) to discuss personnel matters.

The Board adjourned from Executive Session at 11:45 a.m.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

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**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 23rd day of April, 2013.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting