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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 May 28, 2013**

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 28, 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 (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 May 28, 2013, at 8:30 a.m. noting a quorum was present.

**Public Input** No public input.

**Agenda** Director Budd requested landscaping maintenance/remediation be added to the agenda.

**Minutes** The April 23, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the April 23, 2013 Regular Meeting minutes with revisions.

**Operations** Mr. Carlson has been busy staining and preparing the community for the summer season. The playground equipment has been treated with wood preservative. The manufactured wood Fibar material has been added to the playground at Chip Ramsey Park.

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The rocks that were dislocated by snowplows at the corners on June Creek Road and Berry Creek Road have been repositioned in their original location. The other landscaped corners on Winslow Road and Singletree Road will require up to five hours of work and some of the stones will need to be replaced. Director Gregory recommended replacing the damaged Siloam stones with Colorado Buff stones. Director Darby questioned whether the corners are marked for the snowplow drivers. Mr. Carlson stated the landscaping is normally marked, but these corners were not marked last fall. Mr. Carlson usually meets with County staff each year to go over landscaping prior to the winter season.

The Community Center floors have been polished and sealed. The recently purchased floor machine has been very helpful in keeping the floors clean. The Community Center painting is scheduled to be completed within the next week and the painter is doing a great job. The flower pots should be planted by mid June.

The road sidelines and stop bars are being painted. An electric line was hit on Stetson Drive and is the responsibility of golf course. The District lines will be located on corners when additional construction is scheduled.

Steve Penrose questioned the road sweeping status. Mr. Carlson stated the road sweeping is done by Eagle County Road and Bridge and some roads have already been swept this year. Mr. Carlson will follow up to make sure all roads are swept. Director Budd has requested Eagle County not sweep debris onto the sidewalks and landscape areas. Mr. Carlson informed the Board that he sweeps the sidewalks on Winslow Road and at the I-70 interchange for both the District and ECA and bill the appropriate entity. Eagle County only swept the roads one time in 2012 and is expected to only sweep one time in 2013.

#### **Winslow Road**

**Landscaping** Director Budd performed a walk through on the Winslow Road landscaping project with Mr. Carlson and Kathleen Cope, from Garden Creations. The project was completed 5 years ago and is in need of remediation. The mulch and mesh fabric are strangling the perennials and need to be removed. The current irrigation is a drip system and needs to be converted to a spray system to sustain perennials. Mr. Carlson has already removed the dead trees in the area. Garden Creations provided a three-phase proposal of \$16,500 to remediate the area, make necessary improvements, and replant perennials in the area. STI Services provided a quote of \$3,875 to install a new irrigation system.

Director Budd noted all the District's landscaping areas need a maintenance plan and a remediation plan yearly. Director Budd suggested taking a picture of each area for future maintenance and remediation plans.

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Director Gregory stated the Board's philosophy was to create landscaping areas with minimal maintenance when Winslow Road was completed. Director Budd pointed out the District will need to spend \$11,000 to remediate the area to avoid further loss of plants. Director Luhman stated that although he is a proponent of getting the golf course crossings done, with the County planning an overlay of the District's roads at some point, it might make sense to improve the landscaping at Winslow Road. The plan is to leave shrubs at the top tiers and replace perennials on lower tiers. The Board reviewed the budget to determine where the funds will be allocated from for the remediation and additional landscaping. The Board agreed to use reserve funds for necessary remediation landscaping in 2013 and replenish the reserve funds in future years. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve funding up to \$20,375 for Garden Creations and STI Services to provide remediation and supplemental landscaping for the Winslow Road entrance. The portion of the project will be funded by Reserve funds that will be replenished. A walk-through will be completed on Winslow Road and the landscaped corners to determine if other remediation is required prior to commencing the project.

#### **West Entrance**

**Landscaping** The sod and shrubs have been installed at the west entrance roundabouts. Flowers are being planted this week. Directors Darby and Budd did a walk-through with RMCL and expressed concerns with keeping the landscaping flowing. "Sparkle" flower seeds, which include wildflower mix, are being spread to add color to the area. The northwest corner that was previously not improved has been landscaped. Due to value engineering savings in other areas, the amount allocated for perennials was increased to allow additional and larger plants to be planted.

Director Godec questioned the status of change orders. There will be a change order for removal of erosion logs, but Director Budd is not aware of any other change orders. Mr. Penrose stated that during the walk-through he felt Steve Burgstrom, with RMCL was very pleased with the quality of the final project.

#### **Golf Course Crossings**

Director Darby informed the Board that based on discussions with Eagle County Road and Bridge, there is no definitive scheduled date for the overlay of roads in Singletree, although it was originally planned for 2015, if the County Engineers deem necessary. RMCL provided a bid of \$16,500 for golf course crossings. The Board decided to table the golf course project until the road overlay is completed. The roads will be painted designating golf course crossings this year.

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Director Budd suggested appointing a committee to review the roads in Singletree then develop a Memorandum of Understanding with Eagle County to establish necessity and timing of road overlays. The funds designated for golf course crossings in 2013 will be used for other landscaping projects.

#### **Community Manager**

Ms. Martinez-Johnson is working daily from 8:00 a.m. to 12:00 p.m., performing services for both SPOA and BCMD. Ms. Martinez Johnson will record the hours spent on District items daily. The Board agreed to review the time allocation information provided by Ms. Martinez-Johnson at the June meeting before discussing an amount due to SPOA for her compensation.

A joint meeting with the SPOA and District Boards will be scheduled for June 27 at 1:00 p.m. to present the duties and legal requirements of each entity.

#### **Remediation Committee**

Directors Budd and Gregory will perform a walk-through of the District's landscaped areas including the landscaped corners, with others participating if time permits. Director Darby will provide information from RMCL on future corners to the Committee prior to the walk-through.

#### **Financial Report**

The April 30, 2013 financial report was included in the Board packet. The preliminary assessed values have been distributed by Eagle County and the District's assessed value will decrease by approximately 15%. The Golf Course's assessed value has been increased and could be protested. Mr. Marchetti provided a 1% allowance at this time for protests in the preliminary 2014 budget.

Discussion followed on County-wide assessed values and impact on the Eagle County budget in 2014 and future years. Mr. Marchetti is watching property sales that will be used to establish the "comps" that will be used as the basis for the 2015 re-assessment impacting the budget in 2016 and 2017. The forecast column is updated monthly based on Board discussions on expenditures.

Director Budd requested a new area be created in the financials to show funding for ECA and that the current ECA line items be moved into this new category.

#### **2012 Draft Audit**

The draft of the 2012 audit was included in the Board packet. In prior years a committee met with the Auditors to review the audit. Director Budd questioned the footnote description of the District's reserve policy and whether ECA should be shown as a component unit of the District. These questions will be reviewed by the audit committee. Directors Budd and Godec offered to serve on the audit

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committee and meet with the auditors. Director Gregory expressed interest in participating in review of the audit, if possible.

#### **Accounts Payable**

The Board reviewed the accounts payable list for April. Director Budd questioned why Ms. Curtis needs to be reimbursed for District expenditures. The Board agreed to increase the credit limit on the District's Visa account. Upon review of expenses with Grand Junction Pipe and Supply, Director Godec agreed to approve expenditures related to projects for the District. Director Godec requested information regarding the mosquito spraying coordinated by Edwards Metro District and how the allocation was determined. Mr. Marchetti explained the process and will provide back-up for the allocation to Director Godec. Upon motion duly made and seconded it was unanimously

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

#### **SPOA**

Mr. Penrose reported the new SPOA Board has met and committee's were formed. Officers were appointed as follows:

Bob Drab – President  
Steve Penrose – Vice President  
Cleive Dumas – Secretary/Treasurer.

The Sonnenalp Golf Course has experienced problems with property owners trespassing on the golf course while the golf course is open. An email is being sent to all property owners admonishing that not only is it dangerous, prosecution could ensue if the problem continues.

#### **UERWA**

Director Godec attended the May meeting in Director Gregory's absence. The ERWSD Bonds were refinanced and information is forthcoming. The 2013 drought has currently been averted. There are ongoing issues with Eagle Mine that are being resolved.

Director Budd noted additional bonds are being issued by UERWA. With the School District issuing \$90M at 2.6%, Director Budd hopes to see lower rates on future bonds since UERWA has an A stable rating. Mr. Marchetti explained the UERWA bonds are revenue bonds as compared to general obligation bonds issued by the School District and that the length of the repayment term (13 years for the School District bonds compared to probably 20 years for the UERWA bonds) and both of these factors should be considered when comparing bond interest rates.

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**ECA** The main communication at ECA was regarding landscaping improvements at the I-70 roundabouts. .

Kevin Douglas presented the Edwards Bike Park that will be adjacent to the WECMRD Field House. Director Budd supported the Bike Park based on a discussion with Mr. Douglas and Director Gregory prior to the ECA meeting. The WECMRD parking lot will be paved, contingent upon available funding. Director Budd recommended landscape screening around the bike park.

Director Budd stated a work session to determine how to fund ECA on a long term basis has been deferred until the outcome of the CDOT RAMP application is determined. The work session will look at various funding alternatives like: an overlay district that would require approval by all participating Districts, a regional transportation authority, a local improvement district and potentially incorporating. All these potential funding entities will require voter approval prior to being able to collect taxes. Director Budd suggested including this topic on the joint meeting agenda.

Eagle County has requested that ECA share the cost of the consultant for the Edwards Sub-Area Master Plan. ECA requested the IGA with Eagle County require ECA's approval of any variances after the plan is adopted. Eagle County revised the agreement indicating only Eagle County would approve any variances in the Edwards Sub Area Master Plan but language is being drafted to provide for a collaborative process.

Director Luhman left the meeting at 10:45 a.m.

**Land Exchange** The West Avon Land Exchange was completed. Fences will be removed adjacent to the Avon Parcel open space on the east side of Singletree.

**Open Items List** The Board reviewed the Open Action Item List.

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**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 May, 2013.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting