
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District June 25, 2013

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 25, 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
- Herb Luhman

The following Directors was absent and excused:

- Dan Godec

Also in attendance were:

- 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 June 25, 2013, at 8:30 a.m. noting a quorum was present.

Public Input No public input.

Minutes The May 28, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the May 28, 2013 Regular Meeting minutes with revisions.

Operations Mr. Carlson stated he is pleased with the painting of the community center.

The Board noted there are dead and dying trees at Chip Ramsey Park and suggested hiring an arborist to look at the trees. The trees worth saving should be treated and non-salvageable trees will be removed. Mr. Carlson informed the Board the District has contracted with Brush Creek Landscaping as the District's arborist. Mr. Carlson stated the District has not previously fed the Cottonwood trees.

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Landscape Corners

Directors Gregory and Budd have completed a walk-through of the District landscaping and Director Gregory has made notes that will be typed and distributed to the Board. The Siloam stone is not holding up well and is being damaged by snowplows. Director Gregory suggested creating swells along the landscaping corners to protect the landscaping. The damaged stones will be replaced with Colorado buff stone. The Board discussed budgeting for hardscaping in future years. Director Darby suggested recessing the rocks to protect them from snowplow damage. The Board further discussed recessing all landscaping and hiding the sod seams. Director Gregory suggested installing a two to three feet border of mulch from the road edge since plants on the edge do not survive due to chemical, traffic, and snowplow damage.

Director Gregory agreed to meet with Mr. Carlson and Kathleen Cope after the meeting to look at the landscaped corners. The Board would like the corners updated before the July 4th weekend. Since updating the corners was not included in the 2012 budget the Board discussed using reserve funds for the project. It was agreed the priority corners are the Winslow Road/Berry Creek Road intersection and the June Creek/Berry Creek Road intersection. Director Luhman cautioned the Board to not draw on reserve funds unless absolutely necessary.

West Entrance

Landscaping The Board has heard mostly positive comments on the new roundabout landscaping. RMCL has been paid 95% of the contract amount. Upon motion duly made and seconded it was unanimously

RESOLVED to approve releasing the retainage to RMCL after publishing final payment in accordance with State Statutes.

Director Budd worked with RMCL to establish a maintenance contract for the west entrance landscaping from May 12 to November 1, 2013. The cost for the entrance maintenance is approximately \$17, 500 which includes \$6,140 for tree maintenance. The District did receive a refund from ECA for a portion of the roundabout landscaping maintenance. Upon motion duly made and seconded it was unanimously

RESOLVED to ratify approval of the maintenance contract with RMCL for the west entrance landscaping.

Mr. Carlson offered to obtain a bid for maintenance in 2014 from RMCL for use in preparing the 2014 budget.

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Director Luhman suggested forming a landscaping committee with Directors Budd and Gregory. Any other Board member would be welcome to work with the landscaping committee.

The Board previously tabled the cart path crossings with the Board moving towards more maintenance of existing landscaping. Director Darby would like to see the golf cart crossings remain in the beautification plan.

Community Manager

Ms. Martinez-Johnson has recorded her hours on her invoice between the time spent working for the District and SPOA. Based on the time recorded, 26% of Ms. Martinez-Johnson's time has been spent on District matters. The Board needs to budget expenses for Ms. Martinez-Johnson in 2014 and reimburse SPOA for a portion of her time in 2013. Upon motion duly made and seconded it was unanimously

RESOLVED to approve reimbursing SPOA for 26% of Ms. Martinez-Johnson's hours since January 1, 2013.

Director Gregory stated that with various Board members' involvement with Eagle County he does not believe it is necessary to hire a community manager at this time. Director Luhman stated the Board should establish the same rapport with the new Commissioners as it has had with prior Commissioners. Several District Board members indicated they are familiar with the new commissioners.

It was agreed to table discussion on hiring a community manager until the Board develops a good job description for the position.

Goals & Objectives

The Board discussed the goals and objectives for the Board for the following year with the following goals decided:

- Develop a proposed job description for Community manager as an advocate for community.
- Retain an independent engineer to provide an opinion regarding the District's road overlay needs that will be presented to Eagle County Road and Bridge Department with the intent to obtain a commitment from Eagle County to complete the road overlay by 2015.
- Develop a plan for future maintenance of current landscaping.
- Poll the community for interest in using District property or pocket parks for (a) community garden(s).

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- Poll the community for interest in enhancements and additional utilization of the Community Center, including expanding the kitchen or creating new community activities like installing a bocce ball court.
- Poll community for interest in enhancements and additional utilization of the District's parks.
- Create an area at the Community Center to provide information and trail maps.
- Look at alternative power sources for the Community Center.

The Boards overall objective is to be fiscally responsible while addressing the needs of the community.

Joint Meeting

The joint meeting between the District Board and the SPOA Board is scheduled for Thursday, June 27, 2013 between 1:00 and 3:30 p.m. The Board would like to present the District goals & objectives to SPOA at the joint meeting.

Director Budd suggested the Board determine the amount the District is willing to contribute to SPOA for Ms. Martinez-Johnson in 2014. The item was left for discussion at the joint meeting.

Financial Report

The May 31, 2013 financial report was included in the Board packet. Mr. Marchetti reported most of the variances are timing issues. Upon motion duly made and seconded it was

RESOLVED to acknowledge receipt of the May 31, 2013 financials.

Accounts Payable

The Board reviewed the accounts payable list for June. Clarifications were provided for invoices questioned. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the June 2013 accounts payable list as presented.

2012 Draft Audit

Director's Budd and Godec reviewed the audit with staff from McMahan and Associates. The revised draft of the audit includes a restatement of the footnote regarding the reserve policy to more clearly describe the policy. The auditor confirmed that ECA does not meet the accounting requirements to be considered a component unit of the District. Upon motion duly made and seconded it was unanimously

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RESOLVED to approve the 2012 audit report as revised.

SPOA No report.

UERWA Director Gregory reported that Tom Leonhardt, Arrowhead's delegate to and the president of the UERWA Board, is moving out of the area and has resigned from UERWA. Mr. Gregory was elected as President of UERWA. Mountain Star and the Authority continue to discuss funding of additional water rights. UERWA has operated at a deficit for several years and needs to increase rates.

ECA The main topic of discussion at ECA was regarding the recent completion of the landscaping improvements at the I-70 roundabouts.

ECA has finalized the Agreement with Eagle County to update the Edwards Area Master Plan. The process for approval of variances from the new plan is not exactly what ECA requested, but is acceptable. ECA is holding a kick-off meeting of the Technical Advisory Committee for the master plan update process, in lieu of its regular meeting on July 10, 2013.

ECA has agreed to contribute \$10,000 for widening the Highway 6 road shoulders in the Edwards area. This project will be done in conjunction with the overlay of Highway 6 in 2014.

CDOT has a new road improvement program named RAMP (Responsible Acceleration of Maintenance and Partnerships) and ECA along with Eagle County have submitted an application for RAMP funding for Phase II of the Edwards Spur road. Final determination of the RAMP projects will be made by CDOT in September.

Open Items

List The Board reviewed the Open Action Items List.

Beautification

Process After discussion of sources of funds for continuation of the beautification process and upon motion duly made and seconded it was unanimously

RESOLVED to approve replacing the Siloam stone and additional plantings for the District's landscaped areas, for an amount not to exceed \$25,000.

Director Budd praised Kathleen Cope with Garden Creations for the improvements to the Winslow Road landscaping at I-70 and for the Community Center flower pots.

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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 25th day of June, 2013.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting