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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 August 27, 2013**

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 27, 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
- Dan Godec
- Ann Darby
- 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 August 27, 2013, at 8:30 a.m. noting a quorum was present.

**Changes to the  
Agenda**

The Winslow Road sidewalk and railing damage was added to the agenda.

**Public Input** No public input.

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

**RESOLVED** to approve the July 23, 2013 Regular Meeting minutes as revised.

**Operations** Mr. Carlson reported there was a drainage issue that caused mud to flow onto the landscaped corners at the Singletree, Winslow Road, and Berry Creek Road intersection. Mr. Carlson was able to improve the drainage to avoid future problems.

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Brush Creek Landscaping has been treating the District's trees. The trees planted last year appeared to be stressed and have been fed. The dying cottonwood trees are being removed. The aspen trees are being sprayed in hopes to save the trees.

Director Luhman questioned the trees on Howard Drive; stating the number of trees and proximity of the trees to the road creates a safety issue. Director Gregory suggested the District should request the property owner trim the trees to increase sight views.

Mr. Penrose suggested correspondence should be sent to all property owners regarding tree maintenance. Mr. Carlson informed the Board that Steve Tarrant with Brush Creek Landscaping sends monthly correspondence to clients on tree maintenance that could be distributed to Singletree property owners. The Board agreed to distribute the information on trees prepared by Mr. Tarrant on a monthly basis via the newsletter or emails. Mr. Carlson will drive through the community with Board members to identifying damaged trees. This information will be forwarded to Brush Creek Landscaping.

#### **Winslow Road**

##### **Speeding**

The Board discussed the option of moving the temporary speed indicator sign throughout the community, as necessary. Mr. Carlson indicated it would cost the District \$80 each time to move the temporary speed indicator signs. Director Darby suggested the Board consider installing a permanent speed bump on Winslow Road. It was noted speeding is also a problem on June Creek Road and Singletree Road. Director Gregory stated Eagle County Road and Bridge is not receptive to speed bumps and for that reason, the Board is using speed indicator signs. Director Luhman suggested placing the speed indicator signs on south traveling roads with steeper grades. Director Budd questioned whether the sign on Charolais Circle should be moved since it has been effective. The Board requested Mr. Carlson obtain a proposal for a second speed indicator sign; with both speed displayed and speed displayed with a flashing light. The Board will determine the locations for additional signs.

Director Luhman raised the topic of speed cameras within Singletree. After discussion, the Board decided against installing speed cameras. The Board approved installing three posts throughout the community for the temporary speed display signs.

#### **District Roads**

Alpine Engineering presented a proposal for under \$2,000 to inspect the roads in Singletree and produce a report. The report was not completed prior to the meeting and will be distributed when available for discussion at the next meeting.

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#### Mesquite Drive

**Water Tap** A prior Board agreed to pay the start-up and turn-off of the sprinkler system at 231 Mesquite Drive in exchange for irrigation water for the path on the District's adjacent property. The Board agreed to continue with covering the costs of start-up and turn-off the sprinkler system for possible future use, although there are currently no plants to irrigate.

**AED Unit** Residents have requested the District purchase an AED unit for the community that would be stored at the Community Center. Upon motion duly made and seconded it was unanimously

**RESOLVED** to obtain information on purchasing an AED unit and proceed with purchase if cost is under \$2,000.

Director Luhman offered to be the Board contact for the AED unit. The Board requested Lynn Blake attend the next meeting to present information on AED units.

#### Berlaimont Referral

A referral document requesting a variance to the County's road regulations for the Berlaimont parcel was sent to governing entities in the Edwards area for comment. This development proposal was previously presented to Eagle County and then withdrawn before the County had the opportunity to approve or deny the request. Chuck Powers wrote a letter to the Forest Service during the previous process expressing the community's concerns with the development and with granting road variances.

Based on the referral documents, it looks like County staff is planning to recommend approval of the variance. Director Gregory suggested having a County representative make a presentation to the Board explaining why they would recommend approval of the variance. Director Gregory offered to draft a letter to Eagle County requesting a meeting with County representatives. In the absence of a meeting, the Board will maintain the position presented by Mr. Powers. The Board requested that Ms. Curtis monitor the Commissioner agendas and inform the Board of items that have a direct affect on District. Director Darby is willing to attend the Commissioner meeting on the Berlaimont Referral.

**Recycling** Mr. Carlson reported recycling at the Community Center is not working. Director Gregory is disappointed with the community not participating and suggested tying the recycling to the Community Center deposit. The Board directed Mr. Carlson to look into pricing for recycling containers to be presented at the next meeting.

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#### **Irrigation Project**

The two pocket parks at Stagecoach Road /Howard Drive and on Hereford Road are being irrigated by untreated irrigation water through the golf course system. Mr. Tretter is working with Alan Christensen on irrigation and dog fence issues.

Three proposals were submitted for the Charolais Circle Park irrigation system. The Goldstone proposal at \$29,000, the Rainbird proposal at \$13,200 and a submersible pump proposal at \$17,000. The Rainbird system was recommended by the committee. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the Rainbird system at \$13,200 with the addition of scrubber valves.

#### **Other Business**

Director Luhman commended SPOA and Ms. Martinez-Johnson for the wonderful community party. Director Luhman also commended Garden Creations for the flowers throughout the community.

#### **Financial Report**

The July 31, 2013 financial report was included in the Board packet. Director Godec questioned the status of the SPOA contribution. Ms. Curtis reported she billed SPOA in July and the check was received in August. Director Budd noted the forecasted ending fund balance is favorable to the approved 2013 budget.

The Board questioned the status of repairs for the Winslow Road sidewalk and railing along with the I-70 roundabout. Ms. Curtis was directed to push the contractors to get the repairs completed.

The Board discussed the proposed expenditures presented in the meeting. Mr. Marchetti reported the forecast column of the financial report is being updated as items are approved. Upon motion duly made and seconded it was

**RESOLVED** to acknowledge receipt of the July 31, 2013 financials.

#### **Accounts Payable**

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

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

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#### **ECA**

##### **Budget**

Director Budd explained the landscape maintenance reimbursement to Berry Creek in the ECA budget is based on all roundabout maintenance costs and will stay consistent in 2014. The District's cost for landscape maintenance this year included additional feedings of the I-70 roundabout trees on the north side this year.

Mr. Marchetti reported the ECA budget is being presented to all participating members for their input and for inclusion in their respective budgets.

Discussion followed on ECA allocations and the use of the Spur Road and Highway 6 improvements. ECA's policy is to look at the allocations for projects on a case by case basis. Mr. Marchetti offered to provide background information on how the prior allocations were derived and Directors Godec and Budd agreed to meet with Mr. Marchetti to pursue this topic.

#### **SPOA**

The next SPOA annual member meeting will be held March 22, 2014 at 4:00 p.m. The proxy language is being clarified.

SPOA has made good progress on two major covenant issues. SPOA is working through the Charter School view issues with residents. The Charter School has been receptive to requests. SPOA is working with the Forest Service on trail issues and those conversations are going well.

#### **UERWA**

A tour of water facilities and storage areas was scheduled with staff from the Governor's office, Eagle County Commissioners, the Colorado Water Conservation Board, Climax Mine, ERWSD and UERWA representatives and District staff. The tour included an overview of the area including the top of Vail Pass, Red Sky, and Wildridge. Director Gregory indicated the tour was educational and could be beneficial to the ERWSD during future water rights discussions.

Traer Creek and the construction of a water tank continue to be an issue that is being discussed.

The updated UERWA agreement has not been completed. UERWA prefers having water rights transferred to the Authority with a reversion clause in lieu of leasing the water rights. Ownership of the water rights better allows the Authority to represent and manage the water rights. It would be a conditional agreement, returning the water rights to the Districts if UERWA dissolves. Director Budd

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stated he is not in favor of transferring water rights and would like a presentation from the Authority's attorneys.

#### Open Items

##### List

The list was reviewed. Mr. Carlson is working with Dan Ward on obtaining a camera for the Community Center parking lot. Mr. Carlson is working with residents and Mr. Nottingham to proceed with the Howard Park drainage project in the fall.

The Board agreed Mr. Tretter has been great with working with the District and property owners and there is no need to have him attend a meeting.

#### Other

##### Business

None presented.

**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 27th day of August, 2013.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting