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## RECORD OF PROCEEDINGS

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### Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District October 21, 2013

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on October 21, 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:

- Lynn Blake, Starting Hearts
- Steve Penrose, SPOA
- Dan Carlson, Operations
- Paul Golden (Attended the meeting from 10:30 – 11:00 a.m.)
- Chris Dudar (Attended the meeting from 10:30 – 11:00 a.m.)
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

#### **Call To Order**

A Special Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on October 21, 2013, at 8:30 a.m. noting a quorum was present.

**Public Input** Lynn Blake, the founder of Starting Hearts, gave a demonstration on the AED unit, recently purchased by the District. The goal of Starting Hearts is to have AED units placed throughout Eagle County to provide immediate assistance for anyone experiencing cardiac arrest. Ms. Blake informed the Board that there are only eight to ten minutes to restart a heart once it has stopped and most emergency providers are not able to be on location in that time frame.

Ms. Blake distributed a map of possible locations for AED units within Singletree. The AED unit will need to be housed in a weatherproof case if placed on poles throughout the community.

Ms. Blake offered to schedule AED demonstrations to Singletree residents and will work with Terri Martinez-Johnson on scheduling the demonstrations.

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#### Changes to the

**Agenda** None were presented.

**Minutes** The September 24, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the September 24, 2013 Regular Meeting minutes as presented.

**Operations** Mr. Carlson reported the bathrooms at Chip Ramsey Park have been closed for the winter and a portable bathroom has been placed in the parking lot. The poles for the speed devices have been installed and Mr. Carlson will be installing the new speed device and moving one of the existing speed devices to the new location. The speed devices will be moved regularly except for the one on Charolais Circle that will remain in place permanently.

Garden Creations & STI are preparing the community landscaping for winter. Director Godec requested the tree on June Creek be removed along with the stakes in drainage area where the Aspen trees have died.

Peter Bergh has requested the District purchase shovels for pet pick-up assistance on the June Creek Trail. Director Gregory suggested installing posts to hang the shovels on that would also contain trail information signage. The Board agreed to install a complete pet pick-up station with signage, shovels, and a trash receptacle on the June Creek Trail.

The Board discussed the Winslow Road damage repairs, insurance issues, and budget implications. The District was informed that although the previous claim was paid, roads and sidewalks are not covered by the District's insurance. Safeco Insurance has agreed to cover up to \$25,000, the State mandated limit, for the damages. Ms. Curtis was directed to contact the driver regarding additional insurance coverage. Mr. Marchetti noted he and Ms. Curtis held a discussion with the District's insurance broker, Mark Carlson, to possibly include the raised walkway and railing as a rider on the District's insurance policy.

#### Chip Ramsey

**Park Usage** The Warrior Vail Lacrosse League (WVLL) has requested permission to use the Chip Ramsey Park for a tournament in June, 2014. The Board approved the request, with the stipulation that no parking signs will be placed on the north side of Berry Creek Road and a portion of the cost will be passed onto the WVLL. WVLL will need to execute a contract with the District that includes a waiver releasing the District from any liability and paying the deposit.

#### Road Engineering

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**Report** Director Gregory reviewed report from Alpine Engineering with the Board. The report indicates that most of the District's roads are in the fair category. Director Gregory and Jim McNeill from Alpine Engineering will be driving through the community on Wednesday, October 23 to discuss the report and look at the known areas of concern. The report also indicates some of the District's roads will require complete rebuilding.

**Community Garden** Director Darby has been working with Sue Mackin Dolan on the concept of a community garden. A committee meeting has been scheduled to discuss the concept.

**Community Center** The Board noted funds have been budgeted in 2014 for the Community Center expansion concept. Storage is the top priority with the possible addition of office space, another meeting room, and expanding the kitchen. The committee agreed to walk around the Community Center after Board meeting and look at expansion options.

**Financial Report** The September 30, 2013 financial report was included in the Board packet. The items approved at the budget work session were included in the financials. Upon motion duly made and seconded it was

**RESOLVED** to acknowledge receipt of the September 30, 2013 financials.

**Accounts Payable** The Board reviewed the accounts payable list for October. Upon motion duly made and seconded it was unanimously

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

**ECA Budget** The Edwards Community Authority (ECA) 2014 preliminary budget and forecast through 2017 was provided to the Board. Director Budd stated he is not in support of the ECA budget. Director Gregory suggested approving a soft commitment in the spirit of cooperation. ECA will need a financial commitment from CDOT before the District would agree to contribute any funds to the Spur Road study. Mr. Marchetti explained that without CDOT's commitment, no participating entities have committed to contribute funds to the Spur Road Phase II planning and construction.

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Director Gregory further noted that the District should support an entity that takes the lead on any project to accomplish improvements in the Edwards area. Pedestrian improvements are necessary in Edwards, especially for crossing the Eagle River on the Spur Road.

Directors Darby and Godec are in support of moving forward on plans for the Spur Road and Highway 6 intersection improvements. Director Budd suggested the County fund the first \$250,000 of the project and ECA will pay the second portion of the commitment. Mr. Marchetti stated because of TABOR an agreement with a future year commitment would not be a binding commitment and each entity will need to fund their portion annually. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve 2014 ECA budget as presented, with ECA's Spur Road project contribution contingent on receipt of CDOT's contribution to the project.

#### **Edwards Station**

##### **Parking**

Paul Golden with the Edwards Station has requested permission to move thirty parking spaces to accommodate the construction of an electric car charging station at the Edwards Station and expanding the existing car wash. The Edwards Station is proposing purchasing property from the School District for the parking area. Director Gregory stated along with lighting concerns, the IGA for the Berry Creek 5th Filing allows only for recreation, education, and community based activities.

Paul Golden and Chris Dudar, the operations manager, arrived at 10:30 a.m. to address the Board's concerns. Director Gregory clarified the Board is concerned with additional van parking than the previously allotted 67 spaces and additional lighting. Mr. Dudar explained there is a need for an electric car charging station in the Edwards area and the carwash usage is indicating the need to increase the carwash capacity and the staging area. The Edwards Station is also considering adding additional car wash services and a waiting area. The changes would expand into the CME area and the area to the east that is not visible to Berry Creek. The Eagle County School District has expressed support of the land usage and additional revenue from selling the property.

Director Gregory indicated the Board would support the plan with the addition of trees to screen the parking area and the parking limited to the previously approved sixty-seven van spaces. Mr. Golden stated that additional employee parking would be necessary.

No formal action was taken on this matter.

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#### **2014 Budget**

##### **Hearing**

The Board held a work session on October 18, 2013 to review the 2014 budget. The changes requested by the Board at that meeting have been included in the current 2014 proposed budget that was distributed with the Board packet and made available to the public. The meeting was opened for public comment and upon hearing no public comment the public hearing was closed. Discussion followed on the District and SPOA job requirements for a community manager. Upon motion duly made and seconded it was unanimously

**RESOLVED** to adopt the 2014 budget as revised at the budget work session and presented at this meeting; to set the debt service mill levy at 9.426 mills and the operating mill levy at 8.746 mills, for a total mill levy of 18.172 mills; and to appropriate funds for spending in 2014, all as documented in the formal budget resolution but subject to minor adjustment for any further adjustments to the assessed values. A copy of the formal budget resolution is incorporated herein by this reference.

#### **2013 Amended**

##### **Budget**

The capital expenditures have exceeded the 2013 adopted budget and the District needs to amend the 2013 budget. The meeting was opened for public comment and upon hearing no public comment the public hearing was continued to November 26, 2013 meeting. The Board agreed to amend the 2013 budget after determining the cost of the Winslow Road improvements.

##### **SPOA**

No additional report.

##### **UERWA**

ERWSD has conducted two facilities tours that have been successful with resolving pending litigation with other public entities that provide water service.

Director Gregory informed the Board that the current UERWA financial model plan uses bonding in lieu of increasing usage rates for routine replacements. The Board discussed problems with the existing plan and supported funding operational repairs with user rates. The Board agreed rate increases for water usage would be appropriate in these circumstances.

##### **ECA**

Director Budd cautioned the Board that any future Board representatives on ECA needs to be aware there is only one entity in ECA pushing for spending money on improvements.

#### **Open Items**

##### **List**

The open item list was reviewed and updated. Residents have been contacted to discuss the improvements on Howard Drive for the drainage improvements.

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The Board discussed lighting the entrance trees with consistent, subtle holiday lighting. Ms. Martinez-Johnson and Mr. Carlson were directed to obtain information on holiday lights for approval at the November meeting.

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

**RESOLVED** to adjourn the Special Meeting of the Berry Creek Metropolitan District Board of Directors this 21st day of October, 2013.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting