
RECORD OF PROCEEDINGS

Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District January 10, 2012

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 10, 2012 at 9:00 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:

- Mike Budd
- Dan Godec
- Herb Luhman
- George Gregory
- Heather McInerny

Also in attendance were:

- Kim Ahmad, Community Manager
- 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 Budd, on January 10, 2012, at 9:00 a.m. noting a quorum was present.

Agenda

The Board added a discussion on the Eagle Valley Times article on property tax assessments. The possibility of Eagle County School closings will also be added to the agenda.

Public Input

There was no public input. There was no SPOA representative present at the meeting.

Minutes

The Board reviewed the minutes from the November 22, 2011 Regular Meeting. It was noted Director McInerny will continue working on the next phase of the landscaping up to the May 8, 2012 election. Director Godec agreed to replace Director McInerny on the Beautification Committee after the election.

Director Budd questioned the status of having property owners remove the snow around fire hydrants adjacent to individual properties. Ms. Ahmad is working with Mike Larson on developing a map of fire hydrants within Singletree.

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Director Budd inquired whether ECA had anything to report on the proposed bandstand for Freedom Park. There has been no contact from Buddy Sims regarding a follow-up presentation for the District. The Board authorized sending a letter to the Eagle County Board of County Commissioners stating Singletree is not in support of the proposed bandstand. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the November 22, 2011 Regular Meeting as presented.

Community Manager

Ms. Ahmad reported the SPOA and District email lists have been combined and the combined list has 786 email addresses. Multiple owners may be listed for some properties but it is estimated that approximately 70% of Singletree property owners are on the list. The goal is to continue to add owners to the email list. New owners are asked to complete an information sheet at the time of closing with contact information including email addresses. Director Budd suggested holding Title Status letters until the new owner information is received.

Ms. Martinez-Johnson will be working in the office for two four-hour shifts weekly to allow Mr. Ahmad to drive around Singletree and address covenant enforcement violations.

Director Budd informed the Board that the Personnel Committee performed the employee review with Ms. Ahmad and a 3% raise was approved for 2012. Director Budd is working with SPOA to set SPOA Board goals.

Operations Report

Mr. Carlson has returned to work after having surgery in December. Director Budd directed Mr. Carlson to contact the snow removal contractor and request they do a better job of removing the snow on the sidewalks around the Singletree Community Center.

2012 Election Resolution

The 2012 election resolution was presented to the Board. The Board seats for Directors Godec, Gregory, and McInerny are up for election. Director McInerny is term limited. There is one two-year position and two four-year positions available. Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the election resolution as presented with a polling place election. A copy of the 2012 Election Resolution is incorporated herein by this reference.

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Meeting Dates

and Times The Board reviewed the 2012 meeting calendar. Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the schedule for 2012 regular meetings to be held on the fourth Tuesday of each month with the meeting time to be at 9:00 a.m.

24 Hour Notice

and Posting

Locations Upon motion duly made and seconded it was unanimously

RESOLVED to adopt the posting notice resolution establishing the Singletree Community Center as the location for posting the 24 hour posting notice required by Section 24-6-401, et. seq., C.R.S., and posting two notices at other places within the District boundaries and at the Eagle County Clerk and Recorder's office for notices required pursuant to Section 32-1-903(2), C.R.S. A copy of the resolution is incorporated herein by this reference.

2012

Landscaping Ms. Ahmad reported the deadline for submitting bids for Phase IV of the Beautification process was extended to January 24, 2012 and the pre-bid meeting was moved to January 19, 2012.

Steve Bjornson with Rocky Mountain Custom Landscaping suggested that due to the dry winter the District consider providing winter water to the trees planted in 2011. This could be done by trucking water in. Upon motion duly made and seconded it was unanimously

RESOLVED to approve having water trucked in to irrigate the District's trees this winter.

Director Godec informed the Board there are five hundred evergreen trees that need to be replanted from southwest Colorado. The Board discussed getting a price for the trees including transportation and irrigation.

Communication

Update

The Board looked at the website SingletreeToday.com. Board members were encouraged to make comments on the website.

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Mill Levy Schedule

Eagle Valley Times published an article on property taxes that included a schedule of Eagle County mill levies in 2012 compared to 2011. The schedule shows that Berry Creek increased property taxes by \$31,370. The report does not include information that Singletree property owners received a property tax credit in 2011 and the mill levy increase is partially due to the debt service requirements and to property tax abatements in 2011. Mr. Marchetti confirmed the validity of the figures on the schedule.

The Board authorized Robertson & Marchetti to prepare a chart showing the tax revenues over the last four years, including the credit given to property owners in 2010 and 2011. The Board discussed being prepared to answer resident's questions on property taxes.

Financial Report

The preliminary December 31, 2011 Financial Statements were included in the Board packet. These financial statements will be finalized in preparation for the 2011 audit.

Director Budd noted the lack of community center revenues. The Board discussed increasing rates, managing expenses, and possibly requesting a contribution from SPOA to cover the cost of the Community Center. The Board directed Ms. Ahmad to examine the Community Center income and expenses and make a recommendation to the Board at a future meeting. It was suggested improving technology to encourage more groups to use the facility.

Upon motion duly made and seconded it was unanimously

RESOLVED to accept the preliminary December 31, 2011 financial statements as presented.

Accounts Payable

Ms. Curtis distributed an updated January 2012 accounts payable list that was reviewed by the Board. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the January 2012 accounts payable list as presented. The Board further

RATIFIED approval of the December 14, 2011 accounts payable list as presented.

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The Board discussed the liability insurance through the Colorado Special District Property and Liability Pool and the possibility to increase limits in \$1 million increments for approximately \$350 per year in additional premiums. The Board agreed a \$1 million in coverage should be sufficient since the District has government immunity.

School Update

Director Budd reported Eagle County School District is contemplating closing three elementary schools, including June Creek Elementary. It was suggested having SPOA representatives get involved in the discussions with the School District since a closing of June Creek Elementary would affect Singletree residents. Discussions followed on the Eagle County School District budgets and possible school closings. Directors Budd and Godec will discuss the School District items with SPOA representatives.

Committee Representatives

Director Budd questioned the external responsibilities of the Board and the need to hold annual election of officers at the first meeting of the year. Mr. Marchetti will check on State Statutes that may require an election of Directors at the first meeting of the year. The Board will work with the SPOA Board to have cross representation for the two Boards. Director Gregory agreed to attend the January SPOA meeting and Director Luhman will attend the February SPOA meeting.

SPOA

There was no report.

UERWA

Director Gregory had little to report since there was no December meeting. Rates increased at the beginning of 2012 and a graph will be included with water billings to show monthly water usage.

Traer Creek's objections to UERWA's water rights applications have been withdrawn.

ECA

The primary emphasis of the last ECA meeting was on open space. Toby Sprunk was hired as the Open Space Director for Eagle County. Mr. Sprunk has extensive open space experience in Douglas County and can bring new perspective to open space in Eagle County. Avon has committed \$1 million to the acquisition of the West Avon parcel. Joe LeBeau was reappointed to the Open Space Committee as the Edwards representative for a second term. The Open Space Committee is acquiring parcels on the Eagle and Colorado Rivers for public access.

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ECA will meet quarterly in 2012. The sidewalks and landscaping at the Edwards roundabouts were completed in 2011. ECA is budgeting \$250,000 over 2013 and 2014 for planning the next phase of improvements to the Spur Road.

Brian Baer purchased the West End Parcel in Edwards. Director Budd cautioned that future development in Edwards could affect Singletree.

Director Budd questioned whether Edwards should continue to look at government structure options and it was agreed that would be beneficial. Directors McNerny and Budd along with Mr. Marchetti will continue to pursue this analysis.

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 10th day of January, 2012.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting