
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District February 28, 2012

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on February 28, 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

The following Director was absent and excused:

- Heather McInerny

Also in attendance were:

- Kim Ahmad, Community Manager
- 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 Budd, on February 28, 2012, at 9:00 a.m. noting a quorum was present.

Agenda

There were no changes to the agenda.

Public Input

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

Minutes

The Board reviewed the minutes from the January 10, 2012 Special Meeting. Director Budd noted the minutes stated Mr. Carlson was directed to contact Stephens Home Care (SHC) regarding doing a better job removing the snow around the Community Center. Director Budd also requested that SHC keep the ice dams off the sidewalk under I-70 at Winslow Road.

It was noted the bids for the Beautification Phase IV project were reviewed outside of the meeting by the committee. The January 10 minutes will be revised to reflect that change.

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At the January meeting the Board had passed a resolution to water the new trees at the roundabout project. With snow arriving the next day, watering was not necessary.

The tax comparison requested was included in Board packet. The Board directed Ms. Ahmad to make a recommendation on increasing revenues and/or reducing expenses for the Community Center. Director Budd directed staff to create a status report on action items that will be included in future Board packets.

Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the February 28, 2012 Special Meeting as revised.

Community Manager

Ms. Ahmad attended a meeting with Johannes Faessler and Neil Tretter from the Sonnenalp Golf Course, along with Directors Godec and Luhman to discuss the planting of spruce trees in Singletree. The Committee created a map of possible locations for the trees and would like to coordinate this project with the golf course.

Ms. Ahmad had discussions with Forest Service representatives on their plans to reduce encroaching juniper, pinion pine and Douglas fir into sage brush areas on Forest Service property and to foster growth of new sage brush in those areas. The Forest Service will be performing mostly hand work, with some burning. Ms. Ahmad will notify Singletree property owners of planned burns.

The next newsletter will be distributed in late March after the SPOA annual meeting. Ms. Ahmad requested items from the Board for the newsletter. There will be a President's report, a Beautification progress update, and a report on the proposed new trees. The District mill levy report will also be included in the newsletter.

Ms. Ahmad will request fifteen minutes at the SPOA annual meeting for a District update by Director Budd. Director Luhman stated the District's adopted Mission Statement includes the Board being a good steward of District funds and a review of the Mission Statement would be a good lead-in to the mill levy report and budget presentation. Director's Luhman and Godec will present a Beautification process update.

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Construction

Agreement The Board approved issuing a short-form agreement for the Beautification Phase IV project. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the short-form agreement as presented.

Operations

Report

Mr. Carlson had a piece of exercise equipment repaired and all other exercise equipment checked. Additional shelves for exercise equipment were built in the storage room that will assist in keeping the area organized.

Mr. Carlson requested permission to install a snow-grate at the entrance of the Community Center to keep snow out of building. The Board expressed concerns with the design and suggested Mr. Carlson present the design to the Board with a cover that would be placed over the snow-grate during non-snow months.

Mr. Carlson questioned the irrigation plans for the proposed planting of the spruce trees. Mr. Carlson suggested planting the trees deeper with nutrients and forming tree rings for irrigation purposes. The trees supplier is willing to provide a one-year warranty on the trees if they are planted to the supplier's specifications.

2012

Landscaping Director Luhman reported there were eight bidders for Phase IV of the Beautification project for the corners at the east end of Hackamore and June Creek Road. Rocky Mountain Environmental Construction (RMEC) was the lowest bidder at \$64,411. RMEC has provided the payment and performance bond along with pictures of boulders and trees for the project. The District budgeted \$100,000 for the project so this leaves over \$30,000 for other Beautification work. SPOA has agreed to commit \$50,000 for the Beautification process in 2012 with a stipulation the District account for how the donation is spent. Accelerating the process with the completion of additional corners along with planting of the spruce trees can be completed in 2012. Upon motion duly made and seconded

RESOLVED to award the contract to RMEC for \$64,411 with an initial payment for materials, not to exceed 30% of the contract price, to be determined by Directors Luhman and Godec. The Board further

RESOLVED to allocate 50% (up to \$25,000) of the contribution from SPOA to be used for the Phase IV landscaping project for the corners at the east end of Hackamore and June Creek Road. The Board further

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RESOLVED to allocate the additional 50% (up to \$25,000) of the contribution from SPOA to be used for planting spruce trees. The Board further

RESOLVED to approve an agreement with Scott Sones of Ceres+ for an amount not to exceed \$10,000 for construction supervision of Phase IV and for design of the golf course crossing and planting the spruce trees. The Board further

RESOLVED to allocate funds as necessary within the budget to accelerate the beautification process in accordance with the above.

District Bidding Process

Director Luhman reviewed the C.R.S. requirements for a District issuing a contract. Any project over \$60,000 needs to be publicly advertised. A bond is required for any contract over \$50,000. It was noted a performance, payment and warranty bond should be required for any project over \$50,000. The Board agreed a letter of credit would be an option in lieu of a bond. The Board stated a better bid process should be developed before releasing bid packages for future phases. Ms. Ahmad will work with Directors Luhman and Godec along with Mr. Marchetti and Ms. Curtis to develop the documents for future projects.

The golf crossing will be the next phase of the Beautification process. Mr. Faessler indicated he might be willing to cost share a portion of the project if he believes the design would enhance the golf course.

The Board suggested scheduling a work session to tag trees for the District to purchase.

Land Use

Modifications Eagle County is proposing modification to land use parameters. Although the modifications are of minor, there is a concern with giving Eagle County Commissioners more control.

Director Budd attended a presentation on the proposed Wolcott development. Director Budd is concerned with the size of project and the concept. It was noted there is currently vacant commercial space in both Edwards and Eagle. The Board will work with SPOA representatives to make sure proposed projects do not negatively affect Singletree.

Director Godec suggested working with ECA to fund studies to determine the effects of future developments on the Edwards infrastructure.

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Financial Report

The January 31, 2012 Financial Statements were included in the Board packet. The Board questioned investment rates and suggested Robertson & Marchetti continue to look for better interest rates, including contacting First Bank and Ally Bank.

Director Godec questioned the water rights on balance sheet. The Board requested a report on water rights and usage for both the District and the Sonnenalp Golf Course.

The revenue and expense items were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to accept the January 31, 2012 financial statements as presented.

Accounts Payable

Upon motion duly made and seconded it was unanimously

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

RATIFIED approval of the January 28, 2012 accounts payable list as presented.

SPOA

There was no report. Director Gregory encouraged the Board to work with the SPOA Board to have a representative at future meetings.

UERWA

Director Gregory reported that the UERWA Agreement is being reviewed which could result in forthcoming changes. Director Gregory is participating in this process and will keep the Board informed.

It was noted the new Berry Creek well is pumping 120% above the anticipated rate of flow.

ECA

The Board discussed having an additional District representative from Berry Creek attend the next ECA meeting since Director McInerny is term limited.

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

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RESOLVED to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 28th day of February, 2012.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting