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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 March 27, 2012

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on March 27, 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:

- Marsha Marshall
- Ann Darby
- Mike Reisinger, 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 Budd, on March 27, 2012, at 9:00 a.m. noting a quorum was present.

**Agenda**

Director McInerny added June Creek Trail parking to the agenda. Director Gregory reported he will be leaving the meeting at 11:00 so the UERWA report was moved up on agenda.

**Public Input** There was no public input.

**Minutes**

The Board reviewed the minutes from the February 28, 2012 Regular Meeting. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the February 28, 2012 Regular Meeting with revisions.

**Community  
Manager**

The action item report will be included in the Board packet for the April meeting.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District March 27, 2012 Meeting Minutes

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#### **Operations Report**

Mr. Carlson presented a proposal from A-Peak to make infrared asphalt repairs along with a proposal from Shaw Electric to extend the gutters and replace the heat tape on the north side of the Community Center to keep the ice from building up.

Bruce Yanke with A-Peak suggested digging a swale next to the recreation path where the ice is building up and he suggested that the snow be plowed into the swale. Upon motion duly made and seconded it was unanimously

**RESOLUTION** to authorize spending up to \$5,000 for the infrared repairs on the asphalt and extending the gutters on the north side of the Community Center, replacing the heat tape, and digging swales next to the recreation path. The contingency line item funds will be used for these items.

Drainage issues on Howard Drive were presented by a property owner at the SPOA annual meeting. Director Budd directed Mr. Carlson to inspect the reported drainage issues. Mr. Carlson determined the problem is from rocks placed in the drainage swales on Howard Drive and a berm that was built on a neighboring property that is forcing the drainage from the golf course to cross the road and freeze at night. It was noted drainage culverts are the responsibility of either the property owners or Eagle County. Director Luhman suggested having the SPOA covenant enforcement representative and Mr. Carlson meet with the property owners on Howard Drive and make recommendations to alleviate the drainage problems.

It was noted the tree on the corner of Howard Drive and Stagecoach needs to be trimmed. Mr. Carlson has contacted Eagle County Road and Bridge on the tree and will continue to follow up with them.

Mr. Carlson received a \$6,500 proposal to seal the District recreation paths. Regular maintenance on the recreation paths helps preserve the paths and avoid major repairs.

Mr. Carlson will paint "25 MPH" on District roads and obtain a proposal from Mountain Maintenance to paint stop bars and striping on the District's roads. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve sealing the recreation path and completing the necessary signage and striping on the roads within Singletree.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District March 27, 2012 Meeting Minutes

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Other topics discussed were:

- Director Luhman requested painting the speed bump on Winslow Road during the painting process.
- District signs have been vandalized with spray paint and the Board directed Mr. Carlson to remove the paint.
- Mr. Reisinger reported the SPOA Board authorized funding a solar digital speed notification sign.
- The delineator poles placed at the landscaped corners for the snowplowing season will be removed.
- Mr. Carlson has cleaned the floors and windows at the Community Center.
- The Chip Ramsey Park bathrooms will be opened in April.
- Necessary repairs will be made to playground equipment.
- Mr. Carlson requested the Board budget for fibar replacement along with painting the interior and exterior of the Community Center in 2013.
- Director Budd directed Mr. Carlson to have Orkin treat the Chip Ramsey Park for bees before there is a problem this year.

The Board approved allowing Director Luhman to work with Mr. Carlson to paint the utility boxes with non-reflective desert sand colored paint on a few corners for feedback from the Board.

### **June Creek Trail**

#### **Parking**

Parking continues to be problem on upper June Creek Road at the trailhead. Parking on the south side of the road seems to be the natural location and the District owns property adjacent to Singletree Road. The Eagle County Sheriff's Department has suggested parking on the north side of Singletree Road, which is affecting a property owner who has installed a No Parking Sign. Director Budd suggested obtaining input from the Eagle County Sheriff's Department to resolve the parking issues at the June Creek trailhead. It was noted property owners are not allowed to put up signs in Singletree.

Mr. Reisinger suggested having a SPOA and a District representatives meet with the Sheriff's Department to determine a parking plan and then present that plan to property owners near the June Creek Trail. It was agreed Eric Johnson from SPOA and Director Godec will work together on the parking issue at the June Creek trailhead.

### **2012**

#### **Landscaping**

Directors Luhman and Godec met with representatives from Rocky Mountain Environment Construction (RMEC). It was noted RMEC is a local company which has completed several projects for George Shaeffer Construction. RMEC representatives have met with Scott Sones and Neil Tretter to work on golf course and materials issues. The Board clarified Mr. Sones will approve all material in a

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District March 27, 2012 Meeting Minutes

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timely matter this year. It was suggested RMEC should work with Kathleen Cope from Garden Creations to get input on recommended plant material.

**Spruce Trees** The Board is moving forward on the plans to obtain and plant spruce trees from a grower in the Paonia area. Rocky Mountain Custom Landscaping will be planting the trees and their representatives have met with Neil Tretter to determine an irrigation plan using golf course water, whenever possible. Director Godec presented a budget of \$85,850.54 to obtain, transport, and plant 150 spruce trees, including irrigation. Director Gregory suggested obtaining quality dirt in specific areas to increase the success of the replanted trees. The Board agreed to add a change order to the original contract for additional dirt. The Board also added maintenance of the screens in the irrigation system to the budget to avoid possible irrigation issues resulting from the use of golf course water that often contains debris that clogs the filters. Upon motion duly made and seconded it was

**RESOLVED** to approve the proposed budget for the spruce tree project with separate contracts extended to the tree supplier and Rocky Mountain Custom Landscaping. Additional change orders for soil and maintaining the screens in the irrigation system were also approved. Director Godec abstained from voting.

The Board directed Mr. Carlson to confirm the new trees will receive the necessary fertilizer and pest control treatments. Mr. Carlson recommended creating larger holes for the trees and adding compost when planting the trees.

### **2012 Election**

There being only two candidates submitting Self-Nomination and Acceptance forms for the three available Board seats, the election was cancelled and Directors Godec and Gregory will both serve on the Board until the 2016 election. Ann Darby and Marsha Morrison have expressed interest in being appointed to serve on the Board. Director Budd suggested holding a joint training session with the SPOA Board on the responsibilities, obligations, and legal structure of each Board.

### **Bravo**

**Contribution** Director Gregory was contacted by Ronny Baker with Bravo who requested funding from the District for a Bravo concert at the Interfaith Chapel in Edwards. Director Gregory indicated the Board might consider funding an event that could be held within the Singletree but would probably not be interested in funding something outside of the District. Mr. Baker stated the 2012 Bravo schedule is in place but they will consider Singletree when establishing the 2013 schedule. Director Budd agreed the Board is only willing to fund events held within Singletree.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District March 27, 2012 Meeting Minutes

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#### State of County

**Presentation** Director Budd attended the State of the County presentation. The presentation was not well attended by the public. Director Budd suggested all Board members obtain and review State of the County report. Director Budd reviewed highlights of the report with the Board.

#### Water Rights

A summary of the District's water rights was provided to the Board. Director Budd questioned the transfer of water rights between the District and the Sonnenalp. Director Gregory noted the District exchanged water rights and received compensation and irrigation in the exchange from the Sonnenalp Golf Course. Director Budd commented on the value of the water rights on the District's balance sheet and suggested they be re-evaluated.

The Board discussed the need to consider water conservation measures and a fire mitigation plan for Singletree this summer. Director Gregory reported the Upper Eagle Regional Water Authority will determine a water conservation plan that will be conveyed to the all customers of the Authority. A fire mitigation plan is already in place. Director Budd requested the fire mitigation plan be reviewed at the April meeting.

#### Financial Report

The February 29, 2012 Financial Statements were included in the Board packet. Robertson and Marchetti are continuing to look at interest rates options. Upon motion duly made and seconded it was unanimously

**RESOLVED** to accept the February 29, 2012 financial statements as presented.

#### Accounts Payable

Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the March 2012 accounts payable list as presented.

#### 2011 Audit

The 2011 draft audit was included in the Board packet. Director Godec requested a representative from McMahan and Associates present the 2011 audit at the April meeting.

#### SPOA

Mike Reisinger reported there are three new SPOA Board members that were elected at the March 3, 2012 Annual meeting. The SPOA Board is discussing making improvements that will be presented to the District when prepared. The

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District March 27, 2012 Meeting Minutes

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short-term rentals are being addressed. Covenant enforcement procedures will be restructured to encourage property owners to adhere to the covenants without collecting fines. The Board is trying to obtain demographic information regarding families with children who live in Singletree.

The new SPOA Board's direction is to appoint specific Board members to address specific tasks. The SPOA Board is watching areas of potential development in Edwards, especially the west-end project and proposed improvement to the Spur Road.

**ECA** Chris Romer with the Vail Valley Partnership and the Eagle County Economic Council made a representation at the March ECA meeting to discuss economic sustainability for Eagle County. There is inadequate funding designated for economic development in Eagle County.

Commissioner Stavney was at the ECA meeting to discuss the Eagle Valley Land Exchange. The Town of Avon has pledged \$1 million for the West Avon parcel of the land exchange and the other districts will be asked to contribute funding for the exchange. Commissioner Stavney reported there is a disparity in values of the parcels involved in the land swap.

Director Budd mentioned a recent Vail Daily article that reported that CDOT's Dowd Junction interchange project has been designed but likely won't be constructed for another six to ten years and that the Edwards Spur Road Phase II project would fall behind the Dowd Junction project.

**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 March, 2012.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting