
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District April 24, 2012

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 24, 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
- Heather McInerny

The following Director was absent and excused:

- George Gregory

Also in attendance were:

- Diane Johnson, ERWSD
- Todd Fessenden, ERWSD
- Ann Darby
- Steve Penrose, SPOA
- 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 April 24, 2012, at 9:00 a.m. noting a quorum was present.

Agenda

Director Budd asked that the UERWA report be moved up under the Eagle River Water and Sanitation District (ERWSD) presentation. Perspective Board members will be interviewed at the end of the meeting.

Public Input There was no public input.

Minutes The Board reviewed the minutes from the March 27, 2012 Regular Meeting. Upon motion duly made and seconded it was unanimously

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RESOLVED to approve the minutes of the March 27, 2012 Regular Meeting with revisions.

ERWSD Report

Diane Johnson and Todd Fessenden made a presentation on the drought status in Eagle County and state wide. Eagle County depends solely on snowpack for its water supply, unlike the Front Range that depends on reservoir storage. The snow on Vail Mountain melted a month earlier than normal. Snowpack reports indicate the snowpack on Fremont Pass is better than on Vail Mountain. Fremont Pass is seeing cooler temperatures than normal that could be beneficial if the temperatures remain cool.

Director Godec questioned the usage graph provided by ERWSD. Mr. Fessenden explained ERWSD staff is monitoring stream flows to determine water restrictions. Director Luhman questioned what criteria would cause ERWSD to enact water restrictions. Mr. Fessenden reported there will be only one water restriction enacted, if necessary. In the past by warning users of possible restrictions caused increased usage prior to the water restrictions being put into place so they are not planning for staged restrictions.

ERWSD has made improvements since the 2002 drought to increase storage capacities. The installation of the 2.5 million gallon water tank above Cordillera Valley Club is the largest accomplishment for increasing water storage and fire protection. The District personnel are working twenty-four hours a day to monitor water usage and guarantee fire protection.

The purpose of the ERWSD presentation is to educate consumers that if water usage is reduced, it could be possible to avoid extreme water restrictions.

Mr. Carlson questioned using the golf course raw water irrigation for the tree project. Ms. Johnson reported ERWSD is working with entities who use water rights for irrigation purposes to balance water usage and protect stream flows.

UERWA

Director Budd questioned the process Upper Eagle uses to monitor Berry Creek's water rights. Ms. Johnson reported Glenn Porzak and Tom Williamsen work with Linn Brooks and Todd Fessenden to protect the water rights of the Authority and the districts and Town of Avon that make up the Authority. Director Budd stated the Board would like a regular report on Berry Creek's water rights and usage to ensure all water rights are being protected. Director Johnson explained the Authority is made up of six entities that each have a representative that sits on the UERWA Board and that Board oversees each entity's rights. The Authority has actually determined the

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address of each property using water, the water usage, and which water rights are assigned to each property.

Director Budd also questioned the expansion of the carwash bays at the Edwards Station and the connection of the carwash to the potable water system during 2012, in light of the current drought. This concern will be passed along to UERWA. [Director Gregory subsequently reported that Edwards Station has been on a well system and that they are abandoning the well system but they have sufficient water rights to cover the water used by the car wash.]

Community Manager

Ms. Ahmad's report was included in the Board packet. Ms. Ahmad presented bids requested by SPOA to resurface the basketball court. SPOA is willing to fund the resurfacing. Director Luhman does not believe a resurfacing is necessary. Mr. Reisinger reported SPOA has a new Board member with younger children who has made the request. Mr. Reisinger believes funding \$1,233.92 to improve the community shows the SPOA Board is responsive to constituent's requests. Mr. Carlson suggested not resurfacing the basketball court but painting new lines and cleaning up the court. Director McInerny volunteered to discuss the issue with the SPOA Board member. Mr. Carlson offered to clean off the court and paint the lines for \$250.00.

Ms. Ahmad requested that Board members volunteer for the I-70 clean-up. Director Godec suggested adding trails to the clean-up day. Ms. Ahmad explained she lets families with young children clean-up the roads inside Singletree while others are cleaning up I-70. If there are not enough volunteers to clean-up inside Singletree on that day, a special day will be scheduled.

A community bookcase and lending library was added in the Community Center lobby.

Ms. Ahmad presented information on fire mitigation and stated there are numerous documents available. Director Budd suggested Ms. Ahmad include information on fire mitigation in the next communication to property owners. Director Luhman suggested the DRC implement changes to the DRC guidelines to mitigate fire risks. Ms. Ahmad agreed to present the request to the DRC.

Scott Sones has staked numerous tree locations for the Spruce Trees that will be purchased by the District. Director Budd made suggestions on the tree planting locations to give the trees room to grow and away from snowplow damage.

Operations

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Report Bruce Yanke with A-Peak will start making the repairs to the recreation path around the community center.

Mr. Carlson has contacted the County about the tree on Howard Drive. The County is willing to trim the tree to provide better visibility.

Mr. Carlson has painted the utility box at Berry Creek and Winslow Road. The painting of utility boxes will need to be coordinate with Holy Cross. Mr. Carlson estimates the cost to paint each box is between \$160 and \$200. Director Luhman offered to work with Dan on which boxes should be painted. Director Budd requested a letter from the utility companies allowing the District to paint the utility boxes. Upon motion duly made and seconded it was unanimously

RESOLVED to fund up to \$3,000 for the painting of utility boxes after receiving written permission from the utility companies.

Mr. Carlson has mulch placed around the trees and installed sensors to determine when watering is necessary.

Tight rope walking is becoming popular with local youth and a rope has been put up in the Chip Ramsey Park. Mr. Carlson expressed concerns with safety issues. The District needs signage to prohibit tight rope walking in the District's parks and Mr. Carlson was authorized to obtain signage.

STI Services and Garden Creations are starting the summer landscape maintenance. The bathrooms at the Chip Ramsey Park have been opened for the season. Mr. Carlson is having boulders placed on Rawhide Road to discourage vehicles from driving in Chip Ramsey Park and around the Community Center. Director McInerny suggested redirecting the cameras to catch violators.

The street sweeping will be done by Eagle County Road and Bridge in May or June. The delineator poles have been removed.

Spruce Tree

Project The trees will be delivered the first week of May and the digging of holes for the trees has begun. The specifications for planting trees will be requested from the supplier and is required for the warranty. The locations of trees are being moved to avoid utilities. Residents will be notified that non-potable water is being used to irrigate the trees.

Construction

Process Ms. Ahmad is continuing to work on a standardized contracting procedure.

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Financial Report

The March 31, 2012 Financial Statements were included in the Board packet. Upon motion duly made and seconded it was unanimously

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

Accounts Payable

Upon motion duly made and seconded it was unanimously

RESOLVED to approve the April 2012 accounts payable list as presented.

SPOA

Mike Reisinger reported there was no April meeting. The SPOA Board authorized up to \$2,500 to Lee Rimel for the trail project that will be ratified at their next regular meeting.

Ms. Ahmad is working on setting up the joint meeting between the SPOA and District Boards. Mr. Reisinger will attempt to attend all Regular District Board meetings. Bob Drab has agreed to be an alternate.

ECA

There was no April meeting. Director Budd suggested the ERWSD representatives should make a presentation at the June 6 meeting. The 2013 ECA budget will be presented at that meeting. The Fire Authority representative will also be attending the June meeting.

ECA has received a request from Ellen Eaton for funding to move the historic Eaton house to the Edwards Preserve.

Board Member

Ann Darby is interested in serving on the Board. Ms. Darby has been a Singletree resident for eight years and Eagle County resident for seventeen years. Ms. Darby has served on other Boards in a DRB capacity and could be a liaison between SPOA and the District.

Executive Session

Upon motion duly made and seconded, it was unanimously

RESOLVED to enter into executive session pursuant to §24-6-402(4)(e), C.R.S. to develop strategy for negotiations at 11:40 a.m.

Upon adjournment of the executive session the Board returned to regular session.

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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 24th day of April, 2012.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting