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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 May 22, 2012

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 22, 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 (By Telephone)
- Dan Godec
- George Gregory
- Ann Darby

The following Director was absent and excused:

- Herb Luhman

Also in attendance were:

- Dan Cudahy, McMahan and Associates
- Billi Lewis, McMahan and Associates
- 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 Godec, on May 22, 2012, at 9:00 a.m. noting a quorum was present.

#### **Agenda**

There were no changes to the agenda.

#### **Oaths of Office**

The May 8, 2012 election was cancelled. There being only two candidates for three open seats, Directors Gregory and Godec were elected to serve until May 2016 by acclamation. The Board took action to appoint Ann Darby to serve on the Board until the District's next regular election in May 2014. The Oaths of Office were administered to Ann Darby, George Gregory, and Dan Godec.

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

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#### 2011

##### Audit

Dan Cudahy and Billi Lewis were present to present the 2011 audit to the Board. Director Godec questioned whether the reserve policy the Board adopted in 2011 should be included in the audit to reflect the District reserves, and not show all funds as unreserved. Mr. Marchetti will provide the policy to Ms. Lewis and the 2011 audit will be revised to include the amounts reserved for future expenditures.

After discussion, upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2011 audit report, subject to revision to reflect the District's current reserve policy, with Directors Budd and Godec reviewing the changes.

##### Minutes

The Board reviewed the minutes from the April 24, 2012 Regular Meeting and the May 4, 2012 Special Meeting. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the April 24, 2012 Regular Meeting with revisions by Director Budd. The Board further

**RESOLVED** to approve the minutes of the May 4, 2012 Special Meeting as presented.

##### Community Manager

Ms. Ahmad's report was included in the Board packet. SPOA agreed to increase the contribution to Lee Rimel to approximately \$3,000. The Vail Valley Mountain Bike Club has agreed to maintain the trail between Singletree and Avon in the future. In the report Ms. Ahmad suggested possible names for the lower June Creek Trail. Discussion followed but the topic was tabled to the June meeting.

The Board discussed the increased usage at the Community Center. Director Gregory inquired whether Mr. Carlson was properly compensated for the increased usage. Mr. Carlson stated the compensation was sufficient.

The Board requested Ms. Ahmad prepare a fire mitigation plan using the plans from ERWSD and ERFD that will be presented for consideration by the Board at the June meeting. Upon adoption the fire mitigation plan will be distributed to property owners. Director Darby suggested adopting low, medium, and high fire mitigation zones. Director Gregory stated the DRC does look at the location of properties in relation to fire risk and agreed it would be good to distribute fire mitigation zones to property owners.

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#### **Operations Report**

Mr. Carlson reported the Community Center decks have been cleaned and stained. Mr. Carlson repaired the playground equipment dismantled by Orkin. Striping in the parking lot, on the paths, and on the roads has been completed. Mr. Carlson requested permission to replace the 25 MPH stencil.

Mr. Carlson questioned whether Rocky Mountain Custom Landscaping would be maintaining the new trees and Director Godec reported their contract was only for planting the trees. Mr. Carlson will work with the District arborist for assistance with getting the trees established and maintaining their health and growth.

Garden Creations will start maintaining the recently planted beds in June. Mr. Carlson inquired whether the District wanted to continue working with Garden Creations or obtain bids for 2013. The Board agreed to continue working with Garden Creations.

#### **Open Item List**

The Board reviewed the items on the list.

- Ms. Ahmad is continuing to set-up a Board Training meeting with the SPOA Board.
- A Fire Mitigation Plan should be available for discussion at the June meeting
- Carlson is waiting for approval from Holy Cross to paint utility boxes.
- Establishment of Board goals for 2012/2013 is scheduled for a work session in June.
- Ms. Curtis will sign the Board up for the SDA workshop.

Mr. Reisinger requested vegetation near the box on Charolais Circle at the Holy Cross project. Mr. Carlson stated there was no way to water the new vegetation.

Director Budd suggested Mr. Carlson get the specifics for painting the boxes from the various utility companies.

#### **Construction Process**

Director Gregory is working on obtaining easements from adjacent property owners in order to complete the 2012 landscaping construction. The reaction from the Krueger family to provide an easement was positive. The final plan and verbiage will be provided to the property owners when available. Rocky Mountain Environmental Construction should be able to proceed with the landscaping project in accordance with the original plans.

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#### **Spruce Tree**

**Project** 150 trees were planted. During the planting process, minor easement issues were encountered so planting locations were altered to avoid conflicts. The District has received positive feedback from property owners regarding the movement of trees. The District is providing trees to individual property owners at the property owners' expense.

#### **Land**

**Exchange** The land to the east of Singletree is involved in a land exchange with the Forest Service, Eagle County, the Town of Avon, and other local entities. A conservation easement will be placed on the property. The Board has anticipated a possible request for funds for the land exchange related to the parcel immediately adjacent to Singletree. Director Budd suggested the Town Of Avon request an amount and the Board can then work with SPOA to determine the funding from each entity. Director Gregory is working with Lee Rimel on an easement for the land.

#### **Election of Officers**

With the recent election/appointment of new directors, the Board discussed reelecting the Board officers and the appointment of an ECA representative and review of the UERWA representative.

The Board requested that election of officers and appointment of representatives to UERWA and ECA be tabled until all Board members are present. Director Godec agreed to attend the ECA meeting as the Berry Creek representative pending formal appointment of a Berry Creek representative.

#### **Financial Report**

The April 30, 2012 Financial Statements were included in the Board packet. Director Godec questioned the variances in the Other Income and Insurance line items. Ms. Curtis explained that the Other Income is primarily related to a refund from Holy Cross on the Power Line project and the insurance variance is the result of insurance premiums being higher than budgeted. Director Gregory suggested contacting the District's insurance agent to look for ways to reduce insurance costs.

#### **Accounts Payable**

Upon motion duly made and seconded it was unanimously

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

#### **SPOA**

Mr. Reisinger stated SPOA has received a request for the Sonnenalp Charitable Golf Scramble. SPOA has decided to allow members of the Board to make

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contributions and not make contributions from SPOA. On a separate topic, a lien for \$1,000 had been filed against a property and the issues have now been resolved so the lien has been released with the property owner paying the \$72 cost for placing a lien.

SPOA is working on addressing the short-term rentals topic.

**ECA** Rocky Mountain Custom Landscaping is performing the summer maintenance of the roundabout landscaping. This maintenance contract is through ECA.

The Edwards Metropolitan District is contributing funds and is taking the lead in an effort to move the historic Eaton Ranch House to the Eagle River Preserve. Director Budd questioned whether there were funding discussions at the ECA meeting. Mr. Marchetti explained ECA has no funds for the project and it would be up to the individual entities to contribute funds.

**UERWA** Director Gregory discussed the potential significant adverse impact the Hidden Gems could have on fire mitigation. Director Gregory also reported water stream flows are down dramatically.

**Other Business** Director Darby reported Eagle County and Holy Cross are offering energy rebates. Director Budd indicated this topic falls under the purview of SPOA rather than the Metro District.

**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 22nd day of May, 2012.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting