
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District June 26, 2012

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 26, 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
- George Gregory
- Herb Luhman
- Ann Darby

The following Director was absent and excused:

- Dan Godec

Also in attendance were:

- 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 June 26, 2012, at 9:00 a.m. noting a quorum was present.

Agenda

Director Luhman asked to table discussion on utility boxes until the July meeting after further discussions with Holy Cross Energy.

Public Input

There was no public input.

Minutes

The Board reviewed the minutes from the May 22, 2012 Regular Meeting. Director Budd noted the audit has not been reviewed. Mr. Marchetti informed the Board the revised draft will be distributed to the committee. The Board discussed the maintenance of the trees. Mr. Carlson reported Dave Sobec with STI Services has agreed to maintain the spruce trees. The Board noted the budget will need to be adjusted to reflect the additional maintenance costs. Directors Luhman and Godec will obtain the tree irrigation as-built drawings from RMCL.

Upon motion duly made and seconded it was unanimously

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RESOLVED to approve the minutes of the May 22, 2012 Regular Meeting with revisions.

Community Manager Report

Ms. Ahmad's report was included in the Board packet. The elliptical exercise machine needs to be repaired. Mr. Carlson reported a part is needed and will be ordered. If the equipment fails again, the equipment should be replaced. The other exercise equipment is operating properly.

Director Gregory noted the easement for the road bore was completed by Ms. Ahmad, and not Rocky Mountain Environmental Construction. It was noted in the future the bidding and contract process needs to address easement issues in advance.

Director Budd commented on the Fire Mitigation Report which indicates there is one area that can serve as a fuel break and a second area that can serve as linked defensible spaces with at least one area on District property. Director Budd questioned if the Board should look at these areas. Director Darby suggested contacting Eric Lovegren with Eagle County to get suggestions. Director Budd suggested contacting Fire Chief Karl Bauer. The Board agreed to read the report in its entirety and discuss it at the work session scheduled for Friday, June 29, 2012.

Operations Report

Mr. Carlson reported the improvements to the basketball court are almost completed and the lines will be painted next week.

Dave Sobec recommended with the drought the District not mow the roadside native grasses in 2012. The Board agreed with the recommendation.

Kathleen Cope with Garden Creations agreed to maintain the new landscape beds for \$1,800. Based on the quality of service provided by Garden Creations, the Board agreed to proceed with them to maintain the new beds. The missing plants on the corners can be replaced for an amount not to exceed \$2,000. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the expenditure of up to \$2,000 for replacement plants.

There is a sink-hole on each side of June Creek Road. Repairs were completed by Rocky Mountain Custom Landscaping. RMCL stated the road was not properly

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compacted and the sink holes were not the result of water flowing under the road. The District will monitor the road.

Neil Tretter questioned whether an irrigation PRV valve was installed on this year's landscape improvement project. The Board invited Mr. Carlson and Neil Tretter to participate in the project walk-through.

The Sonnenalp is having a problem keeping up on the start-up of the parks so STI Services will take over this function from the Sonnenalp for approximately the same cost.

Slack lining has become a huge issue at the Chip Ramsey Park. Director Budd believes the Board should prohibit the activity in District Parks. Mr. Carlson argued that if the District doesn't allow the activity, children will continue to participate in slack lining without proper direction. Director Gregory will work on language for a sign to notify residents of the District's policy on slack lining and other activities.

Community Center

Mr. Carlson, Ms. Ahmad, and Ms. Curtis met with Ms. Martinez-Johnson to discuss improving the revenue at the Community Center. The Board reviewed the recommendations that include installing a propane gas grill, an amplifier with speakers, and advertising the facility. Mr. Marchetti suggested making deposits nonrefundable for cancellations within 30 days of the event rather than 14 days. The Board approved the recommendations and will discuss the improvements at the work session.

Open Item List

The Board reviewed the items on the open items list. An action item to update the website with financial information and minutes will be added. It was agreed the open item list is a great tool for Board.

Donated Lot

A Singletree property owner has expressed interest in possibly donating a lot to the District. Discussion followed on the process.

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Beautification

Process The 2012 Beautification process is almost completed. Director Luhman stated the District owes Mr. Faessler a plan for the next phase of the Beautification process. Director Budd suggested the District consider not planning anything for 2013 and review the plans to determine the next phase. The District may want to consider revising the plan to save on maintenance costs. The Board discussed the impacts of irrigation costs to the District and looking at ways to reduce irrigation costs.

Administrative Matters

Directors Budd, Gregory, and Darby attended the Board Training Workshop and discussed items relative to the District. Discussion followed on whether Board members should be treated as employees or independent contractors for income tax purposes. Upon motion duly made and seconded it was unanimously

RESOLVED to treat the Board members as employees for tax reporting purposes, affective January 1, 2012.

The Board discussed manning the office for regular hours during the periods when the Community Manager is not available.

Land Exchange

Director Luhman questioned why the District would contribute funds to the open space while the County is collecting the open space sales tax already from Eagle County residents. Director Luhman stated Singletree residents are not interested in contributing to open space.

Director Budd stated the Board needs to look at both internal and external goals and objectives at the work session. Officers will be elected and the Directors will be appointed to serve on committees at the Friday Work Session.

Insurance Policy

The discussion on insurance will be tabled until the July meeting. Director Godec has offered to research insurance options for the District.

Other Business

The Board discussed the possible need to amend the 2012 budget based on unbudgeted expenditures that have arisen. The Board directed RMPC to prepare a list of anticipated unbudgeted expenditures and amounts for review at the July meeting.

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Financial Report

The May 31, 2012 Financial Statements were included in the Board packet. Director Godec questioned the variances in the Property Taxes and Website line items. Director Budd requested the website expenses be reviewed to determine the amount applicable to 2011.

Mr. Marchetti has started the process of refunding the District's 2002 bonds which are redeemable on December 1, 2012 in the amount of \$1,140,000. The District's other bonds are not redeemable at this time. Mr. Marchetti has contacted J.P. Morgan Chase, the bank that holds the District's 2008 bonds and they have indicated that this transaction is smaller than transactions they normally do and they declined to participate unless the District is unable to find another bank. Mr. Marchetti plans to prepare an RFP to receive proposals from community banks that normally do transactions of this size. The goal is to close on the bonds on December 1, 2012. Mr. Marchetti recommended not using an underwriter due to the small size of the transaction.

Accounts Payable

Upon motion duly made and seconded it was unanimously

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

SPOA

Mr. Reisinger stated SPOA has given Terri-Martinez Johnson her first raise in five years. The Board is working on covenant issues. The Association is working with Walking Mountains to develop a relationship and get exposure for the Singletree trails leading to public lands. The Board is working with Jon Stavney to develop a relationship with the County Commissioners. SPOA is developing a donation policy. Committee members have been assigned.

UERWA

Director Gregory was appointed as Secretary to UERWA. UERWA is completing a report of each member entity's specific water rights. The report will be presented at an UERWA work session.

Stream flows remain sufficient at this time with the release of storage water in spite of the drought but flows are being monitored very closely. Currently the use of indoor water is not a concern but irrigation use continues to be a concern. ERWSD is seeking support from golf courses and landscapers to reduce water usage to minimize the impact on stream flows.

ECA

The next ECA meeting will be held August 8th. The 2013 budget has been presented to the individual Boards.

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It was reported at ECA that Eagle County's Open Space Advisory Committee (OSAC) was restructured from fourteen members down to seven members who were chosen based on expertise rather than area represented.

The Eagle Valley Land Exchange is slowly moving forward. The parcels that have the greatest impact to Singletree are the West Avon parcel that is between Avon and Singletree and a State Land Board section north of Singletree. The State Land Board has withdrawn their parcel between Homestead and Arrowhead because they felt the appraisal was too low.

Mr. Reisinger reported the County Commissioners have spoken with CDOT about possibly moving the Edwards Rest Area. With construction of the new roundabouts semis have difficulty accessing the Rest Area.

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 26th day of June, 2012.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting