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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 July 24, 2012**

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

Also in attendance were:

- Mike Reisinger, SPOA
- Steve Penrose, SPOA
- 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 Gregory, on July 24, 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.

**Minutes** The Board reviewed the minutes from the June 26, 2012 Regular Meeting. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the June 26, 2012 Regular Meeting with revisions. The Board further reviewed the minutes of the June 29, 2012 Work Session.

Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the June 29, 2012 Work Session with revisions.

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#### **Community Manager Report**

Ms. Ahmad's report was included in the Board packet. Postcard notices have been sent to property owners notifying them of the \$100 fine for trash cans left outside after the scheduled pick-up day.

Director Gregory and Mr. Carlson met with Eric Lovgren from Eagle County to discuss fire mitigation. Mr. Lovgren is seeking grant funds to assist with fire mitigation in Eagle County and in particular, along the western boundary of Berry Creek Ranch Subdivision.

#### **Operations Report**

Mr. Carlson reported with the drought conditions the Board previously agreed to not mow the native grass adjacent to the roadways. With the recent rain, it might be necessary to mow once during the growing season. The Board requested an estimate from STI to mow the roadside native grass, with an option to include mowing the native grass in the entrance roundabout.

Dave Sobec with STI Services has been removing the irrigation filters, cleaning, and then reinstalling. Mr. Sobec has purchased extra filters to be able to replace the filters and then clean the dirty filter offsite.

Ms. Ahmad informed the Board the entrance roundabout plans included planting one-quart size flowers. She suggested the District may need to plant larger flowers in future landscaping projects.

Mr. Carson has been pricing sound systems and recommended the District not supply a microphone for the community center. Mike Reisinger indicated a microphone is necessary. The Board agreed to charge an incremental fee to cover the cost of a microphone.

Mr. Carlson provided information on gas grills and requested more direction. The Board recommended installing a decent, mid-range priced, non-commercial barbecue that is attached and protected.

Director Budd informed Mr. Carlson of an irrigation sprinkler that needed adjustment. The Board directed Mr. Carlson to verify the District is in compliance with water restrictions and that no water is being sprayed on roads.

#### **Open Item**

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**List** The Board reviewed the Open Item List and removed completed items. There is no update on the possible lot donation.

#### **Holy Cross Utility**

**Boxes** Director Luhman and Mr. Reisinger are meeting with Holy Cross representatives to hopefully obtain permission to paint the Holy Cross utility boxes. It was noted the Board previously authorized \$3,000 for the project.

#### **Fire**

**Mitigation** Ms. Ahmad stated the Eagle County report indicates all of Singletree is at high risk. The Board discussed the fire mitigation rating process. Ms. Ahmad agreed to obtain additional rating information.

The Board further discussed shake shingle roofs and the ability for property owners to obtain insurance and fire protection for shake roofs. Mr. Reisinger informed the Board that SPOA is working with the DRC on approved roofing materials that meet the fire mitigation requirements. The DRC will need to complete an analysis before making a decision on approving new roofing materials. When the new materials have been approved SPOA will notify property owners of the new options.

#### **Beautification**

**Process** The fourth phase of the Beautification process that includes the corner landscaping has been completed. The retainage will be held until the Board receives assurance that all plant materials are surviving. Director Darby has volunteered to serve on the Beautification Committee on future landscaping phases. The Board will be looking at future maintenance costs prior to approving funds for additional landscaping phases.

The Board discussed the temporary irrigation system adjacent to the I-70 westbound off ramp and agreed irrigation was no longer needed and directed Mr. Carlson to have the system removed.

**Insurance** T. Charles Wilson will be providing insurance options during the renewal process that will include deductible options and additional carriers. Director Godec agreed to review the options and make a recommendation to the Board.

#### **Trash**

**Receptacles** Ms. Ahmad updated the Board that not only is it against SPOA covenants to leave trash cans out longer than necessary, all trash must be in the receptacle. Fines for violations go into effect on Monday, July 30, 2012. SPOA's goal is to encourage property owners to comply with the rules, not to collect fines.

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#### **Financial Report**

The June 30, 2012 Financial Statements were included in the Board packet. Mr. Marchetti answered questions. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the June 30, 2012 financial report as presented.

#### **Accounts Payable**

Upon motion duly made and seconded it was unanimously

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

#### **SPOA**

The SPOA report was covered earlier in the meeting.

#### **UERWA**

Director Gregory reported stream flows continue to be monitored. A new water storage tank is needed for Mountain Star. Eagle County continues to experience extreme drought.

#### **ECA**

There was no report.

#### **Executive Session**

Upon motion duly made and seconded it was unanimously

**RESOLVED** to enter into executive session at 10:35 a.m. pursuant to §24-6-402(4)(e), C.R.S., to determine positions relative to negotiation regarding the use of non-potable water for park maintenance.

The Board adjourned from executive session at 11:10 a.m.

#### **Other Business**

Ms. Ahmad will contact CDOT on necessary concrete repairs at the I-70 underpass.

It was reported a golfer has been using Chip Ramsey Park as putting range. Ms. Ahmad will obtain the person's name and contact them to notify them golfing is not allowed in the District's parks.

A new computer for the Community Manager office was approved.

**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 24th day of July, 2012.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting