
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District April 27, 2010

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 27, 2010 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:

- Don Cohen
- Doris Dewton
- Heather McInerny
- George Gregory

The following Director was absent and excused:

- Mike Budd

Also in attendance were:

- Herb Luhman
- Karen Shaw
- Rob, Sherrie and Hannah Rollins
- Sarah Millett
- Mike Reisinger
- Mike Larsen, SPOA
- Kim Ahmad, Community Manager
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

Call To Order

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on April 27, 2010, at 9:00 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the March 23, 2010 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the March 23, 2010 Regular Meeting as revised.

Changes to the

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Agenda There were no changes to the agenda.

Public Input The Rollins Family and Sara Millett were present to discuss concerns with the traffic safety on June Creek Road. They are concerned with speeding especially since there are several families with small children and there have been confrontations between residents and drivers. The problem has escalated with the removal of 25 MPH signs. The residents requested the Board's support and suggested replacing signage with the speed limit posted.

Director Cohen reported the Board is aware of speeding on June Creek, Winslow, and Charolais Circle. Meetings were previously held with the Sheriff Department and their suggestion was to lower speed limit throughout the District. A traffic study reported the average speed is Singletree is 37 MPH. In lieu of lowering the speed limit, the District painted the roads to narrow the lanes and installed speed humps on specific roads. The Board noted the best speed deterrent is installing permanent or temporary speed humps, noting the Board would need support from the area neighbors before installing additional speed humps. Director Gregory suggested painting the speed limit on the roads with reflective paint. The Board agreed to paint "25 MPH" on June Creek Road, Winslow Road, and Charolais Circle.

This year the District has put up signs in the road to deter speeding. Ms. Ahmad reported new signs are being received well by the public. The Board requested recommendations from residents and suggested initiating a petition process that would make residents aware of the speeding issues.

Director Cohen thanked the public for attending meeting and suggested they obtain by in from residents to achieve resolution. Ms. Ahmad will work with the residents to gather input to address their safety concerns.

Community Reports

Mr. Carlson received a proposal to remove the damaged asphalt path and install sod or mulch at Chip Ramsey Park between the basketball courts and the playground. The Board expressed concerns with meeting ADA requirements by removing the asphalt.

Tomahawk Signs submitted a proposal to replace the existing wood retaining wall in the Chip Ramsey Park playground with concrete blocks that includes a table top. The cost for both projects will be \$9,250. It was noted these items were not included in the 2010 budget although they would be covered by the budget contingency. The Board approved the expenditure, requesting a different color for the retaining wall blocks and removal of the path would be contingent on meeting ADA requirements.

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Mr. Carlson has ordered a replacement pole for the Charolais Circle speed display sign. The solar panel may have been damaged when it hit the ground. Mr. Luhman suggested straightening all signs throughout the District.

The algae is beginning to build up in the Charolais Circle Pond. Director Dewton recommended replacing the carp, if necessary. Ms. Ahmad reported they are working with Neil Tretter to keep continuity with golf course plans to control algae for better results.

Valley Crest Landscaping has indicated they will be on site this week to work with Neil Tretter on irrigation issues.

Director Dewton suggested contacting Eagle County to request possible repair or overlay of the District roads with the additional funds budgeted this year for road repairs. It was agreed to wait to paint the speed limit on the roads until it is determined whether the County will be working on Singletree roads this year.

Ms. Ahmad reported the District database has over 700 property owner emails to date. The District and I-70 clean-up is scheduled for May 1, 2010. Director Dewton reminded the Board the community is responsible for cleaning I-70 between mile markers 163 & 165 twice a year.

Exercise Classes

Ann Evans has requested additional \$5 per person when class attendance exceeds twelve participants. By motion duly made and seconded it was unanimously

RESOLVED to approve an additional \$5 per person when the class exceeds twelve people.

Ms. Ahmad is looking for someone to provide strengthening or yoga classes at the Community Center. The Board requested Ms. Evans increase the Pilate classes to three times a week if possible.

Ms. Evans has requested additional equipment for a total of \$805.43. The Board questioned the equipment requested and asked for additional information. The Board discussed the need for additional storage with the purchase of additional equipment and the possible need to expand the Community Center.

With the requests of residents to pick-up after their dogs, they have requested additional receptacles. The Board tabled the discussion until it is determined what is needed throughout the District.

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Beautification

Process

Phase II

Whittaker Landscape Services, Inc. was the lower bidder. Mr. Luhman asked to be informed about the bidding process and the criteria for awarding the proposal specifically related to costs. Director Gregory clarified Scott Sones as Project Manager will be involved in the material selection and the Beautification Committee is comfortable with the bid. The Board requested feedback from Ken Berg on the landscaping project at Mission Ridge with Whittaker Landscape Services, Inc.

In the bid from Whittaker Landscape Services there is a request for a material advance in the amount of \$26,181.50. With the possibility of a donation from SPOA, the intersection of June Creek & Singletree Road could be completed this year. It was noted that Scott Sones would be compensated for the additional work. Mr. Marchetti noted the contract will be the District's standard form. By motion duly made and seconded it was unanimously

RESOLVED to accept the bid from Whittaker landscaping including the material advance, subject to comments from Ken Berg.

The Board agreed to return the deposit checks for the landscaping plans.

UERWA

Representative By motion duly made and seconded it was unanimously

RESOLVED to appoint George Gregory as the District's representative to the Upper Eagle Regional Water Authority.

The Board agreed to wait until the new Board is seated to appoint the alternatives.

I-70 Edwards

Interchange Weekly updates are emailed to residents.

WECMRD

Field House A meeting was held with Berry Creek and County officials related to the impact of the Field House roof on Singletree residents. There was no resolution from the meeting.

Financial

Report

The March 31, 2010 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

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RESOLVED to accept the March 31, 2010 financial statements as presented.

**Accounts
Payable**

By motion duly made and seconded it was unanimously

RESOLVED to approve the April 2010 accounts payable list as presented.

**Comparison
Of Community**

Facilities Ms. Ahmad presented information on rates and comparisons of other similar facilities. Ms. Ahmad is looking at ways to advertise the Community Center to increase revenue.

SPOA Residents on Charolais Circle have requested weed control. Mike Reisinger requested information on the District's plan for weed control. Mr. Reisinger is working on responses to the items included on the prior survey including weed control, beautification, and the community center.

**Ballot
Initiatives**

Mr. Marchetti presented the Ballot Initiatives being placed on the November ballot. The Board discussed the positive aspects of allowing out of state property owners the ability to vote in District elections. Mr. Marchetti suggested working with advocates to pick out the points of the proposed legislation the Board would like to get passed in future elections, if these initiatives do not pass. The Board discussed using the SDA as an advocate.

UERWA The recent snowfall helped reduce the anticipated drought projections. UERWA reduced the water rates for the portion used to make bond payments.

Eagle River Water and Sanitation District is holding a contested election.

The UERWA Board forwarded their concerns with the Hidden Gems proposed legislation to Jared Polis. UERWA stated the Hidden Gems proponents have not listened to their concerns.

UERWA is waiting for the last permit from Eagle County to start construction of the water storage tank adjacent to Cordillera Valley Club. The Authority is continuing to work on resolving issues with the CVCPOA Board.

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The Authority is working on the terms of lease for Vail water tank. The Eagle River Basin is working together to address water needs for Western Slope, Denver, Aurora, and Colorado Springs. The Ginn Project is in litigation.

**Edwards
Community
Authority**

The proposed legislation that would allow the Community Authority to collect tax revenue has made it through the House and is being presented to the Senate.

The Eagle County Commissioners will attend the next meeting as a group.

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 April, 2010.

Respectfully submitted,



Cheri Curtis

Secretary for the Meeting