
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District August 24, 2010

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 24, 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:

- Mike Budd
- Herb Luhman
- Heather McNerny
- George Gregory

Also in attendance were:

- Dan Godec
- Lee Rimel
- Barry Townsend
- Diane Levine, SPOA
- Dan Carlson, Operations Manager
- Mrs. Carlson
- 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 Budd, on August 24, 2010, at 8:58 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the July 27, 2010 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the July 27, 2010 Regular Meeting as presented.

Changes to the Agenda

Due to the length of the agenda, Director Budd requested that review of the financial policy and the five-year projection be deferred to the September meeting. At the September meeting Director McNerny will give an update on the process with ECA. The roundabout project discussion will be tabled until the September meeting.

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Public Input There was no public input.

**Operations
Reports**

American Civil Contractors (ACC) will supply and install three sleeves in the metered pit at the entrance to Singletree. ACC will work with the District to install high pressure lines to meet the irrigation needs for the entrance area. Per the contract, the County and CDOT are only responsible to the curb stop and the District will be responsible for any irrigation and planting.

Director Budd questioned whether the District would be responsible for the irrigation for all the plantings at the roundabout project. Mr. Marchetti explained the Edwards Community Authority (ECA) will be responsible for the plantings and the water within the roundabouts. Sones Landscaping will be designing the irrigation and the plantings. By motion duly made and seconded it was unanimously

RESOLVED to authorize Mr. Carlson to work with ACC to install the proper irrigation lines during construction.

Mr. Marchetti clarified that landscaping of the four roundabouts is in the current Scott Sones contract for design and is the responsibility of ECA. Landscaping outside of the roadways but in the roundabout right of way has not been planned yet nor has responsibility for payment for such landscaping. Additional landscaping included within Berry Creek will be the responsibility of the District. Mr. Marchetti will clarify the plans with Scott Sones.

Mr. Carlson stated equipment damaged the bike path on the Winslow Road underpass. It needs to be swept but does not require repairs.

Director Budd and Mr. Carlson will walk through the parks with Garden Creations prior to the budgeting process to obtain a bid for the 2011 budget. Mr. Carlson questioned whether Whittaker Landscaping will provide maintenance and was informed the contract with Whittaker Landscaping was only for installation. The Board discussed the need to review the landscaping maintenance budget for the next five years.

Mr. Carlson stated improvements at Charolais Circle Park are being completed. Susie Weber has not submitted a request for specific items that need to be addressed although several residents have made suggestions regarding items that need to be corrected. Director Gregory stated if it is a safety issue it should be repaired, otherwise it should be the responsibility of property owners on Charolais Circle. Director Budd stated that the Board should review the requests and determine whether it is a District responsibility. The Board will table discussion

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on Charolais Circle issues until a future meeting and the Board will work with SPOA to address issues. Ms. Ahmad suggested determining a maintenance standard for each park with input from Kathleen Stephanoff from Garden Creations. Mr. Carlson reported any irrigation needs that involve the golf course will need to be discussed with Neil Tretter.

Community Manager

Ms. Ahmad has contact information for having the utility boxes painted. The painting would be required every three years. Mr. Carlson provided an option to install vinyl that has a life of up to ten years. The Board agreed there would need to be a discussion with Holy Cross Energy prior to making a decision. The discussion was tabled until the spring of 2011.

Mr. Carlson questioned the need to install the delineator posts to keep traffic out of the new landscaping beds adjacent to the roads in Singletree. Ms. Ahmad also received a call from a resident complaining about the real estate signs being placed in the landscape beds. Mr. Rimel suggested contacting the Vail Board of Realtors regarding the real estate signs. By motion duly made it was unanimously

RESOLVED to authorize Ms. Ahmad to establish a sign policy with input from the Board.

Mr. Rimel suggested having Ms. Ahmad start discussions early with the Vail Board of Realtors regarding the sign policy.

Ms. Ahmad reported on the water damage from the water heater in the conference room. An insurance claim has been filed. Mr. Carlson will repair the ceiling, the new water heater will be installed, and the carpet and chairs will be cleaned.

A memorial plaque for Ken Berg was approved by the Board and it was discussed installing the plaque on a tree. Director Gregory suggested installing a plaque on a boulder in the new landscaping. By motion duly made it was unanimously

RESOLVED to install the plaque with direction from Scott Sones on a large boulder at the intersection of Berry Creek Road and Singletree Road.

Ms. Ahmad requested \$3,500 for updates for the camera system. By motion duly made and seconded it was unanimously

RESOLVED to approve the request for the camera system update.

The Board discussed the need to follow up with the teenager that drove on the District property to make sure restitution is completed.

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Trail Update

Mr. Rimel reported the Knob Hill Trail will be completed by mid September. The June Creek Trail portion of the trail that connects to Forest Service property will be marked by the Forest Service.

Ms. Ahmad reported a resident has requested trash cans and shovels for the trail. The Board agreed the items requested are not necessary.

Financial Report

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

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

Accounts Payable

Director Luhman questioned why the District would release the retainage to Valley Crest Landscaping considering their lack of performance. It was noted when the District terminated the maintenance contract it voided the warranty. By motion duly made and seconded it was unanimously

RESOLVED to approve the August 2010 accounts payable list as presented with the exception of the retainage for Valley Crest Landscaping.

Speed Limits On I-70

Steve LaMontaine submitted a letter requesting the speed limit on I-70 be reduced to 65 mph and the use of Jake Brakes is restricted to the west of exit 163. The District's prior requests to CDOT have failed. The Board agreed to request support from the Edwards Community Authority. A letter will be sent to Mr. LaMontaine stating that the District has not been successful in prior attempts when working alone on the issue and other entities will be asked for assistance on the matter. ECA will be copied on the letter.

Power Line Project

Director Luhman presented the argument why it was beneficial for the District to proceed with the Power Line project this fall. SPOA has approved \$50,000 for the power line project. Holy Cross Energy has agreed to contribute 46% of the cost for the project. Construction costs are lower at this time due to the current economy. The District would fund \$362,000 of the project with a completion date of December 1, 2010. The District would be using Jim McNeil with Alpine

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Engineering as project manager. By motion duly made and seconded it was unanimously

RESOLVED to support burying the power lines by funding up to \$362,000, subject to Holy Cross contributing \$352,000 and SPOA's contribution of \$50,000 and contingent upon legal approval of the contract by the District's attorney.

Director Luhman will hold a weekly meeting on the project. Mr. Marchetti requested that the District's standard construction contract form, as provided by Matt Dalton, be used.

By motion duly made and seconded it was unanimously

RESOLVED TO approved payment of \$131,000 to Holy Cross Energy to begin the project.

UERWA It was reported Glen Porzak, the attorney for the ERWSD and UERWA, was seriously injured in a climbing accident. UERWA has passed a resolution to oppose Amendment 60, Amendment 61, and Proposition 101. The UERWA 2009 Audit was approved. Legal expenses have been reduced since several lawsuits have been settled.

Board Member

Opening Before any candidates were interviewed Director Luhman suggested asking whether the candidates live here full time, their reason for wanting to run for the Board, and to determine if they are qualified.

The Board interviewed Peter Rosenberg, Melissa MacDonald, Ronnie Baker, John Kronholm, Mike Beltracchi, and Dan Godec in person. Trey Warren was interviewed by telephone.

Following discussion and by motion duly made and seconded it was unanimously

RESOLVED to extend an invitation to Dan Godec to serve on the Board until May 2012 with Melissa MacDonald chosen as an alternate if Mr. Godec declined the invitation.

Ms. Ahmad will notify the candidates of the Board's decision.

Miller Ranch

Field House Director's Gregory and Luhman met with John McCaulley and Michelle Anderson with WECMRD along with the architect from Barker, Rinker, Seacat

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Architects to discuss options for the Miller Ranch Field House roof. The group reviewed a proposal for a study that will investigate the reflectivity at different times of the day and the year to come up with viable options.

The Board agreed to recommend to SPOA that they file a notice of claim on the issue with hopes for resolution, however reserving their option to continue the legal process. The Board discussed the need to find an independent attorney. Director Budd suggested using Joan Fritsche with Foster, Graham, Milstein, Miller & Calisher, LLP.

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 August, 2010.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting