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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 26, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on July 26, 2011 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
- Dan Godec
- Herb Luhman
- Heather McInerny (By Telephone)

The following Director was absent and excused:

- George Gregory

Also in attendance were:

- Wade Johnson
- Kim Ahmad, Community Manager
- Dan Carlson, Operations
- 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 July 26, 2011, 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 28, 2011 Regular meeting. The Board requested future Board packets included the task list with the status of each task.

Director McInerny suggested the minutes reflect the status of final payment to Whittaker Landscaping. Ms. Ahmad explained the discussions with Bill Whittaker regarding status of final payment and the condition of plants and missing landscaping. The Board agreed to discuss the Whittaker Landscaping final payment during the Beautification process. Upon motion duly made and seconded it was unanimously

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## RECORD OF PROCEEDINGS

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---

### Berry Creek Metropolitan District July 26, 2011 Meeting Minutes

---

**RESOLVED** to approve the minutes of the June 28, 2011 Regular Meeting as revised.

**Website** Mr. Wade Johnson presented the new Singletree website design. Mr. Johnson will continue to develop the new website and present it to the Board prior to publishing the site. The cost for the new website design has not been determined. Mr. Johnson is a Singletree resident and is willing to provide a quality product with some donated time.

Don Cohen has purchased the domain name "Singletree.com" and the District has the ability to purchase that website name from Mr. Cohen.

**Community  
Manager  
Report**

Ms. Ahmad reported the SPOA Board approved funding \$20,000 of the WECMRD Field House reflective roof mitigation. SPOA also approved \$2,000 for continuing trail construction on the June Creek Trail.

Ms. Ahmad informed the Board the existing sign for the Community Center is no longer legible and presented a suggestion for replacing that sign that could be considered in the 2012 budget discussions.

Mr. Carlson stated he received a proposal from Tomahawk Stone for a new entrance sign. That information has been given to Scott Sones. The Board discussed placement of the sign. Ms. Ahmad suggested working with Mr. Sones to get a concept design. A plan and budget will be presented at the next meeting.

Mr. Gerdes informed Ms. Ahmad that the average speed on Winslow Road/Berry Creek Board at the intersection with Singletree Road is 37 MPH. The County has indicated they would approve a four-way stop sign at the intersection. Upon motion duly made and seconded it was unanimously

**RESOLVED** to support installation of a stop sign at the intersection of Berry Creek Road/Winslow Road and Singletree Road.

Ms. Ahmad and Mr. Carlson are meeting this morning with CDOT representatives to find a solution for a rock wall that is deteriorating at Winslow Road under I-70.

Mr. Chuck Powers will be attending a future meeting to discuss a mill levy increase for the Eagle River Fire Protection District. Director Godec suggested

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District July 26, 2011 Meeting Minutes

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investigating the consolidation of all Eagle county fire districts to obtain a cost savings as opposed to increasing mill levies.

**Operations** Mr. Carlson had the Charolais Circle pond pump repaired. A proposal for \$378 was presented to improve the Charolais Circle pond shore to prevent deer from falling in and drowning. 25 MPH stencils have been painted on several roads to slow traffic within Singletree.

The Board has discussed a split rail fence on Stetson Drive to prevent vehicles from driving on Chip Ramsey Park. Mr. Carlson suggested placing boulders in lieu of a fence. There have only been a few incidents of vehicles driving off Stetson Road causing minimal damage. The Board agreed if there are boulders available, they could be placed on Stetson Road, otherwise a fence is not necessary.

Mr. Carlson questioned what services the Board wanted bid for the 2012 budget process. Rocky Mountain Custom Landscaping has indicated they are interested in bidding on maintenance of the corner landscaping beds. The Board agreed competitive bids should be obtained on a regular basis. The Board will determine what should be bid and give Mr. Carlson specific specifications so bids are consistent.

Mr. Carlson stated residents are calling Ms. Ahmad on a regular basis to report dead trees that may be on District property. Director Budd suggested the Board have a survey of the District property completed to determine what areas should be addressed. The Board can then determine a budget for addressing these issues. Directors Luhman and McInerny will work with Ms. Ahmad to determine a plan.

### **WECMRD**

**Field House** The plans to apply a less reflective acrylic coating to the WECMRD Field House roof to reduce the glare have received approval from the DRB. The project is scheduled to be completed in August. WECMRD has committed to pay 50% of the cost and the District and SPOA will split the other 50%. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve an amount not to exceed \$40,000, with the understanding any additional contributions towards the project would reduce the contributions proportionately between WECMRD (50%) and the District and SPOA (50%).

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District July 26, 2011 Meeting Minutes

---

Director Budd commended Director Godec and Pat Horvath for their accomplishments in resolving the WECMRD roof issues.

#### **I-70 Landscaping**

**Project** Director Luhman reported there have been the typical construction delays but the concrete footings for the ribbons and signs should be poured this morning. Mr. Sones recently informed the committee that some of the boulders on site may not meet the specifications and they are working out where and how the boulders could be used, if possible.

The Thursday meetings continue and the committee will be meeting with merchants this week.

#### **Winslow Road**

**Project** The two-year warranty period was completed and the final walk-through on the project was conducted. Maintenance issues were presented but there were no structural issues.

#### **Property Owner**

**Survey** The survey questions have basically been completed and should be sent to Property Owners in early August. The survey results will be a good planning tool for the District and SPOA moving forward.

#### **Beautification**

**Plan** Director McInerny, Director Gregory, Ms. Ahmad, and Mike Resinger from SPOA, and Scott Sones drove through Singletree to determine the next phase of landscaping. The intersection at Hackamore and Berry Creek Road and the intersection at Berry Creek and June Creek have been prioritized for construction in 2012. The Berry Creek "alley way" and the intersection of Charolais Circle and Hackamore Drive were considered but it was determined they were not a priority for 2012.

In addition to discussing new landscape installation, the Board requested that bids be obtained by the September 27, 2011 meeting for maintenance and replacement of existing landscaping for the 2012 budget.

The Board discussed the confusion on the retainage held on the Whittaker contract. Since there was not a warranty bond, the retainage was held for a warranty time period, although retainage is typically held until substantial completion of construction but not for the warranty period. Director Budd stated the District should clarify security for the warranty in future contracts to protect

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District July 26, 2011 Meeting Minutes

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the District during the warranty period. This item was added to the Action Item list.

Ms. Ahmad presented a \$1,200 bid to plant ninety plants in open areas of the landscaping beds planted in Phase I and Phase II of the beautification process. Director Luhman discussed keeping a consistent look in all Singletree flower beds. Director McInerny questioned whether any dead plants were removed causing the open areas in the flower beds. That question will be presented to Kathleen Cope. Director Budd suggested taking photos of the landscaping areas when completed during the final walk-through for future landscaping phases. Mr. Carlson stated Ms. Cope estimated there is approximately \$300 worth of shrubbery that needs to be replaced. The Board agreed to have Garden Creations replace plants. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve up to \$1,200 for planting of additional plants, with the understanding that Director McInerny will work with Kathleen Cope on the location of the plantings.

#### **Financial Report**

The June 30, 2011 Financial Statements were included in the Board packet and Mr. Marchetti presented an investment schedule for the District funds using U.S. Treasury and Agency securities. The Board discussed the risk of investing in securities and the possibility it would result in a downgraded rating that could affect the District's ability to issue bonds in the future. Mr. Marchetti felt there is an extremely remote possibility of a downgrade of the District's rating as a result of investing in U.S. securities. Upon motion duly made and seconded it was unanimously

**RESOLVED** to authorize Director Godec and Mr. Marchetti to invest up to \$1.6 million for a period not to exceed 24 months and to open the necessary investment accounts to implement this policy.

Upon motion duly made and seconded it was unanimously

**RESOLVED** to accept the June 30, 2011 financial statements as presented.

#### **Accounts Payable**

The Board discussed the payment to Rocky Mountain Custom Landscaping taking into consideration the boulder issues. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the July 2011 accounts payable list as presented.

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## RECORD OF PROCEEDINGS

---

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### Berry Creek Metropolitan District July 26, 2011 Meeting Minutes

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#### County Easement

**Agreement** Ms. Ahmad presented a redline copy of an agreement with Eagle County for an easement for the new sidewalk connecting to the roundabouts. Director Luhman stated that although Director Gregory has looked at the easement, he is not comfortable approving the document without review by the District's legal counsel. The Board agreed to submit the easement to legal counsel for review prior to approval by the Board.

#### Sidewalk

**Maintenance** The Board agreed to review the Sidewalk Maintenance Agreement at the August meeting.

#### SPOA

There was no representation from the SPOA Board. The Board agreed there should be a cap on the District's contribution to the Annual party. The Board agreed conceptually the cost should be shared equally between SPOA and the District but wished to cap the District's contribution at \$7,500. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve an amount not to exceed \$7,500 for the Annual party.

#### UERWA

Director Luhman stated there is still a problem with excessive water usage during the summer months by a small number of users in the UERWA system, including some Singletree residents. The Board discussed a proactive approach to work with property owners in an effort to address this problem.

#### ECA

The Edwards Community Authority representatives discussed the 2012 budget which has already been reviewed by this Board. The landscape maintenance costs are the largest item of discussion. Snow removal for the sidewalks is an additional cost that will be increasing since more sidewalks have been completed this year.

#### Winslow

##### Road

Ms. Ahmad reported CDOT representatives viewed the area under I-70 at Winslow Road where the concrete is failing and will make the necessary repairs to make the area safe. It will be a seven to ten day project with some road closures.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

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**RECORD OF PROCEEDINGS**

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**Berry Creek Metropolitan District July 26, 2011 Meeting Minutes**

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**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 26th day of July, 2011.

Respectfully submitted,

Cheri Curtis  
Secretary for the Meeting