
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District August 23, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 23, 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
- George Gregory
- Heather McInerny

Also in attendance were:

- Buddy Sims
- Chuck Powers
- Ben Gerdes, Eagle County Engineering
- Ed O'Brien, ERFPD
- Charlie Moore, ERFPD
- Karl Bauer, ERFPD
- 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 August 23, 2011, at 9:00 a.m. noting a quorum was present.

Agenda The agenda was changed to accommodate presenters.

Freedom Park

Bandstand Buddy Sims informed the Board that the County has planned for ten years to build a bandstand at Freedom Park. Mr. Sims made a presentation on the proposed bandstand and is looking for support. Tab Bonidy is designing the bandstand at no cost and the plans will be presented to Eagle County for approval. Mr. Sims is hoping to obtain lottery funds to fund the project. 87% of Edward's residents out of the 155 completing a survey conducted by Edwards Metropolitan District and WECMRD supported a music festival. The proposed facility would be 24' x 30',

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which is the required size for the Air Force Academy jazz band. The options to fund the facility include Conservation Trust Funds or sponsorship from local entities. The cost for the facility is estimated at \$153,500. Management and maintenance will be provided by Western Eagle County Metropolitan Recreation District (WECMRD). There will be no fencing around the stage and seating area. Director McInerny questioned the impact on the dog park. Mr. Sims stated the dogs will be able to run on the property. Director Luhman suggested improving the design. Director Gregory echoed that sentiment to develop a more appropriate aesthetically pleasing facility. The Eagle County Board of County Commissioners will need to approve the facility and it will need to go through the Berry Creek DRB process. Director Budd stated a protocol for usage should be established prior to approval of the facility.

ERFPD Mill

Levy Increase Chuck Powers is the Singletree representative for the Eagle River Support for Fire Safety committee. Mr. Powers introduced Eagle River Fire Protection District (ERFPD) representatives Ed O'Brien, Chairman of the Board; Charlie Moore, Fire Chief; and Karl Bauer, Assistant Fire Chief; who were present to provide facts to support the mill levy increase voters will be asked to approve in November, 2011.

Charlie Moore presented information on how the reduced assessed values within the District will affect the budget and ultimately impact service levels being provided. There is a possibility one or two stations could be closed and staff will be reduced. ERFPD is asking for a temporary mill levy increase that will sunset in 2019 up to a maximum of 1.95 mills. The District will only assess an amount equal to current revenues.

Ed O'Brien stated the Board has reviewed their expenses and believe a temporary increase is necessary to maintain the service for the five stations in the area that service from the top of Tennessee Pass to Wolcott. Beaver Creek is not in the District but does contract with ERFPD to provide the service and pays \$950,000 annually.

Karl Bauer explained the procedures for fighting a fire and the reason multiple vehicles respond. The response objectives are to rescue anyone trapped in the structure, maintain firefighter safety, and prevent flashover. To meet these objectives, fire fighters have limited time to respond and react. Mr. O'Brien stated if the revenues are reduced, apparatuses would be reduced by 25% and it would affect response time. The assessed values have decreased by 25% and the temporary mill levy increase will allow ERFPD to maintain current revenues.

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Director Godec questioned the duplication of services from all Eagle County fire districts. Chief Moore stated there is cooperation between the different agencies as necessary. Director Godec suggested forming a County wide fire district to replace the five fire districts currently in Eagle County. Chief Moore explained it would be more beneficial to consolidate but it also very complicated due to political and economical issues.

Mr. O'Brien explained how the District was able to use the increased revenues from the increase assessed values the last two years to update capital and increase reserves in order for ERFPD to be prepared for a possible large wildfire. Discussion followed on future assessed values, level of services, and consolidation.

Mr. Powers questioned the best way to communicate the information to Singletree residents. Director Budd suggested holding a Town Hall meeting with SPOA sponsorship. The Board noted a closure of a fire station could increase individual insurance costs for properties located within ERFPD.

Road Study

Ben Gerdes reported Eagle County provided a study to determine whether a stop sign is necessary at the intersection of Singletree Road and Winslow Road. It was determined that intersection does not meet the requirements to require a stop sign and the issue at hand is to reduce speeding. Director Luhman stated that visibility is an issues and he believes a stop sign is warranted. Director Gregory agrees with the report and does not believe a stop sign is necessary at that intersection. Mr. Gerdes agreed to look at the visibility at that intersection but stated unwarranted stop signs could actually increase accidents. Eagle County would provide the sign if the Board agrees to install a stop sign at that intersection and the District would be responsible to provide the pole for the sign.

The Board agreed after the discussion to rescind the motion in last month's meeting to support installation of a stop sign at the intersection of Winslow Road and Singletree Road.

Director Budd questioned the status of the Sidewalk Maintenance Agreement and the Easement Agreement. Mr. Gerdes is hoping to get both Agreements on the Eagle County Board of County Commissioners Tuesday, August 30, 2011 agenda.

Director Godec questioned the communications between Excel Energy and Eagle County related to the Excel pipeline project. It was agreed communication was lacking. Mr. Gerdes did report the Highway 6 study determined the speed limit should be 45 mph from Squaw Creek Road to the Edwards Fire Station, 35 mph

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from the Fire Station to Bull Run Road and 50 mph from Bull Run Road to the east side of Arrowhead.

Public Input The public input was moved to the end of the meeting.

Operations Mr. Carlson stated residents are using the District trash cans for personal trash and he offered to pick up trash throughout the District more often.

Mr. Carlson met with Aqua Tec and it was determined the Charolais Circle pond pump has failed again. The District is working with Aquatic Associates to treat the algae problem in the pond and they do not require the use of the pump. Mr. Carlson questioned whether the Board wanted to repair the pump or abandoned it. Director Budd requested a letter from Aquatic Associates stating the pump is not necessary. The area near the pond will be aerated at a cost of \$350 that was previously approved to make the area safer for dogs and deer in the winter.

Residents and Board members have expressed concerns regarding the maintenance at the Chip Ramsey Park. Mr. Carlson is hiring a contract laborer to assist with getting the District parks in shape.

The stone for the Community Center sign will be on site soon. There is existing lighting at that location for the sign. Ms. Ahmad presented the revised sign design. The cost for the sign, boulders, and stacked rock is estimated at \$5,000. There could be a cost savings by possibly using boulders and stacked rock that may be available from the roundabout project.

Minutes The Board reviewed the minutes from the July 26, 2011 Regular meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the July 26, 2011 Regular Meeting as revised.

Communication

Update Mr. Wade Johnson presented a proposal to design the website at a cost not to exceed \$8,000. Ms. Ahmad will be hiring a photographer to take fall photos for the website.

WECMRD

Field House The Board previously approved the color chosen to paint the roof on the WECMRD Field House and the process is proceeding.

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I-70 Roundabouts

Landscaping

Project Work is proceeding and construction should be completed the week after Labor Day. Trees have been chosen and are being installed. Two major signs will be installed; one for Singletree and one for Edwards. The Thursday construction status meetings will continue through completion of the project.

Paul Golden with the Shell station has asked the Committee to install sod on the roadside adjacent to their property and has agreed to pay for the sod and the maintenance. The irrigation water is connected to ECA's meter.

Community

Manager

Report Ms. Ahmad is working with Eagle County to get a map of the District properties.

SPOA is anticipating 350 adults and 31 children at the Annual Party that will be held on August 27, 2011.

Ms. Ahmad is working on the newsletter and is hoping to have it ready for distribution in the next few weeks. The entrance landscaping project will be included in the newsletter.

Director Gregory received a message from Lee Rimel thanking the Board for the improvements to the Singletree entrance. The Board agreed to name a trail after Mr. Rimel for his contribution to the trails adjacent to Singletree.

Director Budd stated if the SPOA Board directs Mr. Carlson to provide services, they are responsible for paying for those services.

Financial

Report

The July 31, 2011 Financial Statements were included in the Board packet. Director Budd questioned the specific ownership tax and interest income forecast. The Board requested the roundabout landscaping be moved to a new line item and the replacement reserves be included in the financials. Upon motion duly made and seconded it was unanimously

RESOLVED to accept the July 31, 2011 financial statements as presented.

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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 modified.

Property Sales

Report

Mr. Marchetti presented the property sales report which indicates that property values are continuing to decline. The current report shows properties are presently selling for approximately 10% below the current assessor's values.

Legal

Upon motion duly made and seconded it was unanimously

RESOLVED to authorize Director Budd to execute the Sidewalk Maintenance Agreement and Easement Agreement as revised if the changes are accepted by the Eagle County staff.

The Board requested that Ms. Ahmad and Director Gregory recommend who the legal representative for the District should be moving forward. Director Gregory suggested the Board should not terminate the current legal counsel at this time.

SPOA

There was no further update.

UERWA

Director Luhman attended the July UERWA meeting. John McCaulley is working with property owners to reduce excessive water usage. Most excessive usage is related to problems that are being corrected.

ECA

There was no meeting in August. The next meeting is scheduled for September 21, 2011.

Public Input

Buddy Sims commended the Board on the way the meeting was conducted. There will be a Memorial 911 ceremony at Freedom Park that will include a presentation, a parade, movies, activities, and a ceremony.

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 23rd day of August, 2011.

Respectfully submitted,

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Cheri Curtis
Secretary for the Meeting