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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 October 26, 2004

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on October 26, 2004 at 3:30 p.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
- Evelyn Pinney
- Sandy Donnelly

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Kathy Lewensten, Secretary for the Meeting
- Bethany Palmer, Secretary for the Meeting
- Dan Carlson, Parks & Maintenance
- John Carlson, Community Center
- Steve McSpadden, Homeowner

#### **Call To Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on October 26, 2004, at 3:30 p.m. noting a quorum was present.

#### **Minutes**

The Board reviewed the minutes of the September 28, 2004 Regular Meeting. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the September 28, 2004 Regular Meeting as presented.

#### **Changes to the Agenda**

Discussion regarding Mr. McSpadden's dilemma with his conduit was added to the agenda.

#### **Public Input**

Mr. McSpadden explained he was appearing before the Board to discuss an issue he was experiencing with the conduit to his lot on Longhorn. When his contractor dug down to the conduit he found that the conduit to his lot was not capped and

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was filled with dirt. It was necessary to have the conduit cleaned out at a cost of \$385.00. He asked the Board if it would be possible to be reimbursed for this cost if the District is responsible for the conduit. He explained he had previously contacted Eagle County and Holy Cross regarding the matter and had been told neither was responsible for this conduit. He was then directed to take the matter to the Metro District. The Board discussed whether the conduit was the District's responsibility. Mr. McSpadden stated there was a live wire present in the conduit which was there prior to his use. He had been told it was a wire for street lighting which leads him to believe it may be a District related matter. Mr. Dan Carlson stated he had checked with Shaw Electric and they were not aware of any new street light wiring located in this section of conduit. The Board suggested Holy Cross Energy be contacted to see where the line goes. The Board thanked Mr. McSpadden for coming and stated they would take the matter under consideration. The Board then discussed whether the conduit belonged to the District. Mr. Marchetti explained the District responsibilities under the service plan. He noted that shallow utilities are not allowed to be part of the District responsibilities by statute. He explained that the conduit may have been placed by the Developer and then abandoned instead of conveyed once the infrastructure was complete. The Board decided to table the matter until more information is presented.

**Staff SCC** John Carlson recommended the access code to the Community center be changed on a more regular basis, perhaps monthly. This is in response to unauthorized persons having access to the exercise room and building. The Board directed Mr. Carlson to change the code as soon as possible and on a regular basis thereafter.

Mr. John Carlson brought before the Board recommendations on several improvement projects for the Community Center. One recommendation is to replace the carpet in the Boardroom. An estimate from Carpet Direct for the amount of \$885, which included removal and installation, was discussed. The Board agreed the carpeting was ready for replacement and looked at samples and chose the type and color of carpeting it would like. The painting of all interior trim, bathrooms, and foyer was discussed; Mr. Carlson stated estimates indicate a cost of approximately \$4,500. Mr. Carlson was directed to acquire two more bids and to obtain more information with regard to the paint quality that would be used and total square footage. The Board then discussed installing a magnetic lock on the double door that opens into the main room. An estimate from Vail Lock and Key in the amount of \$2,665.12, which includes the mechanism and installation was reviewed. Mr. Carlson recommended monthly window washing and stated that estimates indicate a cost of \$250.00 per month, which includes inside and outside washing. The Board discussed updating the conference room by purchasing a new conference table, credenza, and chairs for an amount not to exceed \$6,000. Director Cohen will research style and color options. The Board

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tabled the above matters until further discussion can be undertaken at a budget work session.

Mr. Carlson recommended purchasing an additional bulletin board for public use outside the main door. The bulletin board would allow posting of pertinent information such as exercise classes and a map of Singletree. The Board agreed to allow the purchase. Mr. Carlson suggested and the Board agreed to establish a drop box that would allow residents to pick up contracts, keys and golf cards. The Board then discussed building a shelter/blind around the trash dumpster. After discussion the Board decided against construction of a blind due to the probability that trash would get thrown between the blind and the dumpster.

Mr. John Carlson commented on the fact that the volume of calls regarding the community center was higher than he had anticipated when making his original proposal. He is taking and returning approximately 20-30 Community Center calls every other day instead of the original expectation of 20-30 calls per month.

#### **Staff Maint/Parks**

Mr. Dan Carlson reported that he had removed rocks and repaired water bars on Mesquite trail. He also commented that Mesquite trail remains a maintenance challenge due to it being gravel on steep terrain. He stated that it would take approximately \$4,000 to build better stairs on the trail. Director Cohen suggested discussing whether a short or long term repair of the trail should be implemented at a budget work session.

Mr. Carlson presented a proposal of \$170.00 from Steven's Home Care for installation of Christmas lighting in trees around the Community Center, including materials. Next year the cost would be reduced to \$110.00. The Board approved the proposal and directed Mr. Carlson to employ Steven's Home Care to put up the Christmas lights.

Mr. Carlson commented that the Micro Lift chemicals being used to treat the algae in Charolais Circle Pond are not working; as result the algae has returned. He recommends no more chemicals be used and as an alternative the pond be scraped out by laborers in the spring.

Mr. Carlson reported that water in the bathrooms can no longer be shut off due to an issue with the water valve. Upper Eagle Regional Water Authority (UERWA) reported that due to damage the key no longer fits on the valve to shut the water off. Mr. Carlson noted there are three valves located in the same area and recommended the District have all three dug up and replaced. UERWA has

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agreed to split the cost of these repairs. The Board directed Mr. Carlson to proceed with fixing the valves.

The revised contract from Steven's Home Care for snow removal including snow blowing the additional area's discussed at last month's meeting, was presented. The contract amount is \$2,763. The contract also allows for ice melt removal at a rate of \$37 per man-hour plus product. After a brief discussion, the Board directed Mr. Carlson to purchase ice melt, which can be stored in buckets with scoops, for the District staff to use to perform this service.

Mr. Dan Carlson presented an estimate from A Cut Above Forestry for tree pruning around the Community Center for the amount of \$1,320, which includes removal of all material. The Board expressed apprehension as to when the optimal time of pruning is and directed Mr. Carlson to contact CSU for expert counsel. The Board also requested additional bids be obtained for further review.

#### **2005**

#### **Budget**

Mr. Marchetti suggested to the Board that a budget work session may be helpful to further discuss the projects and future plans of the District. Several matters were briefly discussed including possible funding requests from Eagle County for a round-a-bout and from VVF for the Eaton Parcel open space. The Board decided to hold a budget work session on Friday, November 5<sup>th</sup> at 11:00am.

#### **New Business**

It was reported the street signs requested from the County have been put in place. With the "No Parking" signs installed, it is hoped that on street parking will be reduced during events.

#### **Old Business**

It was reported Ms. Helen Migchelbrink from Eagle County is still awaiting a response from CDOT regarding the timing and funding of the round-a-bout project. It is hoped more information will be known by the budget work session.

#### **Stagecoach**

#### **Berm**

Director Dewton reported that delegates from the District and the Design Review Committee made a site visit to the berm located at the back of the lot at 48 Charolais close to Stagecoach. After the September meeting a letter had been sent from District counsel to the homeowners inviting them to attend tonight's meeting to discuss the matter. No response has been received from the homeowner. The berm does not match the sketch approved by DRC. The District asked for utility locates at the sight and it appears there are no utilities beneath the berm. The Board agreed the berm needed to be removed from District property and be made to conform to the sketch submitted to DRC as approved by Mr. Perkins. Staff

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was asked to contact counsel to draft a letter stating the above allowing 30 days for compliance. Upon motion duly made and seconded it was unanimously

**RESOLVED** to request the removal of the berm from District property and compliance of the berm to the sketch plan approved by Mr. Perkins of DRC allowing the homeowners 30 days to comply.

**Financials** The September 30, 2004 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

**RESOLVED** to accept the September 30, 2004 financial statements as presented.

**Accounts Payable**

The Board was provided copies of a revised Accounts Payable list. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the revised accounts payable list as presented.

**UERWA** Director Dewton reported that UERWA will be reviewing the 2005 budget at their Thursday meeting. It appears water rates will be kept the same as this year for 2005.

**SPOA** Director Cohen stated that he plans to attend the SPOA meeting to find out if they are considering sending another newsletter. He will suggest they send a Christmas card instead with reference to the web site. He informed the Board that state law now required that minutes and financial statements of property or homeowner associations be provided when a property sells. This information is available on the website.

**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 26th day of October, 2004.

Respectfully submitted,

Kathy Lewensten  
Secretary for the Meeting