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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District on September 28, 2017**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on September 28, 2017, at 3:00 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. The Board met in joint session with the members of the Board of Directors of the Singletree Property Owners Association (SPOA). These minutes are the minutes of the BCMD portion of the meeting and separate minutes record the SPOA portion of the meeting.

#### **ATTENDANCE**

The following BCMD Directors were present and acting:

- George Gregory
- Dan Godec
- Karen Kern
- Mike Reisinger, by phone
- Katie Rothenberg

SPOA Directors in attendance:

- Mike Budd
- Jennie Longville May
- Melissa Nelson
- Karen Zavis

Also in attendance were:

- Nina Timm, Community Manager
- Dan Carlson, Operations
- Ken Marchetti, Marchetti & Weaver
- Larry Rogers, Owner

#### **CALL TO ORDER**

Director Gregory, called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on September 28, 2017, at 3:00 p.m. noting a quorum was present.

#### **DISCLOSURE MATTERS**

Pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed their conflicts of interest, stating the fact and summary nature of any matters as required under Colorado law, to permit official action be taken at the meeting. The Board determined that the participation of the member's present was necessary to obtain a quorum or otherwise enable the Board to act.

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#### **AGENDA**

There were no changes to the agenda.

#### **PUBLIC INPUT**

Johannes Faessler, Sebastian Faessler and Brad Quayle, from the Sonnenalp Club spoke to the Board about the Sonnenalp Club's commitment and continued investment in Singletree. They are imagining what is next for the Club and the community, and are looking to make a 5- and 10-year plan. They will continue to keep the board and the community up to date as they progress with these plans.

Jill Ryan, Chris Lindley and Rick Ullom from Eagle County made a brief presentation on the plan to construct a new building on the 5<sup>th</sup> Filing, that will include Mountain Family Health Center, Public Health and Human Services in one 2-story building near the WECMRD building. The County is hopeful that the proposed tax on retail marijuana and grow operations will fund the operations. The Board stressed the need to follow existing design guidelines for the area, ensure there is adequate parking for the building uses and keep the Board updated as the design progresses. The County would appreciate a resolution in support of the proposed marijuana tax measures.

#### **AUGUST 24, 2017 MEETING MINUTES**

The Board reviewed the amended August 24, 2017, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the amended August 24, 2017, minutes.

#### **BUDGET MEETING**

The BCMD Budget Meeting will hold their budget meeting on October 6, 2017, at Noon.

#### **2017 AUDIT ENGAGEMENT LETTER**

Acknowledging that the audit engagement letter was routine and typical, by motion duly made and seconded, it was unanimously

**RESOLVED** to engage Chadwick, Steinkirchner, Davis & Co, P.C. to complete the Berry Creek Metropolitan District audit for the year ending December 31, 2017.

#### **OPEN ITEM LIST**

Repair and Expand Pavilion at Chip Ramsay Park – KRM has now requested a soils test for the proposed expansion of the pavilion.

Bocce Ball Courts – Presented a bid for \$27,280, to install two 10' x 50' bocce ball courts that would be complete by October 31, 2017. The Boards requested time to do some community outreach. Consider Spring 2018 construction.

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6 West Apartments – BCMD sent a letter to the Eagle County BoCC outlining concerns.

Service Agreement between BCMD & SPOA for Manager Services – BCMD's attorney has not reviewed the draft Service Agreement and it was agreed to table the discussion until the October meeting and both entity's attorneys have reviewed the draft agreement.

Maintenance and Replanting at the North Roundabout – Dan Carlson will remove the dead trees in this area.

### **OPERATIONS**

The report was included in the packet. Additionally, Dan Carlson installed two small solar lights at the trash enclosure.

### **AUGUST FINANCIAL REPORT**

The preliminary August 31, 2017, Financial Statements were included in the packet and reviewed. The Community Center Expansion came in approximately \$104,000 under budget and that money will be added to the capital projects budget. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to acknowledge receipt of the financial statements.

### **PAYMENT OF SEPTEMBER INVOICES**

The Board reviewed the September list of payments to approve. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the September 2017, list of payments.

### **UPDATES**

UERWA – Traer Creek Water Tank litigation continues. Waters sales continue to drop as residents conserve more water. Lake Powell is almost at record levels. Lake Mead's level remains static. BCMD has a seat on the UERWA Board because BCMD owns water rights and leases them to UERWA.

Community Manager Report – Potential for BCMD to save approximately \$400 per month by streamlining the bill paying process using Bill.Com. Marchetti & Weaver recommends moving to Bill.Com as it syncs with QuickBooks. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to utilize Bill.Com for BCMD bill payments.

The existing website provides lots of information, but it is difficult to find the two most frequently visited areas, SPOA Documents and Community Center rental information. Avid Design, who created the website, can move these items plus add some of the new pictures to the home page for approximately \$500. The Board recommended going

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forward with the improvements. There are existing dollars allocated for website maintenance.

Community Center Update – The project is complete and the windows will be cleaned next week.

**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 28<sup>th</sup> day of September, 2017.

Respectfully submitted,

Nina Timm