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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 May 24, 2018**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado held on May 24, 2018, 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:

- Dan Godec
- George Gregory
- Karen Kern
- Melissa Nelson
- Mike Reisinger

SPOA Directors in attendance:

- Mike Budd
- Courtney Holm
- Melissa Nelson
- Karen Zavis

Also in attendance were:

- Nina Timm, Community Manager
- Ken Marchetti, Marchetti & Weaver
- Dan Carlson, Facilities

#### **CALL TO ORDER**

Director Gregory called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on May 24, 2018, 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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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

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**AGENDA**

There were no changes to the agenda.

**PUBLIC INPUT**

There was no public input.

**APRIL 19, 2018 MEETING MINUTES**

The Board reviewed the April 19, 2018, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the April 19, 2018, minutes.

**OATH OF OFFICE FOR NEW BCMD BOARD MEMBERS**

George Gregory, Chairperson of BCMD, administered the Board of Director Oath of Office to Melissa Nelson and Mike Reisinger who were declared elected on May 8, 2018, and were present at the meeting.

Katie Rothenberg was also declared elected on May 8, 2018, but was not present at the meeting. She will have the Board of Director Oath of Office administered by someone authorized to administer the oath at Marchetti & Weaver, LLC's offices.

The Board thanked George Gregory for his service to the BCMD.

**ELECTION OF BCMD BOARD PRESIDENT, VICE PRESIDENT, AND SECRETARY / TREASURER**

By motion duly made and seconded, it was unanimously

**RESOLVED** to elect Dan Godec as President of the BCMD Board.

By motion duly made and seconded, it was unanimously

**RESOLVED** to elect Katie Rothenberg as Secretary / Treasurer of the BCMD Board.

By motion duly made and seconded, it was unanimously

**RESOLVED** to elect Karen Kern, Melissa Nelson and Mike Reisinger as Vice Presidents of the BCMD Board.

**APPOINTMENT OF THE BCMD'S ALTERNATE REPRESENTATIVE TO THE UERWA BOARD**

Following discussion about who was interested in serving as alternates for the BCMD on the UERWA Board, by motion duly made and seconded, it was unanimously

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**RECORD OF PROCEEDINGS**  
**Berry Creek Metropolitan District**

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**RESOLVED** to appoint Mike Reisinger and Melissa Nelson as the BCMD's alternate representatives to the Upper Eagle Regional Water Authority Board. Mike Reisinger shall serve as the first alternate and vote for the BCMD in the event that George Gregory, BCMD's representative to the UERWA Board, is not present. Melissa Nelson shall vote on behalf of the BCMD in the event that George Gregory and Mike Reisinger are not present at the UERWA Board meeting.

**RESOLUTION REGARDING RENOVATION OF THE BATHROOMS AT CHIP RAMSAY PARK PAVILION**

Following discussion about the possibility of creating two unisex bathrooms, scope, schedule and cost of the proposed renovation of the bathrooms at Chip Ramsay Park Pavilion, by motion duly made and seconded, it was unanimously

**RESOLVED** to authorize up to \$25,000 to renovate the bathrooms and create two unisex bathrooms at Chip Ramsay Park Pavilion.

**ENCROACHMENT AGREEMENT FOR LANDSCAPING ON BCMD PROPERTY ADJACENT TO FILING 2 BLOCK 5 LOT 14W, AKA 0323W LONGHORN ROAD**

The Board previously reviewed the encroachment request at the April 19, 2018, meeting. Requested changes were made and the document was then reviewed and recommended for approval by the BCMD's legal counsel. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the landscape encroachments and Encroachment Agreement as presented for Filing 2 Block 5 Lot 14W, aka 0323W Longhorn Road.

**CONFIRMATION OF COLLINS COCKREL & COLE AS THE BCMD'S LEGAL COUNSEL**

There was discussion about the excellent legal services provided by Collins Cockrel & Cole, and specifically Jim Collins. Following the discussion the Board unanimously confirmed the continued use of Collins Cockrel & Cole as the BCMD's legal counsel.

**OPEN ITEM LIST**

Update Bathrooms at Chip Ramsay Park – The work will be underway shortly with the expectation of being complete by June 30, 2018.

Repair and Expand Pavilion at Chip Ramsay Park – Contractors are currently in the process of bidding the plans. Ideally, there will be three bids to present, with the goal of completing the pavilion projects in September and October 2018.

Removal of Dead & Dying Trees at North Roundabout – The dead evergreen trees removed from the north roundabout area. Now there are dead or dying aspen trees. Dan Carlson will have them removed and provide a recommendation about replacing them or not.

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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

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**OTHER BUSINESS**

There was discussion about the efforts to allow snowmobiling on USFS road 717 between Wildridge and the proposed Berlaimont Estates project. There is concern about impacts to winter wildlife habitat and trail closures. The BCMD and SPOA Boards will write letters to the town of Avon about these concerns.

**OPERATIONS**

Colorado Vegetation Management sprayed the BCMD's property for dandelions and broad leaf today. Cost estimate of \$3,200 to paint stop bars and crosswalks on the roads, as well as three point lines on the basketball court and add a four square court and hopscotch.

**APRIL FINANCIAL REPORT**

The preliminary April 2018, Financial Statements were included in the packet and Reviewed. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to acknowledge receipt of the April 2018, financial statements.

**PAYMENT OF MAY INVOICES**

The Board reviewed the May 2018, list of payments to approve. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the May 2018, list of payments.

**PURCHASE OF A LAPTOP COMPUTER FOR USE AT MEETINGS**

Noting there used to be a computer to use at meetings and it was useful to have there, a motion was duly made and seconded, it was unanimously

**RESOLVED** to authorize the purchase of a laptop computer for use by the Boards, with the cost split between the BCMD and SPOA, pending SPOA Board approval.

**UPDATES**

UERWA – Adopted the Dry Year Management Plan. Lake Powell's in-flows are at 42% of historical average. Continued efforts to provide Edwards Trailer Park residents with good water. There are two problems, a storage tank and a distribution system to residents. Request answers to Mike Budd's questions from the April presentation.

Community Manager Report – The ERWSD was pleased with Singletree Owner's response to the free irrigation consultations. Vail Valley Mountain Bike Association sent thanks for the BCMD's continued support of their trail maintenance efforts.

**ADJOURNMENT**

There being no further business to come before the Board, by motion duly made and

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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

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seconded it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 24th day of May 2018.

Respectfully submitted,

Nina Timm