
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors of Berry Creek Metropolitan District April 28, 2016

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held on April 28, 2016 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 Executive Board of 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
-) Mike Budd
-) Mike Reisinger
-) Ann Darby
-) Dan Godec

SPOA Directors in attendance:

-) Melissa Nelson
-) Ralph Dockery
-) Jennie Longville
-) Mike Budd
-) Ralph Merritt

Also in attendance were:

-) Johannes Faessler
-) Karen Kern
-) Larry Rodgers
-) Walter Atkinson
-) Sonja Atkinson
-) Nina Timm, Community Manager
-) Dan Carlson, Operations
-) Ken Marchetti, CPA
-) 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 Gregory, on April 28, 2016, at 3:00 p.m. noting a quorum was present.

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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 his conflicts of interest, stating the fact and summary nature of any matters as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Darby reported she is the owner of Darby Architects, P.C. which provides architectural services to the District. This disclosure is associated with approval of items on the agenda, which may affect her interests.

Written disclosures of these interests were filed with the Secretary of State and the Board prior to the Board meeting.

Agenda

There were no changes to the agenda.

Public Input

There was no public input.

Sonnenalp

Signage

Johannes Faessler with the Sonnenalp Golf Club presented the proposed signage for both entrances to Singletree, at the corner of Berry Creek Road and Winslow Road, and at the entrance to the Golf Course. Mr. Faessler reported Eagle County has revised the signage regulations for Eagle County. The Sonnenalp will need to request a variance from Eagle County to be able to replace the signage at the existing locations. The signage at the entrance will be changed from the Sonnenalp Golf Club to the Sonnenalp Club & Harvest by Kelly Liken. The Board presented comments on the proposed signage. The proposed signage has been presented to the DRC who requested clarification on dimensions and locations before giving approval.

Director Darby suggested Mr. Faessler present the proposed signage to Eagle River Fire Protection District for comment.

Director Gregory noted the District does not have the ability to approve signage and once approved by the DRC, no further approval is required from Berry Creek/Singletree. It was noted that the Board did approve the proposed signage on the District's property at the intersection of Winslow and Berry Creek Roads.

After receiving approval from the DCR, Mr. Faessler will make a presentation to Eagle County for approval.

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Minutes The March 24, 2016 Regular Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

RESOLVED to approve the March 24, 2016 Regular Meeting minutes as revised.

Eagle County

IGA The proposed IGA between Eagle County and Berry Creek Metropolitan District for the I-70G (Edwards Access Road) Maintenance at the main entrance was presented with the changes requested by the Board. By motion duly made and seconded it was unanimously

RESOLVED to approve the IGA between Eagle County and Berry Creek Metropolitan District for the I-70G (Edwards Access Road) Maintenance, subject to reciprocal clarification and legal review.

Open Items

List Road Overlay – There is no update from Eagle County on a schedule for the road overly.

Community Center Door Access – During the last construction meeting the door lock system was resolved.

Community Center Promotion – Director Reisinger reported the committee is planning to have additional pictures taken of the facility and they are still trying to determine the effects the construction will have on the existing building before proceeding with advertising.

Website Design – The new website was added to the Open Item List with Director Reisinger, Ms. Timm and Ms. Nelson working on the new website. The Committee is looking at a website that would be realtor friendly and usable on mobile devices. The committee has hired Mobloggy from Minturn to design the new website that will be in a Word Press format. The website should be ready to launch in June and will be presented to the Board for comment at the May meeting. The new website will allow users to make Community Center reservations online. Ms. Timm is also looking at using American Conservation Billing (AmCoBi) to bill and collect the annual assessments for the Association.

**Director
Opening**

There were two candidates that submitted Self-Nomination and Acceptance forms for the two open four-year Board positions for the May 2016 election. The election was cancelled and the two candidates were elected by acclimation. There

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was no candidate for the open two-year term. By motion duly made and seconded it was

RESOLVED to appoint George Gregory to the open two-year term that will expire in May 2018.

Director Gregory abstained from voting.

Operations The operations report was included in the Board packet. Mr. Carlson will be installing the recycling trashcans at the disk golf course using trash cans with openings only large enough for cans and bottles.

Mr. Carlson is completing the installation of the baseboards and will be staining playground equipment, dependent on weather.

The Board discussed road striping in 2016. It was agreed the striping of the District roads will be put on hold until the District receives a decision from Eagle County on the plans for the road overlay.

**Buckboard
Corner**

Ms. Timm presented a request from the Villas at Singletree to landscape the corner at the corner of Buckboard and Berry Creek Road. The Board noted they had previously agreed to plans that were presented and just need a maintenance agreement from the Villas Association.

**Financial
Report**

The preliminary March 31, 2016 Financial Statements were included in the Board packet. The Board reviewed the financial report and acknowledged receipt.

**Payment of
Invoices**

The Board reviewed the updated April list of payments to approve. Questions were presented on the invoices from Aquatic Associates for 2014 and 2015. The Board agreed to pay the invoices from prior years, this one time only. By motion duly made and seconded it was unanimously

RESOLVED to approve the April 2016 list of payments as presented.

Updates

UERWA Directors Gregory, Reisinger and Godec were at the UERWA meeting this morning. The Traer Creek tank failure issue is headed for Court.

The Mountain Star tank construction has begun.

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March water sales were down. Siri Roman updated members that the current allowable arsenic acceptable in drinking water is at .02 parts. There is a proposal to increase the rate to .03 parts.

There was a report on the Town of Avon actions regarding the value of space for use by the Authority. ERWSD is prepared to proceed with plans, regardless of the negotiations with the Town of Avon.

ECA Director Budd reported the decision was made to rewrite the ECA Charter to become a political entity and not a funding entity. The rewrite of the Charter will be distributed to the Board for comment. The document will be distributed to the members and legal counsel for review.

**Community
Manager
Report**

May 7, 2016 is I-70 clean-up day. Singletree cleanup is the same day. Ms. Timm is preparing golf cards for property owners.

Approximately 67% of SPOA assessments have been paid to date. Jeff Koch has been appointed as the West Avon Parcel representative by Lee Rimel and Ms. Nelson.

**Singletree Community Center
Construction
Update**

Construction on the new facility is proceeding and although it is early in the process, the project is currently ahead of schedule.

After May 3, 2016, Director Budd will no longer be a BCMD Board member. The Board agreed to engage Mike Budd as a consultant to remain on the new building construction subcommittee through the completion of the project. Director Gregory will negotiate a contract and hourly rate for Mike Budd that will be proposed for Board approval at the May 2016 meeting. As Mike will no longer be on the BCMD Board after the Election, he will no longer be authorized to approve payments/wire transfers for the construction. By motion duly made and seconded it was

RESOLVED to hire Mike Budd as a contractor on the Singletree Community Center expansion project and approve Director Gregory as the second Board member in addition to Director Godec to approve payments/wire transfers for the monthly construction draws. Directors Budd and Darby abstained from voting.

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Community

Manager

An agreement is needed between BCMD and SPOA regarding the Community Manger to be used for Ms. Timm to obtain her community association manager (CAM) license. Director Gregory will work with Mr. Collins' office to obtain this agreement.

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 28th day of April, 2016.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting