
RECORD OF PROCEEDINGS

Minutes of the Special Meeting Of the Board of Directors Berry Creek Metropolitan District December 9, 2014

A Special Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on December 9, 2014 at 8:30 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:

- George Gregory
- Mike Budd
- Ann Darby
- Mike Reisinger

The following Director was absent and excused:

- Dan Godec

Also in attendance were:

- Karen Kern
- Karen Zabis
- Raymond Bleesz
- Terri Martinez-Johnson
- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- Cheri Curtis, Secretary to the Meeting

Call To Order

A Special Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Chairman Gregory, on December 9, 2014, at 8:30 a.m. noting a quorum was present.

Potential Conflicts

Of Interest Director Darby reported that she is the owner of Darby Architects, P.C., an architectural firm that has been engaged to provide architectural services to the District. Darby Architects provision of these services to the District could constitute a potential conflict of interest. The Board noted, for the record, that this disclosure is restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

Agenda No changes were presented.

**Public
Input** There was no public input.

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Minutes The minutes of the October, 15, 2014 Special Meeting and the October 28, 2014 Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the October 15, 2014 Special Meeting minutes as submitted. The Board further

RESOLVED to approve the October 28, 2014 Regular meeting minutes as revised.

Community Center

Usage

Request

Raymond Bleesz, who is a Singletree resident, indicated the Colorado Photographic Arts Center would like to hold a photographic session in the area. Mr. Bleesz would like to use the Singletree Community Center to host the first photographic session through Vail Valley Arts Guild and requested the Board donate the Community Center for this function. The purpose of the function would be to recruit public photographers. It was agreed if cleaning is necessary, the Guild would be responsible for the cost. By motion duly made and seconded it way unanimously

RESOLVED to allow Vail Valley Arts Guild to use the facility for the Colorado Photographic Arts Center function noting the Guild will be responsible for any cleaning costs.

Ms. Martinez-Johnson has received a request from the Rick Webster with Christ Church Anglican to meet at the Singletree Community Center on Sunday mornings indefinitely while they seek a permanent site. The Church is willing to pay \$125 a week for both the community and meeting rooms with the possibility of this becoming a multi-year arrangement. The Board expressed concerns with committing to a long term agreement. Director Gregory suggested the Board might be willing to offer usage for short-term period until another facility is available. By motion duly made and seconded it was unanimously

RESOLVED to approve the Christ Church Anglican request to use the facility for \$125 per week from January 1, 2015 to April 30, 2015. The Church will be responsible for all cleaning costs.

Sonnenalp Golf Club

Director Gregory informed the Board he and several other Board members had attended the Sonnenalp Golf Club (Club) annual meeting and learned the Club is revamping their membership to bring in more revenues to cover Club expenditures. A sports membership is being proposed that would have a one time

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fee of \$5,000 and an annual fee of \$2,500 for usage of a proposed 10,000 square foot exercise facility, the existing swimming pool, tennis courts, and three rounds of golf per year. The Sonnenalp is budgeting for three-hundred (300) sports memberships and three-hundred and ninety-five (395) golf memberships. The Sonnenalp Club has an Agreement with Club Corp of America to allow Sonnenalp Golf Members to play golf on Club Corp of America golf courses located throughout the World. The Club is also considering “vertical” membership which would allow Club Members’ family members to use the golf membership. The membership could also be inherited by a direct family member.

Discussion followed on how changes to the golf course could affect property values in Singletree and what the Board’s position should be regarding the Club to respond to property owner questions. Director Gregory suggested the Board wait to make a decision on expansion of the Singletree Community Center until the Club decides whether to construct the exercise facility. Directors Budd and Godec would like to proceed on the remodeling of the existing facility and wait until summer to determine whether the District should construct the new facility. The Club is proposing construction of their exercise facility to begin in September 2015 with usage of the facility available in 2016. The exercise facility construction is dependent on the Club receiving subscriptions for sufficient sports memberships.

Director Darby expressed concerns about the Club’s ability to increase golf memberships and sell sports membership, noting golf is the largest declining sport in the United States. Director Reisinger stated he likes the concept of a sports membership, believes the Board should proceed with remodeling the existing community center, and questioned whether community members would support that exercise facility. The golf course and the exercise facility are a different entity from the Singletree Community Center and the exercise facility.

Ms. Kern questioned the Board’s position on the plans for the Sonnenalp Golf Club. Mr. Marchetti confirmed through legal counsel the Board has the ability pass a resolution to support the facility in concept, but the District cannot financially support a private entity.

MacKechnie Easement Request

Lynn and Peter MacKechnie have previously requested the District vacate the easement that was placed on their property by a prior Berry Creek Metropolitan District Board. After discussion and by motion duly made and seconded it was unanimously

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RESOLVED to approve vacating the easement on Filing 4, Block 2, Lot 35 with the stipulation that the MacKechnie's make a \$15,000 payment to the District and pay all legal costs.

Community Center

Expansion The Board discussed proceeding with remodeling the existing building and deferring construction of the new facility. Director Darby indicated community member have not come to a consensus on the needs of the new facility. Ms. Kern believes the Board should be supportive of Mr. Faessler's plans to increase membership and facilities for the golf club by not simultaneously proceeding with the Singletree Community Center expansion. Director Budd stated even if members support the golf and sports memberships, a large portion of the community will not be served by the Golf Club.

The Board agreed to place the construction of the new facility on hold, making it a priority that the Board work with the community to develop a consensus for the needs of the new facility. By motion duly made and seconded it was

RESOLVED to approve proceeding with remodeling of the existing facility and tabling plans for the expansion. Director Darby abstained from the vote. The Board further

RESOLVED to ratify decisions on the design of the building made outside of a meeting by the committee. Director Darby abstained from the vote.

Ms. Kern suggested the Board obtain input from Ann Evans, the Pilates instructor on suggestions for the existing and/or proposed facility.

ECA IGA The Intergovernmental Agreement between Eagle County, Edwards Metropolitan District Arrowhead Metropolitan District, Lake Creek Metropolitan District, the Edwards Community Authority and Berry Creek Metropolitan District for the Final Engineering Design of the I-70G Edwards Interchange Upgrade Phase II was presented to the Board in final form. By motion duly made and seconded it was unanimously

RESOLVED to approve the Intergovernmental Agreement for the Final Engineering Design of the I-70G Edwards Interchange Upgrade Phase II as presented.

Operations The Holiday tree lights are up and operating. There is still no electricity to the small roundabout at the main entrance. The new refrigerator has been installed and anchored to the wall. The area adjacent to the recreation path has been lowered to allow correct drainage and reduce ice building upon the path. A trash can with ice melt has been placed at the Winslow Road underpass.

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Director Reisinger suggested investigating solar power for the Holiday lights. This task will be included on the action item list. The Board agreed to not replace the pump in the Charolais Circle Pond. Mr. Carlson will notify Charolais Circle residents of the Board's decision to not purchase a replacement pump.

October 31, 2014

Financial Statements

The October 31, 2014 financial statements were presented. Director Budd questioned the reduction in the forecasted income for the Community Center usage and exercise classes. It was noted the debt service mill levy will be reduced in 2016 due to the District paying off a bond in 2015 and an expected increase in the District's assessed value. Director Darby also questioned the discrepancy in revenue versus expenses for the Community Center, noting revenues only cover a small portion of the expenses. The Board acknowledged receipt of October 31, 2014 financial statements.

Accounts Payable

The Board reviewed the revised accounts payable list for December 2014. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the December 2014 accounts payable list as presented.

Audit Proposals

Three proposals to perform the 2014 audit for the District were by submitted and reviewed by the Board. Chadwick Steinkirchner, Davis and Company's proposal was among the lowest and they do other audit work in the Valley. By motion duly made and seconded it was unanimously

RESOLVED to accept the proposal from Chadwick Steinkirchner Davis and Company to prepare the 2014 audit report.

Meeting Dates

Director Reisinger has a conflict on Tuesday mornings for the January, February and March meetings. It was suggested moving the meetings to 4:30 p.m. on the fourth Tuesdays in January, February, and March for 2015. The Board directed staff to confirm the change in time would work for all the Board members.

SPOA

The Board received input from SPOA Board members on the Community Center expansion indicating they feel the shower facilities and the connector between the two facilities are not necessary.

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UERWA The Town of Avon retained separate water counsel to review the UERWA Intergovernmental Agreement. Director Gregory anticipates the IGA will be revised and distributed to all participating entities for further approval.

Director Gregory reiterated the importance of water issues to the community and the corresponding importance of the UERWA meetings.

ECA Director Budd reported a meeting on the Edwards Sub-Area Master Plan is scheduled for later this week. There is no ECA meeting scheduled in December.

Open Items List

The Board reviewed the Open Item List. The Board directed Mr. Carlson to investigate solar power for lights in the small traffic circle at the west entrance and to notify the Charolais Circle residents about the Board's decision to not replace the pump in the pond. Director Gregory will contact Eagle County Road and Bridge department for a commitment to overlay the roads within District.

Other Business

Ms. Martinez-Johnson stated the Community Center \$1,500 deposit is too steep and therefore reduces rental income. Staff will meet on the Community Center rental rates, deposits, and rules to make a recommendation to the Board at the January meeting.

Adjournment There being no further business to come before the Board, by motion duly made and seconded it was unanimously

RESOLVED to adjourn the Special Meeting of the Berry Creek Metropolitan District Board of Directors this 9th day of December, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting