
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District February 22, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on February 22, 2011 at 9:00 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:

- Mike Budd
- Herb Luhman
- Heather McInerny
- George Gregory
- Dan Godec

Also in attendance were:

- Ralph Merritt, SPOA
- Kim Ahmad, Community Manager
- Dan Carlson, Operations Manager
- Ken Marchetti, Robertson & Marchetti, P.C.
- 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 Budd, on February 22, 2011, at 8:57 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the January 25, 2011 Regular meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the January 25, 2010 Regular Meeting as presented.

Public Input There was no public input.

**Community
Manager**

Ms. Ahmad questioned whether the Board had previously approved purchasing benches and fences for the parks since there was no formal action taken at a meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the park benches and fence improvements.

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Ms. Ahmad requested permission to attend a one-day HOA Law Basics class put on by the Colorado Bar Association. SPOA has agreed to pay half of the cost. Upon motion duly made and seconded it was unanimously

RESOLVED to approve paying 50% of the costs for the HOA Law Basic class.

The Board requested an update on the James Lee Karate usage of the Community Center. Ms. Ahmad reported the first session was completed at another location and the graduation was held at the Community Center the week of February 14. The next session begins this week. Director Gregory drafted the contract with Ms. Ahmad's assistance that is being reviewed by Mr. Lee for execution. Director Budd questioned whether discounts were provided for Singletree residents and Ms. Ahmad stated that has not been addressed with Mr. Lee yet.

Operations Report

Mr. Carlson reported he has installed cabinet doors in the kitchen and the paneling in the storage room. He is working with Weight Watchers and the Pilates instructor to have them store their supplies and materials out of site.

Mr. Carlson suggested working with a professional to determine the best solution to repair the two low spots in the asphalt near the Community Center that create an unsafe situation when ice forms. Director Gregory suggested contacting Bruce Yanke with A-Peak and request comparable bids from other asphalt companies.

The Community Center was last painted in 2004. Mr. Carlson suggested painting the window sills. Director Budd suggested obtaining painting bids for the window sill painting.

The wildlife fence was damaged near Hackamore Road. CDOT will repair the fence. Mr. Carlson suggested installing a guardrail or other protection to prevent other vehicles from driving off the road. The Board will look at the area and discuss options at a future meeting.

Director Luhman questioned the response from Eagle County regarding the letter requesting the installation of an additional stop sign at the Berry Creek Road and Singletree Road intersection. Ms. Ahmad reported the County agreed to review the traffic at that intersection in the spring.

Director Budd reported on the ice build-up problem under Winslow Road. CDOT snowplow drivers push snow off I-70 onto Winslow Road. Eagle County snowplow drivers are not able to plow close to wall due to the ice build-up. Mr. Carlson and H&B Snow Removal are attempting to stay on top of the problem.

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Annual Meeting

The SPOA Annual meeting will be held on March 5, 2011. The District Board member attendance is requested. Director Luhman suggested Director Budd make a presentation on the District's Goals and Objectives.

Personnel Manual

Director Luhman created a resolution on Personnel Policies related to vacation and gifts. Upon motion duly made and seconded it was unanimously

RESOLVED to incorporate the Personnel Policy regarding vacation and gifts into a personnel manual.

Replacement Reserve

Director Godec has reviewed the reserve replacement requirements for the District. Director Gregory suggested preparing a reserve replacement study that includes the Community Center and the District's parks. It was determined the District needs to establish a broad based reserve policy for all the District's assets. It was suggested the threshold for reserve items should be at least \$10,000. Directors Gregory and Godec agreed to establish the reserve replacement amounts and thresholds for the District. Upon motion duly made and seconded it was unanimously

RESOLVED to allow Directors Gregory and Godec to establish a threshold for reserve fund and determine the reserve funds needed for replacement items in broad base groups.

Fire District Election

Director Gregory reported the Eagle River Fire Protection District is looking for support to increase their mill levy to offset the reduction in assessed values with the taxes to be used for capital expenditures. Ed O'Brien serves on the Eagle River Fire Protection District Board and would be willing to make a presentation at the March Meeting. Director Budd suggested having Mr. O'Brien make a presentation to the SPOA Board. Mr. Merritt stated April would be a better month for a SPOA presentation after the new Board is seated.

Mr. Marchetti reported the School District and other government entities may also be looking at increasing mill levies in the future due to decreased assessed values.

Forest Service Land Swap

Mr. Marchetti distributed information on the proposed Forest Service Land Exchange. The public hearing process is nearing the deadline. Director Godec reported the current estimate that could be requested from the Singletree/ Berry

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Creek community for the West Avon Parcel is in the \$100,000 range. The west Avon parcel could negatively affect Berry Creek if the parcel is not designated as open space.

Mr. Marchetti reported Eagle County is under contract to purchase a 160 acre portion of the Scudder-Webster parcel south of Homestead for \$3.2 million for open space and this transaction is supplemental to the USFS Land Exchange.

I-70 Landscaping

Project The construction plans third addendum has been distributed to prospective bidders, which includes temporary irrigation on the north east side of the project. There will be a public opening of the bids on Friday, February 25, 2011. The committee will meet shortly thereafter to analyze the bids.

Director Godec stated GH Daniels has requested the Board waive the pre-bid meeting requirement due to confusion on the time of the meeting. The Board supported the committee's position that the pre-bid meeting was a requirement to submit a bid for the project.

Sidewalk

Update There was no update on the roundabout sidewalk design and agreement.

I-70 Interchange

Update Director Budd reported the Federal Highway Administration may need to approve the I-70 Interchange before CDOT can accept the project. Directors Godec and Luhman agreed to meet with Ben Gerdes, the Eagle County representative; and Martha Miller, the CDOT representative; to discuss the timing of the landscaping project. Mr. Marchetti will also attend the meeting. The committee is hoping to obtain permission to work in areas not affected by the roundabout project prior to completion of construction.

Communications

Update The Communications Committee consisting of Director Budd, Mike Reisinger from SPOA and Ms. Ahmad have met to discuss improving communication between the District, SPOA, and the constituents. Monthly emails will be sent to property owners and a procedure for email communications has been established.

Mr. Reisinger has reviewed the last survey and will summarize the results. The committee is discussing conducting a follow-up survey in 2011.

Ms. Ahmad and Director Budd are looking at website designs and establishing a wish list for the website design. A presentation on the website update is expected

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during the second quarter. The goal of the Committee is to have the new or redesigned website functioning by the end of 2011

Power Line Project

Director Luhman reported the overhead wires have been removed and a portion of the poles have been removed. The remaining poles should be removed within the next week.

WECMR Field House

Director Godec reported the committee met two weeks ago and it was a positive meeting with information provided on options for the Field House roof. The information was previously distributed to the Board. It was noted the potential issues related to possibly voiding the roof warranty are not as onerous as originally perceived. The Board discussed providing a “backstop” to WECMRD, if necessary, to the extent the proposed changes void the existing warranty.

The next committee meeting will be held in early March. The committee is looking at screening or paint options. Screening is the preferred option. WECMRD is also considering planting trees and other landscaping improvements on the site to improve the appearance. Director Godec believes there might be multiple solutions agreed upon to alleviate the roof issue.

Director Budd cautioned that the warranty covers roof leakage by any means, including maintenance, and suggested the Board be careful to only provide coverage for the paint option.

Entrance Signage

There is no update.

Landscaping Project IGA

The latest version of the IGA related to construction of the roundabout landscaping was presented to the Board. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the Landscape Construction IGA, subject to final approval of legal counsel.

Legal Representation Discussion

Director Gregory reviewed the two most recent documents from the District’s attorney and his opinion is the work is only average. Director Gregory does not believe the District needs to change legal representation at this time but the topic should be considered periodically.

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R&M Engagement

Letter Mr. Marchetti presented the engagement letter and information related to the presentation of financial reports. Upon motion duly made and seconded it was unanimously

RESOLVED to approve execution of the engagement letter with Robertson & Marchetti to provide compiled financial statements.

Financial Report

The January 31, 2011 Financial Statements were included in the Board packet. The Board asked Mr. Marchetti to remove capital expenditures line items that are no longer needed. The Board discussed that there is no protocol for how the Board determines what is covered in the contract with SFB, Inc. Ms. Ahmad reported she is working with Terri Martinez-Johnson and Cheri Curtis to establish job descriptions and protocol for administration and operations.

By motion duly made and seconded it was unanimously

RESOLVED to accept the January 31, 2011 financial statements as presented.

Accounts Payable

The invoice from Ann Evans for \$380 for exercise classes was received and added to the payables list. By motion duly made and seconded it was unanimously

RESOLVED to approve the January 2011 accounts payable list as revised including payment to Ann Evans for \$380.

SPOA

Ralph Merritt gave a brief presentation on the SPOA meeting. The SPOA Board approved the payroll increase for Ms. Ahmad, of which they pay 25%. SPOA will be distributing the survey and make it mandatory that all Board members read the survey. The Board is working on improving communication between SPOA and the District.

Questions came up about the emails requesting \$8,000 reimbursement from Berry Creek to SPOA from the funds donated for the landscaping project. Director McNerny clarified the District used the money for planting trees at the entrance and at the Winslow underpass.

UERWA

Director Gregory reported appliances were replaced in West Lake Village reducing water leakage and consumption. ERWSD has evaluated the water rights

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owned by the District and estimate the value at \$34 million. ERWSD is working with the Towns of Colorado Springs and Aurora to investigate additional water sources at Camp Hale.

Director Gregory clarified the UERWA bonds have not been downgraded. The insurance company received a lower rating. Eighteen water rights cases have been settled since Governor Hickenlooper was elected to office.

ECA There was no February meeting. Sones Landscaping is working on the sidewalk and signage designs. Director Budd questioned whether ECA is the spokesperson from Edwards or are all entities responsible for responding. Mr. Marchetti stated every entity should have a voice on County matters.

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 22nd day of February, 2011.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting