
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District June 28, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 28, 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
- Heather McInerny
- Herb Luhman
- George Gregory

The following Directors were absent and excused:

- Dan Godec

Also in attendance were:

- Barry Townsend, SPOA
- Kim Ahmad, Community Manager
- Dan Carlson, Operations
- 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 June 28, 2011, at 9:00 a.m. noting a quorum was present.

Agenda

There were no changes to the agenda. Ms. Ahmad stated an action item list will be created after each meeting

Public Input There was no public input.

Minutes

The Board reviewed the minutes from the May 24, 2011 Regular meeting. Changes were made to the minutes. Director Budd requested Mr. Townsend ask SPOA to budget for maintenance of the trails adjacent to Singletree. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the May 24, 2011 Regular Meeting as revised.

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The Board further reviewed the minutes of the June 21, 2011 work session. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the June 21, 2011 Work Session as presented.

Community Manager Report

Ms. Ahmad presented the Community Manager report stating there was a new format that will update the Board on the status of items discussed at the previous meeting. Notices of meetings of other government entities that could affect Singletree are being distributed to the Board. Director Budd directed Ms. Ahmad to look at storage options for the Singletree Community Center at the Chip Ramsey Park.

Ms. Ahmad included an inventory of existing Pilate's equipment. Ms. Evans has requested additional equipment. The lack of storage was discussed noting there is an area available for small items. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the expenditure of \$1,200 for Pilate's equipment.

Board Goals

The Board reviewed the goals established at the recent work session. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the Board Goals as presented, a copy of which is incorporated herein by this reference.

Operations

Mr. Carlson is working with Mountain Maintenance & Asphalt to paint the speed humps and painted "stop bars" at the stop signs. The Board commended the work that was completed to trim the trees on Berry Creek Road. Mr. Carlson reported cottonwood trees had fallen over during the latest wind storm and he anticipates other cottonwood trees will continue to fall over.

The pump in the Charolais Circle Park is not operating properly. Mr. Carlson reported Keeton Industries has been contacted to determine the problem and make the necessary repairs.

The Board directed Mr. Carlson to have the flagstones in the landscape areas that were moved by snowplows replaced to their original location.

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I-70 Landscaping

Project Director Luhman reported Rocky Mountain Custom Landscapes (RMCL) began work on the landscape installation project on June 13, 2011. They have encountered problems locating some of the irrigation system sleeves and the water meter in the north water meter pit was missing. ACC has reported they will bore into the center of the roundabouts as necessary to install the missing irrigation sleeves. RMCL will work around these issues to keep the project progressing. Despite the delay, the oversight committee is still optimistic that the project will be completed on schedule.

WECMRD

Field House

Roof

WECMRD has agreed to pay up to 50% of the cost to reduce the reflectivity of the roof. Eagle County's indications are that they do not have funding to assist with the project. WECMRD has requested the Berry Creek Board indemnify WECMRD from any future liability. Upon motion duly made and seconded it was unanimously

RESOLVED to authorize the Board President to negotiate the amount of contribution necessary to mitigate the reflectivity of the WECMRD roof, subject to exhausting all alternatives to receive other contributions and/or recoupment of expenses from concerned and interest entities.

Sidewalk Design

Update

Mr. Marchetti reported there is a contract in place for construction of the sidewalks on Berry Creek Road and Beard Creek Road with Eagle County funding 50%. Edwards Metropolitan District and the Vail Valley Medical Center will each contribute 25%.

Communication

Committee

Update

The survey is prepared and the timing for sending it to Singletree Property Owners has not been determined. Director Luhman was requested to contact Mike Reisinger on the survey and offer assistance.

Design of the website is proceeding.

Financial

Report

The May 31, 2011 Financial Statements were included in the Board packet and Mr. Marchetti briefly presented the May financial report.

The Board questioned Whittaker Construction's warranty on the second Phase of the Beautification process. Director Gregory clarified that trees, shrubs, and

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irrigation are covered under warranty. The perennials are not covered under warranty. Mr. Marchetti stated under typical governmental construction contracts retainage is released upon substantial completion and after publishing a notice of completion twice and typically warranty obligations are secured by a warranty bond rather than with retainage. The contract with Whittaker Landscaping did not require a warranty bond so retainage has been held.

Mr. Marchetti presented the long range financial plan through 2017. A budget allowance has been provided for annual maintenance for each of the beautification phases in this plan. This plan will be updated through the annual budgeting process and will provide the context for the annual budgeting process.

Mr. Marchetti presented the ECA budget including a projection through 2014, based on the current expectations. The primary new items in that budget are maintenance of the roundabouts and snow removal for the sidewalks. ECA's preliminary 2013 and 2014 budgets include \$125,000 each year for engineering design of Phase II of the Spur Road project. Berry Creek's share of these items have been incorporated into Berry Creek's long range financial plan.

Upon motion duly made and seconded it was unanimously

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

2010 Audit Mr. Marchetti presented the 2010 audit. Upon motion duly and seconded it was unanimously

RESOLVED to accept the 2010 audit as presented.

Accounts Payable

The invoice from Sonnenalp Golf Course and Brush Creek Landscaping were questioned and reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the June 2011 accounts payable list as presented.

SPOA

The SPOA Board is working on creating their Mission Statement. Covenant issues continue to be the largest task for SPOA. Director Budd requested a listing of SPOA Committee members.

UERWA

Director Gregory reported the Colorado River District presented their annual report that shows how the Colorado River affects all activity in Eagle County. Augmentation has been a topic of discussion.

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Director Gregory will not be attendance at the July UERWA meeting. Director Luhman will attend in his absence.

It was reported there are three property owners in Singletree that use more than ten times the normal usage in summer months. Problems also continue in Mountain Star and other communities with excess water usage. The Water Authority is working on potential ways to address the excess usage.

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 June, 2011.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting