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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District September 22, 2015

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 22, 2015 at 4:30 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.

**Attendance** The following Directors were present and acting:

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

Also in attendance were:

- Walter Atkinson
- Melissa Nelson
- Jennie Longville
- Lee Rimel
- Nancy Alexander
- Ed Shriner
- Terri Martinez-Johnson, 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 September 22, 2015, at 4:30 p.m. noting a quorum was present.

**Agenda**

Changes were made to the agenda to address items being presented by people in attendance at the meeting.

**Minutes**

The August 20, 2015 Special Joint Meeting and the August 25, 2015 Regular Meeting minutes were reviewed. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the August 20, 2015 Special Joint Meeting minutes as revised and the August 25, 2015 Regular Meeting minutes as presented.

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#### **CMD/CPOA**

**Presentation** Ed Shriner, Cordillera Property Owners Association (CPOA) President and Nancy Alexander, Cordillera Metropolitan District (CMD) President were present to explain the Cordillera structure of having the POA and Metro District Boards conduct their meetings jointly. Each individual Board has its own agenda but accepts input from the board members of the other board and items are discussed jointly but all formal action is taken by each respective board. They reported this process has worked well in Cordillera to keep the two boards on the same page.

All employees are employed by CMD. There is an agreement between the two entities to have CPOA reimburse CMD for personnel costs and other expenses. Director Budd indicated Cordillera has one of the largest district and associations in Eagle County with the CPOA budget at approximately \$3M and the CMD budget at approximately \$7M.

The eight existing Cordillera websites are being consolidated into one website. Regular emails and newsletters are sent to property owners to keep the community informed of activities within Cordillera.

Ms. Alexander and Mr. Shriner answered questions and then left the meeting at 4:50 p.m.

#### **Singletree Community**

**Center Usage** Walter Atkinson reported there are still problems with functions continuing after 10:00 p.m. and noise continuing until after 11:00 p.m. Mr. Atkinson questioned whether deposits have been forfeited? Ms. Martinez-Johnson reported she has withheld the return of deposits. Mr. Atkinson requested the Board please address the noise issues.

#### **Trails**

Lee Rimel requested support from the District for the trails committee to install fencing, to discourage bikers from trespassing on private properties. The cost of the fence is estimated at \$650. By motion duly made and seconded it was unanimously

**RESOLVED** to approve up to \$650 for fencing to be installed by the trails committee.

#### **Singletree Community**

**Center Roof** Karen Zavis reported the final plans for the Singletree Community Center expansion were presented to the Design Review Committee (DRC). The DRC had previously approved the conceptual plans in December 2015. There was a lack of a quorum at the DRC meeting and the plans could not be approved. A

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Special DRC meeting is scheduled for Friday, September 25, 2015 to review the Community Center plans.

The DRC purpose is to administer the Declaration of Covenants and Conditions (CCR'S) within Singletree. The DRC has concerns with the plans related to the roof on the existing Singletree Community Center building based on the following criteria:

- There needs to be a unified structure for duplex designs and additions to existing properties.
- A list of proposed new materials in the case of Additions/Remodels should indicate how the proposed new materials relate to existing materials.
- For remodels or additions, the roof plan shall include an indication of the method for integration of the new roof portions with the existing roof
- All exterior materials are to match the existing exterior materials.

Since the existing roof material is no longer preferable (cedar shakes) for new construction in Singletree, the DRC believes having the Community Center with a different roof on the new addition would set a precedent and make it harder for the DRC to enforce the CC&Rs on other structures like duplexes. The existing roof is eighteen years old and is scheduled for replacement in two to five years. Ms. Zavis suggested there could be cost savings to have the roof of the existing building replaced during construction of the new facility. Ms. Zavis requested BCMD and SPOA take the lead on moving away from shake shingle roofs.

Director Budd questioned the presumptions presented by Ms. Zavis. Director Reisinger expressed his support for Ms. Zavis' position. Discussion followed on being financial prudent with the District's funds. Mr. Marchetti suggested that an analysis of the costs for replacing the roof could be performed to determine if costs were expected to increase more in future years than the funds are earning in the bank. The Board noted the addition of solar panels to the existing building is being considered, which could affect the replacement of the roof.

Ms. Zavis stated the project presented to DRC is a high quality project that has had extensive review with cost in mind. Director Godec suggested the DRC grant conditional approval of the new addition with the condition that the roof on the existing facility be replaced within a specified flexible timeframe. Ms. Zavis indicated that decision would be up to DRC.

**Winslow Road  
Speed Limit**

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**Sign** The new electronic speed display sign has a 25 MPH sign posted underneath. The speed limit sign at Filly Drive is 35 MPH, creating confusion. The posted speed will be confirmed with Eagle County Engineering.

**Buckboard  
Corner**

Garden Creations submitted a revised proposal for \$10,280 to landscape the northwest corner of Buckboard Road and Berry Creek Road. Director Darby indicated the cost estimate could be used for future budgets. Director Gregory proposed that the District should approve the cost only if it is split with the owner. The request for improvements on Bronco Drive was recently denied by the Board due to lack of irrigation. Director Gregory stated at a prior meeting it was agreed to not consider improvements for tertiary corners. The Master Plan did not provide for landscaping on tertiary corners.

Director Godec suggested since the District has completed the Master Plan for landscaping, a new master plan could be considered. Director Budd cautioned that maintenance costs increase when additional improvements are completed.

**Owners**

**Representative** The Singletree Expansion Committee interviewed two potential candidates as owners representatives. By motion duly made and seconded it was unanimously

**RESOLVED** to negotiate with Todd Goulding as the District's owner's representative for construction of the Singletree Community Center expansion.

**Bid  
Package**

The Singletree Community Center project will be advertised on October 1, 2015. Bids will be due on October 23, 2015 and the contract is expected to be awarded on October 27, 2015. (The dates were changed to having bids due on October 30, 2015 with a Special Meeting scheduled in November to award the bid.) The Committee requested the ability to negotiate a fixed cost bid.

The Board agreed to not proceed with the Request for Qualification process. The contract will be approved at the December 8, 2015 meeting.

**Tai Chi  
Classes**

Steve Gerhardt would like to hold Tai Chi classes at the Singletree Community Center on Tuesday and Wednesday mornings. Director Budd requested the instructor be held responsible for cleaning of the facility. Ms. Terri Martinez-Johnson requested a trial run to determine if Tai Chi classes were successful. The Board approved a sixty day trial period.

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#### **Community Center**

**Promotion** Directors Darby and Reisinger have reached out to concierges to promote the Community Center. Director Gregory revisited the noise issues presented by Mr. Atkinson earlier in the meeting. Discussion followed on the approved contract times, which indicates the deposit will be forfeited if the music is not turned off by 10:00 p.m. and the building is not vacated by 10:30 p.m.

Promotional postcards were presented that could be printed with information on the back of cards that would be sent to existing users. The Committee is proposing sending letters to caterers and wedding planners in October 2015. A function with wine and cheese could be held in March 2016 to promote the Community Center to property owners. With the plans to proceed with construction of the Community Center expansion, the Board agreed to postpone promoting the facility.

#### **Special Budget**

**Meeting** The Board discussed scheduling a special meeting to review the 2016 budget, bids, and contracts. The Board agreed to schedule a special meeting in early November, 2015.

**Operations** Mr. Carlson is working with Terri Nottingham on improvements for the bike path and removal of a tree in the play area.

Ms. Curtis was directed to look into certain speed limit on District roads. Mr. Carlson will change speed limits sign as necessary.

It was noted lights are out at the entrance. Mr. Carlson stated the holiday lights were an issue last season. The GFI's have been replaced with covered outlets. Stephens Home Care will monitor lights better in 2015/2016 and hand shovel around the lights on the Winslow Road underpass

Trees have been removed due to disease and have not been replaced. Mr. Carlson suggested the Board budget to replace trees in future years.

Mr. Carlson presented a Pickleball Court proposal for the basketball court that was discussed. Mr. Carlson will obtain a bid to install a Pickleball Court for the next meeting.

#### **Financial Report**

The preliminary August 31, 2015 Financial Statements were included in the Board packet. The Preliminary 2016 budget will be updated with the September 30, 2015 financials. The Board acknowledged receipt of the August 31, 2015 financial statements.

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**Payment of  
Invoices**

The Board reviewed the September list of payments. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the September 2015 list of payments as presented.

**SPOA  
Update**

Ms. Nelson reported Jay Gould has agreed to serve on the SPOA Board. SPOA is working with their insurance agent, Noel Harris, to look for a less expensive policy. SPOA has requested the District hire Ms. Martinez-Johnson as an employee, with reimbursement from SPOA for a portion of her compensation.

A social committee has been established. A wine and cheese party is scheduled for November, 2015. SPOA is looking at proposals to redesign the website.

Director Gregory revisited the discussion with CMD/CPOA on joint meetings and requested Ms. Nelson discuss the concept with the SPOA Board.

**UERWA**

The memorandum from UERWA in the Board packet addressed the issues undertaken at the last UERWA meeting.

UERWA is working with Mountain Star on pumping and tank cost sharing.

A “Wilderness” designation is being proposed for areas of land in the Gore Creek Watershed by Congressman Polis. The UERWA is suggesting a “Wilderness” designation with exceptions so as to assure mechanical equipment could be utilized in the event of a catastrophic situation such as a major wildfire, landslide, etc.

**ECA**

Edwards Metropolitan District (EMD) is planning to hold an election in May 2016 to impose a sales tax for road improvements. If the sales tax is approved, ECA would disband after the election. ECA has sufficient funds in its budget and has agreed to not request a contribution from participating ECA member districts for 2016.

Director Budd suggested the District enter into an IGA for the roundabout maintenance. Mr. Marchetti reported that preparation of a draft IGA is in process.

**Open Items  
List**

The list was reviewed, with additions and changes.

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**Executive  
Session**

Upon motion duly made and seconded it was unanimously

**RESOLVED** to enter into Executive Session at 6:25 p.m. pursuant to §24-6-402(4)(f) C.R.S. to discuss personnel matters.

The Board adjourned from Executive Session at 6:55 p.m.

**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 September, 2015.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting