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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 23, 2014

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 23, 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
- Dan Godec
- Mike Reisinger (By Telephone)

Also in attendance were:

- Karen Kern
- Robert Kern
- Sonya Atkinson
- Walter Atkinson
- Pat Bain
- Raye Lahti
- Kenneth Holzman
- Jeff Schlichting
- Ralph Merritt, SPOA
- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- 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 Chairman Gregory, on September 23, 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.

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#### Changes to the

**Agenda** No changes were presented.

**Public Input** Jeff Schlichting was present to discuss the noise, trash, and lack of monitoring of functions at the Singletree Community Center. Mr. Schlichting was unaware of the plans for the Singletree Community Center expansion. The Board explained all meetings are open to the public and posted monthly. The Board reported they are considering plans for expansion of the Community Center but they have not determined whether to proceed with construction. They are looking at the feasibility of the expansion of the Community Center. Several residents stated the music often remains on after 10:00 p.m. The Board agreed to address the noise and problems at the Community Center.

Walter Atkinson stated the main problem is there is no air conditioning in the facility which causes users to open the windows and doors. When the room is opened, the noise creates a disturbance with neighboring property owners. Mr. Atkinson suggested adding air conditioning to the building.

The Board acknowledged the Community Center should be used as a facility for meetings and small events.

**Minutes** The minutes of the August 26, 2014 Regular Meeting were reviewed. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the August 26, 2014 Regular Meeting minutes with revisions.

The Board further reviewed the September 15, 2014 Special meeting minutes. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the September 15, 2014 Special Meeting minutes as presented.

**Operations** Mr. Carlson has received comments on the ice build-up on the bike path adjacent to Berry Creek Road. Director Darby informed the Board that the bid from Alpine Engineering includes addressing the low areas on the bike paths at an additional cost.

The picnic tables for the Charolais Circle gazebo have been delivered. The landscaping has been cleaned up. The only remaining issue at the Charolais Circle Park is replacing the pump in the pond.

Karen Kern questioned the status of removing the trees at Miller Place Park. Mr. Carlson stated Miller Place Park is on Brush Creek Landscaping's schedule.

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Director Budd commended Mr. Carlson on cleaning up the landscaping at the west entrance. The Board would like the west entrance landscaping cleaned up three times annually.

Mr. Merritt asked how property owners could get information to Mr. Carlson. All correspondence should go through the Community Manager.

#### **UERWA**

##### **Agreement**

The latest draft of the UERWA Agreement was sent to the Board for review. Director Budd had some verbiage comments that were taken under advisement. Director Gregory cautioned that changing the agreement would cause the process to slow down. Director Budd asked that “retroactive to Jan 1, 2014” be included in the Agreement. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the UERWA Agreement as presented but including the request that “retroactive to Jan 1, 2014” be added to the Agreement.

#### **Marchetti & Weaver, LLC**

##### **Engagement**

##### **Letter**

Mr. Marchetti explained the reason for changing from Robertson & Marchetti, P.C. to Marchetti & Weaver, LLC. The engagement letter provides clarification of the duties of Marchetti & Weaver, LLC. Director Godec questioned the paragraph regarding GAAP that was explained by Mr. Marchetti. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the engagement letter with Marchetti & Weaver, LLC.

#### **Community Center**

##### **Expansion**

The Community Center expansion plans and estimated cost were presented by RA Nelson at the previous meeting. The plans have been revised to reduce the cost of the proposed building. Mr. Merritt informed the Board that he receives mostly positive comments from constituents on the expansion of the building. The budget and soft costs have been incorporated in the 2014 financials and the preliminary 2015 budget.

Director Darby highlighted the cost saving ideas. The connector between the two buildings was removed, concrete was changed to interlocking pavers at the entrance and the patio area, and all stone on the building has been removed. The showers have been reduced to one in each bathroom. Mr. Merritt stated the SPOA Board believes installing showers is not necessary. The new building has been reduced to 2,150 square feet. The Board reported there is approximately

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\$900,000 in reserve funds available from both the District and SPOA to construct the new facility and upgrade the existing building.

Director Darby explained to the residents in attendance that the Board discussed moving the facility to reduce the noise that affects neighboring homes. The existing parking is close to the exercise area. The current layout provides protection from weather for the courtyard area and a solar advantage. There were significant costs to revise the plans. The current parking meets the county requirements. The County has requested the District add additional parking for the facilities and the athletic fields.

#### **Records Retention**

**Policy** Ms. Curtis noted storage of files has become an issue and recommended the Board consider adopting the State of Colorado record retention policy. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the State of Colorado Record Retention Policy.  
Director Darby was not in attendance for the vote.

#### **August 31, 2014**

##### **Financial**

**Statements** The August 31, 2014 financial statements were presented. Director Budd noted the revenues are above budget due to unexpected water tap fees. Mr. Marchetti explained UERWA is considering increasing their tap/plant investment fees with a request that Berry Creek reduce their fees since they provide the water services. Director Budd questioned the forecast for Garden Creations and the Sonnenalp Golf Course. Ms. Curtis explained the Board requested additional services from Garden Creations and the Sonnenalp Golf Course included a 2013 invoice that was discovered after the audit was completed. The Board acknowledged receipt of August 31, 2014 financial statements.

##### **Long Range**

##### **Financial**

**Plan** The Board agreed to discuss the long range plan and the 2015 budget at a work session. Ms. Curtis will schedule a work session in October.

##### **Accounts**

##### **Payable**

The Board reviewed the revised accounts payable list for September 2014. The Board noted the District needs to hold funds or charge credit cards for any functions that did not end by 10:00 p.m. Director Darby questioned the contribution to TOA. Ms. Curtis explained this is the 2015 contribution that the Board agreed to fund in 2014. Upon motion duly made and seconded it was unanimously

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**RESOLVED** to approve the revised September 2014 accounts payable list as presented.

**SPOA** Mr. Merritt thanked the Board for the approval of the disk golf course. Mr. Merritt met with Lee Lechner to obtain a survey of the property, which required the movement of the first tee. The course has been ordered. Signage and boundaries will be posted. Neighbors to the west of the course are excited the course is being installed. The course will be open to public but not advertised as such. Ms. Curtis will add the course to the District's insurance policy.

Director Budd would like to look into adding liability to the District's Insurance for slacklining.

**UERWA** The UERWA Agreement is being presented to all entities for approval. Jared Polis is proposing designating lands for restricting motorized vehicle access except for wildfire control. If successful this policy could make it difficult for ERWSD to access existing water storage facilities.

Water rights are a large issue that is being discussed on several levels.

**ECA** Mr. Marchetti and Director Budd attended the Edwards Area master plan meeting. There were approximately twenty in attendance. The roundabouts and Spur Road improvements were discussed at the meeting. Cliff Simonton has created a 12 step plan to get from the current position to a plan that can be presented to the County Planning Commission. Director Gregory questioned if there was participation from the trailer park residents. Director Budd stated there was no participation. Director Gregory suggested the committee contact the Catholic Church to reach out to trailer park residents.

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#### **Open Items**

**List** The Board reviewed the Open Item List. The concrete pans will be addressed in 2015. Eagle County is preparing a letter stating the requested speed bump is not advisable. The bike paths, the 2015 contracts, and scheduling a work session were added to the list.

#### **Community Center**

**Usage** The Board agreed to increase the deposit to \$1,500 per event and the deposit would be forfeited if the function was not over prior to 10:00 p.m.

**Other Items** A property owner has requested landscaped corners on Buckboard near the Villas. The Board agreed to consider landscaping this intersection in future years.

**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 23rd day of September, 2014.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting