
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District September 24, 2013

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 24, 2013 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 (By Telephone)

The following Director was absent and excused:

- Herb Luhman

Also in attendance were:

- Rohn & Debbie Robbins
- Lisa Stoffel
- Melissa McDonald, SPOA
- Dan Carlson, Operations (Joined the meeting at 9:30 a.m.)
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

Call To Order

A Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on September 24, 2013, at 8:30 a.m. noting a quorum was present.

Public Input Lisa Stoloff informed the Board that the building of the Eagle County Charter Academy (ECCA) has negatively impacted the residents on Rawhide Road. A committee was formed of Rawhide Road residents who have been working with ECCA to reduce the impact to property owners. Trees have been planted to screen the building and blinds have been installed on windows to reduce light pollution.

A committee of Prairie Circle residents was also formed to address their concerns, which are not the same to Rawhide Road resident's since their impact is different. The Prairie Circle committee has not determined a solution for their impact from the building of ECCA.

The Rawhide Road residents have been given permission by the Sonnenalp Golf Course to plant trees on the golf course berm to further screen the building and

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would like financial assistance from the District and SPOA. The committee has been working with Rocky Mountain Custom Landscaping (RMCL) to mirror the trees planted along Berry Creek Road. There would be eighteen trees planted with a one year warranty. Director Godec explained the warranty requires RMCL to supervise the planting of the trees and the watering schedule. Irrigation will be provided by the golf course non-potable irrigation system. Directors Budd and Gregory informed the committee the trees planted in the District last year were hand watered last fall and fed in the spring of this year. It was noted the golf course will be maintaining the trees.

RMCL has agreed to match the previous price paid by the District of \$700 per tree for a total cost of approximately \$13,000. Thirty-five percent of the cost will be covered by Rawhide Road property owners and the Committee is asking the District to share the remaining costs with SPOA. Mr. Robbins noted that even though the trees will mainly benefit Rawhide Road property owner, there is a benefit to other Singletree property owners by mitigating the noise from the Interstate and maintaining the property values in the area, which ultimately affects the District's assessed values.

Director Budd is concerned with setting a precedent and having to contribute to the residents on Prairie Circle. Director Gregory informed the representatives from Rawhide Road that the Board will discuss the request later in the meeting, after reviewing the budget, and will discuss the request with legal counsel. A decision will be relayed to the committee.

Ms. Stoloff and Mr. and Mrs. Robbins left the meeting at 9:10 a.m.

Changes to the

Agenda None were presented.

Minutes The August 27, 2013 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the August 27, 2013 Regular Meeting minutes as revised.

District Road Report

Director Gregory received a draft report from Alpine Engineering on the condition of the roads in the District. Director Gregory will next tour the District's roads with Jim McNeil from Alpine Engineering prior to presentation of the report to the Board.

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Berlaimont

Referral

The Board previously discussed the Berlaimont project's request to Eagle County for a variance from the requirement for two points of ingress/egress. Previous concerns raised for this project expressed by Chuck Powers have still not been addressed, including elk and deer calving season, and additional hunting traffic. The letter from Chuck Powers will be updated and sent to Eagle County for their consideration in evaluating Berlaimont's request.

Community

Garden

Residents have requested the ability to install a Community Garden near the Singletree Community Center on District property. Director Darby offered to work with Susan Dolan on the community garden concept. Director Budd suggested discussing the concept with neighboring property owners prior to developing a plan for the gardens.

Marijuana

Retail

Referral

The Board reviewed the response from Buddy Sims to Eagle County Commissioners who are considering approving retail marijuana operations in Eagle County. Director Gregory stated the concerns were appropriate and well researched. The Board agreed to support Mr. Sims comments.

Howard Drive

Drainage

Director Darby presented a draft letter that could be sent to all neighboring residents regarding the Howard Drive drainage improvements. Director Gregory suggested contacting neighbors in person. The Board agreed to individually contact the property owners who could be affected by improvements to the Howard Drive drainage.

Sonnenalp

Staff

Director Budd contacted Johannes Faessler and received permission to acknowledge the assistance provided by Neil Tretter in the form of a gift certificate. Mr. Faessler thanked Director Budd for contacting him prior to purchasing the gift.

Financial

Report

The August 31, 2013 financial report was included in the Board packet. Director Budd noted the expenses will exceed the 2013 budget. Mr. Marchetti stated the 2013 amended budget hearing will be held at the same time as the 2014 budget hearing. It was noted the Community Center revenues have exceeded the 2013 budget. Upon motion duly made and seconded it was

RESOLVED to acknowledge receipt of the August 31, 2013 financials.

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Accounts

Payable

The Board reviewed the accounts payable list for September. Clarifications were provided for invoices in question. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the September 2013 accounts payable list as presented.

ECA Budget The 2014 preliminary budget and the forecast through 2017 was provided to the Board. The RAMP funding was not approved for the Spur Road. The ECA budget tentatively includes funds for ECA to participate in the design of Phase II improvements to the Edwards Spur Road. Director Darby questioned whether the improvements are necessary based on the projected build-out in the Edwards area. Director Budd stated the Spur Road is expected to fail in 2025 and ECA needs to look at alternatives for road improvements. Director Godec stated he believes Berry Creek needs to continue to be involved in the discussions on Spur Road improvements.

The Board agreed to draft a letter requesting the Spur Road be reconsidered for the RAMP process. Director Budd stated ECA members are considering funding a design study as a first step in the next phase of the Spur Road improvement process. The Board tentatively agreed to support the planning phase of the Spur Road design concept. Discussion followed on the cost of the design phase for the Edwards Spur Road, Phase II. Funding of Phase II has not been determined if the RAMP funds are not awarded. Director Budd suggested ECA look at a funding mechanism for Spur Road improvements, including a possible sales tax.

Director Budd further explained that currently the District contributes 29% to the ECA operating budget and 23% to the capital projects budget with the request that those percentages be reviewed in future budgets. Director Gregory suggested reviewing the percentages of all ECA funding partners. The Board agreed ECA should continue to pursue a permanent funding source. Upon motion duly made and seconded it was unanimously

RESOLVED to recommend to ECA that a permanent funding source should be considered. Director Darby was not present for the vote.

Director Godec left the meeting at 10:20 a.m.

2013 Audit Proposal

McMahan and Associates provided the 2013 audit engagement letter, which includes an increase from \$5,400 to \$5,900, which would be a 9% increase.

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Director Budd recommended the Board approve only a 2% increase. Mr. Marchetti will contact McMahan's office and request they revise their proposal. Upon motion duly made and seconded it was unanimously

RESOLVED to agree to approve the engagement of McMahan and Associates to prepare the 2013 audit, contingent on a revised proposal of \$5,500.

SPOA There was no quorum for the September SPOA meeting. Those in attendance heard the proposal from the Rawhide Road committee, but could not take any action. The Board is working with Ms. Martinez-Johnson to ensure covenant violation fines are being paid.

Operations **Recycling** - Mr. Carlson reported a bear-proof recycling container would cost between \$800 to \$1,000. Mr. Carlson offered to cut holes in the lids of the existing recycling cans and lock the containers to prevent trash from being dumped into the recycling container. Professional signs will be purchased for the recycling containers. Director Darby stated the District needs to be a steward of recycling. The Board approved purchasing a metal bear-proof recycling container for in front of the Community Center.

Camera Upgrade – Mr. Carlson informed the Board the previous cost estimate to install another camera did not include a portion of the system upgrade, which will be required with the installation of an additional camera. The cost to purchase an additional camera with a limited upgrade will be \$3,800. The camera with a full upgrade would be \$5,800. The Board noted additional cameras could be purchased at a later date and the full upgrade would be necessary at that time. Upon motion duly made and seconded it was unanimously

RESOLVED to spend up to \$5,800 for the camera and the full system upgrade.

Trees – The tree report has been received from Brush Creek Landscaping. Ms. Curtis will follow up with Ms. Martinez-Johnson to distribute the information to Singletree property owners.

Speed Display Signs – Mr. Carlson has installed two posts for an additional speed display sign. Information on both a new and re-certified speed devices was presented in the Board packet. The Board agreed to purchase a re-certified display sign that will be moved around the community as necessary.

Other - The Chip Ramsey Park bathrooms will be closed and winterized around October 15, 2013.

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Winslow Road

Damage Concrete Works is having difficulty scheduling the Winslow Road improvements with the recent weather conditions. The Board suggested looking for a different contractor. Director Gregory will work with Ms. Curtis to find another contractor. Ms. Curtis reported the District's current insurance policy doesn't cover roads or sidewalks. Ms. Curtis is working with the driver and EZ Car Rentals to cover the damages.

UERWA During the 2014 UERWA budget meeting, Director Gregory noted operating costs are covered by revenues with bonds being issued every couple of years for large repairs and certain maintenance. Director Gregory suggests UERWA increase rates to cover repairs and maintenance. The Board agreed to support increasing water usage rates to cover repairs and maintenance in lieu of issuing bonds for this purpose.

Staff from UERWA are planning to attend a future meeting to present an updated organizational agreement and request that the members of the Authority convey their water rights to UERWA (with a reversionary clause) so the Authority can better manage those water rights on behalf of all members.

Open Items

List The open item list was reviewed and updated. Mr. Carlson will follow-up with Mr. Tretter on the status of converting the irrigation at the Charolais Circle Park to non-potable irrigation from the pond.

Rawhide Funding

Request Director Darby suggested increasing the percentage contributed by Rawhide property owners to 50% of the project. The Board expressed concerns with funding enhancements for individual property owners' benefit. Director Budd stated the District should not be the leader of the project. Mr. Marchetti informed the Board the District is restricted in its ability to spend funds on improvements to private property and recommended the project be considered by SPOA. The Board agreed to support the project, noting funds could not be contributed based on statutory requirements.

Budget

Work Session The Board agreed to schedule a work session to discuss the 2014 budget on October 18, 2013 at 8:30 a.m.

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

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RESOLVED to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 24th day of September, 2013.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting