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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 27, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 27, 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
- Dan Godec
- Herb Luhman
- George Gregory
- Heather McInerny

Also in attendance were:

- Bob Drab, 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 September 27, 2011, at 9:00 a.m. noting a quorum was present.

**Agenda** The Old Business will be discussed before the New Business on the agenda.

**Public Input** There was no public input.

**Minutes** The Board reviewed the minutes from the August 23, 2011 Regular meeting. Under the Band Stand presentation by Buddy Sims it was noted a WECMRD survey was included as support for the Band Stand. The Board suggested any survey's that could affect Singletree should include input from Singletree residents. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the August 23, 2011 Regular Meeting with revisions.

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#### **Community Manager**

Ms. Ahmad reported the map requested by the Board from Eagle County is displayed on the conference room wall and shows the property owned by the District.

Ms. Ahmad suggested providing for recognition for the trail work donated by Lee Rimel. The Board endorsed the recommendation and agreed to provide a plaque.

With the large irrigation costs this summer, Ms. Ahmad has requested Neil Tretter adjust the irrigation clocks to reduce water usage at the District's pocket parks.

The stone for the Community Center sign has been installed and the signage has been completed. The same company will be completing the Singletree entrance sign at the west end roundabout.

Ms. Ahmad reported Marty Jones has installed an underground dog fence around the perimeter of the Miller Place Park, which is adjacent to his property. The Board directed Ms. Ahmad, with assistance from Director Gregory, to send a letter to Mr. Jones informing him that unauthorized improvements are not allowed on District properties and the fence needs to be removed. Mr. Carlson stated there are problems with the irrigation system at the Miller Place Park and the Board directed Mr. Carlson to have the irrigation system repaired.

James Lee Karate has suspended karate classes since school is back in session. Director Budd directed Ms. Ahmad to confirm that the contract with Mr. Lee allows either party to cancel the contract with a thirty day notice.

Ms. Ahmad investigated the possibility of purchasing an AED unit for the Community Center. ERFPD would charge the District \$1,600. The Board agreed SPOA should be the responsible entity to purchase an AED unit, if they feel one is necessary.

There has recently been an increase in bee related activity in Singletree, especially near the Chip Ramsey Park. The Board agreed to take a proactive approach by contracting with Orkin to spray the area on a regular basis, as necessary, in the future.

The Board reviewed a letter from Susan Mackin Dolan regarding the health of the trees in Singletree. Mr. Carlson reported Laurel Potts, the County Extension Agent, looked at the District trees in the past and the District has been treating the trees based on her recommendations. It was noted individual property owners will also need to have their trees treated to control insect problems that effect

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neighboring trees. Ms. Ahmad will include an article on tree treatments in the spring 2012 newsletter and set up a time for residents to meet with Ms. Potts.

**Operations** Mr. Carlson has not received a report on the status of the pump in the Charolais Circle Pond. There have also been no complaints related to the pond, so further action is not warranted at this time.

Mr. Carlson has submitted an invoice for painting the District's gazebos, treating the wood on the playground equipment, installing benches, and cleaning windows. The Fibar has been spread around the playground area and the six foot retaining wall at the Chip Ramsey Park has been replaced. Mr. Carlson suggested using a rotating tiller to break up the Fibar in 2012 to possibly postpone purchasing additional Fibar.

A painting proposal of \$9,000 was submitted to paint both inside and outside the Community Center. The Board agreed to discuss painting the Community Center during the 2012 budget process. The Board directed Mr. Carlson to obtain bids for all contracted services that can be reviewed during the 2012 budget process.

Director Luhman requested Mr. Carlson have the area mowed down adjacent to the walking path between east and west Winslow Road on Singletree Road.

#### **October Meeting**

The Board agreed to move the October meeting to October 18, 2011. The budget work session will be held at 8:30 a.m. followed by the Board meeting that will include the budget hearing on the 2012 preliminary budget.

#### **PUD**

**Amendment** The Board reviewed the proposed amendment to the County regulations being considered by Eagle County regarding procedures for amending PUDs. After discussion it was agreed to send a letter supporting the amendment as proposed.

#### **June Creek Trail**

**Parking** The Board discussed the parking problem and the safety concerns at the trail head at the base of the June Creek. Directors Godec and McInerney agreed to review the parking options at that location and make a recommendation to the Board.

#### **Singletree/Winslow**

**Road** SPOA representative, Bob Drab, stated the SPOA Board has agreed a stop sign is necessary at the Winslow Road and Singletree intersection. SPOA believes the study conducted by Eagle County was not conducted during heavier traffic times that could have warranted the need for a four-way stop. Mr. Drab reported Johannes Faessler with the Sonnenalp Golf Club is also in support of installing a

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four-way stop sign at that intersection. The Board informed Mr. Drab that Ben Gerdes, with Eagle County Engineering was directed to perform a visibility study at that intersection, which has not been completed. The Board had previously tabled the discussion pending the results of that study. Discussion followed on traffic control options for that intersection. Upon motion duly made and seconded it was unanimously

**RESOLVED** to investigate within forty-five days, all options for the perceived problem using all technical information available to determine the best solution for the Winslow Road and Singletree intersection.

The Board agreed to install an electronic speed sign on Winslow Road north of Persimmon Woods displaying approaching vehicle speeds. A traffic meter will be installed prior to the installation of the electric speed sign to allow the Board to review driver habits before and after the installation of the electric speed sign.

#### **Sidewalk Update**

The sidewalk from Latigo Circle to the Hackamore Road will be constructed after completion of a drainage inlet. The Board agreed to send thank you notes to all participating funding entities upon completion of the sidewalk.

#### **Communication Update**

Mr. Wade Johnson has estimated the cost for the website design at \$8,000. A photographer has been hired for a cost not to exceed \$1,000.

The survey deadline has been extended one week to allow residents the ability to submit their input. Kathy Chandler-Henry is compiling the results. The Board requested the survey results be available at the October meeting.

Director Gregory reported on the success of the meeting between Grand County officials and ERWSD officials to resolve conflict issues. Director Gregory suggested meeting with Eagle County Staff to rebuild relationships between Eagle County and the Singletree Community. With Board support, Director Gregory offered to explore meetings options for presentation at the October meeting.

#### **I-70 Roundabouts Landscaping Project**

Director Godec will be working with Director Luhman to finalize the contract items. The Singletree sign is not completed and that portion of the contract will be paid at 80% with the rest of the contract paid at 100%. Retainage will be released after Monte Parks with Sign-On Design confirms payment for services provided for the signage.

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Mr. Marchetti reviewed the landscape project accounting with the Board. The Board discussed the costs related to the water meter and the missing irrigation sleeves. The Board agreed to send a letter to ACC requesting reimbursement for the water meter and the irrigation sleeves. The letter will include verbiage that the Board is in a strong position to influence Eagle County on future contractor selections. Martha Miller with CDOT will be copied on the letter.

#### **Landscaping**

**Phase IV** Mr. Sones has designed the fourth phase of the beautification program. The project will be publicized to obtain competitive bids. Director Gregory suggested the Board review the plans to determine if the plans need to be revised prior to distributing to contractors. Maintenance costs for all phases of the landscaping were discussed.

#### **Insurance & Landscaping**

Director Budd questioned if the insurance limits are sufficient to cover landscaping and liability. Mr. Marchetti offered to review insurance for both ECA and the District.

#### **Financial Report**

The August 31, 2011 Financial Statements were included in the Board packet. Director Budd suggested conveying to property owners the District has paid down \$335,000 in debt principal in 2011. Director Gregory questioned whether the District could refinance any of the District's bonds. Mr. Marchetti agreed to look at the possibility. Upon motion duly made and seconded it was unanimously

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

#### **Accounts Payable**

The Board discussed the items on the accounts payable list. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the September 2011 accounts payable list as presented.

#### **SPOA**

Director Godec suggested Director Budd should meet with the SPOA President, Ralph Merritt, to review the responsibilities of each entity. The Board also needs to encourage SPOA members to continue to attend the District Board meetings.

#### **UERWA**

The excessive water usage in Mountain Star is a combination of overwatering and an insufficient design of the water system when the system was installed.

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The Fire Department continues to require water flow increases. ERWSD is planning for upgrades to meet the required water flow. The two biggest water losses are due to theft and water features. Automatic fills on water features are a problem. ERWSD has agreed to create water usage rules based on policies adopted by Aspen and Steamboat Springs.

**ECA** The 2012 ECA budget will be approved at the November ECA meeting. The ribbon cutting ceremony will be held on September 29, 2011. Speed limits on Highway 6 in Edwards will be reduced by five to ten miles per hour in specific sections.

**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 27th day of September, 2011.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting