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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  
February 24, 2009**

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on February 24, 2009 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:

- Don Cohen
- Doris Dewton
- George Gregory
- Heather McNerny
- Mike Budd

Also in attendance were:

- Mike Larson, SPOA
- Eileen Jacobs, Community Manager
- 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 Cohen, on February 24, 2009, at 8:35 a.m. noting a quorum was present.

**Changes to  
Agenda**

The entrance round-a-bouts and Hackamore Noise Abatement were added to the agenda.

**Minutes**

By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the January 27, 2009 Regular Meeting as amended.

**Public  
Input**

There was no public input.

**Staff  
Reports**

Mrs. Jacobs stated there are Community Center room usage conflicts that will be worked out with the exercise provider and other regular users.

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Mrs. Jacobs is working with Susie O'Rourke to determine what exercise room equipment should be purchased. They will be looking at both new and used exercise equipment.

A new database program has been purchased and the District along with the Association will eventually have the ability to e-mail news items to residents.

The June Creek trail parking problems have been discussed with residents and the Sheriff's Department. Mrs. Jacobs will meet with the Sheriff's Department deputy to determine where residents can park when hiking the June Creek Trail. Discussion followed on the advantages and disadvantages of providing parking for trail heads. The Board directed Mrs. Jacobs to communicate the District's parking policies to residents through the newsletter.

Mrs. Jacobs has received complaints about dogs running at large and residents not picking up after their dogs. The Board directed Mrs. Jacobs to also communicate the dog policies through newsletters.

#### **Entrance Round-A- Bouts**

The I-70 Interchange Round-A-Bout Project has recently been approved for funding through the economic stimulus program. The Board discussed the items that need to be completed so that the project can be advertised for bids in December 2009 with construction beginning in 2010.

Director Gregory questioned whether a new study should be requested related to the noise abatement from I-70. Director Budd stated the Board has already requested that CDOT perform an updated noise study along with reducing the speed limit on I-70. The District has agreed to plant trees adjacent to I-70 on the District property. Director Cohen offered to discuss the noise abatement issue with Martha Miller. Director Cohen also suggested engaging the Edwards Community Authority to work with the Hackamore residents.

#### **Deer Fence**

Mike Larson reported Electra-Braid was not able to complete the wildlife fence project within the time requirements of their contract and so CDOT has terminated the contract. The low impact fence material used by Electra-Braid is not a standard CDOT specification but CDOT has alternative low impact fencing material available that can be installed adjacent to Singletree. Mr. Larson reported he has received the documentation related to the fence and the documentation reflects that the District would contribute \$5 per foot for the cost of the alternative fencing if the total incremental cost exceeds \$150,000. The Board informed Mr. Larson that the District has budgeted \$60,000 for the fencing upgrade.

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### **Winslow Road**

**Construction** Director Budd reported the completion date for this project has been upgraded from September to July 1, 2009 due to increased construction days over the winter. The first pour of concrete has been completed. Director Budd anticipates the construction could be completed in May with the landscaping completed in June. Director Budd clarified that the original contract had a stone veneer planned. At a cost savings of \$300,000 it was agreed to have a concrete wall with a concrete stone finish as opposed to using actual stone.

The one inclinometer showing soil movement is believed to be defective but it will continue to be monitored because all the other inclinometers are showing no movement.

### **Charolais Pond**

The Board reviewed the costs for the Charolais Circle pond expenses for the last three years. It was noted the larger capital projects were not included in the expenses since they were prior to the last three years. The Board agreed to watch the expenses at Charolais Circle on an ongoing basis.

### **EDAW Contract**

Director Dewton reported the contract with EDAW, Inc. needs to be rewritten to only include the first phase of the beautification project. Due to the current economic situation, EDAW has terminated Chris Dunn's employment and he will be setting up a new company. The second phase will be performed by Chris Dunn through his newly created company. Phase I will be completed by March 31, 2009.

The Beautification Committee reviewed proposed plant materials. The drawings for the Round-A-Bout project were also reviewed as an initial step toward implementing a plan for the entrance.

### **Edwards Community Authority**

Mr. Marchetti reported Lance Badger with the Atira Group will be at the March 11, 2009 ECA meeting to discuss the proposed plans for the B&B parcel.

### **Financial Report**

The January 31, 2009 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

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**RESOLVED** to accept the January 31, 2009 financial statements as presented.

**Accounts  
Payable**

The Board reviewed the February 2009 accounts payable lists. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the February 2009 accounts payable list as presented.

**UERWA  
Report**

Director Dewton reported the attempts by the Authority and the City of Aurora to purchase water rights in the Columbine Ditch failed. Currently the Ginn Company was the successful bidder for those water rights.

Traer Creek reported they are not in a position to build the water storage tank at this time as required in the agreement when the District was formed. Eagle County has requested a variance regarding the water storage tank to obtain tap fees for affordable housing.

**Beautification  
Committee**

The Committee has included Neil Tretter with the Sonnenalp Golf Club during the discussion process to determine the water availability for irrigation. Discussion followed on irrigation, drainage, and plantings along roadsides.

**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 24th day of February, 2009.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting