
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District December 23, 2008

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on December 23, 2008 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 McInerny
- Mike Budd

Also in attendance were:

- Dan Carlson, Parks and Community Center Maintenance
- Eileen Jacobs, Community Manager
- Cheri Curtis, Secretary to the Meeting
- Susie Weber (for the SPOA report)

**Call To
Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on December 23, 2008, at 8:30 a.m. noting a quorum was present.

Minutes By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the November 25, 2008 Regular Meeting as amended.

**Public
Input**

No public present.

**Staff
Reports**

Ms. Jacob reported the majority of her time is still being consumed by SPOA projects.

Kelsey Campbell with the Sonnenalp Golf Club has requested the ability to use the Singletree Exercise room for Sonnenalp Golf Club Member exercise classes. The Board discussed the option of charging Ms. Campbell a reduced rate or offering the classes to Singletree residents at no charge. Ms. Jacobs was asked to discuss options with Ms. Campbell and the Sonnenalp Golf Club.

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Mr. Carlson reviewed the landscaping maintenance proposals that were included in the Board packet, stating he did a walk-through with each company representative to discuss the District's needs. There would be additional costs for plantings. Kathleen Cope with Garden Creations was the low bidder and Mr. Carlson recommended accepting her bid. Discussion followed on landscape maintenance at the Winslow Road entrance. The Board requested each prospective landscaper create a plan for the entrance and have each bidder review the plans for maintenance at Winslow Road. The entrance plans and revised proposals that would include the entrance plantings and the Winslow Road maintenance will be presented to the Beautification Committee on January 21, 2009 for a recommendation. The Board will review the recommendations from the Beautification Committee at the Regular January meeting and award a contract at that meeting.

Mr. Carlson left meeting the meeting at 9:00 a.m.

Winslow Road

Construction Director Budd reported the extra work related to the additional telephone line discovered by CenturyTel and the inability to give the dirt to the Sonnenalp Club has increased the cost of the project. Director Budd would like to communicate to CenturyTel that the additional \$14,000 cost was due to their inability to locate their existing line. The other option would have been to remove the line to continue construction and create additional cost for CenturyTel to replace the line. The Board decided to send a letter to the CenturyTel representative explaining the situation and requesting the representative's attendance at an upcoming Board meeting to discuss the additional costs.

Director Budd reported the extra work orders are within the \$50,000 for minor contract provision that was included in the bid. The potholing tests concluded the ground is stable enough to allow the Ground Anchor Wall Facing.

Concrete Works of Colorado has completed nineteen days of work in November and anticipates completion of construction by the third week in June, depending on weather.

Director Cohen reported Ben Gerdes would like to talk to Concrete Works about assisting with the retaining wall construction for the bike path at the main entrance round-a-bout project. Discussion followed regarding working with residents on Hackamore to mitigate the I-70 noise as this issue could affect the Edwards Interchange round-a-bout project.

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Financial Report

The November 30, 2008 Financial Statements were included in the Board packet. The Beautification Committee anticipates the first phase of the landscaping project will be approximately \$58,000.

Director Gregory questioned why Sonnenalp Fine Gardens was being paid in December. Director Dewton reported she, Mr. Carlson and Ms. Curtis met with Kathleen Stephanoff to discuss the contract and change orders. The final payment amount was agreed to by all parties. By motion duly made and seconded it was unanimously

RESOLVED to accept the November 30, 2008 financial statements as presented.

Accounts Payable

The Board reviewed the December 2008 accounts payable lists. By motion duly made and seconded it was unanimously

RESOLVED to approve the December 2008 accounts payable list as presented.

SPOA Report

Susie Weber reported the Association is creating a covenant enforcement committee to assist with enforcing covenants. The goal is to address problems without the necessity of filing lawsuits.

UERWA Report

Director Dewton reported there will be an increase in water usage rates to offset the costs of capital projects.

The Authority is attempting to obtain water lease rights from Wolford Reservoir to replace the Flattops water rights. Work is continuing with Aurora and others to obtain water rights from the Columbine Ditch.

A special judge was appointed to assist the District Five Judge to review cases and render a position. The special judge rendered an opinion on the Town of Minturn case.

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 December, 2008.

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Respectfully submitted,

/s/ Cheri Curtis

Cheri Curtis
Secretary for the Meeting