
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District January 26, 2010

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 26, 2010 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:

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

Also in attendance were:

- Dan Carlson, Operations 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 January 26, 2010, at 9:00 a.m. noting a quorum was present.

Minutes The Board reviewed the minutes from the December 22, 2009 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the 'December 22, 2009 Regular Meeting as presented.

Changes to the

Agenda The WECMRD Field House, the Edwards Open Space, and the utility box screens were added to the agenda.

Public Input There was no public input.

Community

Reports The Board reviewed the operations report included in the Board packet.

24 Hour Notice

By motion duly made and seconded it was unanimously

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RESOLVED to approve the posting locations resolution which is incorporated herein by this reference.

May 2010

Election The Board reviewed the resolution calling the 2010 election and discussed the need to get notices to residents who might be interested in running for the Board seats. By motion duly made and seconded it was unanimously

RESOLVED to approve the May 2010 election resolution which is incorporated herein by this reference.

Winslow Road

Accident The Board discussed the automobile accident on Winslow Road and the damages to the sidewalk and retaining wall. The IGA with Eagle County for the construction of the improvements to the Winslow Road underpass states the District is responsible for the repairs. The claim is expected to be paid by the automobile owner's insurance but a protective claim has been filed with the District's insurance company.

Community Center

Entrance

Sign Director Gregory is working with John Perkins to come up with the design. The height of the sign placement is being considered to enhance the visibility of the sign. The sign discussion was tabled until the spring timeframe.

Irrigation

Repairs Neil Tretter believes Valley Crest Landscaping should be responsible for the cost of the irrigation repairs done by the Sonnenalp during the construction of the landscaping improvements. Director Gregory will work with Ms. Curtis to determine what repairs should be the responsibility of Valley Crest. A letter will be sent to Valley Crest with the information that will be deducted from the retainage.

Beautification

Project

Phase II

Director Gregory explained Scott Sones presented a proposal for \$8,000 to design the landscaping for Phase II of the Berry Creek Beautification process. Director Gregory reported the cost savings achieved by hiring Scott Sones and Lee Lechner could be invested in landscaping in the project. Director Budd stated SPOA has included \$25,000 in its 2010 budget so that Phase II could be expanded. By motion duly made and seconded it unanimously

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RESOLVED to authorize Director Gregory to execute a contract with Sones Landscape Architecture Group to design Phase II of the Landscape Beautification project.

Utility Box Screening

Impact Graphic Signs has installed the screening design on one side of the utility box at the corner of Winslow Road and Berry Creek Road. The Board discussed designing the screen with only rocks and trees, eliminating the sky. Mr. Carlson stated the cost for the screen on one side was \$275. The life expectancy for a screen is expected to be approximately seven to twelve years. Director Cohen questioned the cost is to cover all four sides of a utility box. Director Cohen will work with Dan Carlson and Impact Graphics Design on the design and cost estimate.

WECMRD Field House

Director Gregory was contacted by SPOA representatives to assist with drafting a letter to the County Commissioners that will include the signed petitions. Director Gregory reviewed the process for approval of the Field House with the Board. Director Gregory is working with WECMRD to rectify the situation, if possible, and has suggested installing decorative dormers and large trees to mitigate the reflectiveness of the roof. Director Gregory suggested the Board go back to the County stating the County ignored the design guidelines and needs to take responsibility for the problem.

Mr. Marchetti reviewed a letter from the Eagle County Planning Commission to WECMRD that was copied to Edwards Community Authority and the Berry Creek Metropolitan District. Mr. Marchetti suggested working with ECA and neighboring entities to develop a solution.

Director Gregory suggested scheduling a meeting with the Eagle County Commissioners, WECMRD Board and Staff, and Singletree representatives at the Community Center to discuss a resolution for the roof reflective problem.

Director Budd expressed concerns with residents who attend the SPOA Annual Meeting that may want an answer to the roof issue. Director Cohen suggested trying to schedule a meeting within weeks of the SPOA Annual Meeting with the Commissioners and WECMRD. The Board will send a letter to initiate the meeting.

Director Gregory will contact Bob Naracci and Keith Montag as the first step to work towards a solution for this issue.

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Edwards

Open Space Tom Edwards approached Director Cohen to question if the Berry Creek Metropolitan District Board would be interested in turning the Miller Ranch open space on the Eagle River into a conservation easement. Discussion followed on whether it was beneficial to place a permanent easement on the parcel when the potential future uses of the parcel are unknown. The Board agreed that more discussion of this topic would be necessary before a decision could be made.

Financial Report

The December 31, 2009 Financial Statements were included in the Board packet. Mr. Marchetti explained the District had positive variances from the budgeted and forecasted fund balances. The preliminary estimates for the 2012 assessed value indicated property value could be down by twenty-five percent. Director Budd suggested the District present to residents at the Annual Meeting that the Board reduced the District's mill levy by 1.319 mills for 2010. By motion duly made and seconded it was unanimously

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

Accounts Payable

By motion duly made and seconded it was unanimously

RESOLVED to approve the January 2010 accounts payable list as presented.

UERWA

Ms. Dewton reported the UERWA is expecting to issue bonds on March 1, 2010. If the bonds are issued at a lower rate than expected the newly increased water user fee rates could be reduced in mid-year.

SPOA

Director Budd reported SPOA will have four Board seat openings; three three-year terms and one two-year term. Candidates are being sought for the March election.

SPOA is proposing to increase their assessments for 2010 and the SPOA Board's desire is to use a portion of the increased assessments to accelerate the Landscape Beautification construction.

Mr. Marchetti and Director Cohen presented possible legislation to give Special District's expanded taxing abilities which could be used to finance improvements in the Edwards and Berry Creek area.

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**Edwards
Community
Authority**

Bids for construction of the roundabouts have been received and came in lower than the engineer's estimate but there is always a concern with change orders, primarily for subsurface conditions. The contract will be awarded in February and construction will commence this spring. The Edwards Community Authority is moving forward with the process to engage a landscape architect to design the landscaping for the I-70 interchange roundabout project that will be funded by local entities including the District.

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 26th day of January, 2010.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting