
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District June 22, 2010

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 22, 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:

- Mike Budd
- George Gregory
- Herb Luhman
- Tony O'Rourke
- Heather McNerny (Via Skype)

Also in attendance were:

- Dan Cudahy, McMahan & Associates
- Billi Lewis, McMahan & Associates
- Pat Horvath, SPOA
- 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 June 22, 2010, at 9:00 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the May 25, 2010 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the May 25, 2010 Regular Meeting as revised.

Changes to the Agenda

Changes were made to the agenda to accommodate the auditors and Mr. Carlson.

Public Input There was no public present.

Community Reports

Mr. Carlson has purchased 25 MPH stencils to paint the speed limit on the street and asked the Board for input on locations to paint the speed limits. The Board made suggestions and directed Mr. Carlson to use his discretion.

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The Chip Ramsey Park improvements have been completed and new signs were installed. Director O'Rourke requested that the cinders on bike path need to be removed on a regular basis. Director Luhman thanked Mr. Carlson for straightening signs and painting the tubes.

The roads have been swept and markings repainted. Mr. Carlson reported the District's park maintenance contractors are doing a good job preparing the District's parks for summer with the plantings almost completed.

Director Budd questioned whether the Board wanted to seed the native area on the south side of the Winslow Road underpass. The Board noted that irrigation was an important consideration in what could be planted there and agreed this is part of the beautification process and will be discussed during that portion of the agenda.

Director O'Rourke questioned the enforcement of the bear-proof trash can regulations, which is a County regulation. It was noted SPOA is fining residents who are not in compliance. The Board asked staff to work with trash vendors to determine violators and send out blast emails reminding everyone to comply with the regulation.

2009 Audit Dan Cudahy and Billi Lewis with McMahan and Associates were present to discuss the 2009 preliminary audited financial statements. Director O'Rourke questioned the operating reserve balance. Mr. Marchetti explained a majority of the fund balance is reserved for cash flow purposes and future capital projects.

Mr. Cudahy reported there was no need for a formal management letter since good internal controls were in place and there were no major adjustments in the audited financial report. By motion duly made and seconded it was unanimously

RESOLVED to approve the 2009 audit, subject to minor revisions to the Management Discussion and Analysis portion of the audit.

Community Manager

Ms. Ahmad will remain on medical leave until July 5, 2010. Director O'Rourke questioned the District's employment policies and how it addresses medical leave and vacations. The policy will be reviewed at the work session.

Financial Report

The May 31, 2010 Financial Statements were included in the Board packet. Mr. Marchetti clarified expenses as questioned by the Board. By motion duly made and seconded it was unanimously

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RESOLVED to accept the May 31, 2010 financial statements as revised with changes to the capital expenditures.

Sales Report

The Board reviewed the sales report showing properties that have sold within Singletree since January 1, 2009. The report indicates that assessed values are expected to drop during the 2011 reassessment process. Mr. Marchetti has based the current version of the long range financial plan on a 20% drop but cautioned the Board that the ultimate values are set by the Assessor's office and assess value could drop further based on future sales.

Accounts Payable

By motion duly made and seconded it was unanimously

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

Strategic Planning Meeting

Director O'Rourke presented worksheets for the Board members to complete prior to the strategic planning meeting to be held on June 29, 2010 at 9:00 a.m.

The Board agreed to invite representatives from the SPOA Board to obtain the SPOA input.

I-70 Interchange Project

The weekly emails updates continue to be forwarded to residents. It was noted the Singletree west entrance will be closed for three weeks, scheduled for July, and communication will be extremely important.

Beautification Committee

Whittaker Landscape Services, Inc. has executed the 2010 landscape installation contract and installation has started.

The Berry Creek and Singletree Road intersection has been surveyed. The Persimmon Woods Board approved the improvement plans, subject to completion of an easement with the District. Matt Dalton will be contacted to prepare the easement between the District and the Persimmon Woods Board.

The District has a two year maintenance contract with Valley Crest Landscaping that is still in the first year. The Board expressed dissatisfaction with the maintenance services being provided by Valley Crest Landscaping. The Beautification Committee representatives, Dan Carlson, and Neil Tretter need to complete the irrigation system walk-through with Valley Crest Landscaping and

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get the necessary replacement materials as per the agreement. After all issues are resolved and by motion duly made and seconded it was unanimously

RESOLVED to terminate the maintenance contract with Valley Crest Landscaping, subject to completion of the irrigation walk through and all replacement material being properly planted prior to July 4, 2010

SPOA Report

Mr. Horvath discussed SPOA's concern with cinders on Winslow Road and requested the decals on utility box be removed. The utility boxes need to be repainted and these items will be included on strategic plan list SPOA is developing.

Mr. Horvath requested the Board consider draining the Charolais Circle Pond in the winter. The Board stated they will investigate whether it is possible to drain the pond in the winter.

Miller Ranch Field House

The Board stated a joint meeting between WECMRD and the District Board needs to be scheduled promptly to discuss the issues related to the Field House roof and directed staff to coordinate the meeting outside of a Board meeting at a neutral location.

UERWA

Director Gregory reported on the status of UERWA's litigation related to water usage by the UERWA member Districts. Water flows are near normal and a drought is not anticipated in 2010.

Edwards Community Authority

Director McInerney has received a \$60,000 budget to place Tract J near Miller Ranch Road and Highway 6 into a conservation easement. The budget includes legal costs and the improvements and is being analyzed by the Committee. There have been concerns expressed about placing that property into a conservation easement in case it is needed for public use at a future date.

ECA and Cliff Simonton are discussing the process to update the Edwards Area Community Plan which was last updated in 2004.

Director Gregory questioned whether ECA is willing to support Berry Creek in discussions on WECMRD roof. Director Budd indicated there was not a discussion on supporting the District.

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The landscape design for the I-70 roundabout project has been distributed. The Committee is discussing possible bronze statues for the roundabouts but funding for artwork is an issue.

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 22nd day of June, 2010.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting