
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District January 25, 2011

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 25, 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
- Herb Luhman
- Heather McInerny
- George Gregory

The following Directors was absent and excused:

- Dan Godec

Also in attendance were:

- Pat Horvath, SPOA
- Kim Ahmad, Community Manager
- Dan Carlson, Operations Manager
- Ken Marchetti, CPA
- 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 January 25, 2011, at 8:55 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the December 28, 2010 Regular meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the December 28, 2010 Regular Meeting as revised.

Changes to the Agenda

The SPOA communication committee was added to the agenda. The WECMRD discussion and SPOA representation by Mr. Johnson discussions were moved to legal.

Public Input There was no public input.

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Community Manager

Ms. Ahmad received a request from James Lee Karate to hold weekly karate classes at the Community Center for a fixed rate of \$150 per week. The Board agreed to honor the request, subject to cancellation with a thirty day notice and with the understanding the District would be named as an additional insured by James Lee Karate. Mr. Lee will be responsible for cleaning the facility and will be responsible for storing his equipment offsite.

The Board discussed the continued speeding problems on Winslow Road north of Singletree Road. Upon motion duly made and seconded it was unanimously

RESOLVED to have Ms. Ahmad draft a letter to Eagle County requesting an additional stop sign be installed at the corner of Winslow Road and Singletree to reduce the speeding on Winslow Road.

The Board directed Ms. Ahmad to draft a policy for consideration by the Board for when it would be appropriate for the Community Center rental usage fees to be waived.

Operations Report

Mr. Carlson reported he removed the dishwasher and installed the warming oven in the Community Center kitchen. New paneling has been installed in table closet to protect the walls. Mr. Carlson is in the process of installing kitchen cabinet doors.

Posting Meeting

Notices By motion duly made and seconded it was unanimously

RESOLVED to adopt the posting notice resolution establishing the Singletree Community Center as the location for posting the 24 hour posting notice required by Section 24-6-401, et. seq., C.R.S., and posting two notices other places within the District boundaries and at the Eagle County Clerk and Recorder's office for notices required pursuant to Section 32-1-903(2), C.R.S. A copy of the resolution is incorporated herein by this reference.

Meeting Dates and Times

The Board reviewed the meeting calendar. By motion duly made and seconded it was unanimously

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RESOLVED to adopt the schedule for 2012 regular meetings to be held on the fourth Tuesday of each month with the meeting time to be at 9:00 a.m.

I-70 Interchange

& Update Mr. Marchetti reported Felsburg Holt & Ullevig (FHU) originally designed the sidewalk plans to connect the Interchange roundabout sidewalks to the existing Singletree path and to the Medical Center. FHU's plans were designed to CDOT standards but Ben Gerdes with Eagle County Engineering is redesigning the sidewalks to reduce construction costs. Eagle County has received an Enhancement Grant of \$107,000 for this project from CDOT. The remaining balance is expected to be split three ways between Eagle County, the Medical Center, and the Edwards Community Authority with Berry Creek given credit for the land contribution to the roundabout project.

Berry Creek Metro will be responsible for maintenance of their portion of the sidewalk from the existing path to Latigo Circle. The Edwards Metropolitan District will be responsible for maintenance of the sidewalk up to the Medical Center. Mr. Marchetti is working with Ben Gerdes, Keith Montag, and Eva Wilson on the agreement.

SPOA

Committee Director Budd attended the last SPOA meeting. The goals of both the SPOA and Berry Creek Metro Boards were discussed at the SPOA meeting. It was noted that the goal to enhance communication between the Boards and constituents has not been accomplished yet. The direction from the meeting was to publish quarterly newsletters, develop email protocol, and improve the Insidesingletree.com website to make it more user friendly. A committee is being formed to work on these communications. Mike Reisinger agreed to represent SPOA. Director Budd asked for volunteers and due to existing commitments by Board Members, he agreed to serve on the committee.

I-70 Landscaping

Project The I-70 roundabout landscaping project has been advertised in the Eagle Valley Enterprise and bid packets are being distributed and the pre-bid meeting has been scheduled. The plans have been approved by all parties involved except CDOT. The document will be sent to CDOT for approval with the intent of having CDOT sign off on specific areas where the landscaping contractor will be allowed to work during the completion of the I-70 roundabout project. Director Luhman stated the ECA and Edwards representatives need to attend the pre-bid meeting. Mr. Marchetti reported Todd Williams is the ECA representative and Tracy Erickson is the Edwards Metropolitan District representative.

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Director Gregory reported Grimshaw and Haring's office was not available to revise documents in time to distribute them with the plans so Ms. Ahmad revised the contract documents for distribution.

Powerline Project

Director Luhman reported the underground system went live within the last week. The overhead lines will be shut down on January 26, 2011. The most western poles will be removed by January 28, 2011. Director Luhman reported the project should be completed within two weeks, which would be prior to the SPOA Annual Meeting.

Entrance Signage

Director Luhman reported on the signage concept and location. Eagle County will be installing additional signage at the roundabout project.

Financial Report

The December 31, 2010 Financial Statements were included in the Board packet. Mr. Marchetti reported the December 31, 2010 revenues and expenditures were favorable to the October forecast. By motion duly made and seconded it was unanimously

RESOLVED to accept the December 31, 2010 financial statements as presented.

Accounts Payable

The invoice from Ann Evans for \$465 for exercise classes was submitted and added to the payables list. The Board requested the check for \$49,450 to ECA for the roundabout landscaping be held until the bids are received. By motion duly made and seconded it was unanimously

RESOLVED to approve the January 2011 accounts payable list as revised with payment to Ann Evans for \$465 and without the payment to ECA for \$49,450.00

Legal

IGA for Landscape Plan

The revised IGA incorporating the changes requested by the Board was distributed at the meeting. Discussion followed on the expectations for landscaping and issues related to the water usage. It was suggested that the maintenance and water usage issues be addressed at a subsequent time through an addendum to the contract and the rest of the contract is acceptable to the Board.

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Legal Representation

Discussion The Board discussed the frustration with legal counsel and requested that Mr. Gregory evaluate the services that have been received to determine whether the services have been to the Board's expectation level.

SPOA Pat Horvath stated SPOA discussed the WECMRD issues at the January 21, 2011 meeting.

ECA Director McInerny reported the Eagle River Meadows sketch plan submittal was discussed. American Civil Contractors will be returning in April 2011 to complete the roundabout project.

Executive Session

Upon motion duly made and seconded it was unanimously

RESOLVED to enter into executive session pursuant to §24-6-402(4)(e), C.R.S. to develop strategy for negotiations at 11:05 a.m.

Upon adjournment of the executive session the Board returned to regular session.

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 25th day of January, 2011.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting